



Denver Zoning Code 2018 Text Amendment Bundle

Scope Summary **March 14, 2018**

This document presents a **summary** of topics proposed in the 2017 Text Amendment Bundle. A redline draft of the complete amendment is available on the city website at www.denvergov.org/textamendments.

Purpose of the 2018 Bundle:

1. Continue to improve usability and organization of the code.
2. Make clarifying and substantive changes based on experience working with the code for over six years.
3. Further implement adopted plans and policies.

Contents:

The summary is organized into the following groups:

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Group 2: NEIGHBORHOOD CONTEXT DESIGN STANDARDS (Articles 3-9, excluding uses and parking requirements)

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Group 8: ENTIRE CODE CLARIFICATIONS / CORRECTIONS

GROUP 1: GENERAL PROVISIONS
ARTICLE 1

Division 1.2.3: General Standards for all Zone Lots

Substantive

1. Require that no new Zone Lot shall contain multiple Zone Districts when any Zone District contained within the Zone Lot is a Protected District. This is proposed in order to close a loophole to avoid meeting Protected District Standards.

Usability and Clarifications

1. Clarify that minimum Zone Lot standards apply per Zone Lot.

GROUP 2: NEIGHBORHOOD CONTEXT DESIGN STANDARDS

ARTICLES 3-9

Articles 3-9: All Zone Districts

Substantive

1. Allow a building with an established Building Form to be assigned a different Building Form if it can meet all required standards of the new form or if the previous form is no longer available.
2. Expand setback encroachments for pedestrian bridges to accommodate all publicly accessible pedestrian/bicycle routes (not only mass transit station bridges) and allow other associated bridge and circulation elements such as stairs, elevators, etc. Add Pedestrian Bridges as an allowed height exception.
3. Require Street Level Active Uses to include at least a door or window that meets applicable transparency requirements.
4. Allow a portion of the Street Level Active Use requirement to be satisfied with an Arcade.
5. Allow unoccupied elevator penthouses, stair enclosures, etc., as height encroachments when placed along the rear or side interior perimeter of a building in certain mixed-use zone districts.
6. Remove access and contiguity requirement for attached accessory structures.
7. Prohibit the Drive Through building form within $\frac{1}{4}$ mile of a Rail Transit Station Platform.
8. Allow accessory art structures to exceed the Detached Accessory Structure Building Form standards when approved by Denver Arts & Venues.
9. For 2.5-story building forms with a Low-sloped Roof, require a 10' stepback from the primary street-facing façade above 25'.

Usability and Clarifications

1. Revise Supplemental Standards for detached accessory structures to clarify the maximum Gross Floor Area applies to the Detached Accessory Structures building form. Other accessory structures are already limited in size by other requirements such as maximum footprint dimensions, lot coverage, etc.
2. Clarify that building coverage exceptions for Detached Additional Dwelling Unit and Detached Garage building forms are only allowed if the structure meets the specific standards described in the building form table

Articles 3-9: Mixed-Use Commercial 2-story Zone Districts

Substantive

1. Reduce allowed height in feet of 2-story mixed-use commercial zone districts from 35' to 30'.
2. Require greater rear and side setbacks for the General and Shopfront Building Forms in MS-2x and MX-2x zone districts, when adjacent to a Protected District.

Articles 3-4: Street Level Active Use Requirement

Substantive

1. Require Street Level Active Uses in the S-MX and E-MX zone districts when the building is built within 80' of the Primary Street.

Articles 3- 5: Tandem House Building Form

Usability and Clarifications

1. Revise Tandem House building form table to refer to minimum “separation” between primary structures.

Article 5: Zone District Intents

Usability and Clarifications

1. Revise the intent statement for U-RH-3A to remove references to standards that are not applicable.

Article 6: General Urban Neighborhood Zone Districts

Substantive

1. Remove erroneous application of the block specific setback in the Duplex building form in 5-story districts.

Division 8.3: Downtown Core and Downtown Theater Districts

Usability and Clarifications

1. Allow the transfer of certificates by bill of sale for transfer of undeveloped floor area. Clarify process for issuance of replacement certificates.
2. Remove the reference to interior square footage counting towards the Premium for Rehabilitation of Historic Structure in the Downtown districts, as the city only reviews exteriors of Historic Structures for the purposes of any floor area premiums.
3. Improve graphic legibility.

Division 8.4: Lower Downtown District

Usability and Clarifications

1. Clarify applicability of bicycle parking standards in Section 8.10 related to the D-LD zone districts.

Division 9.2: Campus Healthcare and Healthcare 2

Substantive

1. Make the review procedure for helipads and emergency entrances for hospitals more consistent with other review procedures for uses that may have external impacts. Instead of being subject to Planning Board review of the Site Development Plan, these would be reviewed as a new accessory use, subject to Zoning Permit with Special Exception Review, which includes Board of Adjustment review.

Division 9.7: Master Planned Context

Substantive

1. Revise the M-RX district standards to better align with RX standards in other neighborhood contexts. Specifically, include the upper floor nonresidential restrictions that are found in other RX zone districts.
2. Limit the Urban House, Duplex, Garden Court, and Town House building forms to applicable residential uses.

Usability and Clarifications

1. Revise Apartment building form table to remove erroneous reference to Permitted Uses in the Siting section and revise “Nonresidential” to “Lodging Accommodations” in the Uses section.
2. Clarify that M-RX is considered a Residential Zone district.

GROUP 3: GENERAL DESIGN STANDARDS

ARTICLE 10 (Except Parking – See Group 4)

Division 10.5: Landscaping, Fences, Walls and Screening

Substantive

1. Revise wording in the overheight fences approval criteria regarding maximum height so there is no confusion about what it means for fences to be out of scale with other fencing on the block.

Division 10.6: Grading Standards

Usability and Clarification

1. Clarify the interplay between grading and retaining wall standards to specify where wall and fill can be placed to comply with the code.

Division 10.7: Parking Area Lighting

Substantive

1. Add requirement for maximum and average uniformity differential to promote safe parking lot lighting design and reduce nuisance impacts.
2. Add maximum parking lot lighting illumination levels for certain auto-centric uses to reduce glare and impacts on adjacent properties.
3. Add maximum lighting levels at zone lot lines abutting Protected Districts.

GROUP 4: PARKING STANDARDS

ARTICLES 3-9 (Parking Amounts) and 10 (Parking Standards)

Division 10.4: Parking and Loading

Substantive

1. Clarify effect on zoning permit when previously-approved reduced minimum standards for a special parking arrangement can no longer be met and the project becomes deficient in parking.

Division 10.6: Parking, Keeping and Storage of Vehicles

Substantive

1. Allow RVs up to 33' in length to be parked on a residential zone lot behind the primary street-facing façade if screened by an obscuring fence and not within side setback areas.

Usability and Clarification

1. Clarify that spaces serving permitted fuel pumps may count towards the required minimum number of vehicle parking spaces.
2. Clarify that Packed Parking standards also apply to mechanized parking systems in addition to traditional attendant parking facilities. The primary purpose of this amendment is to ensure that vehicles being parked by mechanized systems have all vehicle drop-off, maneuvering, and queuing sited on private property.

GROUP 5: USES

Articles 3-9 (Use Tables and Limitations) and Article 11 (Use Limitations and Definitions)

Substantive

Primary Uses: Residential

1. Use Limitations and Definitions: Clarify that only one dwelling unit is permissible on nonconforming Zone Lots in the U-TU zone district.

Primary Uses: Civic, Public, and Institutional Uses

1. Use Limitations and Definitions: Remove "Open Space-Recreation" use to eliminate overlap with other recreation uses. Revise "Community Center" definition to include open space.

Primary Uses: Commercial Sales, Service and Repair

1. Use Limitations and Definitions: Remove Body Art Establishment as a sub-classification under Retail Sales, Service & Repair and classify it under Retail Sales, Service & Repair, All Others. Remove all use limitations for Body Art Establishments as a distinct use, including the 1,000' spacing requirement between other body art establishments and adult businesses.
2. Use Limitations: Allow Eating & Drinking Establishments as permitted uses in the CMP-H and CMP-EI zone districts, and as permitted uses, subject to limitations, in the CMP-H2 and CMP-EI2 zone districts.

Primary Uses: Industrial, Manufacturing and Wholesale

1. Use Definitions: Revise definitions of Wholesale Trade or Storage, General, and Wholesale Trade or Storage, Light, to specifically exclude Mini-Storage Facilities to remove overlap of definitions.
2. Use Limitations: Prohibit Mini-Storage Facilities within ¼ mile of a Rail Transit Station Platform in all zone districts, except for the I-A and I-B zone districts. In the I-A and I-B zone districts, within ¼ mile of a Rail Transit Station Platform, Mini-Storage Facilities would be permitted with limitations on the design of the facility.
3. Use Limitations: Explicitly exempt Emergency Service Telecommunications Facilities from zoning regulations.

Accessory Uses: Accessory to Primary Residential Uses

1. Use Definitions and Limitations: Allow Online Retail Sales as a newly-defined Home Occupation use.

Accessory Uses: Accessory to Primary Nonresidential Uses

2. Use Limitations: Allow accessory outdoor retail sales and display areas to include areas not adjacent to the building, with limitations on the size and setbacks from Protected Districts.
3. Use Definitions and Limitations: Add Helipad and Emergency Vehicle Access Point as new uses accessory to a primary Hospital use. The new accessory use will be subject to Zoning Permit with Special Exception review.
4. Use Limitations: Prohibit Drive-through facilities as an accessory use within ¼ mile of a Rail Transit Station, except for the Suburban (S-) neighborhood context. In all Suburban neighborhood context zone districts, accessory drive-through facilities may only be established

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in the Shopfront or the General Building Form, and the drive-through lane may not be located between the building and any street.

Temporary Uses

1. Use Definitions: Add new definition for Temporary Building or Yard for Construction Materials. The use is referenced in Use tables throughout the code, but has no corresponding definition.
2. Use Limitations: Revise limitations for Amusement/Entertainment uses to allow the Zoning Administrator to grant an extension longer than 12 days, provided certain criteria are met.

Usability and Clarification Changes

1. Use Definition: Revise the definition of “household” to be gender-inclusive.
2. Use Definition: Revise definition of Conference Center, Event Center because it can be located in a building containing multiple uses, which may or may not be nonresidential uses.
3. Use Limitations: Clarify that Outdoor Storage, General, use limitations apply to all such uses, not just those in the I-A and I-B zone districts.
4. Use Limitations: Clarify that only retail sales, not wholesale sales, are permitted as part of a Produce/Cottage Foods Home Occupation.
5. Use Limitations: Clarify that retail sales may occur in combination with a primary Wholesale Trade or Storage Use, in the same building, provided that the commodities sold are the same goods that are stored/warehoused as part of the permitted use.
6. Use Limitations: Clarify that structures housing Temporary Uses are not required to comply with primary or accessory Building Form standards.
7. Use Limitations: Clarify Food Sales & Market limitations are applicable in MS and MX zone districts, as well as RX.
8. Use Limitations: Remove reference to Denver Building Code in Accessory Dwelling Unit limitations, as it does not require additional review.
9. Use Limitations: Clarify that a Dwelling Unit may have one Full Kitchen, unless otherwise allowed by zoning, and that it may have any number of additional partial kitchens.

GROUP 6: ZONING PROCEDURES

Article 12 and Div. 9.4

Division 9.4: Overlay Zone Districts

Usability and Clarification

1. Clarify the intent of the UO-3 overlay district to encourage preservation to support decision-making for rezoning requests to UO-3.

Division 12.4: Zoning Application and Review Procedures

Substantive

1. Expand justifying circumstances rezoning criteria to broaden the range of changed conditions that may justify a rezoning, including adopted plans and Former Chapter 59 zoning.
2. Disallow variances to be requested for accessory or temporary uses. Primary uses are already ineligible for variances.

Usability and Clarification

10. Clarify the width range in the siting standards eligible for Administrative Adjustment. The width range includes 40' wide.
11. Revise language in protest petitions for map amendments to align with Charter language referencing the area of the 'lots', not the land area.
12. Remove Detached Accessory Dwelling Unit from site development plan applicability. These do not need to undergo separate site development plan review.
13. Clarify that informational notice is required for Special Exception review.
14. Clarify applicability of accessory building form standards to detached accessory dwelling unit form only.

GROUP 7: RULES OF MEASUREMENT AND DEFINITIONS

ARTICLE 13

Division 13.1: Rules of Measurement

Substantive

1. Clarify that in cases where the subject property is used along with reference lots to determine a Primary Street Block Specific Setback, the subject property shall not be included in the measurement if it will be demolished.
2. Eliminate mezzanines as an exception from height in stories in the SU, TU, TH, RH, E-MU-2.5, MU-3, and RO-3 zone districts. Update the definition of mezzanine to clearly define and regulate mezzanines.
3. Clarify the measurement of Building Separation to explicitly include Tandem House situations and revise the existing graphic accordingly.
4. Clarify the measurement of the Overall Structure Length and create a new measurement for Overall Structure Width for Tandem House situations. The length and width shall include any attached partially enclosed structure in addition to the completely enclosed primary structure.
5. Add a specific rule of measurement for measuring the height of retaining walls to differentiate retaining walls from fences.
6. Allow subdivision or plat documents to determine the size and width of a zone lot for the purposes of Building Form standards. If no document is available, measurement will be determined by a survey and a measurement range of applicability.

Usability and Clarification

1. Add a new graphic to describe the measurement of the build-to range in cases where a public easement extends across a portion of the zone lot.
2. Allow a Building Specific Base Plane to be applied to large lots in Single Unit, Two Unit, and Rowhouse zone districts to facilitate multi-structure development.
3. Clarify that half stories are calculated based on the Gross Floor Area of the floor below contained within the same Dwelling Unit so a blanket allowance cannot be applied across multiple units in a single structure.
4. Clarify that half stories are calculated based on the Gross Floor Area of the completely enclosed floor below. Update the definition of Gross Floor Area by replacing the word “building” with “a completely enclosed structure.” This does not allow outdoor decks, or similar, to count towards the Gross Floor Area for purposes of determining half stories.
5. Clarify the definition of Street Level to include any point on the first story or level in a building or structure and to clarify what is meant by the term ‘building line’.
6. Clarify that an extra story of height in MX/MS zone districts is only available if, at the location in the building where one desires an extra story, there is also parking.

Division 13.3: Definitions of Words, Terms and Phrases

Substantive

1. Revise the definition of “Flat Roof” to “Low-Sloped Roof” for roofs with slopes no greater than 3:12 (previously 2:12) for consistency with the Building Code definition.
2. Add a definition of “Public Art” to be consistent with the City Charter definition.

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3. Add a definition of “Tunnel/Breezeway” for a previously undefined term. Includes clarification that neither “tunnel” nor “breezeway” are a room, but they represent the same concept in terms of connecting two or more structures with one above ground (breezeway) and the other subterranean (tunnel).
4. Add a definition of “Partial Kitchen” for a previously undefined term. To distinguish between a “Partial Kitchen” and a “Full Kitchen,” “Full” was added to the existing definition of “Kitchen.”

Usability and Clarification

1. Revise definitions of “Trailer” and “Recreational Vehicle” to ensure there is no overlap between the two.

GROUP 8: ENTIRE CODE CLARIFICATIONS / CORRECTIONS

Usability and Clarifications

1. Continue graphic enhancements for all primary building forms other than residential.
2. Replace the images for the Projecting Windows encroachment to accurately show examples of what is allowed.
3. Clarify that references to the former Inclusionary Housing Ordinance (IHO) only apply to projects submitted before the IHO was ended by City Council.