MEMORANDUM

To: Development Services staff
From: Matthew Seubert for Tina Axelrad, Zoning Administrator
Date: September 10, 2018
Re: Denver Zoning Code Clarification – Setback Permitted Encroachments for Off-Street Parking Area in U-MX District, DZC § 5.3.7.4.B.2

This memo provides a written clarification that addresses the following question:

• Should the table for the Setback Permitted Encroachment for Off-Street Parking Area on p. 5.3-53, DZC § 5.3.7.4.B.2, include the U-MX District?
  • The answer is yes.

CPD staff has determined that the Setback Permitted Encroachment for Off-Street Parking Area, shown in the table on p. 5.3-53 in DZC § 5.3.7.4.B.2, contains an unintentional typographical error. The table currently reads that the exception is allowed in ‘All U-RX, U-MS, and U-MS districts.’ The double reference to the U-MS district is a typographical error. The table on p. 5.3-53 should read ‘All U-RX, U-MS, and U-MX districts’ (emphasis added).

This can be determined in part because the table on the following page (p. 5.3-55) allows a similar setback exception for Drive or Driveway in ‘All U-RX, U-MS, and U-MX districts.’ Likewise, in the Urban Edge (“E”) context, § 4.3.7.4.B.2 states the same setback exception for Off-Street Parking Area is allowed in ‘All E-RX, E-MS, and E-MX districts’ (p. 4.3-63).

The City Attorney’s office has advised the Zoning Administrator that it is within her authority to issue a zoning code clarification when the code contains a clear typographical error, as it does in this case.