



MEMORANDUM

To: Development Services staff
From: Matthew Seubert for Tina Axelrad, Zoning Administrator
Date: *Revised* February 7, 2018
Re: **Code Clarification — Definition of Story, Habitable**

Summary

In the Denver Zoning Code (DZC) the definition of ‘Story, Habitable,’ contains a cross reference to the building code definition of habitable room. The current version of the Denver Building Code contains no such definition, however it does include a design criteria for minimum area of a habitable room, which is found in the 2015 version of the International Residential Code (IRC). This criteria is:

IRC R304.1 Minimum area.

Habitable rooms shall have a floor area of not less than 70 square feet (6.5 square meters).

This design criteria should be used in reference to item #3 of the Story, Habitable definition in the DZC. (13.3):

Story, Habitable: A story which:

1. Has at least four feet between the ground level and the ceiling joists;
2. Has enough area to provide a habitable room with net floor-to-ceiling distance of 7 feet-6 inches over half the area of the room; and
3. Constitutes a habitable room as defined in the building code. *(This is interpreted to mean the minimum room area criteria in IRC R304.1, ie., a room with a floor area of not less than 70 square feet).*

Context

The DZC and the IRC include similar terms (ie. habitable room, habitable space) that are not defined equivalently. For example, DZC includes a definition of Habitable Room, which is not the same as the design criteria for habitable room in the IRC. There is a larger issue of misalignment in terms and definitions between the DZC and the IRC. Text amendments to the DZC regarding these terms may be considered in the future. The purpose of this memo is only to provide clarification for the DZC definition of Story, Habitable.

The need for this clarification had its origin in a question regarding the definition of Carriage House, which is defined as “A Structure of more than one Habitable Story originally constructed as an Accessory Structure prior to November 8th, 1956 and located on the same Zone Lot as an existing Primary Structure.” However, this clarification may also apply to other instances where Habitable Story is cross-referenced in the DZC, including but not limited to Section 13.1.2.3.B.3.b.i for “half story” and Sections 13.1.2.3.B.4.b.i and 13.1.3.3.B.4.b.i for “mezzanine.” If you have further questions, please contact your supervisor or Zoning Administration.

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