

ARTICLE 1. GENERAL PROVISIONS

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DIVISION 1.1 GENERAL

SECTION 1.1.1 PURPOSE

This Code is enacted to implement Denver’s Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.

SECTION 1.1.2 INTENT

This Code is intended to balance conservation and development by:

- A. Promoting development that maintains Downtown Denver’s preeminence as the region’s economic, civic, and cultural center.
- B. Promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods.
- C. Providing standards for compatible transitions of use, density, building scale and height between existing and new development.
- D. Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics.
- E. Promoting preservation and protection of historic resources.
- F. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.

This Code is intended to achieve design excellence in the built environment by:

- G. Providing building and site design standards that address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- H. Providing circulation and access standards that appropriately balance pedestrian and vehicular needs and result in safe pedestrian environments of the highest quality.
- I. Providing standards for adequate provision of urban services, public amenities, and public spaces that have lasting civic purpose and, through design excellence, create long term value for the community.
- J. Promoting innovative infrastructure, landscape, and building design that advance the function and beauty of the City.

This Code is intended to guide Denver’s prosperous and sustainable future by:

- K. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.
- L. Promoting sustainable building and site design practices.
- M. Promoting diverse and affordable housing options.
- N. Providing standards for interconnected streets and development patterns that support all modes of travel (walking, bicycling, public transit, driving).
- O. Providing standards that maintain safe and healthful water conditions by minimizing impervious cover and controlling erosion, sedimentation and other pollution of surface and subsurface waters.
- P. Promoting conservation of land, energy, and natural resources.

SECTION 1.1.3 APPLICABILITY

1.1.3.1 Jurisdiction

This Code shall apply to all property within the limits of the City and County of Denver.

1.1.3.2 Limitations

A. Limitations on All Land and Structures

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with this Code and upon performance of all conditions herein set forth.

B. Limitations on Sales and Rentals of All Land and Structures

No person and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Code.

C. Limitations on City Agencies

No permit, certificate, license or other document or oral approval, the use of which may be subject to the provisions of this Code, shall be issued by any department, agency or board of the City until the Community Planning and Development shall have certified that the use to be made of the permit, certificate, license, other document or oral approval is in full compliance with the provisions of this Code.

1.1.3.3 Conflicting Provisions

- A. Wherever higher or more restrictive standards are established by the provisions of any other applicable statute or ordinance than are established by the provisions of this Code, the provisions of such other statute or ordinance shall govern.
- B. Nothing herein contained shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are contrary to the provisions of this Code. Nothing in any restrictions established by covenants running with the land shall render inoperative any provisions established in this Code.

SECTION 1.1.4 MINIMUM REQUIREMENTS

This Code shall be deemed the minimum requirements necessary to achieve the intent of this Code.

DIVISION 1.2 ZONE LOTS

SECTION 1.2.1 INTENT AND PURPOSE

The purpose of a Zone Lot is to provide a boundary for a defined area of land to which this Code's regulations for both land uses and structures apply.

SECTION 1.2.2 ZONE LOT REQUIRED

1.2.2.1 Zone Lot Required Prior to Development

1.2.2.2 A separate ground area, herein called a "Zone Lot," shall be designated, provided, and Continuously Maintained for all permitted structures and land uses. Designation shall occur prior to or concurrent with a zoning application required by Article 12, Zoning Procedures and Enforcement.

1.2.2.3 All Zone Lots designated according to this Section shall comply with:

- A. The general standards for all Zone Lots in Section 1.2.3., General Standards for All Zone Lots; and
- B. The minimum Zone Lot standards for at least one building form allowed in the zone district in which the subject Zone Lot is located.

1.2.2.4 Zone Lot for Existing Structures and Uses

The land area occupied by a use, or the building site heretofore designated and occupied by each structure existing on June 25, 2010, shall, for the purposes of this Code, be deemed the Zone Lot for such use or structure. Such Zone Lot shall be Continuously Maintained in accordance with the provisions of this Code for uses or structures in the zone district in which each such use or structure is located. The boundaries and area of a designated Zone Lot may be amended under Section 12.4.4, Zone Lot Amendments.

SECTION 1.2.3 GENERAL STANDARDS FOR ALL ZONE LOTS

1.2.3.1 Public Street Frontage Required

Each Zone Lot shall have at least one Zone Lot line abutting a dedicated named or numbered street.

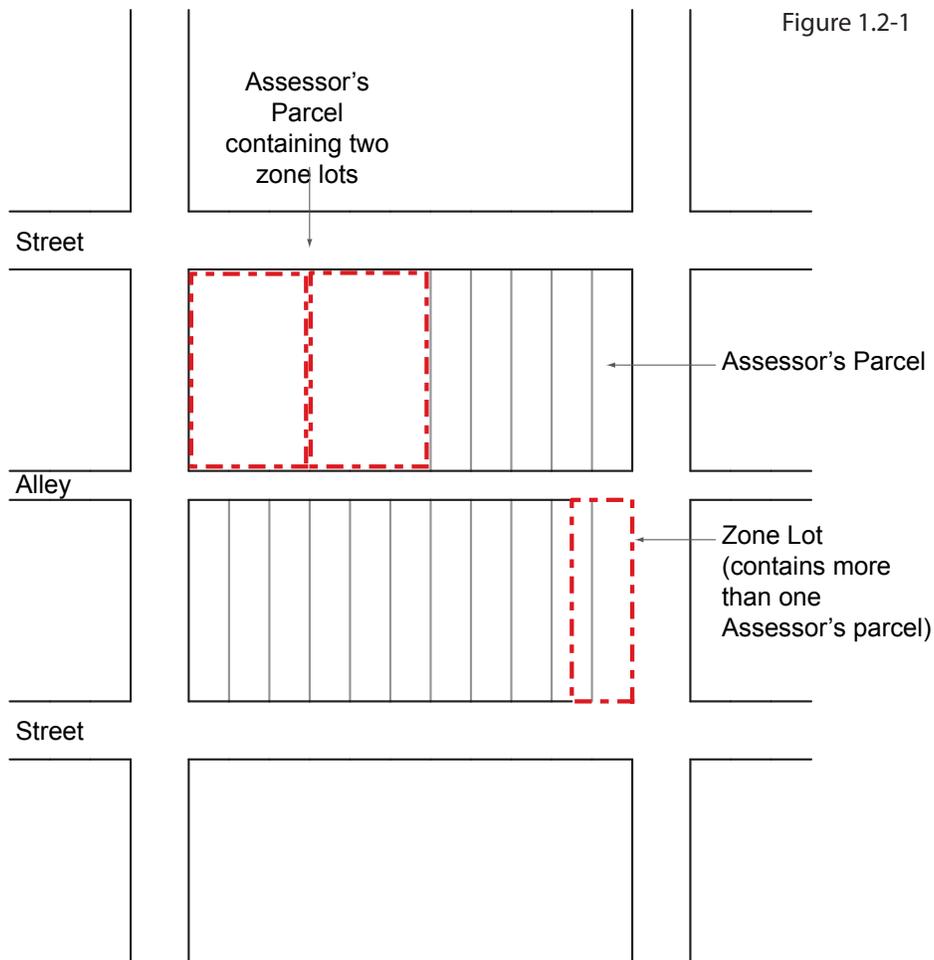
1.2.3.2 Contiguous Land Area Required

A. General Rule - Contiguity Required

1. A Zone Lot shall be composed of contiguous land area and its boundaries shall not cross a public right-of-way (including streets and alleys) unless explicitly allowed in this Code.
2. More than one assessor's parcel and/or portions of one assessor's parcel may make up a Zone Lot. See Figure 1.2-1. Changes in ownership of one or more assessor's parcels underlying a Zone Lot does not affect the status of the Zone Lot.

B. Exception in D-C, D-TD and Campus Zone Districts - Zone Lot May Cross Public Streets

In all Campus Context zone districts and in the Downtown Core (D-C) and Downtown Theater District (D-TD) zone districts, two or more Zone Lots divided by one or more public streets or alleys may be designated as a single Zone Lot. In cases where a single Zone Lot is divided by one or more primary streets or alleys, multiple street frontages within the Zone Lot boundaries shall comply with all building form standards tied to frontage on a primary or side street, including but not limited to build-to standards and Street Level activation standards, unless otherwise specifically exempted by this Code.



1.2.3.3 Limited Allowance for Flag Zone Lots

A. Intent

Creation of a flag zone lot through the zone lot amendment process is intended to accommodate an existing pattern of underlying plats or subdivision that resulted in zone lots that are especially deep and have narrow street frontage. Creation of a flag zone lot is intended to accommodate appropriate development consistent with the subject SU zone district, and to result in a pattern of zone lots compatible with the existing neighborhood context.

B. Applicability

"Flag" zone lots may be permitted only in the SU zone districts.

C. Flag Zone Lot Standards

1. A Flag Zone Lot may be created only through application for a Zone Lot Amendment according to Section 12.4.4, "Zone Lot Amendment," of this Code.
2. A Flag Zone Lot need not comply with the applicable minimum zone lot width standard at the Primary Street zone lot line, provided the proposed Flag Zone Lot complies with the standards stated in this Section 1.2.3.3.C.
3. The existing Zone Lot proposed for amendment must have a minimum of 160 feet of zone lot depth.

4. The resulting Flag Zone Lot shall have a zone lot width of no less than 20 feet at the Primary Street zone lot line.
5. The resulting Flag Zone Lot shall have a minimum width of 50 feet for at least 40 feet of contiguous zone lot depth.
6. The resulting Flag Zone Lot shall meet the minimum zone lot area building form standard, but no portion of the Flag Zone Lot that is less than 30 feet in width may count toward the required minimum zone lot area.
7. The remainder Zone Lot (the Zone Lot that remains after being amended to create the new Flag Zone Lot) shall comply with Section 1.2.3.4.A., "Compliance with Minimum Zone Lot Standards."
8. Before any Flag Zone Lot is approved pursuant to this Section 1.2.3.3, and before any development is allowed on a Flag Zone Lot, the Flag Zone Lot shall be reviewed and approved by the Fire Department, which may impose conditions upon its approval, according to Section 12.4.3, Site Development Plan Review.

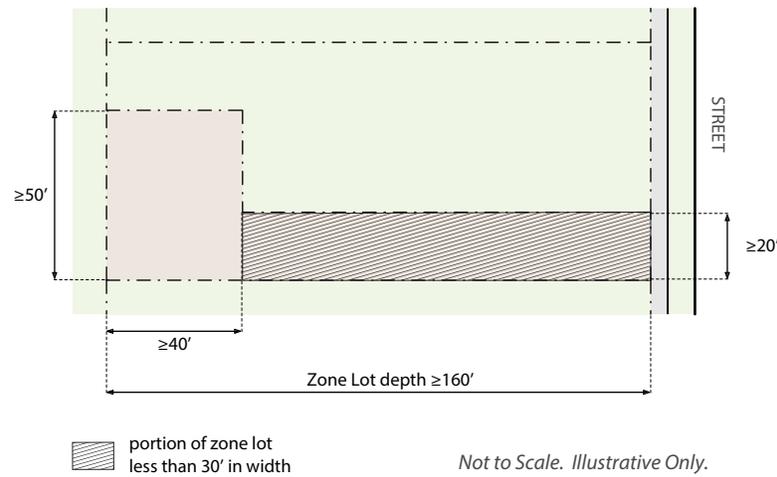
D. Determination of Zone Lot Lines

As part of the approval of a Zone Lot Amendment application that creates a new Flag Zone Lot, the Zoning Administrator shall determine which zone lot lines of the Flag Zone Lot are Primary Street, Side Street, Side Interior, or Rear zone lot lines. As applicable for purposes of applying building form standards regulating height and bulk plane, the Zoning Administrator shall also determine where on the Flag Zone Lot the front 65% and rear 35% of zone lot depth occur.

E. Effect

Both the Flag Zone Lot and remainder Zone Lot shall be considered Conforming Zone Lots.

Figure 1.2-2



1.2.3.4 Compliance with Minimum Zone Lot Standards

Where the building forms allowed in a zone district include minimum Zone Lot standards, such as minimum Zone Lot size or minimum Zone Lot width, compliance with such standards is subject to the following:

A. New Zone Lots

The creation or designation of new Zone Lots (whether through subdivision, through designation of a new Zone Lot, or through amendment of an existing Zone Lot) shall comply with the minimum standards as following:

1. New Zone Lots shall comply with the Zone Lot size and minimum Zone Lot width for at least one primary building form allowed in the subject zone district. Different minimum Zone Lot sizes may apply to different primary building forms allowed in the same zone district.

For example, a Zone Lot is created in the G-MU-3 district after June 25, 2010, and it is 3,000 square feet in size. The Zone Lot is allowed because one of the primary building forms permitted in the G-MU-3, the Urban House form, allows a Zone Lot to be as small as 3,000 square foot. However, while an Urban House form may be developed on that new 3,000 square foot Zone Lot, an Apartment building form could not because, in the G-MU-3 zone district, the Apartment building form requires a Zone Lot no smaller than 6,000 square feet.

2. No new Zone Lot shall contain multiple Zone Districts when one or more of the multiple Zone Districts is a Protected District.

B. Development of Primary Building Forms

Development of an allowed primary building form (e.g., a Row House or Duplex building form) shall occur only on a legally established Zone Lot that complies with the minimum Zone Lot size required for that specific building form. Zone lots that do not comply with the minimum size or width requirements for a specific building form are nonconforming Zone Lots; development on nonconforming Zone Lots shall comply with the standards according to Division 12.10, Nonconforming Zone Lots.

C. Development of Detached Accessory Structures

Development of an allowed detached accessory structure shall occur only on a legally established Zone Lot that complies with the minimum Zone Lot size required for the primary building on the same Zone Lot

D. Development on Nonconforming Zone Lots

An existing legally established Zone Lot that is nonconforming under this Code may be used and developed according to Division 12.10, Nonconforming Zone Lots.

1.2.3.5 Number of Uses and Structures Allowed Per Zone Lot

The following table establishes the number of structures and uses allowed per zone lot:

PRIMARY USES AND STRUCTURES				
Applicable Zone Districts	Applicable Building Forms	Maximum # Primary Uses per Zone Lot	Maximum # Primary Structures per Zone Lot	Specific Requirements
All SU, TU, RH, MU, and RO, Zone Districts, except in M-RH, S-RH and S-MU zone districts or as otherwise allowed in this table	Suburban House, Urban House, and Duplex	1	1	na
All SU and TU Zone Districts, Civic, Public and Institutional Uses	All building forms permitted in the zone district	No Limit on combining multiple permitted primary uses when all such uses are classified as "Civic, Public and Institutional Uses". In addition, one primary use categorized as a "Household Living" use and permitted in the zone district may be combined with one or more Civic, Public and Institutional Uses. For example: In the U-SU-C zone district, an elementary school, place for religious assembly (e.g., church), and a single-unit dwelling use may all be established as primary uses on the same Zone Lot.	No Limit - Subject to Specific Requirements in this table	On a Zone Lot 18,000 square feet or larger in area, where one of the permitted primary uses is classified as a "Civic, Public and Institutional Use", the Zone Lot may be occupied by one or more primary structures.
All SU, TU, RH, MU, and RO Zone Districts	Tandem House	2 - Subject to Specific Requirements in this table	2 - Subject to Specific Requirements in this table	Where permitted, the Zone Lot may be occupied by a Tandem house building form, which is comprised of two primary structures, each containing a primary single-unit dwelling use.
All SU and TU Zone Districts	Carriage House	2 - Subject to Specific Requirements in this table	2 - Subject to Specific Requirements in this table	A Carriage House may be used in its entirety as a Primary Structure containing a single unit dwelling use. See Article 13 for definition of "Carriage House."
All Other Zone Districts	All building forms	No Limit	No Limit	na

ACCESSORY USES AND STRUCTURES		
Applicability	Maximum # Accessory Uses per Zone Lot	Maximum # Detached Accessory Structures per Zone Lot
All Residential Zone Districts	No Limit	No Limit, except detached accessory structures with vehicle access doors, limited to 1 per dwelling unit
All Other Zone Districts	No Limit	No Limit

SECTION 1.2.4 REFERENCE TO OTHER APPLICABLE PROVISIONS

1.2.4.1 Multiple Buildings on a Single Zone Lot

See Division 10.3, Multiple Buildings on a Single Zone Lot.

1.2.4.2 Zone Lot Amendment Procedures

See Section 12.4.4, Zone Lot Amendments.

1.2.4.3 Definition of “Zone Lot”

See Division 13.3, Definitions of Words, Terms and Phrases.

1.2.4.4 Nonconforming Zone Lots

See Division 12.10, Nonconforming Zone Lots.

DIVISION 1.3 OFFICIAL ZONING MAP

SECTION 1.3.1 ADOPTION OF OFFICIAL MAP

The digital maps created and maintained by the Department of Community Planning and Development and published by Technology Services' Geographic Information Systems Office delineating the boundaries of the various zone districts, together with all matters and things shown on such maps, are hereby adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official zoning map of the City and County of Denver ("Official Map"). The Official Map shall be marked pursuant to a system of identification established by Community Planning and Development consistent with this Code.

SECTION 1.3.2 AMENDMENTS TO OFFICIAL MAP

All amendments to the Official Map shall be maintained in and kept current by the Department of Community Planning and Development and made available to the public.

SECTION 1.3.3 INTERPRETATIONS

1.3.3.1 District Regulations to be Uniform

The regulations established in this Code shall apply uniformly to all geographical areas having the same zone district classification and designation on the Official Map.

1.3.3.2 Determination of Zone District Boundaries and Applicable Regulations

A. Zone Lots Less than or Equal to 6,000 Square Feet in Area

If a zone district boundary line divides a zone lot that is less than or equal to 6,000 square feet in area as of the date the zone district boundary line was established such that the zone lot falls within two or more zone districts, then an applicant may select one of the following options to determine the applicable zoning regulations:

1. Each portion of the zone lot may be used in conformity with the regulations applicable to the zone district that such portion falls within; or
2. The entire zone lot may be used in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area; or
3. If the zone lot is divided equally into two zone districts, the applicant may choose to develop the entire zone lot in conformity with the regulations applicable to one of the two zone districts.

B. Zone Lots Greater than 6,000 Square Feet in Area

If a zone district boundary line divides a zone lot that is greater than 6,000 square feet in area as of the date the zone district boundary line was established such that the zone lot falls within two or more zone districts, then each portion of the zone lot shall be developed only in conformity with the regulations applicable to the zone district that such portion falls within, unless one of the following exceptions apply:

1. If a building containing a permitted use exists on the zone lot on the date the zone district boundary line was established and the building is divided by the zone district boundary line, and provided the building is not voluntarily demolished, then an applicant may select one of the following options to determine the applicable zoning regulations: Each portion of the zone lot may be used in conformity with the regulations applicable to the zone district that such portion falls within; or
 - a. The entire zone lot may be used in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area; or

- b. If the zone lot is divided equally into two zone districts, the applicant may choose to develop the entire zone lot in conformity with the regulations applicable to one of the two zone districts.
2. The entire zone lot may be developed in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area if:
 - a. The zone lot will only contain a multi-unit dwelling primary use with no other primary uses; and
 - b. The multi-unit dwelling primary use includes moderately priced dwelling units (MPDUs) pursuant to the mandatory or voluntary provisions of DRMC Article IV, Chapter 27 (Affordable Housing) that have been submitted for approval prior to January 1, 2017; and
 - c. The zone district applicable to more than 50% of the zone lot area allows more dwelling units to be constructed than in the other zone districts applicable to the zone lot.

This provision shall also apply to multi-family owner-occupied or rental residential developments submitted for approval prior to January 1, 2017 that include a higher percentage of MPDUs than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing) and to multi-family residential development submitted for approval prior to January 1, 2017 that includes housing affordable to households at a lower adjusted medium income than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing).

- C. If for any reason the location of any zone district boundary line is not readily determinable from the official map, the location of the zone district boundary line shall be fixed by the Department of Community Planning and Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:
 1. Where a zone district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control;
 2. Where a zone district boundary line is given a position within a street or alley right-of-way or channelized waterway, the zone district boundary line shall be deemed to be in the center of such street or alley right-of-way or channelized waterway;
 3. Where a zone district boundary line is shown as approximately following platted lot lines, the zone district boundary line shall be deemed to coincide with such platted lot lines;
 4. Where a zone district boundary line is shown by a specific dimension, such specific dimension shall control;
 5. Where a zone district boundary line extends in the direction of the length of a block, the zone district boundary line shall be deemed to coincide with the center line of such block;
 6. Where a zone district boundary line divides a platted lot or crosses unsubdivided property, the location of the zone district boundary line shall be fixed from the scale of the official map.

1.3.3.3 Access Across Zone Lots With Different Zone Districts

- A. Notwithstanding the provisions of subsections 1.3.3.2.A and 1.3.3.2.B, access across Zone Lots that are in different zone districts shall be governed by this Section 1.3.3.3. In order to promote appropriate development in all zone districts, access across a Zone Lot to another Zone Lot with a different zone district classification is permitted, except that access to a Zone Lot not located in a residential district across a Zone Lot located in a residential district shall not be permitted unless the Zoning Administrator determines that:

1. Such access is compatible, or could be made compatible with any existing or allowed uses on the Zone Lot in the residential district; and
 2. Traffic, noise, pollution and other impacts of such access are or can be mitigated.
- B. The Zoning Administrator may impose conditions on the approval of such access in order to ensure that the impacts of traffic, noise, pollution and other external effects of such access are mitigated so as to protect the residential character of the Zone Lot located in a residential district. If the use of the Zone Lot not located in a residential district changes so as to alter the access or otherwise impact the use of the Zone Lot located in the residential district, the Zoning Administrator may terminate the right to access the Zone Lot not located in a residential district across the Zone Lot located in the residential district or may impose additional conditions on the continued access. All other provisions of the district in which each such Zone Lot is located shall apply. An owner requesting such access shall file a request with the Zoning Administrator and the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice (ZPIN), shall be followed.

1.3.3.4 Necessity for District Designation

- A. It is the intent of this Code that all lands within the boundaries of the City and County of Denver shall have a zone district designation. However, nothing herein prohibits one or more overlay districts to be used in conjunction with another of the enumerated districts.
- B. If for any reason any land within the boundaries of the City and County of Denver shall be determined not to be within one of the aforesaid districts or shall be determined not to validly bear one of the aforesaid zoning designations, whether such determination results from annexation, from judicial declaration or from any other reason or cause, no permits shall be issued for the erection or alteration of any structure or structures within the area found wanting in classification until a zoning classification has been established therefore by the City Council. A zoning classification shall be established promptly and within a reasonable period of time; provided, however, that if a zoning classification is not established within 90 days from the date on which an area is determined to be in want of a classification, the site shall be considered part of the Open Space C (OS-C) District until such time as a zoning classification is established.

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