

## ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at [MileHighOrdinance@DenverGov.org](mailto:MileHighOrdinance@DenverGov.org) by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Please mark one: ☒ **Bill Request** or ☐ **Resolution Request** Date of Request: May 6, 2019

### 1. Type of Request:

- ☐ Contract/Grant Agreement ☐ Intergovernmental Agreement (IGA) ☒ Rezoning/Text Amendment
- ☐ Dedication/Vacation ☐ Appropriation/Supplemental ☐ DRMC Change
- ☐ Other:

2. **Title:** Text Amendment #4 amends the Denver Zoning Code and the Denver Revised Municipal Code to revise the General Development Plan process and standards.

3. **Requesting Agency:** Community Planning and Development

### 4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Jeff Hirt	Name: Jeff Hirt
Email: Jeffrey.hirt @denvergov.org	Jeffrey.hirt @denvergov.org

### 5. General description or background of proposed request. Attach executive summary if more space needed:

The proposed text amendment revises the General Development Plan (GDP) process and standards through multiple changes. First, the GDP process in DZC Section 12.4.12 is replaced with the Large Development Review (LDR) process and the Infrastructure Master Plan (IMP) process that is currently being used is codified as a new DZC Section 12.4.14. The text amendment carries forward the GDP open space requirements as generally applicable design standards in DZC Division 10.8. The text amendment also makes targeted changes to Denver Revised Municipal Code (D.R.M.C) Section 59-2 to allow for GDPs approved under former Chapter 59 to be amended according to the DZC.

Please see the attached Planning Board packet draft redline. Please note that there will be refinements to this draft to reflect Planning Board conditions made at their May 3, 2019 public hearing. Please also note that there will need to be specific language inserted in the bill preamble to address projects currently in the pipeline.

### 6. City Attorney assigned to this request (if applicable):

7. **City Council District:** N/A (citywide)

8. **\*\*For all contracts, fill out and submit accompanying Key Contract Terms worksheet\*\***

*To be completed by Mayor's Legislative Team:*

Resolution/Bill Number: \_\_\_\_\_

Date Entered: \_\_\_\_\_

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TYPE OF ALTERNATIVE	APPLICABLE ZONE DISTRICTS	APPLICABLE USE	ADDITIONAL REQUIREMENTS	ALTERNATIVE ALLOWED	SPECIAL REVIEW PROCESS
Rooming and Boarding House	All Main Street Zone Districts	Rooming and Boarding House Primary Use	n/a	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit	n/a
Senior Housing	All Main Street Zone Districts	Residence for Older Adults Primary Use	n/a	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit	n/a
Other Housing	All Main Street Zone Districts	Primary Residential Uses	Other special needs housing with similar reduced parking demands, as approved by the Zoning Administrator	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit	n/a

### 10.4.5.3 Vehicle Parking Reductions

#### A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

##### 1. Calculation

In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section's permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based on an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

##### 2. Reductions Not Applicable to Accessible Parking

The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.

##### 3. No Combination with Alternative Minimum Vehicle Parking Ratios

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

- a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

##### 4. Maximum Reduction Allowed

- a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, with the following exceptions:
  - i. Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.
  - ii. ~~A General Development Plan shall not result in more than a 75% reduction in the required parking for the entire GDP area.~~
  - iii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.

- b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection's permitted reductions.
  - i. For example, a Zone Lot in a G-MS-5 zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 75% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**5. Informational Notice Required for Certain Reduction Requests**

A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:

- a. ~~Vehicle parking reductions requested as part of a General Development Plan~~
- b. Alternative vehicle parking ratios
- c. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.

**6. Withdrawal from Participation in Plans or Programs**

- a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
- b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:
  - i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,
  - ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

**B. Reductions Allowed**

The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:

## **DIVISION 10.8** ~~RESERVED OPEN SPACE STANDARDS~~

### **SECTION 10.8.1** ~~OPEN SPACE IN LARGE DEVELOPMENTS~~

#### **10.8.1.1** ~~Purpose~~

~~To ensure large developments provide open space within their boundaries that is publicly accessible, usable, and provides community benefit, including but not limited to pedestrian areas, courtyards, plazas, and natural, pervious areas.~~

#### **10.8.1.2** ~~Applicability~~

##### **A. General Applicability**

~~This section shall apply to all Development in all zone districts where the total gross land area for the Development is either greater than 5 acres or 3 or more Blocks ("large development").~~

##### **B. Exceptions**

~~A large development may be exempt from providing the minimum open space set forth in this Section 10.8.1 if:~~

- ~~1. The proposed Development is subject to a previously approved General Development Plan (GDP), and when the DRC determines that the previous GDP was approved with minimum open space consistent with the minimum amount and design standards set forth in this Section 10.8.1.; or~~
- ~~2. When the DRC determines that the proposed Development is located in an approved Large Development Framework, Infrastructure Master Plan, Subdivision under D.R.M.C. Chapter 50, or other regulatory process that has established minimum open space that is consistent with the minimum amount and design standards set forth in this Section 10.8.1.~~

#### **10.8.1.3** ~~Minimum Amount Required~~

~~A minimum of 10% of the Net Development Area as defined in Section 13.1.6.4.A, Open Space in Large Developments Rules of Measurement, shall be provided as open space in accordance with this section ("Open Space in Large Developments"). See Section 13.1.6.4, Open Space in Large Developments Rules of Measurement.~~

- ~~A. City park land, or land required to be dedicated to the City by the Department of Parks and Recreation, which is located within the large development boundaries, shall not count toward the minimum requirement for Open Space in Large Developments except as provided in subsection 10.8.1.3.B below.~~
- ~~B. For large developments equal to or under 10 acres and subject to this section, City park land, or land required to be dedicated to the city by the Department of Parks and Recreation, located within the large development boundaries, may count towards the minimum requirement for Open Space in Large Developments, provided the land complies with the minimum design standards set forth in this Section 10.8.1 and with any applicable design standards adopted by the Department of Parks and Recreation.~~

~~10.8.1.4 The required Open Space in Large Developments shall be subject to a perpetual easement granted to the City and/or the general public. All required easements shall be in a form approved by the City.~~

~~10.8.1.5 The required Open Space in Large Developments shall remain open to the public at all times, or from sunrise to sunset.~~

#### **10.8.1.6** ~~Design Standards~~

~~The required Open space in Large Developments shall comply with the following standards.~~

- A. The required open space shall be provided in 1 or more contiguous areas measuring at least 15 feet wide and 30 feet deep and abutting:
  - 1. A Street; or
  - 2. An area with direct pedestrian access to a Street, provided such area is subject to a perpetual easement, or similar mechanism, granted to the city and the general public.
- B. The required minimum Open Space in Large Developments shall remain publicly accessible and usable in accordance with the following design standards:
  - 1. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. The required open space may include user amenities such as tables, chairs, benches, sculptures, and similar elements.
  - 2. Shall be visible from at least one public named or numbered Street. See Figure 13.1-116.
  - 3. Shall not be permanently enclosed by railings, fences, gates, or walls.
  - 4. There shall be no more than a 2 feet difference in the elevation of finished grade at (a) any point the open space abuts a Street, or (b) any point the open space abuts a Zone Lot Line accessible to the public.
  - 5. Shall have barrier-free access to the open space from the abutting Street or the point the open space abuts a Zone Lot Line accessible to the public in accordance with the Americans with Disabilities Act or Denver Accessibility Standards.
  - 6. The required open space design may be, but it not limited to, any of the following types:
    - a. A courtyard, enhanced streetscape, or pedestrian area with connections to transit facilities, plazas, or streets; and/or
    - b. Natural, pervious areas landscaped with trees and vegetation.
- C. The Zoning Administrator may approve an Administrative Adjustment to the Open Space in Large Development design standards in this Section 10.8.1.6, according to Section 12.4.5 (Administrative Adjustments) and upon finding that the proposed adjustment would meet or exceed the intent and purpose of this Section 10.8.1.

## **DIVISION 10.9 PARKING, KEEPING AND STORAGE OF VEHICLES**

### **SECTION 10.9.1 PARKING / STORAGE ON RESIDENTIAL ZONE LOTS**

The parking/storage on a residential zone lot in a Residential Zone District of any of the following vehicles is prohibited, except that such vehicles may be parked on a residential zone lot only to render services to the subject zone lot and only for the duration necessary to render such services:

- 10.9.1.1 Tow trucks;
- 10.9.1.2 Large-Scale Motor Vehicles and Trailers;
- 10.9.1.3 Stake body trucks;
- 10.9.1.4 Cube or box vans;
- 10.9.1.5 Backhoes;
- 10.9.1.6 Vehicles towing trailers carrying machinery and supplies; or
- 10.9.1.7 Other similar specialized vehicles.

## C. Process to Establish Comprehensive Sign Plan

### 1. Plan Submittal

The following items and evidence shall be submitted to the Zoning Administrator to explain a proposed comprehensive sign plan for a facility:

- a. A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, Off-Street Parking Areas, landscaped areas, drainage swales, detention ponds, adjoining streets and alleys. ~~A comprehensive sign plan may be a component of a general development plan;~~
- b. Scaled drawings showing the elevations of existing and proposed buildings and structures that may support proposed signage.
- c. Design descriptions of all signs including allowable sign shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the frequency of changeable graphics.
- d. All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;
- e. Calculations of sign area and number.

### 2. Notice

The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the proposed plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of D.R.M.C., Chapter 30 (Landmark Preservation), the Zoning Administrator shall notify the landmark approving authority regarding the proposal. Such notice shall require that the landmark approving authority provide a written recommendation, based on adopted standards, policies, and guidelines, to the Planning Board and Zoning Administrator, as set forth in D.R.M.C., Chapter 30 (Landmark Preservation).

### 3. Forwarding of a Proposed Comprehensive Sign Plan

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.

### 4. Criteria for Review

The criteria for reviewing proposed comprehensive sign plans are as follows:

- a. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.
- b. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate an area.
- c. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend



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## DIVISION 12.2 REVIEW AND DECISION MAKING BODIES

Division 12.2 states the roles and responsibilities of all bodies with respect to administering and enforcing this Code.

### SECTION 12.2.1 CITY COUNCIL

#### 12.2.1.1 General Authority

The City Council may exercise powers described by the charter, ordinances, and rules and regulations.

#### 12.2.1.2 Authority for Final Action

The City Council is responsible for final action regarding:

- A. Official Map Amendments (Rezoning)
- B. Text Amendments

### SECTION 12.2.2 PLANNING BOARD

#### 12.2.2.1 General Authority

The Planning Board may exercise the powers described by D.R.M.C. Sec. 12-45, Powers and Duties of the Planning Board, and as described in this Code.

#### 12.2.2.2 Authority for Final Action

The Planning Board is responsible for final action regarding:

- A. District Sign Plans in the Downtown Theater zone district.
- B. Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Division 2 (Campus Context) of this Code.

#### 12.2.2.3 Review Authority

The Planning Board shall review and make recommendations to the authority responsible for final action shown in Section 12.2.9, Summary Table of Authority and Notice, regarding:

- A. Official Map Amendments (Rezoning)
- B. Text Amendments
- C. ~~General Development Plans (GDPs)~~
- D. Comprehensive Sign Plans for Large Facilities

### SECTION 12.2.3 MANAGER OF COMMUNITY PLANNING & DEVELOPMENT

#### 12.2.3.1 Short Title

The Manager of Community Planning and Development shall be known as “Manager” for the purposes of this Code.

#### 12.2.3.2 General Authority

The Manager may exercise powers described by the Charter and D.R.M.C., Section 12-17, General Powers and Duties, and other ordinances, rules and regulations. In addition, the Manager shall:

- A. Maintain the Official Map showing the current zoning classification of all land in the city;
- B. Record with the Denver County Clerk and Recorder and file with the Denver City Clerk all matters and documents required by this Code to be recorded or filed;

## SECTION 12.2.5 DEVELOPMENT REVIEW COMMITTEE

### 12.2.5.1 Creation

The Development Review Committee ("DRC") shall consist of the Manager, the manager of Public Works, ~~the Zoning Administrator, the chief of the Fire Department,~~ and the manager of Parks and Recreation, or their designated representatives, provided that additional agencies may participate at the discretion of the Manager.

### 12.2.5.2 Authority for Final Action

The Development Review Committee is responsible for final action regarding:

- A. Site Development Plan Review
- B. Minor Deviations and Repeals of General Development Plans
- C. Large Development Review
- D. Infrastructure Master Plan

### 12.2.5.3 Review Authority

The Development Review Committee shall review and make recommendations to the Zoning Administrator regarding:

- A. Zoning Permit Review, as the Zoning Administrator may determine on a case-by-case basis.

## SECTION 12.2.6 BOARD OF ADJUSTMENT

### 12.2.6.1 Authority for Final Action

The Board of Adjustment is responsible for final action regarding:

- A. Variances (see Section 12.4.7);
- B. Appeals from Administrative Decisions (see Section 12.4.8); and
- C. Zoning Permit with Special Exception Review (see Section 12.4.9).

### 12.2.6.2 Creation; Alternates

- A. Consistent with the City Charter, there shall be and hereby is created a Board of Adjustment consisting of 5 members. The members of the Board shall be appointed by the mayor for a term of 5 years. Any vacancy which occurs in the Board of Adjustment shall be filled by the mayor for the unexpired term of any member whose term became vacant.
- B. A member of the Board of Adjustment may be removed only for cause upon written charges and after public hearing. Should a member of the Board of Adjustment fail to attend one-third of the meetings scheduled during any period of 12 consecutive months, that failure shall be deemed cause for removal upon written charges being made and after a public hearing.
- C. The mayor may appoint for a term of between 1 to 5 years 2 alternate members of the Board of Adjustment in addition to the 5 members. When a member of the Board is recused or is absent, the alternate member first appointed by the mayor shall act with full authority. The alternate members shall thereafter rotate or substitute, one for the other, their service on the Board as the need arises. Except as to attendance, the provisions with regard to removal for cause and vacancies shall apply to such alternates.
- D. The compensation of the members of the Board of Adjustment and the alternate members shall be fixed by City Council. No member of the Board of Adjustment or an alternate member shall be on the staff of the Board or be employed by Community Planning and Development.

## SECTION 12.2.9 SUMMARY TABLE OF AUTHORITY AND NOTICE

	REVIEW AND DECISION-MAKING AUTHORITY						TYPE OF PUBLIC NOTICE REQUIRED				
	<b>D = Decision-Making Authority</b> <b>R = Review and Recommendation Authority</b> <b>* = Public Hearing Required</b>						<b>■ = Notice Required</b> <b>Blank Cell = Notice Not Required</b>				
							Informational Notice		Notice of Public Hearing		
	Zoning Administrator	Manager	DRC	Board of Adjustment	Planning Board	City Council	Written and Posted Notice of Receipt of Application	Posted Notice of Final Administrative Decision	Written	Posted	Published
Zoning Permit Review	D										
Zoning Permit Review with Informational Notice	D						■	■			
Site Development Plan Review	R	R	D/R See Sec. 12.4.3 for site development plans where DRC has reivew and recommendation authority		D* See Sec. 12.4.3 for site development plans that require public notice		■ See Sec. 12.4.3 for site development plans that require public notice	■ See Sec. 12.4.3 for site development plans that require public notice	■ See Sec. 12.4.3 for site development plans that require notice of a public hearing		
Zone Lot Amendment	D										
Administrative Adjustment	D										
Code Interpretation, Determination of Unlisted Use	D										
Comprehensive Sign Plan	D				R*		■	■	■	■	
Variance	R			D*			Refer to rules of Board of Adjustment				
Appeal of Administrative Decision	R			D*			Refer to rules of Board of Adjustment				
Special Exception	R	R		D*			Refer to rules of Board of Adjustment				
Official Map Amendment (Rezoning)		R			R*	D*	■ - Written Notice Only		■	■	■
Text Amendment	R	R			R*	D*			■		■
<del>General Development Plan Infrastructure Master Plan</del>	R		D		R*				■	■	
<del>Large Development Review</del>			D								
<del>Repeal of an Approved General Development Plan</del>			D						■	■	
Regulating Plan	R	D									

## **DIVISION 12.3 REQUIREMENTS COMMON TO ALL ZONING PROCEDURES**

Division 12.3 states those procedural steps or requirements that are generally common to all zoning procedures stated in this Article, unless otherwise stated in this Code. Division 12.4 states the procedural steps and requirements specific to each type of zoning application procedure, which will include references to the common requirements stated in this Division 12.3 as applicable.

### **SECTION 12.3.1 GENERAL**

The following review procedures are common to all zoning procedures, unless otherwise stated in this Code, and shall apply to applications submitted under this Code. Additional details may be included in the specific procedures included in Division 12.4 of this Article.

### **SECTION 12.3.2 PRE-APPLICATION MEETING/ CONCEPT PLAN REVIEW**

#### **12.3.2.1 Optional**

Except as stated in Section 12.3.2.2 below, an applicant may schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards and regulations required for approval in accordance with this Code.

#### **12.3.2.2 Mandatory**

Before submitting an application for the following, an applicant shall schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards, and regulations required for approval in accordance with this Code.

- A. Zoning Permit with Informational Notice
- B. Site Development Plan
- C. Zoning Permit with Special Exception Review
- D. Official Map Amendment (Rezoning)
- E. Text Amendment
- F. Large Development Review (LDR) General Development Plan
- G. Infrastructure Master Plan (IMP)

#### **12.3.2.3 Effect of the Pre-Application Meeting or Concept Plan Review**

Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, Manager and other staff opinions or comments made during a pre-application meeting or concept plan review are informational only and do not represent a commitment on behalf of the City regarding a final decision on the development proposal. However, at the pre-application meeting, the Manager may waive application submittal requirements or request that additional information be submitted.

#### **12.3.2.4 Timely Application Submittal Required**

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, if an application is not submitted within 180 days after a mandatory pre-application meeting or concept plan review, the Manager may require a new pre-application meeting or concept plan review.

### **SECTION 12.3.3 SUBMISSION OF APPLICATIONS**

#### **12.3.3.1 Authority to File Applications**

The person having legal authority to take action according to the approval sought shall file an application for review or approval under this Code, and is hereinafter referred to as the "Applicant." That

- B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property's zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.
- C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:
  - 1. Payment of any required fee for the extension review; and
  - 2. A narrative stating the reasons for the applicant's or owner's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.
- D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.
- E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

## **SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS**

### **12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits**

This Section 12.3.7.1 shall not apply to modifications to LDFs, IMPs, or GDPs; instead see Section 12.4.12 and 12.4.14 ~~17~~.

The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications" rather than "amendments," and may be approved administratively by the Zoning Administrator according to this Section.

#### **A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits**

- 1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly permitted as "administrative adjustments" under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.
- 2. The Zoning Administrator may allow minor changes to an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.
- 3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder's Office, and shall register a modified zoning permit in the records of Community Planning and Development.

#### **B. Other Modifications to Approved Applications, Plans, or Permits**

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section

12.3.7.1.A above, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

### **12.3.7.2 Amendments to Approved Applications, Plans and Permits**

This Section 12.3.7.2 shall not apply to amendments to LDFs, IMPs, or GDPs. See Section 12.4.12 and 12.4.14, 17.

#### **A. Procedure for Amendments**

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.
2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.
3. The Manager shall record all amendments to a site development plan approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

#### **B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits**

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), which do not qualify as a "modification" under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.
2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:
  - a. An increase in overall project density;
  - b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
  - c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
  - d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretations and Determination of Unlisted Uses);
  - e. A change to the location of permitted land uses that would substantially change the development's character or impacts on surrounding property, as determined by the Zoning Administrator;
  - f. A reduction in required minimum setbacks from zone lot lines;
  - g. An increase in required build-to location from zone lot lines;
  - h. An increase in permitted building coverage, including coverage by surface parking;
  - i. A reduction by more than 5 percent in the land area designated for landscaping;
  - j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;

- k. A change in the permitted number, size or lighting of signs;
- l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
- m. Changing or negating a condition of approval; or
- n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

## **SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS**

12.3.8.1 This Section 12.3.8 shall not apply to Large Development Review Frameworks. See Section 12.4.12.

12.3.8.2 Pursuant to the same procedure and subject to the same limitations and requirements by which such ~~Site Development Plans~~, Infrastructure Master Plans (IMPs), or General Development Plans (GDPs) were approved and recorded, all ~~Site Development Plans~~, IMPs, and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.



the provisions of this Code, is prohibited by D.R.M.C., Chapter 6 Licenses, due to proximity to a school. See Section 1.1.3.3.A, Conflicting Provisions.

#### **12.4.1.5 Review Criteria**

The Zoning Administrator shall use the following criteria in making a decision on an application for zoning permit review:

- A. The zoning permit is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, all zoning permits shall be consistent with a previously approved [Large Development Framework, Infrastructure Master Plan](#), General Development Plan, Regulating Plan, or Site Development Plan.
- B. The zoning permit complies with all applicable regulations in this Code.

#### **12.4.1.6 Requirements and Limitations After Zoning Permit Issuance**

##### **A. Expiration**

1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.
2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land except as otherwise restricted by this Code.
3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

##### **B. Modification and Rescission**

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

##### **C. Modifications and Amendments to an Approved Zoning Permit**

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

### **SECTION 12.4.2 ZONING PERMIT REVIEW WITH INFORMATIONAL NOTICE**

#### **12.4.2.1 Purpose**

The purpose of the zoning permit review with informational notice process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Zoning permit review with informational notice is intended for specific types of development or establishment of specific permitted uses that are consistent with the intent of the zone district and generally compatible with surrounding building forms and uses, but which have the potential for adverse off-site impacts. Zoning permit review with informational notice provides an opportunity for potentially affected parties to be notified of the city's receipt of the application, the process for making comments, the final decision, and appeal opportunities.

#### **12.4.2.2 Applicability**

Zoning permit review with informational notice is required for the following types of development:

- A. The zoning permit is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, all zoning permits shall be consistent with a previously approved [Large Development Framework, Infrastructure Master Plan](#), General Development Plan, Regulating Plan, or Site Development Plan.
- B. The zoning permit complies with all applicable regulations in this Code.
- C. The proposal will not substantially or permanently injure the appropriate use of adjacent conforming properties, taking into consideration all proposals for mitigation of such impacts.

**D. Additional Review Criteria for Homeless Shelters**

In addition to the review criteria above, the Zoning Administrator shall approve a zoning permit for a homeless shelter only if the Zoning Administrator finds the proposed shelter will not substantially or permanently injure the appropriate use of conforming residential properties located within 500 feet of the proposed use. Evidence of such injury shall clearly establish the anticipated specific problems attributed to residents of the proposed shelter for the homeless while in or around the shelter as distinct from the general problems attributed to persons using or passing through the subject area.

#### **12.4.2.6 Requirements and Limitations After Zoning Permit Issuance**

**A. Expiration**

- 1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.
- 2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land.
- 3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

**B. Modification and Rescission**

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

**C. Modifications and Amendments to an Approved Zoning Permit**

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

### **SECTION 12.4.3 SITE DEVELOPMENT PLAN REVIEW**

#### **12.4.3.1 Purpose**

The purpose of the site development plan review process is to ensure compliance with the standards and provisions of this Code and other applicable city standards, rules and regulations, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Site development plan review is generally reserved for development with the potential for significant on-site and off-site impacts necessitating inter-departmental and inter-agency referral, review, and, in some cases, approval prior to final action by Community Planning and Development. After the City's approval of a site development plan, Community Planning and Development is authorized to issue requisite zoning permits under this Code.

### 12.4.3.2 Applicability

- A. Site development plan review is required for the following (see Article 13, Division 13.3, for definition of the term "development" as used below):
  - 1. Development in all zone districts except the following types of residential development:
    - a. Development of a single-unit or two-unit dwelling use in the Urban Center, Downtown, or Industrial Contexts; or
    - b. Development of a suburban house, urban house, tandem house, or duplex building form on a single zone lot.
    - c. Development of a Detached Accessory Dwelling Unit building form.
  - 2. Creation of or development on a flag lot.
  - 3. Development subject to an approved General Development Plan (GDP), Large Development Framework (LDF), or Infrastructure Master Plan (IMP).
  - 4. Development within a PUD District; however, development within a PUD District subject to an approved Detailed PUD District Plan under Section 9.6.1.3, Requirement for a PUD District Plan, is exempt from this requirement for site development plan review.
  - 5. Development on a Parkway designated according to Chapter 49 of the D.R.M.C.
  - 6. Establishment of a primary, accessory, or temporary use permitted in a zone district under Articles 3 through 9, Article 11, or any other provision of this Code, where such provision explicitly requires site development plan review and approval prior to establishment of the use.
  - 7. Requests for shared parking or participation in an off-site car-sharing program to meet minimum parking requirements, as specified in Article 10, Section 10.4.5.4, Shared Vehicle Parking, and Section 10.4.5.3.B, Off-Site Car Sharing Program.
- B. The Zoning Administrator may require site development plan review for any development not listed in subsection A. above, where the proposed development requires approval by a city agency or department other than Community Planning and Development.
- C. No development shall occur on property subject to these requirements until a site development plan has been approved and requisite zoning and building permits issued, unless the Zoning Administrator expressly allows an exception.

### 12.4.3.3 Review Process

#### A. Initiation

The owner(s) of the subject property or the owner's or owners' authorized agent may initiate an application for site development plan review.

#### B. Pre-Application Concept Plan Review

- 1. A pre-application concept plan review is mandatory before submittal of a formal site development plan application. During the concept plan review, the DRC will confirm the applicability of site development plan review to the proposed development activity and the specific procedure steps and submittal requirements the applicant will follow. See also Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.
- 2. During the concept plan review, the DRC may waive an otherwise mandatory requirement for site development plan review if the DRC finds that the nature and complexity of the proposed development, and the development's compliance with this Code, can be fully addressed through the zoning permit review procedure in Section 12.4.1.

3. During the concept plan review, the DRC shall determine whether Large Development Review (LDR) or an Infrastructure Master Plan (IMP) is required for the proposed development activity according to Sections 12.4.12 and 12.4.14. If the DRC determines a LDR or IMP is required the Site Development Plan application shall not be approved until a LDR or IMP, as applicable, is completed and/or approved.

#### **C. Application and Fees**

##### **1. Submittal in Writing**

All applications for site development plan review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

##### **2. Concurrent Applications**

Concurrent applications may be allowed according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the site development plan is approved and all zoning permits issued according to this Article, unless the Zoning Administrator allows an exception in writing.

#### **D. Public Notice Requirements**

Informational Notice shall be provided according to Section 12.3.4.5, Informational Notice-General Provisions, for the following types of site development plan review applications only:

1. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.
2. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.2.3, Construction Subject to Review and Final Decision by Planning Board.

#### **E. Review, Referral and Decision by Development Review Committee**

1. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
  - a. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the DRC, shall be deemed a recommendation of approval.
2. If required by Section 12.4.3.3.F, Review and Final Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.
3. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.

4. The DRC may attach conditions to the site development plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

#### 12.4.3.4 Review Criteria

The following criteria shall be considered in making a decision on an application for Site Development Plan review:

- A. The Site Development Plan has been reviewed and approved by the DRC, where such approval is authorized and required by the D.R.M.C. The DRC or Planning Board shall not approve a Site Development Plan until all DRC departments have approved the site development plan pursuant to their charter or D.R.M.C. authority.
- B. The Site Development Plan is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, the Site Development Plan shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, or Regulating Plan.
- C. The Site Development Plan complies with all applicable regulations in this Code.

#### D. Additional Review Criteria for Certain Construction in the CMP-H and CMP-H2 Districts

The following additional criteria shall be considered in making a decision on an application for site development plan review submitted to permit certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board:

1. Whether the project is generally compatible with the Comprehensive Plan, including any neighborhood plans, and with the campus facility's plans for future development;
2. Whether there has been demonstrated neighborhood involvement in reviewing the project and its potential impacts, including meetings with applicable RNOs, and whether neighborhood concerns have been appropriately addressed;
3. Whether the project has a significant adverse impact on historically designated or architecturally significant buildings as determined by Community Planning and Development; and
4. Whether the construction project is consistent with the Campus zone district in which it is proposed to be located.
5. Consideration for the growth needs and viability of healthcare districts in CMP-H and CMP-H2 zone districts.

#### 12.4.3.5 Appeal

Section 12.4.8, Appeal of Administrative Decision, shall apply.

#### 12.4.3.6 Requirements and Limitations After Site Development Plan Approval

##### A. Recordation of Approved Site Development Plans

Community Planning and Development shall register a copy of the approved Site Development Plan among its records and shall record the approved site development plan in the real property records of the Denver County Clerk and Recorder.

##### B. Effect of Approval

1. A Site Development Plan approved according to this Section shall regulate the future use and development of the subject property.
2. Approval of a Site Development Plan means a proposed development complies with the standards and provisions of this Code and, consequently, the City may issue zoning

ZONING STANDARD	MAXIMUM ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE	
	Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only	All Other Building Forms
DESIGN ELEMENT STANDARDS:		
Building Configuration	na	15%
Attached Garage	Attached garage may be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) of the primary structure enclosing the primary use, provided the resulting attached garage shall be more compatible with a predominant established pattern on the same or opposite face block as the subject property.	na
Upper Story, Primary Street Step-back for individual landmarks and structures in historic districts	The Zoning Administrator may approve an adjustment if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmark Preservation) finds specifically that development on the Zone Lot conforming to this Code's stepback regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.	
OTHER STANDARDS:		
Garden wall alternative to build-to standards	na	Adjustment permitted for use of alternative garden wall materials when Zoning Administrator finds alternative garden wall materials will better complement primary building materials.
Required Amount of Parking in the Historic Structure Use Overlay District (UO-3) Only	<ul style="list-style-type: none"><li>Required parking for office/art studio use in a Historic Structure: no maximum limit if applicant can show compliance with required parking is physically impossible.</li><li>Required parking for bed and breakfast use in a Historic Structure: 20%</li><li>See Section 9.4.4.8</li></ul>	
Required Parking for Limited Nonresidential Uses Permitted in Existing Business Structures	Adjustment permitted to relieve hardship due to physical limitations of the site <ul style="list-style-type: none"><li>See Section. 11.4.5</li></ul>	na
Required Amount of Parking to Preserve Established Trees	na	Adjustment permitted when Zoning Administrator finds the adjustment is necessary to preserve existing, mature trees See Section 10.4.5. and Section 10.5.3
Required Bicycle Parking and Required Mix of Bicycle Parking Facilities	na	20% See Section 10.4.3.3.
Minimum Width of Parking Aisles or Internal Drives in Off-Street Parking Areas	na	Adjustment permitted when Zoning Administrator finds adjustment is necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow lots.
Minimum Landscaping Standards	na	Adjustment permitted when Zoning Administrator finds the adjustment is necessary to: (1) preserve existing, mature trees; (2) mitigate excessive improvement costs; (3) relieve impractical hardship due to physical limitations of the site. See Section 10.5.4.1.
<a href="#">Open Space in Large Developments - Design Standards in Section 10.8.1.6</a>	<a href="#">Adjustment permitted when Zoning Administrator finds the Open Space in Large Development, with the adjustment(s) in design standards, is consistent with the intent and purpose for the open space stated in Section 10.8.1.1.</a>	
As expressly permitted in other parts of this Code, the Zoning Administrator may grant administrative adjustments according to the allowances and limits expressed, and according to the procedures in this Section 12.4.5.		



4. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
  5. The requested adjustment is needed to compensate for unnecessary hardship. For purposes of satisfying these administrative adjustment review criteria, determination of "unnecessary hardship" shall mean the application satisfies the review criteria for a zoning variance stated in Sections 12.4.7.5 and 12.4.7.6, except compliance with the criteria stated in Section 12.4.7.5.E, Nonconforming or Compliant Uses in Existing Structures, shall not be applicable to an application for administrative adjustment.
- E. As applicable only to adjustments to the Open Space in Large Development design standards in Section 10.8.1.6., the requested adjustment is an alternative design approach that does not comply with one or more of the specific design standards, but the alternative design approach is consistent with the intent and purpose stated in Section 10.8.1.

#### **12.4.5.6 Requirements and Limitations After Administrative Adjustment Approval**

**A. Administrative Adjustments to Approved Plans or Permits**

Adjustments to an approved plan or permit shall be noted on a revised plan or permit, which shall be plainly marked as "Revised," and submitted to the Zoning Administrator. The Zoning Administrator shall note the terms of the approved administrative adjustment directly on the revised plan or permit and affix his signature and the date of approval. If the original plan or permit was required to be recorded, the Zoning Administrator shall record such revised plan or permit in the real property records of the Denver County Clerk and Recorder within 30 days of the Zoning Administrator's approval of the adjustment.

**B. Noted on Pending Application**

The Zoning Administrator shall specify any approved administrative adjustment from building form or design standards and the justifications for such adjustment on the pending zoning application for which the adjustments were sought. Alternately, the Zoning Administrator may include such final determination, in writing, as part of staff report for a required public hearing.

**C. Expiration**

1. As applicable, an approved administrative adjustment shall be valid for the same time frame as the approval with which it was joined or for the same time frame as the originally approved plan or permit.
2. In all other cases, an administrative adjustment shall be valid for the same time frame and have the same effect as the zoning application with which it is joined, as such application is ultimately approved.

### **SECTION 12.4.6 CODE INTERPRETATIONS AND DETERMINATION OF UNLISTED USES**

#### **12.4.6.1 Purpose and Applicability**

- A. This Section establishes a procedure whereby interpretation of this Code's provisions may be sought and determined, including but not limited to:
1. Interpretations of terms, words, and phrases not otherwise defined in this Code;
  2. Interpretations of Code provisions when additional clarity is required to apply such provisions to a specific case or to guide general application of the Code;
  3. Determination which of two or more conflicting provisions apply generally or to a specific case;



### 12.4.9.3 Review Criteria

No application for a zoning permit with special exception review shall be approved by the Board of Adjustment unless the Board finds that all of the following conditions are met or can be met through conditions placed on approval of the application:

- A. The special exception is consistent with the Comprehensive Plan;
- B. The proposed special exception shall be consistent with the purposes and objectives of the zone district in which it is located;
- C. If located within an IMP or GDP area, the special exception shall be consistent with the IMP or GDP;
- D. The special exception is in compliance with all applicable regulations in this Code, including but not limited to, any specific use limitations stated in Articles 3 through 9, and in Article 11, Use Limitations and Definitions;
- E. The establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare of the community;
- F. The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special exception;
- G. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- H. The aggregate impacts of similar special exceptions shall not result in harmful external effects or environmental impacts; and
- I. Any potential adverse impacts from the proposed special exception can and will be adequately mitigated.

### 12.4.9.4 Requirements and Limitations After Zoning Permit Issuance

#### A. Expiration and Extensions

- 1. Except as otherwise allowed in subsection A.2. below, a zoning permit with special exception review shall expire 12 months from the date of the Board of Adjustment's decision unless the special exception use begins operating, or a valid building permit is issued. Upon a showing of good cause, the Zoning Administrator may extend the permit for the special exception for additional time periods not to exceed a total of 12 additional months.
- 2. If a zoning permit with special exception review is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

#### B. Limit on Reapplication for Denied Special Exceptions

No application for a zoning permit with special exception review denied by the Board of Adjustment shall be considered for a period of 1 year from the date of the original denial unless the Zoning Administrator determines that the application contains substantial changes that address the reasons for denial of the application.

## SECTION 12.4.10 OFFICIAL MAP AMENDMENT (REZONING)

### 12.4.10.1 Applicability

An official map amendment may be required to correct an error in the map or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area to implement

and process provisions required by the Charter for an official map amendment (rezoning).

**2. By Other Parties**

Other than City Council or an individual City Council member, only the following parties may initiate an official map amendment:

- a. The Manager.
- b. All official map amendment applications for a PUD District, or for a zone district with waivers and/or conditions under Section 12.4.10.6, shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.
- c. For official map amendment applications for other than a PUD District or zone district with waivers and/or conditions, an application for an official map amendment may be initiated by either:
  - i. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or
  - ii. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized in writing to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51 percent or more of the total area of the zone lots subject to the application for amendment.

**B. Pre-Application Meeting**

1. A pre-application meeting is mandatory for an official map amendment (Rezoning). See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.
2. The Manager shall determine at the pre-application meeting whether a Large Development Review (LDR) General Development Plan (GDP) is required under Section 12.4.12; ~~General Development Plan. If the Manager determines a GDP is required by Section 12.4.12, the applicant shall be advised that an official map amendment application will not be approved until a GDP is completed approved according to Section 12.4.12.~~

**C. Application and Fees - General**

1. All applications for official map amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications. This provision does not apply to map amendments initiated by the Manager.

**D. Review and Referral by Manager**

All applications for official map amendments shall be subject to the following review process:

**1. Referral and Examination of Application**

Upon receipt of a complete application, the Manager shall transmit copies of the application to other agencies that might be affected by the proposed application. If considered necessary, any such agency may require the applicant to furnish additional information of a pertinent and reasonable nature. Any such agency may transmit comments and recommendations concerning the application to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the complete application. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

2. The Council committee shall direct any further action on the proposed text amendment under this Section and, when deemed ready for hearing, shall forward the proposal to the City Council.

**G. Public Hearing and Final Decision by City Council**

1. The Manager shall submit the complete proposal with such supporting material as designated by the Council committee to the City Council for Council action.
2. The City Council shall notice and hold a public hearing on the proposed text amendment according to Section 12.3.4, Public Notice Requirements. The City Council shall consider the recommendations of the Planning Board and Manager; comments received, and the review criteria below, in approving or denying a text amendment.

**12.4.11.4 Review Criteria**

**A. Consistency With Adopted Plans**

All text amendments shall be consistent with the City's adopted plans, or the proposed text amendment is necessary to provide for a community need that was not anticipated at the time of the adoption of the Comprehensive Plan.

**B. Public Health, Safety and General Welfare**

All text amendments shall further the public health, safety and general welfare of the City.

**C. Uniformity of District Regulations and Restrictions**

A text amendment to this Code shall result in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

**12.4.11.5 Appeal**

A decision by the City Council on a text amendment may be appealed to District Court.

**SECTION 12.4.12 LARGE DEVELOPMENT REVIEW GENERAL DEVELOPMENT PLAN**

**12.4.12.1 Intent**

**A. General Intent**

~~A GDP establishes a framework for future land use and development and resulting public infrastructure. The intent of the Large Development Review (LDR) process is to implement City Council adopted plans that provide guidance for future land use and development, and resulting public infrastructure, open space, and public parks, on sites that are large or otherwise require a more coordinated inter-agency development review process. The LDR process GDP provides an early opportunity to identify issues and the development's relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. An approved GDP The LDR provides a framework process master plan for coordinating development, infrastructure improvements, and regulatory decisions as before development proceeds within the subject area. An approved GDP also constitutes a master plan that is a prerequisite to zoning within the Master Plan neighborhood context, as described in Division 9.7, Master Planned Context, of this Code.~~

**B. Intent of the LDR GDP Review Process**

The ~~review process for a LDR process~~ GDP is intended to:

1. Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies;

2. Ensure that ~~the~~ development in the LDR area GDP is consistent with City Council adopted plans the Comprehensive Plan;
3. Ensure that development in the LDR area will implement adopted plan policies related to infrastructure, open space, and public parks, as applicable, by establishing the appropriate timing and requirements for subsequent regulatory steps, submittals and approvals; Identify subsequent regulatory steps, submittals, and approvals in order to determine the appropriate type and level of detail that may be needed in addition to the basic submittal requirements for the GDP;
4. Produce a written document ("Large Development Framework") that states and describes all applicable planning and regulatory reviews and establishes a rational sequence of the required reviews to ensure that development in the LDR area is consistent with Section 12.4.12.1.A. General Intent; and
5. Provide for the notification ~~and appropriate input~~ from the public on the proposed LDF. ~~GDP;~~
6. ~~Identify the type and scope of any required technical studies, plans and documents necessary to achieve the intent of a GDP, and coordinate review of such studies, plans, and documents.~~

#### 12.4.12.2 **Applicability When Required**

- A. ~~Mandatory GDP~~ **The Large Development Review (LDR) process and P**preparation of a Large Development Framework (LDF) GDP is mandatory when the Development Review Committee (DRC) Manager determines (1) the specific circumstances warrant a coordinated master framework ~~process plan~~ to guide future development; ~~and~~ (2) ~~the~~ land use, development, open space, parks, housing, urban design, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development plan review; ~~or~~ (3) the area at issue is subject to a previously approved regulatory plan or document that established a coordinated master framework process, including but not limited to a General Development Plan or LDF. In determining whether circumstances warrant the LDR process or preparation of a LDF GDP, all relevant factors shall be considered, including but not limited to the following:
  1. **Adopted Plan Recommendation**  
A City Council adopted plan citywide land use, or small area plan, adopted by City Council as a supplement to the Comprehensive Plan, recommends use of the LDR process, preparation of an Infrastructure Master Plan (IMP), or General Development Plan (GDP) for all or portions of the plan area.
  2. **Large-Scale Development**  
The Manager determines that the gross land area at issue is more than 5 acres or 3 Blocks or will result in the creation of 3 or more Blocks. The GDP area either: (a) is more than 10 acres, (b) is anticipated to be developed in phases; or (c) is owned by more than one person or entity.
  3. **Infrastructure Network or System Improvements**  
Future development in the subject GDP area anticipates any of the following infrastructure improvements:
    - a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or
    - b. Establishing, extending, expanding, or otherwise changing an existing regional stormwater system; or
    - c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.

**4. General Development Plan Amendments**

The area is subject to a previously approved GDP and the GDP needs to be amended according to Section 12.4.12.22.A, Amendments, Repeals, and Minor Deviations to an Approved General Development Plan.

**5. Development Adjacent to Major River or Trail Corridors**

Development within 100 feet from the Cherry Creek corridor or the South Platte River corridor, where publicly-accessible open space, pedestrian connections, or bike connections to such corridors is anticipated.

The Manager shall inform the applicant in writing when preparation of a GDP is mandatory.

- B. A determination whether the LDR process is applicable according to this subsection shall be made at the pre-application meeting step, as described in Section 12.4.12.7 below.

**C. Optional LDR GDP**

An owner may ~~elect to submit request~~ a LDR process GDP for the property in order to establish a coordinated regulatory and review framework ~~master plan~~ for the property.

**12.4.12.3 Timing of LDR GDP Review**

When ~~preparation of a LDR GDP~~ is mandatory, the Large Development Framework (LDF) GDP shall be approved before final approval of the following ~~unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications.~~

- A. Official Map Amendment
- B. Subdivision under D.R.M.C., Chapter 50.
- C. Site Development Plan under Section 12.4.3.
- D. Infrastructure Master Plan under Section 12.4.14.

**12.4.12.4 Initiation**

- A. A LDR GDP may be initiated by any one or combination of the following parties:
  - 1. The owner or owners of the entire subject property;
  - 2. The owner(s)'s authorized agent(s);
  - 3. The Manager;
  - 4. The manager of Parks and Recreation; or
  - 5. The manager of Public Works.
- B. ~~The Manager shall be an applicant or co-applicant whenever a GDP includes a Secondary Area and/or when the owner or owners of the entire subject property are not applicants.~~

**12.4.12.5 Minimum Open Space Requirements for a GDP**

~~All applications for a General Development Plan shall comply with the following open space standards:~~

**A. Minimum Amount Required**

~~A minimum of 10% of the total GDP area (including the Primary Area plus any Secondary Areas) shall be included in the GDP as open space.~~

**B. Design Criteria**

- 1. ~~The required open space shall be provided in one (1) or more areas.~~

2. ~~The required open space shall remain publicly accessible and usable.~~
3. ~~The required open space shall result in one or more of the following public benefits:~~
  - a. ~~Enhanced connections to transit facilities, plazas, or streets;~~
  - b. ~~Enhanced pedestrian environments; and/or~~
  - c. ~~Enhances or creates public spaces.~~

#### **12.4.12.6 Development Review Committee—Final Approval Authority**

~~The Development Review Committee (“DRC”) shall have the authority to approve, approve with conditions, or deny a GDP application, after consideration of the recommendation from the Planning Board.~~

#### **12.4.12.7 Pre-Application Meeting Conference for LDRs**

- A. A pre-application meeting conference is mandatory to determine the applicability of the LDR process for a specific development concept according to Section 12.4.12.2, Applicability prior to the start of the concept GDP review and preliminary GDP review required under this Section. See 12.3.2, Pre-Application Meeting/Concept Plan Review.
- B. An applicant shall request a pre-application meeting either on the applicant's own initiative, or when directed by the Manager after submittal of an application for a different regulatory process, including but not limited to an Official Map Amendment, Infrastructure Master Plan, Site Development Plan, or Subdivision under D.R.M.C. Chapter 50. (For example, the Manager may refer an applicant to the LDR pre-application meeting process in lieu of a pre-application meeting/concept review for Site Development Plan under Section 12.4.3.3.)
- C. The DRC shall attend the pre-application conference, at which the applicant shall present the land use and development concept for the subject property, ~~and identify the existing or desired neighborhood context. The DRC, as part of the pre-application conference, shall identify the necessary regulatory processes applicable to development of the subject property, and on this basis confirm the need for and establish the contents of the GDP submittal.~~
- D. If the DRC has sufficient information to assess the future land use and development proposal for infrastructure impacts, no later than 30 days following the pre-application meeting, the DRC shall inform the applicant in writing when the Large Development Review (LDR) process and preparation of a Large Development Framework (LDF) is mandatory.
- E. Any DRC determination that no LDR is mandatory does not automatically mean that future development in the area at issue is not subject to a future LDR process in accordance with this section. For example, if the DRC determines that no LDR process is required prior to approval of an Official Zoning Map Amendment for the area at issue, preparation of a LDF may still be required as part of a future request for a subdivision or site development plan in the area at issue.

#### **12.4.12.8 Preliminary Determination of LDR Scope**

If the DRC has determined that the LDR process is required in accordance with Section 12.4.12.2 (Applicability) and 12.4.12.7 (Preapplication Meeting), no later than 60 days following the pre-application meeting, the Manager shall inform the applicant of the DRC's preliminary findings addressing, at a minimum, the following items:

1. The boundaries of the LDR;
2. Whether a City Council adopted plan (or plans) provides clear and sufficient guidance for changes in land use, development, and infrastructure in the subject area;
  - a. City Council adopted plans may include, but are not limited to, neighborhood plans, station area plans, master plans, and citywide plans (Blueprint Denver).



- b. The Manager shall evaluate all applicable adopted plan policies and may determine "clear and sufficient guidance" exists when (1) the City Council adopted plans provide a level of detail for the subject LDR area sufficient to establish a framework for interconnected land uses, streets, open space, public parks, and other infrastructure, as applicable; and (2) the plan was adopted within the previous 20 years from the date of the LDR preapplication meeting.
3. The type and timing of necessary regulatory processes applicable to the proposed development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, amendments or repeals of previously approved General Development Plans, or approval of any urban design standards and guidelines;
4. When the Manager finds that an Official Map Amendment is necessary for the proposed large development and when the Manager has made a preliminary finding of no clear and sufficient City Council adopted plan guidance according to Section 12.5.12.8.2 above, the type and timing of necessary planning processes applicable to the proposed development of the subject area prior to approval of a Large Development Framework;
5. Whether any land dedication will be required through a subsequent regulatory process in the LDR area for streets, trails, open space, public parks, schools and other public purposes; and
6. Whether any additional actions will be required to ensure community benefits are achieved for the large development area identified in a City Council adopted plan, including but not limited to an affordable housing plan or a schools plan, as applicable.

#### **12.4.12.9 Community Information Meeting**

##### **A. Timing of Community Information Meeting - Required Public Notice**

No earlier than 30 days following the DRC's preliminary determination of the LDR scope according to Section 12.4.12.8 and prior to preparation and submittal of the Large Development Framework in accordance with Section 12.4.12.15, the applicant shall schedule a community information meeting and send written notice at least 21 days prior to such meeting of the proposed Large Development Review application and community information meeting to:

1. All owners of land included in the boundary of the LDR area as determined by the Manager during the preapplication step in Section 12.4.12.7;
2. Owners of real property located within 200 feet of the boundary of the LDR as determined by the Manager during the preapplication step in Section 12.4.12.7;
3. The City Council members in whose districts the LDR area is located, as determined by the Manager during the preapplication step in Section 12.4.12.7, and the at-large Council persons;
4. Any neighboring municipality or county which is contiguous to any boundary of the LDR area as determined by the Manager during the preapplication step in Section 12.4.12.7;
5. Denver Public Schools if the LDR area anticipates residential development;
6. Any special district of which any part of the district's boundaries is included in the LDR area as determined by the Manager during the preapplication step in Section 12.4.12.7; and
7. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the the boundary of the LDR area as determined by the Manager during the preapplication step in Section 12.4.12.7.



**B. Conduct of Community Information Meeting**

1. At the community information meeting, the applicant shall present the large development concept. Community Planning and Development staff shall present the DRC's preliminary findings from Section 12.4.12.8 (Preliminary Determination of LDR Scope) related to the LDR boundaries, whether there is clear and sufficient City Council adopted plan guidance addressing the LDR area, the timing and type of any necessary planning process, and required regulatory processes.
2. In addition to presenting the preliminary findings of the LDR scope, Community Planning and Development staff's role at the community information meeting is to address city standards, processes, and City Council adopted plan policies that relate to the large development proposal.
3. The applicant shall record all public comment and questions, and submit a written report summarizing the community information meeting, and the applicant's response, if any, to community input. The report shall be submitted to the Manager by no later than 15 days after the community information meeting date. The Manager shall forward the report to the DRC for its review and consideration.

**12.4.12.10 Application and Fees**

All applications for ~~LDR review concept review, preliminary, and final GDP review~~ shall be filed in writing with Community Planning and Development within 180 days of the Community Information Meeting according to Section 12.2.12.9. If an application for LDR review is not submitted within 180 days after the Community Information Meeting, the Manager may require a new pre-application meeting, revised determination of the LDR scope, and Community Information Meeting. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

**12.4.12.11 Concept GDP Review**

~~Before a preliminary GDP application is submitted, the applicant shall submit a concept GDP for review. During this concept GDP review, the DRC and the applicant shall agree upon the parameters for the preliminary GDP submittal, including, at a minimum, the following:~~

- A. ~~GDP area boundaries, including designation of a Primary Area and one or more Secondary Areas, as applicable.~~
- B. ~~Required community outreach and public participation.~~
- C. ~~Technical studies required, as applicable.~~
- D. ~~General development concepts for the following elements, as applicable:~~
  1. ~~Land use~~
  2. ~~Building scale and density ranges anticipated~~
  3. ~~Pedestrian environment~~
  4. ~~Existing and future street network; as part of this element, the applicant may designate Primary Streets (as defined and regulated by this Code).~~
  5. ~~Existing and future publicly accessible open space and parks~~
  6. ~~Existing and future public facilities.~~

#### **12.4.12.12 Preliminary GDP Review**

**A. Timing After Concept GDP Review**

The applicant shall submit an application for preliminary GDP review within 180 days after completion of the concept GDP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180-day filing period expires, and is not otherwise extended, the applicant shall be required to submit a new application for concept GDP review and pay all required fees.

**B. Submittal**

The preliminary GDP application shall contain all items and elements required through the concept GDP review above.

**C. Public Meeting, Notice, and Public Comment Period**

**1. Public Meeting and Public Notice**

Upon the Manager's determination that the application for preliminary GDP review is complete (see Section 12.3.3.8, Determination of Complete Applications), and at least 21 days prior to such meeting, the applicant shall schedule a public meeting to take place 21 to 45 days hence and send written notice of submittal of the preliminary GDP application and public meeting to:

- a. The City Council member(s) in whose district the GDP is located and the at-large Council members;
- b. All property owners within the defined GDP boundaries who are not co-applicants for the GDP;
- c. All property owners within 200 feet of the GDP boundary;
- d. Denver Public Schools if the GDP anticipates residential development;
- e. Any special districts of which any part of the district's boundaries is included in the GDP boundaries; and
- f. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.

**2. Conduct of Public Meeting**

At the public meeting, the applicant shall present the substantive content of the preliminary GDP application, record public comment, and submit a written report of such recorded comments to Community Planning and Development by no later than 7 days after the public meeting date. Such report shall be forwarded to the DRC for consideration.

**3. Public Comment Period**

Members of the public and anyone receiving notice of the preliminary GDP application may provide written comments on the application to the Manager up to 15 days after the date of the public meeting. Such written comments shall be forwarded to the DRC for consideration during review of the preliminary GDP.

**D. Review and Referral by Manager**

The Manager shall refer the GDP application to the DRC and to all affected or interested agencies and departments for review and comment. The Manager shall provide the applicant with a written compilation of all agency and department comments.

**E. Revisions by Applicant**

The applicant shall respond in writing to all comments received and submit a revised GDP as necessary. Subsequent rounds of DRC review and applicant revisions may follow until the DRC determines the application is ready for final GDP review, as described below.

#### **12.4.12.13 Final GDP Review**

##### **A. Determination by DRC**

~~When the DRC determines review of the preliminary GDP is complete, the preliminary GDP application is deemed to be the Final GDP application and ready for Planning Board recommendation and final DRC decision.~~

##### **B. Planning Board Review and Recommendation**

1. ~~When the Final GDP application is ready for Planning Board recommendation, the Manager shall schedule the GDP application for the Planning Board's consideration at a public hearing. The Manager shall make a written recommendation to the Planning Board for its consideration.~~
2. ~~Written and posted notice of the Planning Board public hearing shall be provided according to Section 12.3.4, Public Notice Requirements, and such written notice shall also be sent to the following:~~
  - a. ~~All owners of land included in the boundaries of the Final GDP other than the applicant;~~
  - b. ~~Owners of real property located within 200 feet of the boundary of the Final GDP area, including any Secondary Area, as applicable;~~
  - c. ~~The City Council members in whose districts the Final GDP area is located, and the at-large Council persons;~~
  - d. ~~Any neighboring municipality or county which is contiguous to any boundary of the Final GDP;~~
  - e. ~~Denver Public Schools if the Final GDP anticipates residential development.~~
  - f. ~~Any special district of which any part of the district's boundaries is included in the GDP boundaries; and~~
  - g. ~~All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.~~
3. ~~The Planning Board shall hold a public hearing on the Final GDP application and shall consider the recommendations of the Manager and the Managers of Parks and Recreation and Public Works, any comments received, and the review criteria below in making its recommendation to the DRC.~~
4. ~~The Planning Board's recommendation shall be forwarded to the DRC for action within 30 days after the public hearing is closed, unless the applicant requests an extension of such time.~~

##### **C. DRC Final Decision**

~~The DRC shall make all final decisions on a Final GDP after consideration of information received from the public hearing and otherwise and the recommendation by the Planning Board. The DRC shall approve, approve with conditions, or deny the Final GDP application based on the review criteria set forth below. The applicant shall revise the application as required, and submit a final GDP for execution and recording required herein.~~

#### **12.4.12.14 Review, Referral, and Final Determination of LDR Scope by the DRC**

##### **A. Review and Referral**

The Manager shall refer the LDR application to the DRC and all affected or interested agencies for review and comment.

**B. Final DRC Determination of LDR Scope**

The DRC shall evaluate any relevant new information received since the Preliminary Determination of LDR Scope in Section 12.4.12.18 above, and establish the final scope for preparation and submittal of the Large Development Framework in Section 12.4.12.15 below.

**12.4.12.15 Preparation and Submittal of the Large Development Framework**

The applicant shall prepare and submit a Large Development Framework ("LDF") that addresses, at a minimum, the following:

- A. The final LDR scope established by the DRC;
- B. The type and timing of necessary regulatory or planning processes applicable to development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, amendments or repeals of previously approved General Development Plans, approval of any urban design standards and guidelines, or approval of any planning processes, as applicable;
- C. Development phasing plans, as applicable; and
- D. Additional information required by the DRC.

**12.4.12.16 Final Decision on LDF by Development Review Committee**

- A. The DRC shall consider the review criteria stated in Section 12.4.12.17, and make a final decision to approve, approve with conditions, or deny a LDF.
- B. The DRC may attach conditions to the final LDF approval reasonably necessary to protect the health, safety and welfare of the community, or to mitigate adverse impacts on surrounding properties.

**12.4.12.17 Review Criteria**

The DRC shall approve a Large Development Framework (LDF) ~~Final GDP application~~ only if the DRC finds:

- A. The LDF implements City Council adopted plans through the type and sequencing of regulatory or planning tools, as applicable; and
- B. The LDF establishes a coordinated development review process that ensures the future development of the subject area will address land use, development, infrastructure, open space, public parks, schools, and other related issues, as applicable, in accordance with City Council adopted plans.
- C. ~~The Final GDP is consistent with adopted applicable city plans;~~
- D. ~~The pedestrian, transit, and street pattern is appropriate to serve the final GDP area and provide connectivity to surrounding properties, as applicable, and promotes and accommodates multi-modal transportation;~~
- E. ~~The Final GDP contains an adequate master plan for provision of drainage, sewage, and water systems through subsequent regulatory process;~~
- F. ~~Unique natural resource features and sensitive areas can be adequately protected and accommodated through subsequent regulatory process;~~
- G. ~~The Final GDP contains an adequate master plan for the provision of publicly accessible and usable open space that enhances the connection to transit facilities, plazas or streets, and the pedestrian environment through subsequent regulatory process; and~~

- H. ~~The Final GDP provides an adequate master plan to ensure that all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development as further approved through subsequent regulatory processes.~~

#### **12.4.12.18 Appeals**

~~Section 12.4.8, Appeal of Administrative Decision, shall apply to final decisions of the DRC on a LDF in accordance with this section. The final decision of the DRC on a GDP application may be appealed to the District Court.~~

#### **12.4.12.19 Recordation of Approved LDF Execution and Recording**

Community Planning and Development shall register a copy of the final LDF document among its records and shall record the final LDF document in the real property records of the Denver County Clerk and Recorder.

- A. ~~The applicant shall submit an electronic file of the final approved GDP for recording, which shall include an electronic copy of the original GDP mylar cover sheet signed by the following parties:~~
- ~~1. When the City is not an applicant, then by all owners of the subject property and by the managers of Community Planning and Development, Public Works, and Parks and Recreation.~~
  - ~~2. When the City is an applicant, then by all applicants and by the managers of Community Planning and Development, Public Works, and Parks and Recreation.~~
- B. ~~Following execution of the final GDP, the Manager shall record the electronic GDP in the records of the Denver County Clerk and Recorder's Office.~~

#### **12.4.12.20 Effect of Approved Large Development Framework GDPs**

In addition to Section 12.3.5, Effect of Approved Applications, Plans, and Permits, the following applies:

- A. A recorded Large Development Framework (LDF) or previously approved General Development Plan (GDP), including any subsequently recorded amendments, shall be in full force and effect until and unless such time as the LDF or GDP is either superseded or rescinded.
- B. The City Council may approve an official map amendment (rezoning) application for property located within an approved LDF or GDP area, taking into consideration the approved LDF or GDP.
- C. The City may issue subdivision approvals, site development plan approvals, infrastructure master plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved LDF or GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved LDF or GDP.

#### **12.4.12.21 Vested Property Rights**

##### **A. Certain General Development Plans Eligible for Vested Rights**

- ~~A GDP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the GDP, shall result in vested rights provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below.~~
- ~~A GDP approved prior to or concurrent with the City Council's approval of one or more official map amendment (rezonings) to implement the GDP may be amended after approval of the official map amendment(s) to obtain vested rights, provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below. All GDP amendments seeking the ad-~~

~~dition of vested rights shall be processed according to the same procedure and criteria stated in Section 12.4.12.17, Amendments and Minor Deviations to an Approved GDP.~~

3. ~~Any GDP eligible for vested rights according to this subsection may be afforded vested rights only if the GDP provides specificity regarding:—~~
  - a. ~~The location and intensity of permitted land uses;~~
  - b. ~~Building scale (heights) anticipated, including building height transitions to adjacent properties, as applicable;~~
  - c. ~~The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the GDP area and to adjacent development or public amenities/facilities such as schools, parks, and open space.~~
  - d. ~~The location and functional classification of the future street network within the GDP area, as applicable;~~
  - e. ~~The designation of Primary Streets to guide future development in compliance with this Code;~~
  - f. ~~The location of future publicly accessible open space and parks; and~~
  - g. ~~The location of future public facilities, as applicable.~~
4. ~~The vested rights in an approved GDP are directly proportional to the level of detail and specificity approved in the plan.~~

**B. Vesting Period**

~~Rights vested through approval of a General Development Plan shall remain vested until such time as the General Development Plan is either superseded or rescinded. Amendments to GDPs shall not affect vested rights unless expressly stated otherwise in the amendment.~~

**12.4.12.22 Amendments to an Approved Large Development Framework**

**A. Intent**

In addition to Section 12.4.12.1, Intent, the LDF amendment process is specifically intended to allow for LDFs to change over time as needed and to establish appropriate procedures for amendments to LDFs.

**B. Applicability**

This Section 12.4.12.22 shall apply to any change to a previously approved LDF.

**C. Initiation**

Amendments to an approved LDF may be initiated by any one or combination of the following parties:

1. One or more owner(s) or agent of the owner(s) of the properties to which the modification applies;
2. The Manager;
3. The manager of Parks and Recreation; or
4. The manager of Public Works.

**D. Procedure for LDF Amendments**

1. DRC shall review an amendment to an approved LDF according to the same procedures and subject to the same limitations and requirements as the original LDF approval, and according to the additional review criteria in Section 12.4.12.22.E.
2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.

3. The Manager shall record all amendments to a LDF approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

**E. Additional Review Criteria for LDF Amendments**

In addition to the review criteria in Section 12.4.12.17, the DRC shall approve the LDF amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved LDF area, where such impacts are not otherwise substantially mitigated.

**12.4.12.23 Withdrawal of Recorded Large Development Frameworks**

Pursuant to the same procedure and subject to the same limitations and requirements by which such LDFs were approved and recorded, all LDFs recorded under this Code may be withdrawn, either partially or completely. LDFs may be withdrawn if the DRC determines that since the date of the approval of the existing LDF, conditions in the LDF area have changed to a degree that withdrawal of the LDF is in the public interest or 10 or more years have lapsed. Upon approval of an application to withdraw by the DRC, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

**12.4.12.24 Amendments and Minor Deviations to an Approved General Development Plan GDP**

**A. Amendments to an Approved GDP**

**1. Intent**

~~In addition to Section 12.4.12.1, Intent, the~~ The GDP amendment process is intended to allow for GDPs to change over time and to establish appropriate procedures for different types of amendments to GDPs, as needed and to establish appropriate procedures, including initiation of amendments and communication to property owners and the general public.

**2. Applicability**

Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.4.12.22~~17~~.A. The DRC shall decide if the proposed change falls within any of the following:

- a. Significantly modifying or reallocating the permitted height, mix of uses, or density of development;
- b. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;
- c. Substantially moving or altering the vehicle access and circulation to or within the development;
- d. Changing or negating a condition of approval; ~~or~~
- e. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager; ~~or~~
- f. A repeal of a GDP not eligible for the process set forth in Section 12.4.12.23, Repeals of an Approved General Development Plan

**3. Procedure for Amendments**

An amendment to an approved GDP may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications. An amendment to an approved GDP under this Section 12.4.12.22 shall be reviewed in accordance with the Large Development Review process in Section 12.4.12.2.



~~An amendment to an approved GDP shall be reviewed according to the same procedures and subject to the same limitations and requirements contained in Section 12.4.12.1 and Sections 12.4.12.4 through 12.4.12.16, with the following exceptions:-~~

**a. ~~Initiation-~~**

~~In place of Section 12.4.12.4, GDP amendment may be initiated by any one or combination of the following parties:~~

- ~~i. One or more property owners or their authorized agent(s) within the area being amended;~~
- ~~ii. The Manager;~~
- ~~iii. The manager of Parks and Recreation; or~~
- ~~iv. The manager of Public Works.~~

**b. ~~Public Meeting and Public Notice~~**

~~In place of Section 12.4.12.10.C.1, upon the Manager's determination that the application for preliminary review of the GDP amendment is complete (see Section 12.3.3.8, Determination of Complete Applications), and at least 21 days prior to such meeting, the applicant shall schedule a public meeting to take place 21 to 45 days hence and send written notice of submittal of the preliminary GDP amendment application and public meeting to:~~

- ~~i. The City Council member(s) in whose district the approved GDP is located and the at-large Council members;~~
- ~~ii. All property owners within the GDP area being amended who are not co-applicants for the GDP amendment;~~
- ~~iii. All property owners within 200 feet of the GDP area being amended;~~
- ~~iv. Denver Public Schools if the approved GDP anticipates residential development;~~
- ~~v. Any special district of which any part of the district's boundaries is included in the approved GDP boundaries; and~~
- ~~vi. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the approved GDP boundary.-~~

**c. ~~Planning Board Meeting Notice~~**

~~In place of Section 12.4.12.11.B.2, written and posted notice of the Planning Board public hearing shall be provided according to Section 12.3.4, Public Notice Requirements, and such written notice shall also be sent to the following:~~

- ~~i. All owners of land included in the boundaries of the GDP area being amended other than the applicant;~~
- ~~ii. Owners of real property located within 200 feet of the GDP area being amended;~~
- ~~iii. The City Council members in whose districts the approved GDP area is located, and the at-large Council persons;~~
- ~~iv. Any neighboring municipality or county which is contiguous to any boundary of the approved GDP;-~~
- ~~v. Denver Public Schools if the approved GDP anticipates residential development.-~~
- ~~vi. Any special district of which any part of the district's boundaries is included in the approved GDP boundaries; and~~
- ~~vii. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the approved GDP boundary.-~~

d. **Review Criteria**

~~In addition to the review criteria in Section 12.4.12.12, the DRC shall approve the GDP amendment only if the DRC finds the amendment will not result in any material adverse effects on the remainder of the approved GDP.~~

**B. Minor Deviations to an Approved GDP**

The DRC may authorize minor deviations from a previously approved General Development Plan (GDP). Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.4.12.227.A, Amendments to an Approved GDP. All minor deviations to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder's Office.

**12.4.12.25 Repeal of an Approved General Development Plan**

**A. Intent**

The GDP repeal process set forth in this section is intended to provide a flexible process for repeal of certain types of GDPs. This section is intended for those GDPs that may be repealed without a substantial reduction of any community benefits conferred through the GDP, and with no adverse impacts on infrastructure systems or property owners in the GDP area that cannot otherwise be substantially mitigated.

**B. Applicability**

Any General Development Plan approved under this Code or Former Chapter 59 is eligible for the GDP repeal process in this Section 12.4.12.23, provided the request meets all of the applicable standards and notice requirements in this section. Any requests for GDP repeals not eligible for this process shall be subject to Section 12.4.12.22 Amendments and Minor Deviations to an Approved General Development Plan.

**C. Procedure for Review of GDP Repeals**

**1. Initiation**

A GDP repeal may be initiated by any one or combination of the following parties:

- a. One or more property owners or their authorized agent(s) within the area subject to the repeal request;
- b. The Manager;
- c. The Manager of Parks and Recreation; or
- d. The Manager of Public Works.

**2. Pre-Application Meeting**

A pre-application meeting is mandatory before submittal of an application for a GDP repeal in accordance with this section. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review

**3. Public Notice Requirements**

**a. Written Notice of Receipt of Application**

Written notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.A, except as follows:

- i. No later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the following parties:
  - a) The city council members in whose district the subject property is located.
  - a) The at-large city council members.

- b) Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the the area of the GDP proposed for a repeal.
      - c) The owners of any real property located in whole or in part within, or within 200 feet of, the area of the GDP proposed for a repeal.
    - iv. Such written notice shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the date of the written notice, and state that any final decision to approve the application shall be posted in accordance with DZC Section 12.3.4.5.C.
  - b. **Posted Notice of Receipt of Application**  
Posted notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.B.
  - c. **Posted Notice of Final Administrative Action**  
Posted notice of the final decision on the GDP repeal application shall be required in accordance with Section 12.3.4.5.C.
- 4. Review, Referral, and Decision by Development Review Committee**
- a. The DRC shall refer the GDP repeal application to all affected or interested agencies for review and comment.
  - b. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the proposed repeal of a general development plan, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying repeal of a general development plan in accordance with this section. Relevant comments shall include but are not limited to comments that the GDP repeal will negatively impact community benefits conferred through the GDP or adverse impacts that will not be substantially mitigated to property within or surrounding the proposed GDP repeal area.
  - c. If the DRC deems any comments received during the public notice period as relevant, the GDP repeal process shall proceed according to Section 12.4.12.22 Amendments and Minor Deviations to an Approved General Development Plan.
  - d. The DRC may attach conditions to the General Development Plan repeal approval that are reasonably necessary to protect the health, safety and welfare of the community and to substantially mitigate adverse impacts on adjacent properties, as authorized by this Code.
- 5. Review Criteria**
- The DRC may approve the repeal of a GDP only upon finding that:
- a. The repeal will not result in adverse impacts that have not been substantially mitigated; and
  - b. The repeal will not create a substantial reduction of any community benefits conferred through the GDP and not conferred through other regulatory tools, including but not limited to:
    - i. Vehicle, pedestrian, or bicycle connections; or
    - ii. Coordinated stormwater, wastewater, or water infrastructure systems; or
    - iii. Open space or parks systems serving the GDP area; or
    - iv. A phasing plan that sets forth the timing of and responsibility for development in the GDP area; or
    - v. Other community benefits that the DRC determines would be negatively impacted with the GDP repeal.

#### **12.4.12.26 Large Development Review Rules and Regulations**

The Manager has the authority to adopt rules and regulations relevant to the Large Development Review process that supplements the procedures and requirements set forth in this Section 12.4.12. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.12 for approval of a LDF.

### **SECTION 12.4.13 REGULATING PLAN**

#### **12.4.13.1 Intent**

##### **A. General Intent of a Regulating Plan**

A Regulating Plan is used to apply permitted building forms, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a zone district. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all zone districts except in the M-GMX zone district. An approved Regulating Plan provides a binding plan that narrows the broad flexibility otherwise permitted in the zone district as site specific development proceeds within the subject area.

##### **B. Intent of Regulating Plan in the M-GMX Zone District**

For properties zoned to a Master Planned General Mixed Use ("M-GMX") District, a Regulating Plan is mandatory prior to site development. The M-GMX zone district allows a broad menu of potential building forms and land uses, which are intended to allow flexibility to create places with a specific character, as described in an approved General Development Plan. The broad menu of building forms and land uses must be restricted in their geographic location in order to successfully implement the approved General Development Plan, and to provide predictability and certainty for future property owners within the M-GMX zone district. The geographic application of specific building forms, building heights and land uses is shown through a Regulating Plan, which ensures the character described in the General Development Plan is implemented throughout the M-GMX zone district.

#### **12.4.13.2 When Required & General Allowances**

##### **A. When Required**

###### **1. Mandatory in the M-GMX Zone District**

Preparation of a Regulating Plan is mandatory in the M-GMX zone district, except when the subject property is included in a General Development Plan, which includes the same level of detail and information as required by this Section 12.4.13, including but not limited to the designation of Primary Streets.

###### **2. Mandatory for Development within Certain General Development Plan Areas**

Preparation of a Regulating Plan is mandatory prior to site development subject to a General Development Plan where the GDP does not include designation of Primary Streets.

###### **3. Optional in All Other Cases**

In all zone districts other than in the M-GMX zone district, and when a Regulating Plan is not otherwise mandatory under this Section, preparation of a Regulating Plan is optional.

##### **B. General Allowances**

1. A Regulating Plan may encompass all or a portion of the area within a General Development Plan, as applicable; in addition, there may be multiple Regulating Plans within the same GDP area.
2. There is no minimum area required for submittal of a Regulating Plan.

established by the applicable zone district and this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

## **SECTION 12.4.14 INFRASTRUCTURE MASTER PLAN**

### **12.4.14.1 Intent**

The intent of the Infrastructure Master Plan (IMP) process is to:

- A. Implement City Council adopted plans by establishing conceptual, horizontal land use, development, and infrastructure systems for large development areas prior to final, site-specific planning and engineering design;
- B. Implement regulatory processes and actions established through a Large Development Framework (LDF), as applicable, including but not limited to official map amendments (rezonings) and subdivisions; and
- C. Use existing development review processes established in DZC Article 12 to coordinate infrastructure, open space, and public parks systems, both in and surrounding an LDR area, as applicable.

### **12.4.14.2 Applicability**

- A. The Manager of Community Planning and Development shall determine if Infrastructure Master Plan (IMP) review is required based on consideration of the following factors, as applicable to the proposed development:
  - 1. An approved LDF in accordance with Denver Zoning Code (DZC) Section 12.4.12 requires an IMP for the proposed development area;
  - 2. A City Council adopted plan recommends preparation of an IMP for the proposed development area;
  - 3. The proposed development is in a previously approved General Development Plan area;
  - 4. The Manager of Community Planning and Development determines that the gross area of the proposed development is more than 5 acres, 3 Blocks, or will result in three or more Blocks; or
  - 5. The Manager of Community Planning and Development determines that the proposed development is of a scale and complexity where a coordinated process addressing horizontal development systems is necessary to achieve City Council adopted plan implementation or consistency with a General Development Plan, as applicable.

### **12.4.14.3 Review Process**

#### **A. Initiation**

An IMP may be initiated by any one or combination of the following parties:

- 1. The owner or owners of the entire subject property;
- 2. The owner(s)'s authorized agent(s);
- 3. The Manager of Community Planning and Development;
- 4. The Manager of Parks and Recreation; or
- 5. The Manager of Public Works.

**B. Development Review Committee – Final Approval Authority**

The Development Review Committee (“DRC”) shall have the authority to approve, approve with conditions, or deny an Infrastructure Master Plan.

**C. Pre-Application Concept Plan Review**

A pre-application Concept Plan review is mandatory before submittal of a formal IMP application. During the Concept Plan review, the DRC will confirm the applicability of IMP review to the proposed development activity and the specific procedural steps and submittal requirements the applicant will follow. See also Denver Zoning Code (DZC) Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

**D. Submission of Application**

After completion of the pre-application Concept Plan review, submission of applications for an IMP shall be in accordance with DZC Section 12.3.3 Submission of Applications, with the following additional requirements set forth below and in the IMP Rules and Regulations:

**1. Submittal in Writing**

All applications for IMP review shall be filed in writing with the Department of Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted.

**2. Concurrent Applications**

- a. Concurrent applications with IMPs may be allowed according to Denver Zoning Code (DZC) Section 12.3.3.9, Concurrent Applications, and shall be in accordance with any approved Large Development Framework (LDF), as applicable.
- b. In no instance may a Site Development Plan be approved in the proposed development area until the IMP is approved, unless the DRC allows an exception in writing.
- c. No IMP shall be approved before a LDF is approved, unless the DRC finds that no LDF is necessary for the proposed development in accordance with DZC Section 12.4.12.2.B, and allows an exception in writing.

**E. IMP Submittal and Review**

**1. Submittal and Timing After Concept IMP**

The applicant shall submit a final IMP for review within 180 days after completion of the concept IMP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180-day filing period expires, and is not otherwise extended, the applicant shall be required to submit a new application for concept IMP review and pay all required fees.

**2. Submittal Requirements**

The final IMP application shall include the items set forth in the IMP Rules and Regulations.

**F. Review, Referral, and Decision by Development Review Committee**

1. The DRC shall refer the IMP application to all affected or interested agencies for review and comment of the IMP’s consistency with adopted plans and rules and regulations, including but not limited to those referral agencies and standards set forth in the IMP Rules and Regulations.
2. The DRC shall consider the relevant comments of all interested parties, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying an IMP application.
3. The DRC may attach conditions to the IMP approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by the Denver Zoning Code.



#### **12.4.14.4 IMP Review Criteria**

The DRC shall approve an IMP only upon finding that the following review criteria have been met, as applicable:

- A. The IMP is consistent with City Council adopted plans;
- B. The IMP meets the standards set forth in the IMP Rules and Regulations;
- C. The IMP is consistent with all prior approvals that are regulatory and controlling for the subject property. For example, the IMP shall be consistent with a previously approved Large Development Framework, General Development Plan, Regulating Plan, and any applicable Urban Design Standards and Guidelines;
- D. The pedestrian, transit, and street pattern is appropriate to serve the IMP area and provide connectivity to surrounding properties and promotes and accommodates multi-modal transportation;
- E. The IMP contains an adequate master plan for provision of drainage, wastewater, and water systems through the IMP or a separate regulatory process;
- F. Unique natural resource features and sensitive areas can be adequately protected and accommodated through the IMP or a separate regulatory process, including the regulatory floodplain;
- G. The IMP contains an adequate master plan for the provision of publicly accessible and usable open space and/or public parks; and
- H. The IMP provides an adequate master plan to ensure all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development, as may be further ensured through subsequent or separate regulatory processes.

#### **12.4.14.5 IMP Appeals**

Denver Zoning Code Section 12.4.8, Appeal of Administrative Decision, shall apply.

#### **12.4.14.6 Requirements and Limitations After IMP Approval**

- A. **Recordation of Approved Infrastructure Master Plans**  
Community Planning and Development shall register a copy of the approved IMP among its records and shall record the approved IMP in the real property records of the Denver County Clerk and Recorder.
- B. **Effect of Approval**  
Denver Zoning Code Section 12.3.5, Effect of Approved Applications, Plans, and Permits, applies with the addition of the following.
  - 1. An IMP approved according to these rules and regulations shall regulate the future use and development of the subject property.
  - 2. After approval of an IMP, the City may issue site development plans, zoning permits, and building permits to an applicant, provided such approvals are consistent with the approved IMP and comply with all other City standards and regulations, including those set forth in an approved Large Development Framework.
  - 3. After approval of the IMP and all requisite zoning permits, if the Development Review Committee (DRC) finds that development is not proceeding in accordance with the approved IMP, the Manager, through all enforcement authority available, may immediately issue an order stopping any or all work on the property that does not comply with the approved IMP, until such time as the noncompliance is remedied.

#### **12.4.14.7 IMP Expiration**

An approved IMP shall expire if no site development plans, zoning permits, or building permits have been approved or issued within any 10 year time period after approval of the IMP, or as otherwise specified by the DRC in writing.

#### **12.4.14.8 Vested Rights in Infrastructure Master Plans**

##### **A. Certain Infrastructure Master Plans Eligible for Vested Rights**

1. An IMP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the IMP, may result in vested rights concurrently with the approved IMP.
2. An IMP approved prior to or concurrent with the City Council's approval of one or more official map amendment (rezonings) to implement the IMP may be amended after approval of the official map amendment(s) to obtain vested rights. All IMP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria stated in Section 12.4.14.9, Amendments, Repeals, and Minor Deviations of Approved Infrastructure Master Plans below.
3. An IMP eligible for vested rights according to this subsection may be afforded vested rights only for the following items. In no case may the DRC confer vested rights that conflict with any standards set forth in the Denver Zoning Code or the Denver Revised Municipal Code at the time of approval of the IMP.
  - a. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the IMP area and to adjacent development or public amenities/facilities such as schools, parks, and open space;
  - b. The location and functional classification of the future street network within the IMP area, as applicable;
  - c. The designation of Primary Streets to guide future development in compliance with the Denver Zoning Code;
  - d. The location of future publicly accessible open space and parks; and
  - e. The location of future public facilities, as applicable.
4. The vested rights in an approved IMP are directly proportional to the level of detail and specificity approved in the plan.

##### **B. Vesting Period in IMPs**

Rights vested through approval of an IMP shall remain vested for three years or until such time as the IMP is either superseded or rescinded, whichever occurs first, unless otherwise approved by City Council. Amendments to IMPs shall not affect vested rights unless expressly stated otherwise in the amendment.

#### **12.4.14.9 IMP Amendments, Repeals, and Minor Deviations**

##### **A. Intent**

In addition to Section 12.4.14.1, Intent, the amendment process is intended to allow for IMPs to change over time as needed and to establish appropriate procedures for different types of amendments to IMPs.

##### **B. Applicability**

This Section 12.4.12.22 shall apply to any change to a previously approved IMP.

##### **C. Initiation**

Amendments to an approved IMP may be initiated by any one or combination of the following parties:

1. One or more property owners or their authorized agent(s) within the area being amended;
2. The Manager of Community Planning and Development;
3. The Manager of Parks and Recreation; or
4. The Manager of Public Works.

**D. Procedure for IMP Amendments**

1. DRC shall review an amendment to an approved IMP according to the same procedures and subject to the same limitations and requirements as the original IMP approval, and according to the additional review criteria in Section 12.4.14.9.E.
2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.
3. The Manager shall record all amendments to a LDF approved according to this Section in the real property records of the Denver County Clerk and Recorder's Office.

**E. Additional Review Criteria for LDF Amendments**

In addition to the review criteria in Section 12.4.12.17, the DRC shall approve the IMP amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved IMP area, where such impacts are not otherwise substantially mitigated.

**12.4.14.10 Infrastructure Master Plan Rules and Regulations**

The Manager has the authority to adopt rules and regulations relevant to the Infrastructure Master Plan (IMP) process that supplements the processes set forth for IMP review and generally this Article 12, including common decision making authority and requirements common to all zoning procedures.

## **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.

One-tenth of 1 foot = 0.10

For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times  
(75 divided by 25 = 3)

$.10 \times 3 = .30$

75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.

75 feet plus .30 feet = 75.3 feet, , which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

### **13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts**

#### **A. General Provisions**

##### **1. Intent**

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

##### **2. General Requirements**

- a. A primary street zone lot line or a side street zone lot line may abut a zone lot line abutting a private street if approved by the Zoning Administrator.
- b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

##### **3. Criteria for Zoning Administrator Determinations**

- a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:
  - i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
  - ii. Block and lot shape;
  - iii. The functional street classification of all abutting streets as adopted by the Public Works Department;
  - iv. The future street classification of all abutting streets as adopted in Blueprint Denver;
  - v. Guidance provided in any applicable [Infrastructure Master Plan](#), [Site Development Plan](#), General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
  - vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.
- b. The Zoning Administrator shall have authority to designate a Zone Lot's Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:
  - i. The Zone Lot contains a Historic Structure, and
  - ii. The Zone Lot is located within a Residential Zone District, and

4. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

**C. Criteria for Zoning Administrator Determinations**

The Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable [Site Development Plan](#), [Infrastructure Master Plan](#), General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.
2. If criteria 1 does not apply or does not provide guidance for all zone lot lines, then the following criteria shall be used:
  - a. The Zoning Administrator may designate no more than:
    - i. One Primary Street in the S-CC, S-MX, E-CC, and E-MX zone districts.
    - ii. Two Primary Streets in the U-MX and G-MX zone districts.
    - iii. Two Primary Streets in the C-MX zone districts, and any additional Primary Streets being designated Primary Street B.
  - b. The Blueprint Denver Street Classification of all abutting streets, per the following table:

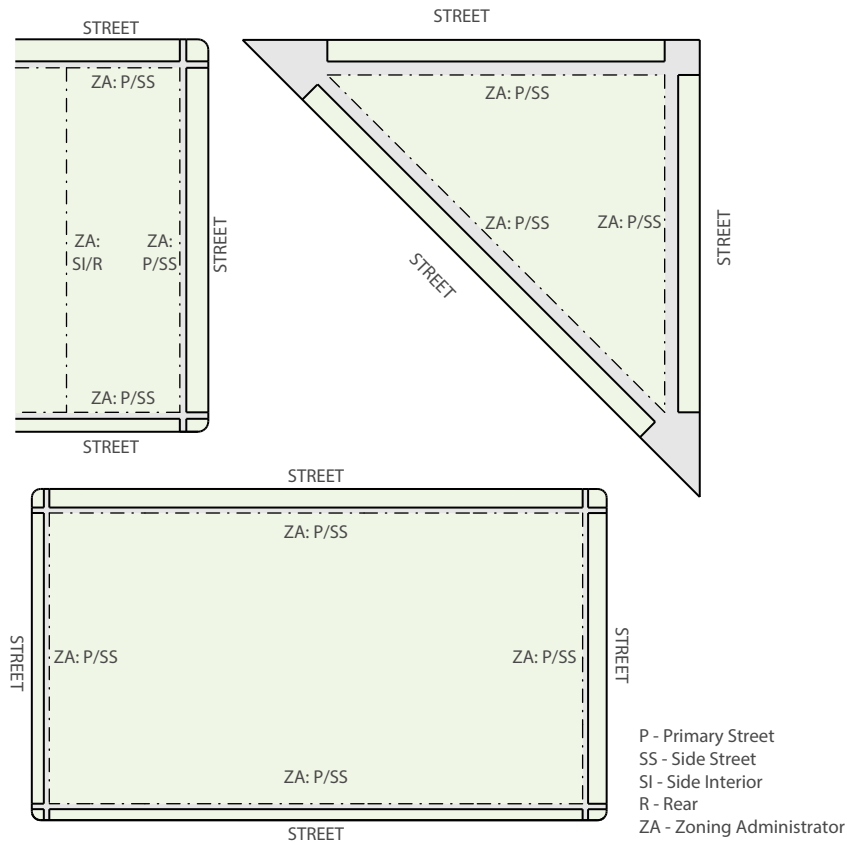
Blueprint Denver Street Classifications Map	Zone District					
	All Main Street	C-MX	G-MX	U-MX	E-MX	E-CC, S-MX, S-CC
Main (all types)	Primary Street	Primary Street	Primary Street	Primary Street	Primary Street	May be Primary or Side Street
Mixed Use (all types)	Primary Street	*May be Primary or Side Street				
Commercial (all types)	Primary Street	*May be Primary or Side Street				
Industrial (all types)	Primary Street	*May be Primary or Side Street				
Residential Arterial	*May be Primary or Side Street	*May be Primary or Side Street	**Side Street	**Side Street	**Side Street	**Side Street
Residential Collector and Local and Undesignated	**Side Street	**Side Street	**Side Street	**Side Street	**Side Street	**Side Street
*The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s) Zone Lot Lines						
**If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c						

- c. Existing Conditions
  - i. The same or similar use, building form and/or zone district occurring on the same and opposing face block frontage;
  - ii. Frontage facing a public park;
  - iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49; and
  - iv. The functional street classification of all abutting streets as adopted by the Public Works Department.

**D. Interior Zone Lots**

1. The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear zone lot lines for all zone lots in the MS zone districts; See Figure 13.1-48.

Figure 13.1-53



### 13.1.5.5 Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

#### A. Intent

To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency) in Cherry Creek North (C-CCN), Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+(D-AS-20+), Downtown Central Platte Valley - Auraria Transition (D-CPV-T), Downtown Central Platte Valley - Auraria River (D-CPV-R), and Downtown Central Platte Valley - Auraria Center (D-CPV-C) zone districts.

#### B. General Requirements

- Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

#### C. Criteria for Zoning Administrator Determinations

The Zoning Administrator shall designate a zone lot's Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

- Guidance provided in any applicable [Infrastructure Master Plan](#), General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines.
- If criterion C.1 does not apply, then the following criteria shall be used:
  - The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and
  - Block and lot shape.



### **13.1.5.6 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District**

#### **A. Intent**

To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

#### **B. General Requirements**

The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B General Requirements shall apply in addition to the requirements set forth in this Section 13.1.5.6.

#### **C. Criteria for Zoning Administrator Determinations**

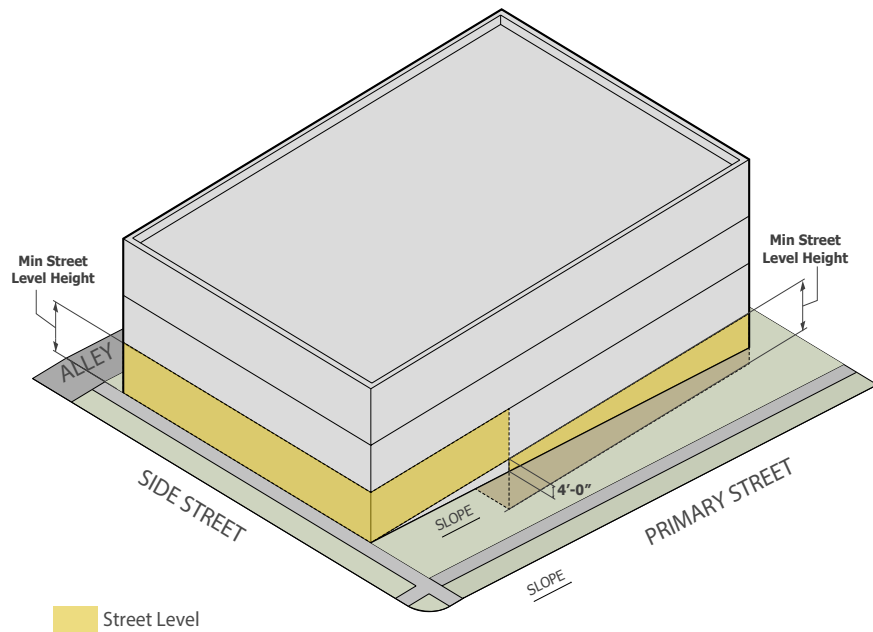
For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
  - a. Guidance provided in any applicable [Infrastructure Master Plan, Site Development Plan](#), regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Streets.
  - b.
  - c. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street designation for more than one Abutting street.
2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
  - a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
  - b. Where a corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.
3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-56.
4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

#### **D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets**

In lieu of the provisions set forth in Sections 13.1.5.4.E-G, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-56.

Figure 13.1-115



#### 13.1.6.4 **Open Space in Large Developments**

##### A. **Net Development Area**

The required amount of Open Space in Large Developments shall be calculated as the percentage of the gross development area. The Net Development Area shall be the gross land area

within the boundaries of the proposed development area less the gross area of existing and proposed public rights-of-way and City park land, or land required to be dedicated to the city by the Department of Parks and Recreation.

**B. Contiguous Open Space Area**

1. The width of the minimum contiguous open space requirement for large developments shall be measured parallel to the abutting Primary or Side Street Zone Lot Line, abutting publicly accessible area with direct pedestrian access to a Primary or Side Street Zone Lot Line, or abutting publicly accessible private street Zone Lot Line, shown as “A” in Figure 13.1-116.
2. The depth of the minimum contiguous open space requirement for large developments shall be measured perpendicular to the abutting Primary or Side Street Zone Lot Line, abutting publicly accessible area with direct pedestrian access to a Primary or Side Street Zone Lot Line, or abutting publicly accessible private street Zone Lot Line, shown as “B” in Figure 13.1-116.

[Figure 13.1-116 to be inserted]

## **SECTION 13.1.7 FENCE AND WALL HEIGHT MEASUREMENT**

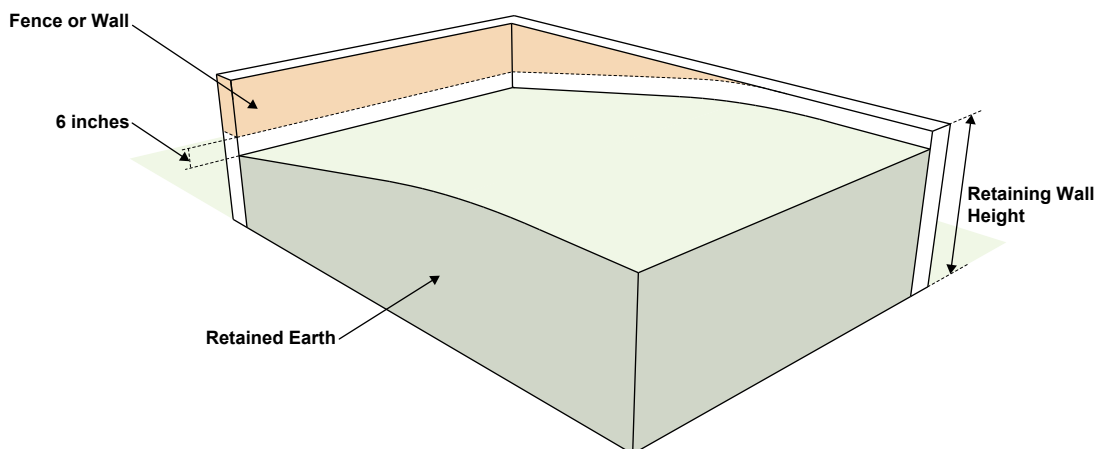
Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, or from the top-most point of the Retaining Wall on which it is placed, to the topmost point of the fence or wall.

## **SECTION 13.1.8 RETAINING WALL HEIGHT MEASUREMENT**

The height of a Retaining Wall shall be measured as the vertical distance from the lowest grade at the base of the Retaining Wall to the top-most point where the wall no longer retains earth. Any vertical distance of wall more than 6 inches above the top-most point is no longer a Retaining Wall but is a Fence and Wall as defined in Article 13, and shall be measured according to the rule in Section 13.1.7.

Figure 13.1-116

Not to Scale. Illustrative Only.



**Permitted Structure:** See definition of “Structure, Permanent,” below.

**Person:** An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.

**Planned Unit Development (PUD):** A zone district wherein an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in zone lot size, building form, bulk, use, density, lot coverage, open space, or other restriction to the existing zoning regulations of this Code. See Division 9.6, Planned Unit Development District, of this Code.

**Plaza:** An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas.

**Porch, Front:** A one or two-story structure providing access to the primary uses within a primary building. Front porch may be covered and must be unenclosed on the primary street-facing façade of the primary building.

**Porch:** A one or two-story structure attached to a building providing access to the building. A Porch may be covered and must be at least 50% open on each side, except for sides abutting a facade or required fire wall. If a porch is not covered, it is distinguished from a patio by enclosure of the porch on all open sides by low walls or railings, except where pedestrian access is provided to access the porch.

**Premises:** A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.

~~**Primary Area of GDP:** Boundary of the area within a GDP either owned and/or represented by a private landowner(s) or applicant(s).~~

**Primary Street:** See Rule of Measurement, Division 13.1.

**Private Open Space:** See Rule of Measurement, Division 13.1.

**Processing:** Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.

**Professional Studio:** See “Studio, Professional.”

**Projecting Window:** For purposes of a setback encroachment, shall include bay window, box window and bow window.

**Property:** Any land, building, or other structure, or part thereof.

**Protected District:** Any one of the following zone districts:

1. S-SU-A
2. S-SU-D
3. S-SU-F

# S

**Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation

~~**Secondary Area of GDP:** Boundary of a designated area adjoining the primary area of the GDP where development may not be imminent, but based on adopted City plans, can be expected to transition over time.~~

**Semi-Trailer:** Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.

**Setback:** See Rule of Measurement, Division 13.1.

**Setback Space or Area:** The area between a zone lot line and a required minimum setback line.

**Shielded:** The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

**SIC:** Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.

**Side-by-Side Dwelling Units:** See "Dwelling Units, Side-by-Side," above.

**Side Zone Lot Line:** See "Zone Lot, Side".

**Side Street:** See Rule of Measurement, Division 13.1.

**Sign:** A sign is any object or device or part thereof situated, outdoors or indoors, which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, motion illumination, or projected images. Signs do not include the following:

- a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
- b. Merchandise, pictures or models of products or services incorporated in a window display;
- c. Time and temperature devices not related to a product;
- d. National, state, religious, fraternal, professional and civic symbols or crests;
- e. Works of art which in no way identify a product.

**Sign, Animated:** Any sign or part of a sign which changes physical position by any movement or rotation.

**Sign, Arcade:** A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

**Sign, Billboard:** See definition of "Outdoor General Advertising Device," above.

## Sec. 59-2. - Former chapter 59.

- (a) Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk on 20th day of May 2010, at City Clerk Filing No. 10-512, ("Former Chapter 59"), shall remain in full force and effect for any land not rezoned to zone districts in the Denver Zoning Code. No changes shall be enacted to the provisions of the former chapter 59 after June 25, 2010.
- (b) For lands retaining their zoning designation under the former chapter 59, including land zoned planned unit development (PUD), land zoned with waivers and conditions and land subject to a planned building group site plan, all provisions of the former chapter 59, including procedures, shall apply, **except as explicitly stated in Section 59-2-(j) below.**
- (c) For purposes of applying the limitations on bulk planes and building heights in section 59-96 of the former chapter 59, the "protected districts" identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (d) For purposes of applying the "L1" limitation on "eating place" primary uses applicable in the R-4-X, B-2, B-3, B-A-2, B-A-4, CCN, I-0, I-1, and I-2 zone districts in former chapter 59, the residential districts identified in the L1 limitation shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (e) For purposes of applying the "exception to use enclosure requirement" for mixed use zone districts (C-MU, R-MU, and T-MU zones) in section 59-302(4)b.1, and 2 of the former chapter 59, the residential districts identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (f) For purposes of applying the restrictions on the siting of outdoor animal runs within twenty (20) feet of a habitable residential structure stated in section 59-2(16) of the former chapter 59, the residential zone districts identified therein shall also include the zone districts defined as "protected districts" in section 13-3 of the Denver Zoning Code.
- (g) For purposes of applying the five-foot side setback for structures that are not single-unit or two-unit dwellings, and which have ground floor commercial or which are four (4) or more stories in height, as required in the mixed use zoning districts in section 59-312(3) of the former chapter 59, the residential zone districts identified therein shall also include all SU and TU zone districts as established on the official zoning map under the Denver Zoning Code.
- (h) For purposes of applying various zoning protections to residentially zoned properties, the terms "residential district(s)," "residential zone district(s)," "residential zone(s)," "residentially zoned lot," and "residentially zoned zone lot" used throughout former chapter 59 shall also include the zone districts defined as a "residential zone district or residential district" in section 13-3 of the Denver Zoning Code.
- (i) Gardens shall be allowed as an accessory use common, customary and incidental to a primary residential use, and shall comply with all limitations generally applicable to accessory uses stated in former chapter 59, sections 59-87 and 59-88. In addition, marijuana grown as part of a garden accessory to a primary residential use shall comply with all applicable limitations found in the Denver Zoning Code, including, but not limited to, section 11.8 (Uses accessory to primary residential uses—Limitations).
- (j) **Any portion of a General Development Plan approved under former chapter 59 may be repealed in accordance with Section 12.4.12 of the Denver Zoning Code.**

(Ord. No. 333-10, eff. 6-25-10; Ord. No. 22-14, § 1, 1-13-14; Ord. No. 493-14, § 1, 9-15-14)