

GUIDE TO DEVELOPMENT ON CARRIAGE LOTS UNDER THE DENVER ZONING CODE

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PURPOSE

This guide is intended to provide additional clarity for general application of the zoning code related to development on “Carriage Lots,” according to DZC 12.10.4, *Development on Carriage Lots*, and more specifically, the following provisions:

1. Sections 12.10.4.3.A through 12.10.4.3.E related to standards for detached accessory structures on Carriage Lots;
2. Section 12.10.5, related to prohibitions on zone lot amendments for nonconforming zone lots, including Carriage Lots; and
3. Section 12.10.4.2 related to the ZPIN process which applies to all new development on a Carriage Lot.

APPLICABILITY

This guide applies to proposed development of a Detached Accessory Dwelling Unit (“DADU”) building form or a Detached Garage building form on a Carriage Lot or portion of a Carriage Lot.

DEFINITIONS OF KEY TERMS – DENVER ZONING CODE

From Denver Zoning Code, Division 13.3:

Carriage Lot: A parcel of land completely surrounded by alleys in the center of a block and which has no public street frontage on a named or numbered street. A “carriage lot,” by definition, is a nonconforming zone lot for failure to comply with this Code’s requirement that all zone lots have frontage on a named or numbered public street. See “Zone Lot, Nonconforming.”

Alley: A public way that is less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments.

Structure, Accessory: A subordinate structure located on the same zone lot with the primary building, structure, or use, and which is incidental and customary to the primary building, structure, or use. Accessory structures include man-made structures with walls and roofs, along with man-made structures with no walls or no roofs, including, but not limited to detached garages, fences, walls, gazebos, decks and patios.

Zone Lot, Nonconforming: A zone lot that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform with either:

1. The present minimum zone lot size or minimum zone lot width requirements for any of the building forms permitted in the zone district in which the zone lot is located; or
2. The minimum requirements for a zone lot, as stated in Article 1, Division 1.2, Zone Lots, of this Code.

THE DEFINITION OF "CARRIAGE LOT"

As noted above, the Denver zoning codes define "Carriage Lot" as: "A **parcel of land** completely surrounded by alleys in the center of a block and which has no public street frontage on a named or numbered street" (emphasis added).

For purposes of applying the intent of the Denver zoning codes to allow limited development on pre-existing Carriage Lots in Denver, the word "parcel" in the phrase "parcel of land" is interpreted to mean simply a tract or plot or piece of land. The word "parcel" in the phrase "parcel of land" is thus given its generic dictionary definition, and does not refer exclusively to real property legally defined or described per Denver laws as the basis for assessing property taxes (also known as an assessor parcel).

Please note that the definition above specifies that the Carriage Lot must be surrounded by public alleys on all sides. If the parcel of land in question is bordered by a private alley or by a vacated alley on one or more sides, it is not a Carriage Lot. It may, however, be a nonconforming zone lot. See example #3 below.

USES ALLOWED ON A CARRIAGE LOT

A Carriage Lot is a unique configuration of land in Denver and has historically been strictly limited as to the range of permitted use and activity, primarily to control for potential adverse impacts on surrounding land uses.

Consistent with the above intent, the only two zoning land uses that may be permitted on a Carriage Lot, per DZC Section 12.10.4, are:

1. Accessory noncommercial parking of vehicles inside a completely enclosed structure; and
2. Accessory dwelling unit (ADU).

All other accessory zoning uses listed in the applicable zone district Use and Parking Table are NOT allowed on a Carriage Lot. This includes, but is not limited to, the following uses typically accessory to a primary residential use:

1. Accessory short-term rentals.
2. Accessory home occupations.
3. Unenclosed accessory uses.
4. Accessory second kitchens.
5. Accessory yard/garage sales.
6. Accessory vehicle repair and maintenance.
7. Accessory residential outdoor storage.
8. All other unlisted accessory uses.

Any other floor area/space contained within an otherwise permitted detached accessory structure on a Carriage Lot may not be used for any other purpose than for permitted vehicle parking or ADU use.

HOW TO DETERMINE POSSIBLE CARRIAGE LOT DEVELOPMENT SCENARIO – A STEP-BY-STEP ANALYSIS

Development Scenario: Customer has an inquiry or proposal for development on a piece of land that is internal to an existing city block – i.e., the piece of land is not bounded by a named or numbered public street.

STEP #1 – IS THE LAND AT ISSUE A “CARRIAGE LOT”?

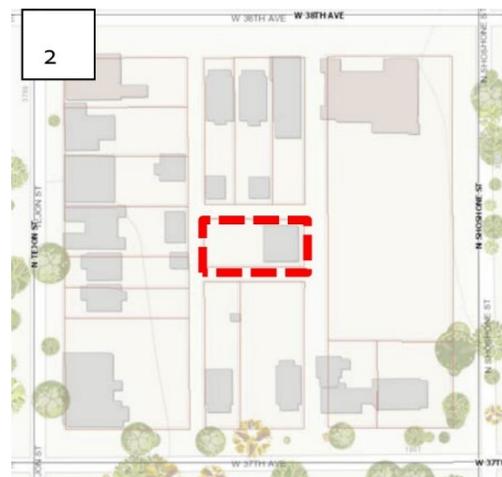
ASK: Is the land at issue a contiguous piece of land surrounded by public alleys on all sides?

There are only 2 answers possible: Yes or No.

- If answer is Yes, then the area of land is a “carriage lot.”
- If answer is No, then the area of land is NOT a “carriage lot” (and it’s something else; e.g., a nonconforming zone lot).

EXAMPLES:

YES –CARRIAGE LOTS – PARK HILL



*Examples 1 & 2 above – Yes – Carriage lots.
Both pieces of land are surrounded by public
alleys on all 4 sides.*

NO – NOT CARRIAGE LOT – PUBLIC ALLEYS VACATED – NOT SURROUNDED ON 4 SIDES BY ALLEYS – PARK HILL



Example 3 at left (red-dotted land) is NOT a carriage lot because the piece of land is not surrounded by public alleys on all 4 sides. It is, however, a nonconforming zone lot, containing a legally established home dating from before 1956, because the zone lot does not have the required frontage on a named/numbered public street.

STEP #2: ANALYZE THE LAND USE & STRUCTURE HISTORY WITHIN THE CARRIAGE LOT – ARE THERE ZONE LOTS WITHIN THE CARRIAGE LOT?

Assuming the subject land is a Carriage Lot (see Step #1 above), the history of building development and land use as of November 8, 1956, is critical to discover, because November 8, 1956 is when Denver adopted the “zone lot” concept in Former Chapter 59 (“FC59”), and all Carriage Lots in Denver pre-date 1956.

Under FC59, zone lots were “recognized” as the actual land area occupied by a use or building site in existence as of FC59’s adoption date: November 8, 1956. See FC59, Sec. 59-25. CPD is authorized to determine what the zone lot is for a structure or use operating or existing prior to November 8, 1956. See definition of “zone lot” in FC59, Sec. 59-2(322).

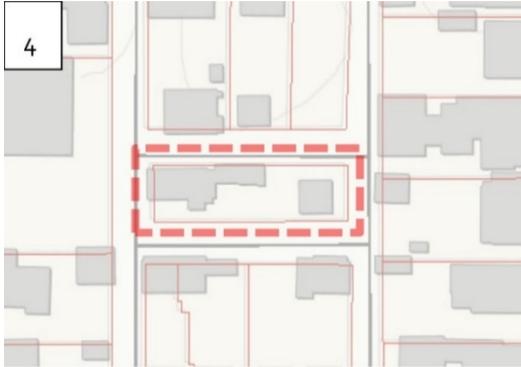
RESEARCH TO DO:

1. Research permitting history: zoning or building permits.
 - a. NOTE: Confirm whether any zoning permits on file document previous zoning administration recognition of the Carriage Lot as a zone lot.
2. Research land division history: Subdivision, ownership, parcel reconfigurations, zone lot amendments.
3. Check Assessor’s cards and Sanborn maps.¹

¹ As of the date of this guide, the City Assessor maintains a database of master parcel records (MPR) on the shared “Assessment” computer drive. The [MPR](#) can provide a snapshot of the subject land’s parcel schedule number, legal description, and chain of title leading up to the year 1956.

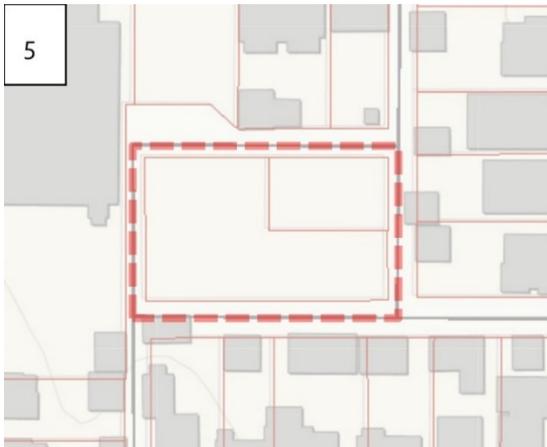
POSSIBLE RESEARCH OUTCOMES

Outcome A: The entire Carriage Lot is one zone lot & one assessor parcel.



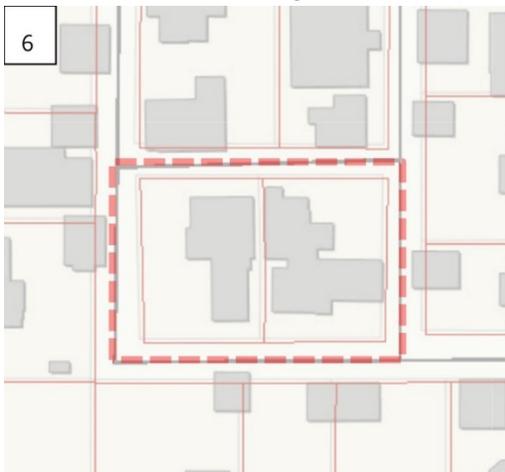
Example 4: The interior lot at left is a "Carriage Lot" comprised of only 1 zone lot and 1 assessor (ownership) parcel. CPD recognizes the building site as a zone lot for this single-family home constructed in 1910 (well before November 1956).

Outcome B: The Carriage Lot is comprised of one zone lot and multiple assessor parcels.



Example 5: The vacant interior land at left is a "Carriage Lot" comprised of 2 assessor (ownership) parcels. Because the land is vacant, and has been vacant since before 1956, CPD has never recognized the Carriage Lot as a zone lot. If the owner of the Carriage Lot (it has one owner – an adjacent church) were to propose new development on this land, CPD would at that point recognize it as both a Carriage Lot and single (1) zone lot.

Outcome C: The Carriage Lot is comprised of multiple zone lots and multiple assessor parcels.



Example 6: The interior land at left is a "Carriage Lot" comprised of 2 zone lots and 2 assessor's (ownership) parcels. Each of the 2 parcels were under separate ownership as of November 8, 1956, and the residential structures on each parcel were constructed before November 8, 1956. (Both homes were both constructed in 1916).

STEP #3: DETERMINE WHAT RULES APPLY TO DEVELOPMENT ON A CARRIAGE LOT

GENERAL RULE

If the land at issue is a Carriage Lot, then the rules for Carriage Lots in DZC Section 12.10.4 apply. (Examples 1, 2, 4, 5, and 6 above). See also the clarification of applicable code provisions below.

- The Carriage Lot rules in 12.10.4 and 12.10.3 apply to development on all zone lots contained in a single Carriage Lot. In Example 6 above, the Carriage Lot rules in 12.10.4 will apply to each of the 2 zone lots contained within the larger Carriage Lot.
- If the land at issue is not a Carriage Lot, then rules for nonconforming zone lots in DZC Section 12.10.3 rules apply. See Example 3 above.

EXCEPTION TO GENERAL RULE

The exception to the general rule that Section 12.10.4 rules apply to development on a Carriage Lot is when a legally established primary Dwelling Unit use exists on the Carriage Lot. In that limited case, DZC Section 12.10.3 applies instead of Section 12.10.4, but only in the case of *involuntary demolition* of the structure containing the dwelling unit use (e.g., accidental destruction by fire). The Section 12.10.3 rules that apply in this exception include an allowance to re-build a new **primary** structure meeting all applicable building form standards in the zone district, without losing the right to maintain the primary Dwelling Unit use. In comparison, after *voluntary demolition* of a primary dwelling on a Carriage Lot, the only uses permitted will be an accessory dwelling unit in a DADU building form or vehicle parking in an enclosed detached garage building form.

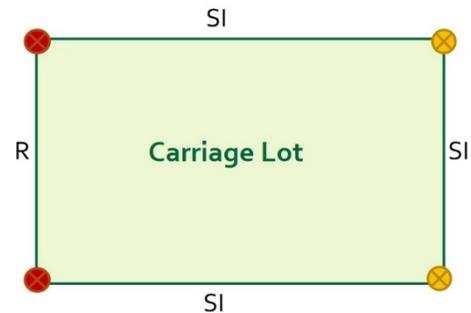
STEP #4: DETERMINE ZONE LOT LINES FOR ALL ZONE LOTS WITHIN THE CARRIAGE LOT

A Carriage Lot is an interior zone lot (not a corner lot). Per the rules in DZC, Article 13, Section 13.1.5.2.B.1.e (determination of zone lot lines for zone lots with unique conditions), the Zoning Administrator determines the zone lot lines using the criteria found in Section 13.1.5.2.A.3.

Because none of a Carriage Lot's zone lot lines abut public streets, the only flavors of zone lot line a Carriage Lot and/or the zone lots in a Carriage Lot can have are "Side Interior" and "Rear." The determination should consider where the most appropriate place for building setbacks and 2nd-story decks should be on the Carriage Lot/zone lot(s), given the context of existing building orientation, bulk, mass, and scale on the surrounding block. It is acceptable that the determination results in more than 1 rear zone lot line for a carriage lot.

When determining the zone lot lines for a zone lot within a Carriage Lot, staff should also determine the points of measurement for the 2 base planes (front and rear) that will be used for all structure height and bulk measurements. The rules for determining the base planes are in DZC, Section 13.1.2.2 for residential zone districts. After setting the originating points for the *rear* base plane (where the rear zone lot line intersects the side interior zone lot lines – see red points on illustration below), the remainder of the zone lot not covered by the rear base plane will be covered by the front base plane. The Zoning Administrator (staff) has discretion to set the originating points of elevation for the front base plane in the case of a Carriage Lot (see 13.1.2.2.B.1.b.). One option would be to set the origination points of elevation for the front base plane at the end points of the side interior zone lot line directly opposite the rear zone lot line (the yellow points shown on illustration below).

Practice Tip: A good time to provide a determination of Carriage Lot zone lot lines and base plane measurement points is during the mandatory pre-application meeting with the applicant for the ZPIN review process. This pre-app meeting is required for all development on a Carriage Lot. See below for more details.



CODE PROVISIONS REGARDING DEVELOPMENT ON CARRIAGE LOTS - DZC SECTIONS 12.10.4 AND 12.10.5

DZC 12.10.5: CARRIAGE LOT AMENDMENTS ARE LIMITED

DZC Section 12.10.5 is applicable to all nonconforming zone lots, including Carriage Lots. It states:

"A nonconforming zone lot shall not be further amended or have its boundaries altered in any manner that would compound, increase, or extend the nonconforming characteristics of the zone lot."

ZONE LOT AMENDMENTS TO CREATE NEW, ADDITIONAL ZONE LOTS ARE PROHIBITED

A Carriage Lot may be comprised of one or multiple zone lots. Regardless of the number or configuration of recognized zone lots within the Carriage Lot, Section 12.10.5 states clearly that such nonconforming zone lot(s) cannot be amended to create new, additional zone lots because that would be compounding, increasing, or extending the nonconforming characteristics of the zone lot. Put another way, creating more developable building sites (zone lots) within a Carriage Lot would be moving the land further away from compliance with zoning rules requiring zone lots to have frontage on a named or numbered public street. See also DZC, Section 12.4.4.3.B.1: A zone lot amendment shall not result in the creation of a new Nonconforming Zone Lot.

ZONE LOT AMENDMENTS TO MERGE MULTIPLE ZONE LOTS WITHIN A CARRIAGE LOT ARE ALLOWED

A Carriage Lot may be comprised of one or multiple zone lots. When comprised of multiple zone lots (see Example 6 above), Sec. 12.10.5 would allow an amendment to merge and combine zone lots within the Carriage Lot because that would reduce the extent of nonconformance by reducing the development potential for a piece of land (the Carriage Lot) with no frontage on a named or numbered public street.

THE CREATION OF NEW PARCELS, OR THE MERGER OF EXISTING PARCELS, WITHIN THE CARRIAGE LOT IS ALLOWED

While zone lot amendments to create new, developable zone lots within a Carriage Lot are not allowed, there are no similar limitations on the right to create new assessor/ownership parcels within a Carriage Lot. Accordingly, CPD cannot control the creation of new parcels, nor the merger of existing parcels, on any piece of land in Denver, including Carriage Lots.

While the creation of multiple parcels within a Carriage Lot (typically with the intent to sell) may lead to future complications in construction and use of structures on the Carriage Lot, current law allows a Carriage Lot owner to take such action. To the extent CPD becomes aware of a person's intent to create new parcels in a Carriage Lot (e.g., through a new DAD address request), best practice suggests contacting the current Carriage Lot owner (and zoning permittee, if a zoning permit has been issued for use of a structure on the Carriage Lot), and advising them of the limitations on ownership and residency attached to use of a Carriage Lot, and the fact that a transfer of ownership of the Carriage Lot, or any portion thereof, may result in termination of a previously permitted use of the Carriage Lot.

APPLICATION OF THE ZONING CODE WHEN ONE OR MORE OF THE PUBLIC ALLEYS ABUTTING A CARRIAGE LOT IS VACATED

An alley vacation is an action taken by the Denver City Council, via ordinance, to divest the city's ownership of the alley right-of-way, and to revert the alley land to private ownership and private purposes. Typically, CPD does not have a formal role in reviewing alley vacation requests, although there is an informal business practice in place where Public Works sends alley vacation requests to CPD Development Services staff for review and comment before the Public Works' final recommendation to approve or deny the vacation request.

In a block with a Carriage Lot at its center, when one or more of the surrounding public alleys is vacated, the Carriage Lot loses its status as a "Carriage Lot" because it will no longer be surrounded by public alleys (and, therefore, will no longer meet the definition of "Carriage Lot" in the DZC). Instead, because the zone lot will still lack frontage on a named or numbered public street, the Carriage Lot will become a "Nonconforming Zone Lot."

Applicable rules for development on the Nonconforming Zone Lot after an alley vacation will be governed by DZC, Section 12.10.3 (instead of the rules for development on Carriage Lots in Section 12.10.4). Upon approval of a Zone Lot Amendment, this will typically result in one, single (and very deep) conforming zone lot, which likely brings all the land on the subject block into full compliance with

current zoning. This optimum outcome will be most easily accomplished when ownership of all the affected properties – the conforming zone lot with street frontage, the vacated alley land, and the previous Carriage Lot – are all owned by the same person.

However, it is possible that ownership of a portion of the vacated alley land may revert to the Nonconforming Lot (previous Carriage Lot) owner², who may be different than the owner of the adjacent conforming zone lot with street frontage. When that happens, the owner of the vacated alley land may amend the boundaries of the Nonconforming Zone Lot (previous Carriage Lot) to include the vacated alley land, and staff may continue to apply the Nonconforming Lot development rules in Section 12.10.3.³ See DZC, Section 12.4.4.3 (review criteria for zone lot amendments) allowing an amendment when there is an intervening public action to vacate, even though the result of the amendment would be an increase in the extent of an existing zone lot nonconformity (i.e., increasing the developable land area within a nonconforming zone lot – the previous Carriage Lot).

APPLICANTS FOR DEVELOPMENT OF CARRIAGE LOTS – OWNERSHIP & RESIDENCY REQUIREMENTS

DZC 12.10.4.3.A., Ownership of the Subject Carriage Lot, states:

"The applicant shall be the owner of the subject Carriage Lot or portion thereof, and shall have their principal residence located in the block surrounding the subject Carriage Lot or portion thereof. The granting of the zoning permit shall be personal to the applicant."

The applicant⁴ in the provision above is applying for development on the Carriage Lot (establishing a use, such as parking, or constructing a new detached accessory structure). Because of the very specific nature of the Carriage Lot ownership and residency requirements in this Section 12.10.4, it is important that an application for development on a Carriage Lot contain sufficient evidence of ownership and residency for staff to make a finding that the application complies with DZC 12.10.4.3.A cited above.

The person who owns and controls the Carriage Lot is the only person to whom a zoning permit for an allowed Carriage Lot use may be issued. That same person must have their primary residence located in a primary dwelling unit located in the block surrounding the Carriage Lot. A permit for ADU use or Vehicle Parking use on a Carriage Lot may NOT be issued to the Carriage Lot owner who intends to use the ADU dwelling unit on the Carriage Lot as their primary residence.

² In most alley and other right-of-way vacation actions, the general rule is that each abutting private property owner automatically gets title to 50% of the vacated ROW land. This general rule can be trumped by the vacation ordinance specifying a different allocation.

³ When a public alley is vacated, and no zone lot amendment follows, all or some part of the vacated alley land will remain outside the recognized boundaries of any zone lot. Any land not included in a zone lot is undevelopable land per zoning, meaning the owner of such vacated alley could not legally establish any permanent use on it, nor erect any structure or install any other man-made improvement on it.

⁴ The Denver Zoning Code defines "Applicant" as: "The owner or any other person with a recognized interest in the land for which development is proposed, or an authorized agent. The City may also be considered an applicant."

DEFINITION OF “PRINCIPAL RESIDENCE” IN DZC, SECTION 12.10.4.3.A

For purposes of administering DZC, Section 12.10.4.3.A, the term “principal residence” shall have the same meaning as the term “primary residence” used in Section 11.8.10 (Short-Term Rentals), which in turn incorporates by reference the following definition of “primary residence” in D.R.M.C., Chapter 33:

“Primary residence means a residence which is the usual place of return for housing as documented by at least two of the following: motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill. A person can only have one primary residence.”

“PRINCIPAL RESIDENCE” MUST BE IN A PERMITTED PRIMARY SINGLE UNIT DWELLING USE ON THE SURROUNDING BLOCK

The “principal residence” as defined above must be in a permitted primary, single-unit dwelling use located on the block surrounding the subject Carriage Lot. In other words, a “principal residence” may not occur in an accessory residential use located on the surrounding block or within a two unit use.

More specifically:

1. A permit for accessory uses allowed on a Carriage Lot may not be issued to a person who maintains their principal residence on the same block as part of a permitted accessory use, such as a resident of a rooming and boarding house established by a home occupation zoning permit.
2. Compare the scenario in paragraph 1 to a person who maintains their principal residence in a primary single-unit dwelling on the same block by leasing such unit from the owner. In this case, this person is maintaining the primary single-unit dwelling use as their principal residence and is not living there as part of a permitted accessory use. If that tenant happens to own the Carriage Lot, a permit for accessory uses on the Carriage Lot may be issued to such tenant as “applicant”. Please note that this scenario, while theoretically possible, is unlikely to occur in reality.
3. Given above, a permit for an ADU use on the Carriage Lot may not be issued to a person who owns the Carriage Lot and intends to move their principal residence from a primary single-unit dwelling they own on the surrounding block to the ADU use on the Carriage Lot. The applicant for an ADU use on a Carriage Lot must maintain their primary residence in the primary single-unit dwelling they own on the surrounding block. In other words, a person who owns a single-unit dwelling on the surrounding block, who maintains that dwelling as her primary residence, cannot move out and lease the primary single-unit dwelling to someone else and still legally hold a zoning permit for an ADU use on the Carriage Lot she also owns. Technically, this scenario could result in an order to vacate the ADU use.

SUBMITTAL REQUIREMENTS TO PROVE COMPLIANCE WITH OWNERSHIP & RESIDENCY REQUIREMENTS

Submittal documents shall include a **WRITTEN NARRATIVE** from the owner of the Carriage Lot. This written narrative shall be in (1) a letter format, and (2) prominently included on construction plan documents. The narrative shall include sufficient evidence of compliance with DZC Sections 11.8.2 and 12.10.4.3.A (see above), and at a minimum shall include the following items:

1. **Legal descriptions and addresses** of the Carriage Lot and the associated principal single-unit dwelling residence on the surrounding block, and information detailing whether the owner of Carriage Lot also owns the associated principal residence on the block surrounding the Carriage Lot.
2. The applicant shall provide **evidence of principal residency** in the identified single-unit dwelling residence on the surrounding block (regardless of such residence's ownership) by providing legible copies of at least two of the following (all documents must be valid and current – not expired): motor vehicle registration, driver's license, Colorado state identification card, voter registration, tax documents, or a utility bill.
3. For a **proposed DADU structure and use located in a SU zone district**, construction and use shall only be approved in compliance with DZC, Section 11.8.2.2 (use limitations on ADU uses in a SU Zone District) when evidence provided indicates: (a) the applicant owns both the Carriage Lot and the primary residence; (b) the principal residence on the block surrounding the Carriage Lot is a primary single unit dwelling use; and (c) the applicant has their primary residence located in a primary dwelling unit located in the block surrounding the Carriage Lot, (not in the proposed DADU on the Carriage Lot).
4. For a **proposed DADU located in a zone district other than SU**, construction and use shall only be approved when evidence provided indicates the applicant's principal residence on the block surrounding the Carriage Lot is in a primary single unit dwelling use, per DZC, Section 11.8.2.1.
5. A **statement** clearly expressing that the applicant, as the Carriage Lot owner, understands:
 - a. The zoning permit authorizes construction and use of an Accessory Detached Garage or Detached Accessory Dwelling Unit on the Carriage Lot (as applicable);
 - b. The use approval is personal to the Applicant (may not be transferred); and
 - c. The use approval expires at such time when the Applicant no longer either has their principal residence on the block surrounding the Carriage Lot, or upon the sale or transfer of ownership of the Carriage Lot.

Staff may require that this statement also be submitted as a separate **notarized acknowledgement**, in a form acceptable to the City, and capable of being recorded against the subject Carriage Lot property. Please see sample Affidavit at the end of this document.

ACCESSORY STRUCTURE USE AND BUILDING FORM STANDARDS APPLICABLE TO DEVELOPMENT ON A CARRIAGE LOT

ACCESSORY DWELLING UNIT USE OF A STRUCTURE ON A CARRIAGE LOT – COMPLIANCE WITH DZC SECTION 11.8.2 LIMITATIONS ON ADU USE

DZC, Section 12.10.4.3.B, “Accessory Dwelling Unit Use of Detached Structure,” states:

“The detached accessory structure [on a Carriage Lot] may be used for an accessory dwelling unit provided such accessory dwelling unit use is permitted in the applicable zone district, and provided the proposed accessory dwelling unit use complies, to the maximum extent feasible, with the accessory dwelling unit standards in Section 11.8.2 (Limitations on Accessory Dwelling Unit Uses), except as stated in this Section 12.10.4.3.”

DZC SECTION 11.8.2.1.B: ALL ZONE DISTRICTS - GENERAL BUILDING REQUIREMENTS (FOR ADUs)

DZC Section 11.8.2.1 applies to accessory dwelling unit uses in all zone districts. DZC 11.8.2.1.B.2, under General Building Requirements, as applied to Carriage Lots, should be read in conjunction with DZC Section 12.10.4 such that the language in bold font may be included, as follows:

1. “Accessory Dwelling Units established in a detached accessory structure on a Carriage Lot shall comply with the Detached Accessory Dwelling Unit building form standards in the applicable zone district, **except that compliance with standards for minimum zone lot area and setbacks is not required. Instead, the minimum zone lot area and setback requirements in DZC Section 12.10.4.3.C. shall apply, as further clarified below.**”

DZC SECTION 11.8.2.2: ALL SU ZONE DISTRICTS – LIMITATIONS ON ADU USES

DZC 11.8.2.2 applies solely to accessory dwelling unit uses in SU districts and, as applied to development on a Carriage Lot, should be read in conjunction with DZC Section 12.10.4 such that the language should read as follows:

1. The written narrative required for documentation of ownership and residency, per DZC 12.10.4.3.A (see Clarification above), shall include sufficient information to confirm compliance with ADU use limitations in an SU zone district stated in DZC, Section 11.8.2.2.

DZC SECTION 12.10.4.3 COMPLIANCE WITH BUILDING FORM STANDARDS

DZC Section 12.10.4.3 includes the following provision, in Sec. 12.10.4.3.C, to guide development of an ADU use and building on a Carriage Lot under the Denver Zoning Code’s building form standards:

“A detached accessory structure on a Carriage Lot shall comply with the applicable zone district building form standards for either a Detached Garage or a Detached Accessory Dwelling Unit building form, except that such structure shall comply with the following lot area and setback standards instead of the otherwise applicable building form standards.”

"1. Minimum Lot Area: The Carriage Lot or portion thereof used for the detached accessory structure shall be at least 25 feet wide at the alley line and shall contain not less than 1,000 square feet in area."

"2. Setbacks: Detached accessory structures shall set back from the alley line the minimum distance necessary to provide a total alley or aisle width of 20 feet for structures that are entered or accessed directly from the alley, and shall set back not less than 5 feet from every other boundary line of the Carriage Lot or portion thereof."

As applied to development on a Carriage Lot, DZC 12.10.4.3.C, Compliance with Building Form Standards, means the following:

1. The following Detached Garage and Detached Accessory Dwelling Unit ("DADU") building form standards shall NOT APPLY to detached structures on a Carriage Lot, based upon the Zoning Administrator's finding that such form standards are not applicable to the special circumstances presented by development on a zone lot within a nonconforming Carriage Lot (per DZC Sections 12.10.4.3.C.1 and C.2):

Siting Form Standards – DADU Building Form – Not Applicable to Carriage Lot Development:

- a. Zone lot size (min);
- b. The Exemption from Maximum Building Coverage;
- c. Setbacks (see DZC Section 12.10.4.3.C.2 for specific setback requirements that apply to detached accessory structures on a Carriage Lot or portion thereof);
- d. Requirement for location of detached accessory structure in rear 35% of zone lot; and
- e. Setback location requirement for detached accessory structure exceeding 1 story or 17 feet in height.

Siting Form Standards – Detached Garage Building Form – Not Applicable to Carriage Lot Development:

- f. The Exemption from Maximum Building Coverage;
- g. Setback from Primary Street Facing Façade of Primary Structure;
- h. Setbacks (see DZC Section 12.10.4.3.C.2 for specific setback requirements that apply to detached accessory structures on a Carriage Lot or portion thereof);
- i. Allowed number of primary street facing vehicular access doors in the front 50% of the lot depth: and
- j. Cumulative width of all primary street facing vehicular access doors in the front 50% of the lot depth.

2. The following building form standards SHALL APPLY to detached structures on a Carriage Lot:

- a. All Height Form Standards;
- b. Siting Form Standards not otherwise specified as not applicable in paragraph 1 above;
- c. All Design Element Form Standards; and
- d. All Use Form Standards.

DZC SECTION 12.10.4.3.D – HOW OTHER APPLICABLE REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES APPLY TO CARRIAGE LOTS

DZC, Section 12.10.4.3.D, Other Applicable Requirements, states:

"Detached accessory structures [on a Carriage Lot] shall comply with this Code's other applicable requirements for the use, location, size and operation of detached accessory structures for the zone district in which it is located."

As referenced in DZC Section 12.10.4.3.D, "other applicable requirements" (per zone district) include, per this clarification and interpretation, the context-specific standards in Articles 3-9 specifically referenced below:

SUPPLEMENTAL DESIGN STANDARDS & EXCEPTIONS – SECTIONS 5.3.5 THRU 5.3.7 AND SIMILAR PROVISIONS IN ARTICLES 3-9

The following building form standard alternatives and exceptions, and supplemental design standards, shall be applied to development on a Carriage Lot under Section 12.10.4.D:

Rooftop and/or Second Story Decks (Section 5.3.5.2 and similar) shall apply to detached accessory structures built on a Carriage Lot.

Height Exceptions (Section 5.3.7.1 and similar) allowed in the subject zone district shall apply to detached accessory structures built on a Carriage Lot.

Setback Exceptions – Permitted Setback Encroachments (Section 5.3.7.3 and similar) allowed in the subject zone district, for the type of building form proposed, are available to development of detached accessory structures on a Carriage Lot. For example, if a setback exception applies to "all building forms," that exception is available for development of a permitted Detached Garage or DADU building form proposed on the Carriage Lot.

NOTE: If a specific Denver Zoning Code context-based standard found in Articles 3-9 is not referenced above, or made applicable in another section of this document, then such standard shall NOT apply to development on a Carriage Lot unless the Zoning Administrator makes a specific finding, based on Section 12.10.4.3.D above, that the standard shall apply.

MAXIMUM BUILDING COVERAGE – SECTIONS 5.3.4.3.A.1 AND SIMILAR PROVISIONS IN ARTS 3-9

Maximum Building Coverage on the Carriage Lot shall be limited to the maximum building coverage allowed in the same neighborhood context for the Urban House building form. See, for example, DZC Section 5.3.4.3.A.1, Additional Standards for Detached Accessory Structures in All [Urban U-] Zone Districts – Building Coverage.

1. Typically, building coverage by all structures on a Carriage Lot will be limited to a maximum of 37.5% per the Urban House primary building form in the E- and U- neighborhood context zone districts, and 50% per the Urban House primary building form in the G- neighborhood context zone districts.

2. Building coverage is applied to the subject zone lot within the Carriage Lot. If there are multiple zone lots within a Carriage Lot, the building coverage standard is applied separately to each individual zone lot.
3. No exceptions to the maximum building coverage standard are allowed for detached accessory structures on a Carriage Lot. This means no percentage (%) or square feet credit toward building coverage shall be allowed for construction of a detached garage or DADU building form, or for the provision of a Front Porch on any such structure.

MAXIMUM NUMBER OF DETACHED ACCESSORY STRUCTURES ON A CARRIAGE LOT – SECTION 1.2.3.5 AND TABLE 5.3.4.4 AND SIMILAR PROVISIONS IN ARTS 3-9

Maximum Number of Detached Accessory Structures per Zone Lot: Per DZC Section 1.2.3.5 and Table 5.3.4.4, District Specific Standards Summary, and similar provisions in Articles 3 through 9, a zone lot in a residential zone district may contain only one detached accessory structure with vehicle access doors. This same standard shall apply to detached accessory structures on a single zone lot within a Carriage Lot. Multiple detached accessory structures may be allowed on a single zone lot within a Carriage Lot, subject to the maximum building coverage standard.

Accordingly, on a single zone lot within a Carriage Lot, accounting for the limited range of building forms and accessory uses allowed (only DADU/ Detached Garage building forms and only ADU and vehicle parking uses), it would be possible to construct the following combinations of building forms:

1. A single DADU building without vehicle access doors and a single Detached Garage building with vehicle access doors.
2. Two or more Detached Garage building forms, provided no more than one of them has vehicle access doors.
3. Two or more DADU buildings without vehicle access doors. **Important:** No other accessory uses are allowed other than ADU uses. (See Uses Allowed on a Carriage Lot, above).

ALL OTHER DENVER ZONING CODE GENERAL DEVELOPMENT STANDARDS & PROCEDURES

All other generally applicable development standards and procedures in the Denver Zoning Code outside of Articles 3-9, shall apply to development on a Carriage Lot, including but not limited to general provisions, standards, use limitations, and procedures found in Article 1, Article 10, Article 11, Article 12, and Article 13, unless specifically excepted in this document.

DZC SECTION 12.10.4.3.E – OPERATION OF USES & STRUCTURES ALLOWED ON A CARRIAGE LOT

DZC, Section 12.10.4.3.E., “Operation” states:

“Detached accessory structures shall only be used by other conforming primary uses located on the block surrounding the Carriage Lot; and the carriage lot or portion thereof shall be maintained in good condition, free of weeds, trash and debris.”

The above-cited section means the following:

1. The phrase “detached accessory structures shall only be *used by* other conforming primary uses located on the block surrounding the Carriage Lot” is interpreted such that the words “used by” means “controlled by” or “operated by” rather than “physically occupied by.”
2. Accordingly, the standard in Section 12.10.4.3.E will be met if:
 - a. The **zoning permit applicant complies with the ownership and residency requirements** in DZC Section 12.10.4.3.A (as clarified above): “The applicant shall be the owner of the subject Carriage Lot or portion thereof and shall have their principal residence located in the block surrounding the subject Carriage Lot or portion thereof.”
 - b. As applicable to the **use of a Detached Garage building form on a Carriage Lot**, use of such Detached Garage building for **vehicle parking** is allowed by either: (i) one or more person(s) all of whom have their principal residence(s) on the block surrounding the Carriage Lot; or (ii) one or more person(s) utilizing the allowance stated in DZC, Section 10.9.3.7, *Non-Resident Off-Street Parking for Dwelling Units*, but limited to such person(s) maintaining their primary residence in a conforming primary use on the block surrounding the Carriage Lot only.
 - c. As applicable to the **use of a DADU building form on a Carriage Lot**, occupancy of such DADU building for **accessory dwelling unit use** is not limited. If the zoning permit applicant for the accessory dwelling unit use is the owner of the subject Carriage Lot or portion thereof and has their principal residence located in the block surrounding the Carriage Lot, such applicant (who maintains control over the permitted structure and ADU use) may lease the accessory dwelling unit to any person(s), subject only to compliance with any applicable ADU use limitations in DZC, Section 11.8.2.
 - d. See above for definition of the term “principal residence.”
3. **Example:** Mr. Smith, who owns the Carriage Lot and has his primary residence on the block surrounding the Carriage Lot, builds a new detached two-car garage building on the Carriage Lot. Mr. Smith parks his personal vehicle in one of the parking spaces in the new detached garage. Mr. Smith’s friend, Ms. Jones, also has her primary residence on the block surrounding the Carriage Lot. Mr. Smith may allow Ms. Jones to use the 2nd space in the new detached garage to park her personal vehicle (for free or for a fee). This is allowed per Section 12.10.4.3.E. *Note:* Ms. Jones does not have to obtain a separate zoning permit to use the detached garage; the obligation to limit use of the detached garage only to residents of the surrounding block is on Mr. Smith, holder of the original zoning permit for the new detached garage and vehicle parking use.

DZC SECTION 12.10.4.1-2 REQUIREMENT FOR A ZONING PERMIT WITH INFORMATIONAL NOTICE REVIEW FOR DEVELOPMENT ON A CARRIAGE LOT

DZC Section 12.10.4.1-2 states;

“The permit application [for development on Carriage Lots] shall be subject to Zoning Permit Review with Information Notice, according to Section 12.4.2 of this Code. In deciding to authorize a permit subject to ZPIN review, the Zoning Administrator is authorized to approve the permit with conditions.”

Section 12.10.4.1-2 therefore, requires the following:

1. All development on a Carriage Lot, including construction of a new structure or establishment of a new zoning use, is subject to ZPIN review.
2. To implement Section 12.10.4.1-2, the **following condition shall attach to all zoning permits approved and issued for construction and use of a DADU building form or Detached Garage building form on a Carriage Lot:**
 - a. This zoning permit for development on a Carriage Lot is personal to the permittee, and shall automatically expire and become null and void at such time that:
 - i. The permittee no longer owns the Carriage Lot or portion of the Carriage Lot upon which the permitted structure(s) or ADU use is located; or
 - ii. The permittee no longer maintains their principal residence on the block surrounding the Carriage Lot.

DZC SECTION 12.10.4.3.A (PERMIT PERSONAL TO APPLICANT) AND SECTION 12.4.2.6.A.2 (ZONING PERMITS FOR USE RUN WITH THE LAND)

DZC, Section 12.10.4.3.A, states in relevant part: "...*The granting of the permit shall be personal to the applicant*".

DZC, Section 12.4.2.6.A.2, states in relevant part: "*After a use is validly established, an approved use permit shall run with the land*".

The above-cited sections, as applied to development on a Carriage Lot, requires the following:

1. Upon transfer or sale of the Carriage Lot containing a permitted DADU or Detached Garage building form, an updated zoning **use** permit may be issued to the new owner of the Carriage Lot without requiring ZPIN review, provided that no change in location of the principal residence has occurred, and the application for the updated zoning use permit includes a new written narrative per DZC 12.10.4.3.A, as clarified above.
2. For cases in which transfer or sale of the Carriage Lot results in the Carriage Lot being linked to a principal residence on a *different* zone lot on the block surrounding the Carriage Lot, a ZPIN review for a new zoning use permit shall be required.

ATTACHMENT: SAMPLE AFFIDAVIT FOR CARRIAGE LOT DEVELOPMENT

Applicants' Address: _____ ("Principal Residence")

Principal Residence Zone Lot Legal Description:

_____ ("Principal Residence Legal Description")

(As applicable) Applicants' Portion of Carriage Lot Address: _____ ("Carriage Lot Portion")

(As applicable: Remainder of) Carriage Lot Addresses: _____ ("Carriage Lot")

Complete Carriage Lot Legal Description: _____

The State of Colorado)

)S.S.

County of Denver)

We, [enter name of Carriage Lot owners] _____, of Denver , Colorado, MAKE OATH AND SAY THAT:

We, [enter name(s) of Carriage Lot [or Carriage Lot Portion] owner(s)], attest that for the purposes of making application to the City and County of Denver for a Zoning Permit with Information Notice (ZPIN) for a structure utilizing the [enter name of Building Form] building form standards that:

- (1) We are the owner(s) of the Carriage Lot [or Carriage Lot Portion];
- (2) The property legally described as Principal Residence Legal Description is our Principal Residence; and
- (3) We understand that if we no longer use [enter address of Principal Residence] as our Principal Residence, then the Zoning Permit that was authorized for use and construction of the [enter name of Building Form] building form on the Carriage Lot [or Carriage Lot Portion] will automatically be extinguished pursuant to Sections 12.10.4.3.A. and 12.10.4.3.E of the Denver Zoning Code, which are code subsections in Section 12.10.4, Development on Carriage Lots.

SUBSCRIBED AND SWORN TO)

BEFORE ME, on the)

Date: _____)

_____) _____

NOTARY PUBLIC) Applicant

My Commission expires: _____) _____

Applicant