# Page Replacement Packet for DZC Text Amendment 4: Large Development Review and Related Revisions

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DENVER ZONING CODE

Effective Date
June 25, 2010

Restated in its Entirety on May 24, 2018

As Amended Through July 11, 2019
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D. Preservation of Existing Trees
If, in order to comply with standards in this Article 10 for the landscaping of parking areas and with this Division 10.4. Parking and Loading, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces. Requests for this exception from the minimum parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

10.4.5.2 Alternative Minimum Vehicle Parking Ratios
The following uses are allowed alternative minimum vehicle parking ratios instead of the minimum parking ratios otherwise required by this Code, but only to the extent specified in Section 10.4.5.2.

A. General Provisions Applicable to All Alternative Minimum Vehicle Parking Ratios

1. Alternative Minimum Vehicle Parking Ratios Not Applicable to Accessible Parking
The number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required for the subject land use in the applicable Use and Parking Table before application of an eligible alternative minimum vehicle parking ratio. The number of required accessible parking spaces shall not be calculated based on alternative minimum vehicle parking ratios.

2. No Combination with Reductions
A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

B. Alternative Minimum Vehicle Parking Ratios Allowed
The Zoning Administrator shall allow an applicant to apply an alternative minimum vehicle parking ratio upon finding that the additional requirements and special review process stated in the following table have been met:

<table>
<thead>
<tr>
<th>TYPE OF ALTERNATIVE</th>
<th>APPLICABLE ZONE DISTRICTS</th>
<th>APPLICABLE USE</th>
<th>ADDITIONAL REQUIREMENTS</th>
<th>ALTERNATIVE ALLOWED</th>
<th>SPECIAL REVIEW PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>All Main Street Zone Districts</td>
<td>Primary Residential Uses</td>
<td>Housing that is affordable for persons with 40 percent area median income and below</td>
<td>Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit</td>
<td>n/a</td>
</tr>
<tr>
<td>Small Dwelling Units</td>
<td>All Main Street Zone Districts</td>
<td>Primary Residential Uses</td>
<td>Dwelling Units that are under 550 square feet in gross floor area may utilize this reduction</td>
<td>Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit</td>
<td>n/a</td>
</tr>
<tr>
<td>Single Room Occupancy (SRO) Hotel</td>
<td>All Zone Districts</td>
<td>Single Room Occupancy (SRO) Hotel Primary Use</td>
<td>n/a</td>
<td>Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit</td>
<td>n/a</td>
</tr>
</tbody>
</table>
10.4.5.3 Vehicle Parking Reductions

A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

1. Calculation
   In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section’s permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based on an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

2. Reductions Not Applicable to Accessible Parking
   The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.

3. No Combination with Alternative Minimum Vehicle Parking Ratios
   A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.
   a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

4. Maximum Reduction Allowed
   a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, with the following exceptions:
      i. Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.
      ii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.
   b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection’s permitted reductions.
i. For example, a Zone Lot in a G-MS-5 zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 75% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

5. **Informational Notice Required for Certain Reduction Requests**

A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:

a. Alternative vehicle parking ratios

b. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.

6. **Withdrawal from Participation in Plans or Programs**

a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.

b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:

   i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,

   ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

B. **Reductions Allowed**

The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:
<table>
<thead>
<tr>
<th>TYPE OF REDUCTION</th>
<th>APPLICABLE ZONE DISTRICTS</th>
<th>APPLICABLE USE</th>
<th>ADDITIONAL REQUIREMENTS</th>
<th>REDUCTION ALLOWED</th>
<th>SPECIAL REVIEW PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>All Zone Districts, except Main Street Zone Districts</td>
<td>Primary Residential Uses</td>
<td>Compliance with the provisions of Article IV Affordable Housing, Chapter 27 Housing, of the Denver Revised Municipal Code</td>
<td>20% reduction in the total number of required vehicle parking spaces</td>
<td>See Section 10.4.5.3.A.3</td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>All Zone Districts</td>
<td>Assisted Living Primary Use</td>
<td>The reduction shall be allowed only upon finding that the assisted living facility generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors; and If a reduction is permitted under this provision, no additional parking reduction otherwise available under this Code shall be granted</td>
<td>0.5 space per unit reduction in the total number of required vehicle parking spaces</td>
<td>Section 12.4.2, Zoning Permit with Informational Notice</td>
</tr>
<tr>
<td>Proximity to Multi-Modal Transportation</td>
<td>Suburban (S-), Urban Edge (E-), Urban (U-), or General Urban (G-), Industrial (I-), or Master Planned (M-) Zone District</td>
<td>Any Primary Use</td>
<td>Any Primary Use located on a Zone Lot having its nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform or 1/4 mile of an enhanced transit corridor as defined in Blueprint Denver</td>
<td>25% reduction in the total number of required vehicle parking spaces</td>
<td>See Section 10.4.5.3.A.3</td>
</tr>
<tr>
<td>On-Site Car Sharing</td>
<td>All Zone Districts, except Campus Zone Districts</td>
<td>Any Residential Primary Use</td>
<td>Where an active car-sharing program is available in the same building or on the same zone lot as that Primary Use and is made available to the residents in the same building where the residential units are located</td>
<td>5 required vehicle parking spaces reduced for each 1 car share space provided</td>
<td>See Section 10.4.5.3.A.3</td>
</tr>
<tr>
<td>Off-Site Car Sharing</td>
<td>All Zone Districts</td>
<td>Any Primary Use</td>
<td>The car sharing program shall be: (1) Located on a zone lot and not within public right-of-way; (2) Located within a walking distance no greater than 1,500’ of the zone lot containing the subject primary use; (3) Either in existence or being developed concurrently with the proposed development; and (4) Has the capacity to meet a portion of the vehicle parking needs of the subject primary use</td>
<td>Determined by the Zoning Administrator</td>
<td>See Section 10.4.5.3.A.3</td>
</tr>
<tr>
<td>Bike Sharing</td>
<td>All Zone Districts, except Campus Zone Districts</td>
<td>Any Nonresidential Use</td>
<td>The bike share program shall be located in the same building, on the same zone lot, or in the public right-of-way abutting the subject zone lot.</td>
<td>1 required vehicle parking space reduced for each 5 bike share parking spaces provided</td>
<td>See Section 10.4.5.3.A.3</td>
</tr>
<tr>
<td></td>
<td>Campus Zone Districts</td>
<td>Any Primary Use</td>
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DIVISION 10.8  OPEN SPACE STANDARDS

SECTION 10.8.1  OPEN SPACE IN LARGE DEVELOPMENTS

10.8.1.1 Purpose
To ensure large developments provide open space within their boundaries that is publicly accessible, usable, and provides community benefit, including but not limited to pedestrian areas, courtyards, plazas, and natural, pervious areas.

10.8.1.2 Applicability

A. General Applicability
This section shall apply to all Development in all zone districts where the total gross land area for the Development is either greater than 5 acres or 3 or more Blocks ("large development").

B. Exceptions
A large development may be exempt from providing the minimum open space set forth in this Section 10.8.1 if:

1. The proposed Development is subject to a previously approved General Development Plan (GDP), and when the DRC determines that the previous GDP was approved with minimum open space consistent with the minimum amount and design standards set forth in this Section 10.8.1; or

2. When the DRC determines that the proposed Development is located in an approved Large Development Framework, Infrastructure Master Plan, Subdivision under D.R.M.C. Chapter 50, or other approved regulatory document that has established minimum open space that is consistent with the minimum amount and design standards set forth in this Section 10.8.1.

10.8.1.3 Minimum Amount Required
A minimum of 10% of the Net Development Area as defined in Section 13.1.6.4.A, Open Space in Large Developments Rules of Measurement, shall be provided as open space in accordance with this section ("Open Space in Large Developments").

A. For large developments equal to or under 10 acres and subject to this section, City park land, or land required to be dedicated to the City by the Department of Parks and Recreation, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land complies with:

1. The minimum design standards in Section 10.8.1.6; and

2. Applicable design standards adopted by the Department of Parks and Recreation.

B. For large developments over 10 acres and subject to this section, City park land, or land dedicated to the City for City park, conservation, or recreation public purposes, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land:

1. Complies with the minimum design standards in Section 10.8.1.6;

2. Complies with any applicable design standards adopted by the Department of Parks and Recreation; and

3. Is in addition to any minimum land area required for City park land, or land required to be dedicated to the Department of Parks and Recreation (DPR) in accordance with adopted DPR standards, and located within the large development boundaries.
10.8.1.4 Easement Required
The required Open Space in Large Developments shall be subject to a perpetual easement granted to the City and/or the general public. All required easements shall be in a form approved by the City.

10.8.1.5 Public Access Required
The required Open Space in Large Developments shall remain open to the public at all times, or from sunrise to sunset.

10.8.1.6 Design Standards
The required Open Space in Large Developments shall comply with the following design standards.

A. The required open space shall be provided in 1 or more contiguous areas measuring at least 15 feet wide and 30 feet deep, and abutting:
   1. A Street; or
   2. An area with direct pedestrian access to a Street, provided such area is subject to a perpetual easement, or similar mechanism, granted to the City and/or the general public.

B. The required minimum Open Space in Large Developments shall remain publicly accessible and usable in accordance with the following design standards:
   1. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. The required open space may include user amenities such as tables, chairs, benches, sculptures, and similar elements.
   2. Shall be visible from at least one public named or numbered Street. See Figure 13.1-116.
   3. Shall not be permanently enclosed by railings, fences, gates, or walls.
   4. Shall be within 2 feet of grade at edge of Street or where the open space is accessible to the public.
   5. Shall have barrier-free access to the open space from the abutting Street or the point the open space abuts a Zone Lot Line accessible to the public, designed in accordance with the Americans with Disabilities Act or Denver Accessibility Standards.
   6. The required open space design may be, but is not limited to, any of the following types:
      a. A courtyard, enhanced streetscape, or pedestrian area with connections to transit facilities, plazas, or streets; and/or
      b. Natural, pervious areas landscaped with trees and vegetation.

C. The Zoning Administrator may approve an Administrative Adjustment to the Open Space in Large Development design standards in this Section 10.8.1.6, according to Section 12.4.5 (Administrative Adjustment), and upon finding that the proposed adjustment would meet or exceed the intent and purpose of this Section 10.8.1.
C. Process to Establish Comprehensive Sign Plan

1. Plan Submittal
   The following items and evidence shall be submitted to the Zoning Administrator to explain a proposed comprehensive sign plan for a facility:
   a. A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, Off-Street Parking Areas, landscaped areas, drainage swales, detention ponds, adjoining streets and alleys.
   b. Scaled drawings showing the elevations of existing and proposed buildings and structures that may support proposed signage.
   c. Design descriptions of all signs including allowable sign shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the frequency of changeable graphics.
   d. All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;
   e. Calculations of sign area and number.

2. Notice
   The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the proposed plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of D.R.M.C., Chapter 30 (Landmark Preservation), the Zoning Administrator shall notify the landmark approving authority regarding the proposal. Such notice shall require that the landmark approving authority provide a written recommendation, based on adopted standards, policies, and guidelines, to the Planning Board and Zoning Administrator, as set forth in D.R.M.C., Chapter 30 (Landmark Preservation).

3. Forwarding of a Proposed Comprehensive Sign Plan
   The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.

4. Criteria for Review
   The criteria for reviewing proposed comprehensive sign plans are as follows:
   a. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.
   b. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate and area.
   c. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend
above any building height limit or zoning bulk plane. Portable roof signs, flashing signs, and animated signs are prohibited.

d. The comprehensive sign plan shall include design guidelines to ensure that all features of the proposed signage, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive and complimentary feature of the building which it serves.

e. Sign design should reflect the existing or desired character of the area. As an example, in a district in which night-time entertainment is concentrated, the intent of this Section 10.10.3.3 is to encourage exciting, iconographic, and inventively illuminated signage.

f. Signs shall be professionally designed and fabricated from quality, durable materials.

g. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as part of an approved sign plan.

5. Review by the Planning Board

a. The Planning Board shall hold a meeting and shall require that notices be placed on the property by the applicant at least 15 days prior to the meeting. The planning board shall also send notice of the proposed plan to registered neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Denver Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The planning board shall also send notices to the council members in whose district the large facility is located, and to the at large council members. Such notices shall be sent at least 30 days prior to the hearing.

b. The planning board shall review the Zoning Administrator’s recommendation, the concerns of the public and the criteria for review, and shall adopt a recommendation for denial, approval or approval with conditions. The planning board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the adoption of the recommendation.

6. Action

The Zoning Administrator shall take action on the proposed comprehensive sign plan within 15 days after the receipt by the Zoning Administrator of the planning board’s recommendation. The Zoning Administrator’s action, which shall be approval, approval with conditions or denial of the proposed plan, shall take into consideration the criteria for review, the recommendation of the planning board as well as public input. Upon taking action, the Zoning Administrator shall notify the applicant, appropriate council members and any registered neighborhood organization which expressed concerns over the plan, either in writing or at the planning board public hearing, of the action taken.

D. Changes to the Plan

Any sign changes or additions requested for the facility after the approval of the comprehensive sign plan, must be reviewed according to the provisions of this Section 10.10.3.3.

E. Effect of the Comprehensive Sign Plan Approval

Once a comprehensive sign plan is approved for a large facility, all signs for that facility shall be reviewed to ensure compliance with the sign plan before a permit is issued.

F. Other Permitted Signs

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the comprehensive sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the comprehensive sign plan.
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DIVISION 12.2 REVIEW AND DECISION MAKING BODIES

Division 12.2 states the roles and responsibilities of all bodies with respect to administering and enforcing this Code.

SECTION 12.2.1 CITY COUNCIL

12.2.1.1 General Authority
The City Council may exercise powers described by the charter, ordinances, and rules and regulations.

12.2.1.2 Authority for Final Action
The City Council is responsible for final action regarding:

A. Official Map Amendments (Rezoning)
B. Text Amendments

SECTION 12.2.2 PLANNING BOARD

12.2.2.1 General Authority
The Planning Board may exercise the powers described by D.R.M.C. Sec. 12-45, Powers and Duties of the Planning Board, and as described in this Code.

12.2.2.2 Authority for Final Action
The Planning Board is responsible for final action regarding:

A. District Sign Plans in the Downtown Theater zone district.
B. Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Division 2 (Campus Context) of this Code.

12.2.2.3 Review Authority
The Planning Board shall review and make recommendations to the authority responsible for final action shown in Section 12.2.9, Summary Table of Authority and Notice, regarding:

A. Official Map Amendments (Rezoning)
B. Text Amendments
C. Comprehensive Sign Plans for Large Facilities

SECTION 12.2.3 MANAGER OF COMMUNITY PLANNING & DEVELOPMENT

12.2.3.1 Short Title
The Manager of Community Planning and Development shall be known as “Manager” for the purposes of this Code.

12.2.3.2 General Authority
The Manager may exercise powers described by the Charter and D.R.M.C., Section 12-17, General Powers and Duties, and other ordinances, rules and regulations. In addition, the Manager shall:

A. Maintain the Official Map showing the current zoning classification of all land in the city;
B. Record with the Denver County Clerk and Recorder and file with the Denver City Clerk all matters and documents required by this Code to be recorded or filed;
C. Maintain written records of all actions taken by the department under this Code; and
D. Adopt rules and regulations when necessary to implement this Code, according to Chapter 12 (Community Planning and Development), Section 12-18 (Rule-making) of the Denver Revised Municipal Code.

**12.2.3.3 Enforcement Authority**

The Manager shall be responsible for the enforcement of this Code through the powers and procedures stated in Chapter 12 (Community Planning and Development) of the Denver Revised Municipal Code and stated in Article 12, Division 11 (Enforcement, Violations and Penalties) of this Code.

**12.2.3.4 Review Authority**

The Manager shall review and make recommendations to the City Council or other final decision-making body regarding:

A. Official Map Amendments (Rezoning)
B. Text Amendments
C. Site Development Plan Review
D. Zoning Permit with Special Exception Review

**12.2.3.5 Delegation of Authority**

The Manager may designate any staff member to represent the Manager in any function or authority assigned by this Code. The Manager shall remain responsible for any final action.

**SECTION 12.2.4 ZONING ADMINISTRATOR**

**12.2.4.1 Appointment by Manager**

The Manager shall appoint a Zoning Administrator to exercise the authority granted under this Section 12.2.4.

**12.2.4.2 Authority for Final Action**

The Zoning Administrator is responsible for final action regarding:

A. Zoning Permit
B. Zone Lot Amendment
C. Administrative Adjustment
D. Comprehensive Sign Plan for Large Facilities; and
E. Code Interpretation and Determination of Unlisted Uses.

**12.2.4.3 Review Authority**

With respect to this Code, the Zoning Administrator shall review and make recommendations to the Manager regarding text amendments and site development plans, and shall review and make recommendations to the Board of Adjustment regarding variances, special exceptions, and appeals of administrative decisions.

**12.2.4.4 Delegation of Authority**

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function or authority assigned by this Code.
SECTION 12.2.5 DEVELOPMENT REVIEW COMMITTEE

12.2.5.1 Creation
The Development Review Committee ("DRC") shall consist of the Manager, the manager of Public Works, and the manager of Parks and Recreation, or their designated representatives, provided that additional agencies may participate at the discretion of the Manager.

12.2.5.2 Authority for Final Action
The Development Review Committee is responsible for final action regarding:
   A. Site Development Plan Review
   B. Minor Deviations and Repeals of General Development Plans
   C. Large Development Review
   D. Infrastructure Master Plan

12.2.5.3 Review Authority
The Development Review Committee shall review and make recommendations to the Zoning Administrator regarding:
   A. Zoning Permit Review, as the Zoning Administrator may determine on a case-by-case basis.

SECTION 12.2.6 BOARD OF ADJUSTMENT

12.2.6.1 Authority for Final Action
The Board of Adjustment is responsible for final action regarding:
   A. Variances (see Section 12.4.7);
   B. Appeals from Administrative Decisions (see Section 12.4.8); and
   C. Zoning Permit with Special Exception Review (see Section 12.4.9).

12.2.6.2 Creation; Alternates
   A. Consistent with the City Charter, there shall be and hereby is created a Board of Adjustment consisting of 5 members. The members of the Board shall be appointed by the mayor for a term of 5 years. Any vacancy which occurs in the Board of Adjustment shall be filled by the mayor for the unexpired term of any member whose term became vacant.
   B. A member of the Board of Adjustment may be removed only for cause upon written charges and after public hearing. Should a member of the Board of Adjustment fail to attend one-third of the meetings scheduled during any period of 12 consecutive months, that failure shall be deemed cause for removal upon written charges being made and after a public hearing.
   C. The mayor may appoint for a term of between 1 to 5 years 2 alternate members of the Board of Adjustment in addition to the 5 members. When a member of the Board is recused or is absent, the alternate member first appointed by the mayor shall act with full authority. The alternate members shall thereafter rotate or substitute, one for the other, their service on the Board as the need arises. Except as to attendance, the provisions with regard to removal for cause and vacancies shall apply to such alternates.
   D. The compensation of the members of the Board of Adjustment and the alternate members shall be fixed by City Council. No member of the Board of Adjustment or an alternate member shall be on the staff of the Board or be employed by Community Planning and Development.
12.2.6.3 Staff
The staff of the Board of Adjustment shall consist of a director and such other assistants as may be authorized by City Council. The director shall be the technical advisor to the Board of Adjustment and custodian of its records, shall conduct official correspondence, and generally supervise the clerical and technical work of the Board of Adjustment. The director shall be appointed by the Board of Adjustment and shall devote all time to the duties of the office. The salary of the director, the number of additional assistants, and the salaries of such additional assistants shall be fixed by City Council.

12.2.6.4 Rules for Proceedings Before Board
The Board of Adjustment shall adopt rules governing all proceedings before it. Such rules of the Board of Adjustment shall be maintained and available for public review in the office of director.

12.2.6.5 Officers
For the purpose of exercising the powers provided under this Code, the Board of Adjustment shall elect a chairperson and vice-chairperson.

12.2.6.6 Oaths and Attendance of Witnesses
The chairperson or, in the chairperson’s absence, the vice-chairperson or acting chair shall administer oaths to or accept affirmations from all witnesses, and may compel the attendance of witnesses. A failure or refusal to appear in response to a subpoena issued by the Board of Adjustment shall constitute a violation of this Code.

12.2.6.7 Stay of Effective Date of Orders
A. Whenever Community Planning and Development has issued an order to cease and desist from the operation of dwelling units in excess of the number authorized by this Code, and the Board of Adjustment also finds that literal enforcement of the provisions of this Code by reason of unique and exceptional circumstances including owner’s physical condition, age, or other factors as deemed by the Board of Adjustment to be unique or exceptional, will result in unnecessary hardship, then the Board of Adjustment may order a delay, for no more than 5 years, of the enforcement of such order.

B. Upon expiration of any delayed enforcement or other order, the Board of Adjustment may review, at a public hearing before the Board, an applicant’s request for a further extension and grant any such extension not to exceed a cumulative total of 5 years from the date of the original order, should the Board of Adjustment find that condition(s) found in Section 12.2.6.7.A. still exists.

C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant therefor, shall only allow continued operation of the excess dwelling units by the persons occupying such unit at the time of the Board of Adjustment’s original order, and shall not be transferable.

12.2.6.8 Six-Month Delay of Enforcement
A. Whenever Community Planning and Development has issued an order to cease and desist from any use not authorized by this Code, except as provided in Section 12.2.6.7, the Board of Adjustment, upon appeal, may find that the literal enforcement of the provisions will result in unnecessary hardship by reason of unique and exceptional circumstances, including but not limited to the owner’s physical condition, age, and/or other factors as deemed by the board to be unique or exceptional. The Board of Adjustment may order a delay, for no more than 6 months, of the enforcement of such cease and desist order.

B. Upon expiration of any order delaying enforcement of such cease and desist order, the Board of Adjustment may review, at a public hearing, an applicant’s request for an additional 6 months’
extension and grant only one such extension should the Board of Adjustment find that the unique and exceptional circumstances justifying the original order to delay still exist.

C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant, and shall not be transferable.

12.2.6.9 Limitations on Powers

A. Concurring Vote Required
   The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official authorized to act under this Code, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Code or to grant a variance to this Code.

B. Recording of Hearings and Findings of Fact
   1. All proceedings before the Board of Adjustment shall be recorded.
   2. Every decision of the Board of Adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions herein shall be construed as limitations on the power of the Board of Adjustment. Mere recitation of the conditions unaccompanied by findings of specific facts shall not constitute compliance with this Code. All findings of fact shall be available for public review within 21 days from the date of the Board of Adjustment's final decision.

C. Powers Strictly Construed
   Nothing herein contained shall be construed to empower the Board of Adjustment to amend the text of this Code, to effect changes in the Official Zoning Map, or to add to the specific uses permitted in any district. The powers of the Board of Adjustment shall be construed to strictly enforce this Code and the Official Zoning Map.

12.2.6.10 Appeals from the Board of Adjustment to District Court

A. Procedure
   Any person or any taxpayer aggrieved, the City, or any officer or department of the City may have a decision of the Board of Adjustment reviewed in the manner provided by the Colorado Rules of Civil Procedure. The plaintiff in any appeal to District Court shall be responsible for all costs to prepare the Board of Adjustment’s record for transmittal to the court, according to fees set by the Board, which shall be paid prior to transmittal of the record to the District Court.

B. Effect of Appeal
   The filing of an appeal to District Court shall not stay proceedings upon the decision appealed from, unless the court grants a restraining order or stay.

SECTION 12.2.7  CHERRY CREEK NORTH DESIGN ADVISORY BOARD

12.2.7.1 Creation

A. The Cherry Creek North Design Advisory Board shall consist of seven members appointed by the mayor.

B. The board shall consist of the following individuals to be appointed by the mayor from a list of nominations provided by the board of Cherry Creek North Business Improvement district: three licensed architects and one licensed landscape architect who reside in Denver; one member of the board of Cherry Creek North Business Improvement District or its designated successor; one property owner from the district; and one retailer from the district.
C. The members of the board shall be appointed by the mayor for a term of three years and shall serve at the pleasure of the mayor. Vacancies shall be filled within 30 days by the mayor from the date on which the vacancy occurs.

12.2.7.2 Review Authority

A. Within the C-CCN zone districts, the Cherry Creek North Design Advisory Board shall review and make recommendations to the Development Review Committee or the Zoning Administrator as specified in adopted rules and regulations, as may be amended from time to time.

**SECTION 12.2.8 DOWNTOWN DESIGN ADVISORY BOARD**

12.2.8.1 Creation

A. The Downtown Design Advisory Board shall consist of seven members appointed by the Mayor. The seven members shall include individuals from the following categories: four design professionals, including architects, landscape architects, and urban designers, at least one of whom shall be a landscape architect; one owner of property in the downtown area; one resident or community representative of the downtown area; and one representative of the development/construction industry, including but not limited to engineers, contractors, and developers. All board members must be residents of Denver.

B. The members of the board shall be appointed by the Mayor for terms of three years and shall serve at the pleasure of the Mayor. Terms of office shall be staggered by making the appointments so that approximately one-third of the members’ terms expire each year. Vacancies shall be filled by the mayor within 30 days from the date on which the vacancy occurs.

12.2.8.2 Board Meetings

A. All meetings of the Downtown Design Advisory Board shall be open to the public and allow opportunity for public comment.

12.2.8.3 Review Authority

A. The Downtown Design Advisory Board shall review and make recommendations to the Development Review Committee or Zoning Administrator for all projects submitted for review within the Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+ (D-AS-20+), Downtown Central Platte Valley – Auraria Transition (D-CPV-T), Downtown Central Platte Valley – Auraria River (D-CPV-R), and Downtown Central Platte Valley – Auraria Center (D-CPV-C) zone districts, as specified in adopted rules and regulations, which may be amended from time to time. The Zoning Administrator shall conduct all review and approval of projects submitted before April 1, 2019.
### SECTION 12.2.9 SUMMARY TABLE OF AUTHORITY AND NOTICE

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<thead>
<tr>
<th>REVIEW AND DECISION-MAKING AUTHORITY</th>
<th>TYPE OF PUBLIC NOTICE REQUIRED</th>
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Refer to rules of Board of Adjustment

See Sec. 12.4.3 for site development plans that require notice of a public hearing

<table>
<thead>
<tr>
<th>Amendment: 4</th>
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DENVER ZONING CODE
June 25, 2010 | Republished May 24, 2018
## Article 12. Zoning Procedures & Enforcement
### Division 12.2 Review and Decision Making Bodies

<table>
<thead>
<tr>
<th>REVIEW AND DECISION-MAKING AUTHORITY</th>
<th>TYPE OF PUBLIC NOTICE REQUIRED</th>
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<tbody>
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**DENVER ZONING CODE**
June 25, 2010 | Republished May 24, 2018

**Amendment: 4**
DIVISION 12.3 REQUIREMENTS COMMON TO ALL ZONING PROCEDURES

Division 12.3 states those procedural steps or requirements that are generally common to all zoning procedures stated in this Article, unless otherwise stated in this Code. Division 12.4 states the procedural steps and requirements specific to each type of zoning application procedure, which will include references to the common requirements stated in this Division 12.3 as applicable.

SECTION 12.3.1 GENERAL

The following review procedures are common to all zoning procedures, unless otherwise stated in this Code, and shall apply to applications submitted under this Code. Additional details may be included in the specific procedures included in Division 12.4 of this Article.

SECTION 12.3.2 PRE-APPLICATION MEETING/ CONCEPT PLAN REVIEW

12.3.2.1 Optional

Except as stated in Section 12.3.2.2 below, an applicant may schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards and regulations required for approval in accordance with this Code.

12.3.2.2 Mandatory

Before submitting an application for the following, an applicant shall schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards, and regulations required for approval in accordance with this Code.

A. Zoning Permit with Informational Notice
B. Site Development Plan
C. Zoning Permit with Special Exception Review
D. Official Map Amendment (Rezoning)
E. Text Amendment
F. Large Development Review (LDR)
G. Infrastructure Master Plan (IMP)

12.3.2.3 Effect of the Pre-Application Meeting or Concept Plan Review

Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, Manager and other staff opinions or comments made during a pre-application meeting or concept plan review are informational only and do not represent a commitment on behalf of the City regarding a final decision on the development proposal. However, at the pre-application meeting, the Manager may waive application submittal requirements or request that additional information be submitted.

12.3.2.4 Timely Application Submittal Required

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, if an application is not submitted within 180 days after a mandatory pre-application meeting or concept plan review, the Manager may require a new pre-application meeting or concept plan review.

SECTION 12.3.3 SUBMISSION OF APPLICATIONS

12.3.3.1 Authority to File Applications

The person having legal authority to take action according to the approval sought shall file an application for review or approval under this Code, and is hereinafter referred to as the "Applicant." That
person is presumed to be the owner of record, purchaser under a sale with the owner’s consent, or the duly authorized agent of the owner of record, unless otherwise authorized in Division 12.4.

12.3.3.2 Applications
Applications shall be submitted only after a pre-application meeting or concept plan review, if mandatory. All applications shall be submitted to Community Planning and Development.

12.3.3.3 Application Contents
A. Application Contents—General
The Manager is authorized to establish submittal requirements for all applications required by this Code, and to update and amend such requirements as necessary to ensure effective and efficient review.

B. Submittal Waivers
The Manager may waive certain application submittal requirements:
1. To tailor the requirements to the information necessary to review a particular application; or
2. Where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such waiver.

C. Additional Information Requested
The Manager shall have the authority to request additional information from the applicant when necessary to complete review of the application.

12.3.3.4 Application Fees
A. Except as specified in paragraph B. below, the Manager shall adopt, and may amend from time to time, a fee schedule setting forth an assessment of fees to defray the cost of processing applications under this Code.

B. The Board of Adjustment shall recommend, and the City Council shall approve, processing fees for all applications determined by the Board of Adjustment, including applications for variances, zoning permit with special exception reviews, and appeals from administrative decisions. The application fee schedule for Board of Adjustment applications, as may be amended from time to time, can be found in the rules of the Board of Adjustment.

C. At the time of submittal, all applications shall include payment of the application fee, except that application fees are not required for an application initiated by the City Council, an individual City Council member, the Manager, or the manager of a city agency or department.

D. An applicant may submit a written request to the Manager for the waiver of all or a portion of fees. Upon a finding by the Manager that, owing to exceptional or extraordinary circumstances, collection of the required fees will result in unnecessary hardship, the fees may be reduced or waived by the Manager.

E. Other fees, such as recording fees, may be applicable in addition to Community Planning and Development application fees.

12.3.3.5 Statements During Review
A. Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, statements that are necessary for compliance with this Code that are made by the applicant in the course of the application review process and/or public hearings may, in the sole discretion of the decision-making body, be made specific conditions of approval.
Article 12. Zoning Procedures & Enforcement
Division 12.3 Requirements Common to All Zoning Procedures

B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property’s zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.

C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:

1. Payment of any required fee for the extension review; and
2. A narrative stating the reasons for the applicant’s or owner’s inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.

D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.

E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS

12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits

This Section 12.3.7.1 shall not apply to modifications to LDFs, IMPs, or GDPs; instead see Sections 12.4.12 and 12.4.14.

The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications" rather than "amendments," and may be approved administratively by the Zoning Administrator according to this Section.

A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits

1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly permitted as “administrative adjustments” under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.

2. The Zoning Administrator may allow minor changes to an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.

3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder’s Office, and shall register a modified zoning permit in the records of Community Planning and Development.

B. Other Modifications to Approved Applications, Plans, or Permits

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section
12.3.7.1. A above, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

12.3.7.2 Amendments to Approved Applications, Plans and Permits
This Section 12.3.7.2 shall not apply to amendments to LDFs, IMPs, or GDPs. See Sections 12.4.12 and 12.4.14.

A. Procedure for Amendments

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.

2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.

3. The Manager shall record all amendments to a site development plan approved according to this Section in the records of the Denver County Clerk and Recorder’s Office.

B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), which do not qualify as a "modification" under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.

2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:
   a. An increase in overall project density;
   b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
   c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
   d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretations and Determination of Unlisted Uses);
   e. A change to the location of permitted land uses that would substantially change the development’s character or impacts on surrounding property, as determined by the Zoning Administrator;
   f. A reduction in required minimum setbacks from zone lot lines;
   g. An increase in required build-to location from zone lot lines;
   h. An increase in permitted building coverage, including coverage by surface parking;
   i. A reduction by more than 5 percent in the land area designated for landscaping;
   j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;
k. A change in the permitted number, size or lighting of signs;
l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
m. Changing or negating a condition of approval; or
n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS

12.3.8.1 This Section 12.3.8 shall not apply to a Large Development Framework. See Section 12.4.12.

12.3.8.2 Pursuant to the same procedure and subject to the same limitations and requirements by which such Site Development Plans, Infrastructure Master Plans (IMPs), or General Development Plans (GDPs) were approved and recorded, all Site Development Plans, IMPs, and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.
the provisions of this Code, is prohibited by D.R.M.C., Chapter 6 Licenses, due to proximity to a school. See Section 1.1.3.3.A, Conflicting Provisions.

12.4.1.5 Review Criteria

The Zoning Administrator shall use the following criteria in making a decision on an application for zoning permit review:

A. The zoning permit is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, all zoning permits shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, Regulating Plan, or Site Development Plan.

B. The zoning permit complies with all applicable regulations in this Code.

12.4.1.6 Requirements and Limitations After Zoning Permit Issuance

A. Expiration

1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.

2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land except as otherwise restricted by this Code.

3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

B. Modification and Rescission

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

C. Modifications and Amendments to an Approved Zoning Permit

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

SECTION 12.4.2 ZONING PERMIT REVIEW WITH INFORMATIONAL NOTICE

12.4.2.1 Purpose

The purpose of the zoning permit review with informational notice process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Zoning permit review with informational notice is intended for specific types of development or establishment of specific permitted uses that are consistent with the intent of the zone district and generally compatible with surrounding building forms and uses, but which have the potential for adverse off-site impacts. Zoning permit review with informational notice provides an opportunity for potentially affected parties to be notified of the city’s receipt of the application, the process for making comments, the final decision, and appeal opportunities.

12.4.2.2 Applicability

Zoning permit review with informational notice is required for the following types of development:
A. Establishment, expansion or enlargement of a primary, accessory, or temporary use permitted subject to informational notice, as indicated by the designation “ZPIN” (Zoning Permit with Informational Notice) in the applicable Use and Parking Tables found in Articles 3 through 9 of this Code.

B. Establishment, expansion or enlargement of a primary, accessory, or temporary use permitted in a zone district under Articles 3 through 9 or under any other provision in this Code, where such provision explicitly requires zoning permit review with informational notice and approval prior to establishment of the use.

C. Deviations from the Sign Code permitted with a Comprehensive Sign Plan for Large Facilities authorized under Division 10.10, Signs.

D. Construction of any new building on a Small Zone Lot that includes a request for a parking exemption in accordance with Section 10.4.5.1.A.

12.4.2.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

A. Prohibitions on Activities Prior to Zoning Permit
No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

B. Payment of Gateway Regional Systems Development Fee
No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence and wall, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

C. Denver International Airport (DIA) Review of Uses and Development in the DIA Influence Area Overlay District (AIO)
No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the Zoning Administrator, shall be deemed a recommendation of approval.

12.4.2.4 Review Process

A. Initiation
The owner[s] of the subject property or the owner’s or owners’ authorized agent may initiate an application for zoning permit review with informational notice.

B. Pre-Application Meeting
A pre-application meeting is mandatory before submittal of an application for zoning permit review with informational notice. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.

C. Application and Fees

1. Submittal in Writing
All applications for zoning permit review with informational notice shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.
2. **Concurrent Applications**

   The applicant may submit a zoning permit review with informational notice application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the zoning permit is issued according to this Section, unless the Zoning Administrator allows an exception in writing.

D. **Informational Notice**

1. **Written and Posted Notice of Receipt of Application**

   Written and posted notice of receipt of application shall be provided according to Sections 12.3.4.5.A and 12.3.4.5.B.

2. **Supplemental Information Notice Requirements for Large Residential Care Uses**

   In addition to the general Informational Notice requirements in Section 12.3.4, information notice for proposed Large Residential Care Uses shall include a packet including a copy of the completed application; a detailed explanation of applicant’s and operator’s experience; the facility’s operational plan as set forth by the operator; the name, address and telephone number of a staff member of the applicant and operator designated as the contact person; and a summary of licensing procedures required for the proposed facility.

E. **Review, Referral and Final Decision**

1. **Review and Referral**

   The Zoning Administrator may refer the zoning permit review with information notice application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.

2. **Planning Board Review of Comprehensive Sign Plans**

   The Zoning Administrator shall forward zoning permit applications for review of Comprehensive Sign Plan for Large Facilities (authorized under Division 10.10, Signs) to the Planning Board for the Planning Board’s review and recommendation.

   a. The Planning Board shall hold a public hearing to review the zoning permit application and make a recommendation to the Zoning Administrator.

   b. The applicant shall provide written and posted public notice of such public hearing according to Section 12.3.4, Public Notice Requirements.

   c. The Planning Board shall review the public testimony and the criteria for review, and shall adopt a recommendation for denial, approval, or approval with conditions. The Planning Board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the Planning Board’s recommendation.

3. **Final Decision**

   a. The Zoning Administrator shall make a final decision to approve, approve with conditions, or deny the zoning permit application, taking into consideration relevant agency or other party comments.

   b. The Zoning Administrator may attach conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

F. **Posted Informational Notice of Final Administrative Action**

   The applicant shall provide posted informational notice of the final administrative action according to Section 12.3.4.5.C.

**12.4.2.5 Review Criteria**

The Zoning Administrator shall consider all public comment and the following criteria in making a decision on an application for zoning permit with informational notice review:
A. The zoning permit is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, all zoning permits shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, Regulating Plan, or Site Development Plan.

B. The zoning permit complies with all applicable regulations in this Code.

C. The proposal will not substantially or permanently injure the appropriate use of adjacent conforming properties, taking into consideration all proposals for mitigation of such impacts.

D. Additional Review Criteria for Homeless Shelters
In addition to the review criteria above, the Zoning Administrator shall approve a zoning permit for a homeless shelter only if the Zoning Administrator finds the proposed shelter will not substantially or permanently injure the appropriate use of conforming residential properties located within 500 feet of the proposed use. Evidence of such injury shall clearly establish the anticipated specific problems attributed to residents of the proposed shelter for the homeless while in or around the shelter as distinct from the general problems attributed to persons using or passing through the subject area.

12.4.2.6 Requirements and Limitations After Zoning Permit Issuance

A. Expiration
1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.
2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land.
3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

B. Modification and Rescission
The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

C. Modifications and Amendments to an Approved Zoning Permit
Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

SECTION 12.4.3 SITE DEVELOPMENT PLAN REVIEW

12.4.3.1 Purpose
The purpose of the site development plan review process is to ensure compliance with the standards and provisions of this Code and other applicable city standards, rules and regulations, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Site development plan review is generally reserved for development with the potential for significant on-site and off-site impacts necessitating inter-departmental and inter-agency referral, review, and, in some cases, approval prior to final action by Community Planning and Development. After the City's approval of a site development plan, Community Planning and Development is authorized to issue requisite zoning permits under this Code.
12.4.3.2 Applicability

A. Site development plan review is required for the following (see Article 13, Division 13.3, for definition of the term "development" as used below):

1. Development in all zone districts except the following types of residential development:
   a. Development of a single-unit or two-unit dwelling use in the Urban Center, Downtown, or Industrial Contexts; or
   b. Development of a suburban house, urban house, tandem house, or duplex building form on a single zone lot.
   c. Development of a Detached Accessory Dwelling Unit building form.
2. Creation of or development on a flag lot.
3. Development subject to an approved General Development Plan (GDP), Large Development Framework (LDF), or Infrastructure Master Plan (IMP).
4. Development within a PUD District; however, development within a PUD District subject to an approved Detailed PUD District Plan under Section 9.6.1.3, Requirement for a PUD District Plan, is exempt from this requirement for site development plan review.
5. Development on a Parkway designated according to Chapter 49 of the D.R.M.C.
6. Establishment of a primary, accessory, or temporary use permitted in a zone district under Articles 3 through 9, Article 11, or any other provision of this Code, where such provision explicitly requires site development plan review and approval prior to establishment of the use.
7. Requests for shared parking or participation in an off-site car-sharing program to meet minimum parking requirements, as specified in Article 10, Section 10.4.5.4, Shared Vehicle Parking, and Section 10.4.5.3.B, Off-Site Car Sharing Program.

B. The Zoning Administrator may require site development plan review for any development not listed in subsection A. above, where the proposed development requires approval by a city agency or department other than Community Planning and Development.

C. No development shall occur on property subject to these requirements until a site development plan has been approved and requisite zoning and building permits issued, unless the Zoning Administrator expressly allows an exception.

12.4.3.3 Review Process

A. Initiation
   The owner(s) of the subject property or the owner’s or owners’ authorized agent may initiate an application for site development plan review.

B. Pre-Application Concept Plan Review

1. A pre-application concept plan review is mandatory before submittal of a formal site development plan application. During the concept plan review, the DRC will confirm the applicability of site development plan review to the proposed development activity and the specific procedure steps and submittal requirements the applicant will follow. See also Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.
2. During the concept plan review, the DRC may waive an otherwise mandatory requirement for site development plan review if the DRC finds that the nature and complexity of the proposed development, and the development’s compliance with this Code, can be fully addressed through the zoning permit review procedure in Section 12.4.1.
Article 12. Zoning Procedures & Enforcement
Division 12.4 Zoning Application and Review Procedures

3. During the concept plan review, the DRC shall determine whether Large Development Review (LDR) or an Infrastructure Master Plan (IMP) is required for the proposed development activity according to Sections 12.4.12 and 12.4.14. If the DRC determines a LDR or IMP is required the Site Development Plan application shall not be approved until a LDR or IMP, as applicable, is completed and/or approved.

C. Application and Fees

1. Submittal in Writing
All applications for site development plan review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications
Concurrent applications may be allowed according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the site development plan is approved and all zoning permits issued according to this Article, unless the Zoning Administrator allows an exception in writing.

D. Public Notice Requirements
Informational Notice shall be provided according to Section 12.3.4.5, Informational Notice-General Provisions, for the following types of site development plan review applications only:

1. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.

2. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.2.3, Construction Subject to Review and Final Decision by Planning Board.

E. Review, Referral and Decision by Development Review Committee

1. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
   a. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the DRC, shall be deemed a recommendation of approval.

2. If required by Section 12.4.3.3.F, Review and Final Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.

3. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.
4. The DRC may attach conditions to the site development plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

**12.4.3.4 Review Criteria**

The following criteria shall be considered in making a decision on an application for Site Development Plan review:

A. The Site Development Plan has been reviewed and approved by the DRC, where such approval is authorized and required by the D.R.M.C. The DRC or Planning Board shall not approve a Site Development Plan until all DRC departments have approved the site development plan pursuant to their charter or D.R.M.C. authority.

B. The Site Development Plan is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, the Site Development Plan shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, or Regulating Plan.

C. The Site Development Plan complies with all applicable regulations in this Code.

D. **Additional Review Criteria for Certain Construction in the CMP-H and CMP-H2 Districts**

The following additional criteria shall be considered in making a decision on an application for site development plan review submitted to permit certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board:

1. Whether the project is generally compatible with the Comprehensive Plan, including any neighborhood plans, and with the campus facility's plans for future development;

2. Whether there has been demonstrated neighborhood involvement in reviewing the project and its potential impacts, including meetings with applicable RNOs, and whether neighborhood concerns have been appropriately addressed;

3. Whether the project has a significant adverse impact on historically designated or architecturally significant buildings as determined by Community Planning and Development; and

4. Whether the construction project is consistent with the Campus zone district in which it is proposed to be located.

5. Consideration for the growth needs and viability of healthcare districts in CMP-H and CMP-H2 zone districts.

**12.4.3.5 Appeal**

Section 12.4.8, Appeal of Administrative Decision, shall apply.

**12.4.3.6 Requirements and Limitations After Site Development Plan Approval**

A. **Recordation of Approved Site Development Plans**

Community Planning and Development shall register a copy of the approved Site Development Plan among its records and shall record the approved site development plan in the real property records of the Denver County Clerk and Recorder.

B. **Effect of Approval**

1. A Site Development Plan approved according to this Section shall regulate the future use and development of the subject property.

2. Approval of a Site Development Plan means a proposed development complies with the standards and provisions of this Code and, consequently, the City may issue zoning per-
mits and building permits to an applicant, assuming all other City standards and regulations have been satisfied.

3. After approval of the site development plan and all requisite zoning permits, if the Zoning Administrator finds that development is not proceeding in accordance with the approved site development plan, the Manager, through its enforcement authority, may immediately issue an order stopping any or all work on the property that does not comply with such plans, until such time as any noncompliance is remedied. See Division 12.11, Enforcement, Violations and Penalties.

C. Expiration

1. An approved site development plan shall expire after 18 months from the date of approval if an approved zoning permit and building permit (as applicable) have not been obtained and if construction, (as applicable), has not started. See Article 13, for definition of "start of construction."

2. The Zoning Administrator may extend the original 18-month validity period for site development plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

D. Modification and Rescission

The Zoning Administrator may change, modify, or rescind any site development plan decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of an approved site development plan is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

E. Modifications and Amendments to or Withdrawal of Approved Site Development Plans

Modifications and amendments to an approved site development plan are allowed according to Section 12.3.7 of this Code. Withdrawal of an approved and recorded site development plan is allowed according to Section 12.3.8 of this Code.

12.4.3.7 Site Development Plan Rules and Regulations

The Manager has the authority to adopt rules and regulations to establish alternative procedures for review of different types of site development plans, including but not limited to different review process for relatively less complex site development plans. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.3 for approval of a site development plan. Once adopted by the Manager, such rules and regulations shall supersede the process, time frames, and application contents for site development plan review established in this Section 12.4.3.

SECTION 12.4.4 ZONE LOT AMENDMENTS

12.4.4.1 Purpose

This Section establishes the administrative process to amend the boundaries of a previously designated zone lot. See also, Article 1, Division 1.2, Zone Lots, for general requirements related to zone lots.

12.4.4.2 Review Process

A. Initiation

All owners of the subject property shall initiate an application for a zone lot amendment.

B. Pre-Application Meeting

A pre-application meeting is optional before submittal of an application for zone lot amendment. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.
C. Application and Fees

1. Submittal in Writing
   All applications for zone lot amendment shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications
   The applicant may submit a zone lot amendment application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications.

D. Review, Referral and Final Decision by Zoning Administrator

1. The Zoning Administrator may refer the zone lot amendment application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.

2. In deciding to approve, approve with conditions, or deny the proposed zone lot amendment, the Zoning Administrator shall consider relevant comments of all interested parties.

3. The Zoning Administrator may attach any condition to the zone lot amendment reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

12.4.4.3 Review Criteria
   The Zoning Administrator may approve an application for zone lot amendment only if the application meets the following review criteria:
   
   A. All owners of the zone lot have indicated in writing their agreement to the amendment.
   
   B. Except in the case of adding or removing land by an act of government through right-of-way vacation, condemnation, or threat of condemnation, the following criteria shall be met:
      1. A zone lot amendment shall not result in the creation of a new nonconforming or compliant zone lot, structure or land use.
      2. Nor shall a zone lot amendment increase an existing nonconforming or compliant structure’s degree of nonconformity with this Code’s standards (e.g., a zone lot amendment that would further decrease an existing compliant side interior setback is not allowed).
      3. A Zone Lot amendment shall not result in the creation of a Zone Lot that contains multiple Zone Districts when any Zone District on the amended Zone Lot(s) is a Protected District.

12.4.4.4 Recordation
   The Zoning Administrator shall record all approved zone lot amendments in the real property records in the office of the Denver County Clerk and Recorder.

SECTION 12.4.5 ADMINISTRATIVE ADJUSTMENT

12.4.5.1 Purpose
   The Zoning Administrator may adjust, in minor ways, certain provisions of this Code otherwise applicable to a property pursuant to the procedures in this Section. Administrative adjustments may authorize minor changes to pending applications, or to approved plans and permits, and relief from specified standards as stated in this Section. Administrative adjustments are intended to relieve unnecessary hardship in complying with the strict letter of this Code or with overriding federal law, and to promote context-sensitive development in Denver’s established neighborhoods. Administrative adjustments are intended to relieve unnecessary hardship in complying with the strict letter of this Code or with overriding federal law, and to promote context-sensitive development in Denver’s established neighborhoods.


12.4.5.2 Applicability

A. Adjustments to Approved Applications, Plans and Permits

1. General Allowance

The Zoning Administrator may grant administrative adjustments to a previously approved application, plan or permit approved pursuant to this Code, except that the Zoning Administrator may grant administrative adjustments to a previously approved site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

2. Limits on Authority to Grant Adjustments

The Zoning Administrator may approve administrative adjustments to a previously approved plan or permit according to the allowances and limits stated in Section 12.4.5.3, Permitted Types of Administrative Adjustments, below. In no circumstance, however, shall the Zoning Administrator approve an administrative adjustment to a previously approved application, plan or permit that qualifies as an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans or Permits.

B. Adjustments to Pending Zoning Applications

The Zoning Administrator may grant administrative adjustments as part of the review of a pending zoning application otherwise required by this Code according to the allowances and limits stated in Section 12.4.5.3, Permitted Types of Administrative Adjustments, below, except that the Zoning Administrator may grant administrative adjustments to a pending site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

12.4.5.3 Permitted Types of Administrative Adjustments

A. Administrative Adjustments to Relieve Unnecessary Hardship

The Zoning Administrator may grant administrative adjustments to the following zoning standards shown in the table below, subject to any limitations stated in the table and subject to compliance with the review criteria stated in Section 12.4.5.5:

<table>
<thead>
<tr>
<th>ZONING STANDARD</th>
<th>MAXIMUM ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only</td>
<td>All Other Building Forms</td>
</tr>
</tbody>
</table>

HEIGHT AND BULK STANDARDS:

1. NON-HISTORIC STRUCTURES

| • Maximum height (in stories or feet) | May exceed maximum standards, but the subject building and its elements shall be no taller in feet than a similar building form located within the "existing neighborhood" as defined in Section 12.4.7.5.D.2, "Compatibility with Existing Neighborhood." In addition, a height adjustment to a Detached Accessory Dwelling Unit building shall not result in more than 2 stories. | na |
| • Bulk Plane Dimensions | | na |
## Zoning Standards and Enforcement

### Division 12.4 Zoning Application and Review Procedures

<table>
<thead>
<tr>
<th>Zoning Standard</th>
<th>Maximum Adjustment &quot;NA&quot; = Not Applicable or Available</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only</td>
</tr>
</tbody>
</table>

### 2. NON-HISTORIC STRUCTURES IN THE D-GT ZONE DISTRICT ONLY

- **Maximum height (in feet)**: Up to an additional 25' permitted, according to Section 8.6.1.3 (Maximum Height) of this Code.

### 3. HISTORIC STRUCTURES

- **Maximum height (in stories or feet)**
- **Bulk Plane Dimensions**

The Zoning Administrator may approve an adjustment that results in a structure taller than a similar building form located within the existing neighborhood, as defined in Section 12.4.7.5.D.2, “Compatibility with Existing Neighborhood,” if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmark Preservation) finds specifically that development on the Zone Lot conforming to this Code’s height or bulk regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

### Siting Standards:

**Determination of Primary Street Zone Lot Line(s) on Corner Lots of Oblong Blocks or Square Blocks**

Zoning Administrator may designate either or both zone lot lines parallel to the intersecting streets as a Primary Street Zone Lot Line, provided the resulting street setback standards shall be more compatible with an established pattern of street setbacks for buildings on the same face blocks containing the subject property.

<table>
<thead>
<tr>
<th>Minimum zone lot width requirements</th>
<th>5%</th>
<th>5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Block sensitive primary street setback</td>
<td>No limit, provided the resulting primary street setback range (min/max) shall be more compatible with an established pattern of primary street setbacks for buildings on the same face block as the subject building.</td>
<td></td>
</tr>
<tr>
<td>Side Interior Setback requirements on Zone Lots greater than 30 feet wide up to and including 40 feet wide</td>
<td>No limit when based on a finding of neighborhood compatibility (see Section 12.4.7.5.D), provided the adjustment results in a side interior setback no less than 3'.</td>
<td>na</td>
</tr>
<tr>
<td>Setback requirements, all others, except primary street setback in the C-CCN Zone Districts</td>
<td>10%</td>
<td>20%</td>
</tr>
<tr>
<td>Build-to requirement – Adjustment applies only to the min/max range of required build-to (e.g., an adjustment is permitted to the 0' to 5' range, but not to the minimum 70% build-to portion of the standard).</td>
<td>na</td>
<td>Adjustment for irregularly shaped lots only, not to exceed a min/max build-to range of 0' to 15'</td>
</tr>
<tr>
<td>Build-to requirement to accommodate required water quality and/or detention/retention facilities.</td>
<td>na</td>
<td>Adjustment to allow a build-to alternative (e.g., a garden wall) to count up to 40% (e.g., a standard states up to 25% of the 70% build-to may be met by a garden wall - with adjustment, 25% may be increased to 40%)</td>
</tr>
<tr>
<td>Build-to requirement - Adjustment applies only to zone lots that are 80' wide or less.</td>
<td>na</td>
<td>Adjustment to the required minimum internal drive dimension for the purposes of public street access required by the City.</td>
</tr>
<tr>
<td>Build-to requirement - Adjustment applies only to sites with gas station uses existing on June 25, 2010.</td>
<td>na</td>
<td>Adjustment not to exceed 40%. The adjustment is permitted only when compliance with the build-to requirement is not feasible because of the impracticality of moving existing underground fuel tanks.</td>
</tr>
<tr>
<td>Maximum building coverage</td>
<td>5%</td>
<td>na</td>
</tr>
</tbody>
</table>
### ZONING STANDARD

<table>
<thead>
<tr>
<th></th>
<th>MAXIMUM ADJUSTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>&quot;NA&quot; = NOT APPLICABLE OR AVAILABLE</strong></td>
<td></td>
</tr>
<tr>
<td>Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only</td>
<td>All Other Building Forms</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENT STANDARDS:

| Building Configuration | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|------------------------|-------------------------------------------------------------------------------------------------------------------|
| Attached Garage        | Attached garage may be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) of the primary structure enclosing the primary use, provided the resulting attached garage shall be more compatible with a predominant established pattern on the same or opposite face block as the subject property. | na |

#### Upper Story, Primary Street Step-back for individual landmarks and structures in historic districts

The Zoning Administrator may approve an adjustment if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmark Preservation) finds specifically that development on the Zone Lot conforming to this Code’s stepback regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

### OTHER STANDARDS:

| Garden wall alternative to build-to standards | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjusted permitted for use of alternative garden wall materials when Zoning Administrator finds alternative garden wall materials will better complement primary building materials. | | |

| Required Amount of Parking in the Historic Structure Use Overlay District (UO-3) Only | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Required parking for office/art studio use in a Historic Structure: no maximum limit if applicant can show compliance with required parking is physically impossible. | | |
| Required parking for bed and breakfast use in a Historic Structure: 20% | | |
| See Section 9.4.4.8 | | |

| Required Parking for Limited Nonresidential Uses Permitted in Existing Business Structures | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjustment permitted to relieve hardship due to physical limitations of the site | | |
| See Section 11.4.5 | | |

| Required Amount of Parking to Preserve Established Trees | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjusted permitted when Zoning Administrator finds the adjustment is necessary to preserve existing, mature trees See Section 10.4.5. and Section 10.5.3 | | |

| Required Bicycle Parking and Required Mix of Bicycle Parking Facilities | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjusted permitted when Zoning Administrator finds adjustment is necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow lots. | | |
| See Section 10.4.3.3. | | |

| Minimum Width of Parking Aisles or Internal Drives in Off-Street Parking Areas | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjusted permitted when Zoning Administrator finds adjustment is necessary to relieve hardship due to physical limitations of the site. See Section 10.5.4.1. | | |

| Minimum Landscaping Standards | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
|------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Adjusted permitted when Zoning Administrator finds the adjustment is necessary to: (1) preserve existing, mature trees; (2) mitigate excessive improvement costs; (3) relieve impractical hardship due to physical limitations of the site. See Section 10.5.4.1. | | |

As expressly permitted in other parts of this Code, the Zoning Administrator may grant administrative adjustments according to the allowances and limits expressed, and according to the procedures in this Section 12.4.5.
Article 12. Zoning Procedures & Enforcement
Division 12.4 Zoning Application and Review Procedures

B. Administrative Adjustments to Ensure Compliance with Federal Law

1. Compliance with Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)
   a. General
      The Zoning Administrator may grant administrative adjustments to any use, building form, or design standard stated in Articles 3 through 9, Contexts and Zone Districts, Article 11, Use Limitations, or Article 10, General Design Standards in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.
   b. Limitations
      In no circumstance shall the Zoning Administrator approve an adjustment that allows a religious assembly use, or any uses/structures/activities accessory to it, in a zone district where Articles 3 through 9 prohibit such use or accessory use/structure/activity.
   c. Conditions of Approval
      In granting an administrative adjustment, the Zoning Administrator may require conditions that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or screening.

2. Reasonable Accommodations under Federal Fair Housing Act (FFHA)
   a. The Zoning Administrator may grant administrative adjustments to provide reasonable accommodations under the Federal Fair Housing Act. In the application for an administrative adjustment under this subsection, the applicant shall identify the type of housing being provided and cite the specific provisions of the Federal Fair Housing Act that require reasonable accommodations be made for such housing. The Zoning Administrator may grant the following types of administrative adjustments to assure reasonable accommodations required by law:
      i. Modify any minimum distance or spacing requirements, building setback, height, open space or building coverage, or landscaping requirement by no more than 10 percent; or
      ii. Reduce any off-street parking requirement by no more than 1 space.
   b. The Zoning Administrator may approve a type of reasonable accommodation different from that requested by the applicant if the Zoning Administrator concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer adverse impacts on adjacent areas. The decision of the Zoning Administrator shall be accompanied by written findings of fact as to the applicability of the Federal Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a Variance or Official Map Amendment (Rezoning) process.

3. Compliance with Other Federal Laws
   The Zoning Administrator is authorized to grant administrative adjustments necessary to ensure compliance with any other applicable federal law, provided the adjustment is no greater than any adjustment specifically authorized by this Section 12.4.5. Requests for adjustments that are not otherwise authorized by this Section may only be approved through a Variance or Official Map Amendment (Rezoning) process.
12.4.5.4 Review Process

A. Initiation
The owner of the subject property or the owner’s authorized agent may initiate an application for an administrative adjustment.

B. Pre-Application Meeting
A pre-application meeting is mandatory before submittal of an application for administrative adjustment. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

C. Application and Fees
1. Concurrent Review for Administrative Adjustments
Requests for administrative adjustments may be submitted concurrently with any other required zoning application according to Section 12.3.3.9, Concurrent Applications. In such cases, the Zoning Administrator shall review and take action on the administrative adjustment during the review of the primary application.

2. All Other Requests for Administrative Adjustments
All applications for administrative adjustment shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

D. Review, Referral and Final Decision by Zoning Administrator
1. The Zoning Administrator may refer the administrative adjustment application to other affected or interested parties and agencies for review and comment, as deemed necessary to make a decision on the application.

2. In deciding to approve, approve with conditions, or deny the proposed adjustment, the Zoning Administrator shall consider relevant comments of all interested parties and agencies.

3. The Zoning Administrator may attach any condition to approval of an administrative adjustment reasonably necessary to protect the health, safety and welfare of the community, to secure substantially the objectives of the modified standard, and to minimize adverse impacts on adjacent properties.

12.4.5.5 Review Criteria
The Zoning Administrator may approve an Administrative Adjustment only upon finding that:

A. The adjustment is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Act as provided in Section 12.4.5.3.B.2.; or

B. The adjustment is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 as provided in Section 12.4.5.3.B.1.; or

C. The adjustment is necessary to satisfy the mandates under any other federal law or requirements as provided in Section 12.4.5.B.3.; or

D. All of the following criteria have been met; or
1. The requested adjustment is consistent with the stated intent and purpose of this Code.
2. The requested adjustment is consistent with the stated intent and purpose of the applicable zone district.
3. The requested adjustment is consistent with the stated intent and purpose of a previously approved PUD District Plan, as applicable.
4. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

5. The requested adjustment is needed to compensate for unnecessary hardship. For purposes of satisfying these administrative adjustment review criteria, determination of "unnecessary hardship" shall mean the application satisfies the review criteria for a zoning variance stated in Sections 12.4.7.5 and 12.4.7.6, except compliance with the criteria stated in Section 12.4.7.5.E, Nonconforming or Compliant Uses in Existing Structures, shall not be applicable to an application for administrative adjustment.

E. Review Criteria for Open Space in Large Developments Administrative Adjustments

Or, applicable only to adjustments to the Open Space in Large Developments design standards in Section 10.8.1.6., the requested adjustment is an alternative design approach that does not comply with one or more of the specific design standards, but the alternative design approach is consistent with the open space intent and purpose stated in Section 10.8.1.1.

12.4.5.6 Requirements and Limitations After Administrative Adjustment Approval

A. Administrative Adjustments to Approved Plans or Permits

Adjustments to an approved plan or permit shall be noted on a revised plan or permit, which shall be plainly marked as "Revised," and submitted to the Zoning Administrator. The Zoning Administrator shall note the terms of the approved administrative adjustment directly on the revised plan or permit and affix his signature and the date of approval. If the original plan or permit was required to be recorded, the Zoning Administrator shall record such revised plan or permit in the real property records of the Denver County Clerk and Recorder within 30 days of the Zoning Administrator’s approval of the adjustment.

B. Noted on Pending Application

The Zoning Administrator shall specify any approved administrative adjustment from building form or design standards and the justifications for such adjustment on the pending zoning application for which the adjustments were sought. Alternately, the Zoning Administrator may include such final determination, in writing, as part of staff report for a required public hearing.

C. Expiration

1. As applicable, an approved administrative adjustment shall be valid for the same time frame as the approval with which it was joined or for the same time frame as the originally approved plan or permit.

2. In all other cases, an administrative adjustment shall be valid for the same time frame and have the same effect as the zoning application with which it is joined, as such application is ultimately approved.

SECTION 12.4.6 CODE INTERPRETATIONS AND DETERMINATION OF UNLISTED USES

12.4.6.1 Purpose and Applicability

A. This Section establishes a procedure whereby interpretation of this Code’s provisions may be sought and determined, including but not limited to:

1. Interpretations of terms, words, and phrases not otherwise defined in this Code;

2. Interpretations of Code provisions when additional clarity is required to apply such provisions to a specific case or to guide general application of the Code;
3. Determination which of two or more conflicting provisions apply generally or to a specific case;

4. Determination of whether a specific unlisted primary, accessory, or temporary use type may be permitted in one or more zone districts, and what type of use review is required (i.e., no zoning permit, ZP, ZPIN, or ZPSE); and

5. Interpretations regarding disputed boundaries of zone districts shown on the Official Zone Map.

B. The provisions of this Section shall not apply to permit any specific use that is expressly prohibited in a zone district or by this Code’s provisions. If, pursuant to this Section, a specific use type cannot clearly be determined to be in a use classification or category permitted in a particular zone district or by this Code’s provisions, such use may be incorporated into the zoning regulations only by a text amendment to this Code, as provided in Section 12.4.11.

12.4.6.2 Authority to Make Code Interpretations
The Zoning Administrator shall be the final decision-maker for all Code Interpretations and Determinations of Unlisted Uses.

12.4.6.3 Review Process

A. Initiation
Any of the following persons may initiate a request for Code Interpretations and Determinations of Unlisted Uses:

1. A member of the City Council;
2. A member of the Planning Board;
3. The City Attorney;
4. The Manager;
5. The manager or director of any other city department or agency; or
6. A private party with an interest in the subject real property when the Code Interpretation would affect the status or treatment of a proposed or submitted zoning application, or the status of an existing or proposed use, related to such property.

B. Pre-Application Meeting
A pre-application meeting is optional prior to submittal of a request for Code Interpretations and Determinations of Unlisted Uses. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

C. Application and Fees
All applications for Code Interpretations and Determinations of Unlisted Uses shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

D. Review by Zoning Administrator
Within 30 days of receipt of a complete application for Code Interpretations and Determinations of Unlisted Uses, the Zoning Administrator shall:

1. Review and evaluate the application in light of this Code, the Comprehensive Plan, established administrative practices and past interpretations, the potential for establishing a precedent with the interpretation, and any other relevant policy and regulatory documents;
2. Review and evaluate the application with consideration of the general rules of interpretation specified in this Section 12.4.6.3.F, as applicable; and

3. Consult with the Manager, City Attorney, other agencies and staff, as necessary.

E. Final Decision by Zoning Administrator

1. Timing of Final Decision
Within 30 days of receipt of a complete application for Code Interpretations and Determinations of Unlisted Uses, the Zoning Administrator shall complete the review and make a final interpretation or determination unless the applicant agrees to an extension of time.

2. Authority to Impose Reasonable Conditions
In making a determination to allow an unlisted use, the Zoning Administrator may impose reasonable conditions on such use, which conditions shall be uniform throughout the zone district. In imposing conditions, the Zoning Administrator shall consider, at a minimum, the compatibility of the use within the zone districts in which the use may be permitted, the intensity of the use, the amount and configuration of physical space occupied by the use, and the potential for adverse impacts on adjacent properties.

3. Determination of Applicable Zoning Procedure
As part of a Code Interpretation or Determination of Unlisted Uses, the Zoning Administrator shall, as applicable, make a determination whether one or more of this Code's zoning procedures apply. For example, in determining that an unlisted use is permitted as a primary use in a zone district, the Zoning Administrator shall also determine what zoning procedure applies (e.g., ZP, ZPIN or ZPSE). The Zoning Administrator's determination of applicable zoning procedure shall be based on consideration of the zoning procedure(s) applicable to similar land uses or subject matter, and/or the degree to which the zoning procedure may inform mitigation of possible adverse impacts from the subject Code Interpretation or Use Determination.

4. Form of Determination
The Zoning Administrator shall provide the Code Interpretation or Determinations of Unlisted Uses to the applicant in writing. Such interpretation or determination shall also be kept in the files of the Zoning Administrator.

F. General Rules of Interpretation
When making a Code Interpretation or Determination of Unlisted Uses, the Zoning Administrator shall employ the following general rules, as applicable:

1. Employ the definitions contained in Article 13 to determine the meaning of words and phrases, or if not defined in Article 13, apply the plain meanings of all other words and phrases. When not defined in Article 13, if a word or phrase is subject to differing interpretations, then the Zoning Administrator shall apply the meaning assigned first by the D.R.M.C., as applicable, and then by a dictionary in general use.

2. Employ the definitions of land uses in Article 11 to determine the appropriate use classification, use category and/or specific use type in which to classify an unlisted use.

3. Where more than one interpretation of required procedures is possible, the Zoning Administrator shall select the interpretation of procedures that requires the lesser time and expense to the applicant consistent with the provisions of the charter, the D.R.M.C., and this Code.

4. Where more than one interpretation of required provisions or procedures is possible, the Zoning Administrator shall choose that interpretation that best implements the Comprehensive Plan and/or this Code in a manner consistent with applicable law.
5. In the case of any conflict between the General Rules for Interpretation in this Section 12.4.6.3.F and the Rules of Interpretation found in Division 13.2 of this Code, the General Rules for Interpretation in this Section 12.4.6.3.F shall apply.

12.4.6.4 Review Criteria

A. General Review Criteria for All Code Interpretations and Determinations of Unlisted Uses

The Zoning Administrator shall make Code Interpretations and Determinations of Unlisted Uses only upon finding that the interpretation or determination is:

1. Consistent with the intent of this Code; and

2. Consistent with the intent of the subject Neighborhood Context and zone district(s), and with the intent of any specific Code provision(s) at issue.

B. Additional Review Criteria for Unlisted Use Determinations

In addition to applying the general review criteria stated in Section 12.4.6.4.A, the Zoning Administrator shall apply the following criteria for a Determination of Unlisted Use:

1. The proposed use has a character and impact that are similar in nature, function, and duration to the other uses permitted in the zone district(s). In making such finding, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:
   a. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
   b. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
   c. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);
   d. The type, size, and typical massing of buildings and structures associated with the unlisted use;
   e. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
   f. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
   g. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
   h. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
   i. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses permitted in the zone district.
SECTION 12.4.7 VARIANCE

12.4.7.1 When Authorized
The Board of Adjustment may authorize variances from the terms of this Code pursuant to the charter, subject to terms and conditions fixed by the Board of Adjustment, as will not be contrary to the public interest where, owing to unusual conditions or disability or owing to a property’s historic designation, or where a variance would produce a more compatible development, literal enforcement of the provisions of this Code will result in unnecessary hardship.

12.4.7.2 Related Procedure
Under certain circumstances, modifications of this Code’s standards may be permitted according to the Administrative Adjustment procedure in Section 12.4.5, without resort to this Variance procedure. The Zoning Administrator may grant administrative adjustments to relieve unnecessary hardship and practical difficulties, without review by the Board of Adjustment for a variance.

12.4.7.3 Limitations on Variances for Signs
A. General Limitations on Sign Variances
No variance from the provisions of Division 10.10, Signs, on permitted signs shall be granted or authorized by the Board of Adjustment, which would result in any of the following:

1. Any variance from the provisions of Section 10.10.20, Outdoor General Advertising Devices;

2. An existing roof sign that is higher than 32 feet above grade or a new or existing projecting sign that is higher than 32 feet above grade;

3. A new roof sign;

4. A new projecting sign that exceeds 20 square feet in sign area in a Residential Zone District or in the MX-2x, MS-2x, or O-1 zone districts; or that exceeds 50 square feet in sign area in the MX-2A, MX-2, MX-3A, MX-3, MS-2, MS-3, I-MX, I-A, or M-IMX zone districts; or that exceeds 80 square feet in sign area in all other zone districts;

5. A new or existing projecting sign where more than 1 other sign is maintained or is to be maintained for the same primary use on the same building front;

6. A new or existing ground sign that is higher than 32 feet above grade, except that a variance permitting the maintenance of an existing ground sign that is not higher than 35 feet above grade may be granted where said ground sign and all other signs for the same primary use comply with all other applicable provisions of Division 10.10, Signs;

7. A new or existing sign with a sign area larger than that which is permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the primary use is or will be maintained, except that a variance permitting the maintenance of an existing sign with a sign area up to 50 percent larger than the maximum sign size permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the use by right is maintained may be granted where no other signs are maintained for the same primary use on the same building front and where the total area of signs maintained for the same primary use does not exceed that permitted under the applicable provisions of Division 10.10, Signs; or

8. A greater total area of signs than that which is permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the primary use is or will be maintained.
B. Variances for Signs for Religious Assembly Uses
Notwithstanding the limitations set forth in this Section 12.4.7.3, Limitations on Variances for Signs, the Board of Adjustment shall have the power to grant variances from the provisions of Division 10.10, Signs, for signs that identify religious assembly uses when such signs are located on the same zone lot as the religious assembly use.

12.4.7.4 Review Process

A. Initiation
The owner of the subject property or the owner’s authorized agent may initiate an application for a variance.

B. Application and Fees
All applications for variance shall be filed in writing according to the rules of the Board of Adjustment. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Application.

C. Public Hearing and Decision by Board of Adjustment

1. Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve, approve with conditions, or deny the variance request based on whether the applicant has evidenced an unnecessary hardship according to the review criteria below, and subject to any limitations in Section 12.4.7.7 regarding variances for signs.

2. The Board may attach any condition to a variance approval necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties, including but not limited to a condition changing the location or dimensions of a proposed development directly related to the request for a variance.

12.4.7.5 Review Criteria - Showing of Unnecessary Hardship
The Board of Adjustment may grant a variance only if it finds that there is an unnecessary hardship whereby the application satisfies the criteria of any one of paragraph A. or B. or C. or D. or E. of this subsection and satisfies the criteria of Section 12.4.7.6, Review Criteria - Applicable to All Variance Requests.

A. Disability

1. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property.

B. Unusual Conditions

1. There are unusual physical circumstances or conditions, including, without limitation:
   a. Irregularity, narrowness or shallowness of the lot, or
   b. Exceptional topographical or other physical conditions peculiar to the affected property; or
   c. Unusual physical circumstances or conditions arising from an existing, nonconforming or compliant structure on the affected property; and

2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located, or the circumstances or conditions relate to drainage conditions and challenges found consistently throughout the neighborhood or zone district in which the property is located; and

3. The development or use of the property cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district; however,
loss of a financial advantage, hardship that is solely financial, or the fact that a more profitable use of the property might be had if a variance were granted are not grounds for a variance; and

4. The unusual physical circumstances or conditions have not been created by the applicant.

C. **Designated Historic Property or District**

The property could be reasonably developed in conformity with the provisions of this Code, but the building has been designated as a Historic Structure or is in a designated historic district. As part of the review pursuant to D.R.M.C., Chapter 30 (Landmark Preservation), the approving authority has found that development on the Zone Lot conforming to this Code’s regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

D. **Compatibility with Existing Neighborhood**

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed adjustment or variance will result in a building form that is more compatible, in terms of building height, siting, and design elements, with the existing neighborhood in which the subject property is located. In making a determination of whether the subject property, with the proposed variance, would be more compatible with the existing neighborhood, the decision-making body may choose not to consider primary or accessory buildings in the existing neighborhood that have been granted variances or administrative adjustments based on unusual physical circumstances or conditions of such properties.

2. "Existing neighborhood" shall mean:

   a. For changes in building or site elements within the rear 35% of a zone lot: Any similar zone lot or building on a zone lot which is located on the same face block or on an adjacent face block (i.e., across a rear property line or rear alley).

   b. For changes in building or site elements within the front 65% of a zone lot: Any zone lot or primary building on a zone lot which is located on the same face block or the face block across a public street from the subject building.

3. For purposes of a variance review only, the Board of Adjustment may consider similar buildings located beyond the same face block, opposite face block, or adjacent face block from the subject building if the Board deems doing so reasonable and necessary to make its determination of compatibility with the existing neighborhood. This allowance does not apply to review of a request for an administrative adjustment.

E. **Nonconforming or Compliant Uses in Existing Structures**

A variance to increase the floor area occupied by a nonconforming or compliant use in an existing structure may be granted only if the Board of Adjustment finds the following conditions to exist:

1. The use is a nonconforming or compliant use, as defined in this Code, and such use is in full compliance with all requirements under this Code applicable to nonconforming or compliant uses and is authorized to continue in operation and to exist;

2. The structure in which an increase in floor area is sought was in existence on the date on which the nonconforming or compliant use became nonconforming or compliant, and is in existence at the time of the hearing;

3. On the date on which the use became nonconforming or compliant, the use was in occupancy and in operation on a portion of the floor area of the structure in which an increase in floor area is sought;
4. The applicant does not propose or intend to enlarge the existing structure, does not propose or intend to increase the floor area of such structure, and that any authorized increase in occupancy of floor area by the nonconforming or compliant use will not involve remodeling, changing or altering any load-bearing member of such structure; and

5. That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Code will result in unnecessary hardship.

12.4.7.6 Review Criteria - Applicable to All Variance Requests
The Board of Adjustment may grant a variance only if the Board finds that, if granted, the variance:

A. Would not authorize the operation of a primary, accessory, or temporary use other than those uses specifically enumerated as permitted primary, accessory, or temporary uses for the zone district in which the property is located.

B. Would not grant a change to either (a) a waiver or condition attached to an approved rezoning, or (b) an approved PUD District plan that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits, or (c) an approved GDP that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits.

C. Would not, other than allowed in Section 12.4.7.5.A. above to accommodate persons with disabilities, relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure.

D. Would not substantially impair the intent and purpose of this Code.

E. Would not substantially impair the intent and purpose of the applicable zone district.

F. Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property.

G. Would be the minimum change that would afford relief and would be the least modification of the applicable provisions of this Code.

H. Would adequately addresses any concerns raised by the Zoning Administrator or other city agencies in their review of the application.

12.4.7.7 Requirements and Limitations After Variance Approval

A. Expiration

1. A variance authorizing construction shall expire unless substantial construction has started within 3 years and is completed within 5 years from the date the variance was granted. Upon the completion of construction, the variance shall run with the land.

2. For variances unrelated to construction, the variance shall run with the land unless the Board of Adjustment specifies otherwise as a condition of the variance.

3. A variance shall automatically lapse and have no further effect if the Zoning Administrator finds that redevelopment of the subject property makes compliance with this Code possible without the previously approved variance.

SECTION 12.4.8 APPEAL OF ADMINISTRATIVE DECISION

12.4.8.1 Review Process

A. Initiation

1. Any person aggrieved or any officer or department of the City may appeal to the Board of Adjustment from any administrative order, requirement, or any decision or determination
made by a Community Planning and Development administrative official in the enforcement of this Code.

2. Such appeal shall be filed within the time provided by the rules of the Board of Adjustment and must specify the particular grounds upon which the appeal is taken.

B. Application

1. Appeal and Fees
   All appeals of an administrative order or decision shall be filed in writing according to the rules of the Board of Adjustment. The appellant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

C. Effect of Appeal – Stay of Enforcement Proceedings
   An appeal to the Board of Adjustment of a cease and desist order issued by Community Planning and Development shall stay all enforcement proceedings of the cease and desist order unless the Zoning Administrator certifies that, by reason of the facts stated in the certificate, a stay in the Zoning Administrator’s opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted, after due notice to Community Planning and Development, by the Board of Adjustment or a court of proper jurisdiction.

D. Action by Zoning Administrator
   Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

E. Public Hearing and Decision by Board of Adjustment
   Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve or deny the appeal based on the review criteria below, and to that end the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

F. Presumption and Review Criteria

1. Presumption
   Any order or decision of an administrative official authorized to act under this Code shall be presumed to be correct unless the preponderance of the evidence introduced before the Board of Adjustment supports a contrary determination or finding.

2. Review Criteria
   The Board of Adjustment shall consider whether or not the action by the administrative officer complied with the applicable portions of this Code when approving or denying an administrative appeal.

SECTION 12.4.9   ZONING PERMIT WITH SPECIAL EXCEPTION REVIEW

12.4.9.1 Applicability
   Zoning permit with special exception review is required for the following:
   
   A. Establishment, expansion or enlargement of any use listed as a “Special Exception” use (“ZPSE”) in the Use and Parking Tables found in Articles 3 through 9.

   B. Establishment, expansion or enlargement of any use where an applicable use limitation in Articles 3 through 9, or in Article 11, Use Limitations and Definitions, or any other provision of this Code, states that Special Exception review under this Section is required.
12.4.9.2 Review Process

A. Initiation
The owner of the subject property or the owner’s authorized agent may initiate an application for a zoning permit with special exception review.

B. Pre-Application Meeting
A pre-application meeting with the Zoning Administrator is mandatory for review of a use qualifying as a zoning permit with special exception review under this Section. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review. Pre-application meetings for all other special exceptions are optional.

C. Application and Fees

1. Submittal in Writing
All applications for zoning permit with special exception review shall be filed in writing with the Zoning Administrator. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications
The applicant may submit an application for zoning permit with special exception review concurrent with other applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall the City issue a building permit, as applicable, until the Board of Adjustment approves the special exception use and Community Planning and Development issues a zoning permit.

D. Public Notice Requirements
Informational Notice shall be provided as stated in Section 12.3.4.5, Informational Notice - General Provisions.

E. Review, Referral, and Recommendation by Zoning Administrator

1. The Zoning Administrator shall refer the application to the Board of Adjustment. The Board of Adjustment shall schedule the application for review and final decision at a public hearing, according to the rules of the Board of Adjustment.

2. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.

3. The Zoning Administrator shall consider the comments from all interested agencies, prepare a written recommendation based on the application’s compliance with the review criteria below, and submit a written recommendation to the Board of Adjustment according to the rules of the Board of Adjustment.

F. Public Hearing and Final Decision by Board of Adjustment

1. The Board of Adjustment shall provide public notice and hold a public hearing on the proposed special exception according to the rules of the Board of Adjustment. The Board shall consider the recommendation of the Zoning Administrator and any relevant public comments, in addition to the review criteria below, and approve, approve with conditions, or deny the application for a zoning permit with special exception review.

2. The Board of Adjustment may place conditions and restrictions upon the establishment, location, construction, maintenance, and operation of a special exception use as it deems necessary to promote the public health, safety, and general welfare of the community.

G. Issuance of Zoning Permits after BOA Final Decision
After the Board of Adjustment’s final decision on an application for a zoning permit with special exception review, Community Planning and Development shall either issue or deny a zoning permit consistent with the Board of Adjustment’s final decision. Community Planning and De-
Article 12. Zoning Procedures & Enforcement
Division 12.4 Zoning Application and Review Procedures

Development shall expressly note on the face of the zoning permit any conditions or restrictions approved by the Board of Adjustment.

12.4.9.3 Review Criteria
No application for a zoning permit with special exception review shall be approved by the Board of Adjustment unless the Board finds that all of the following conditions are met or can be met through conditions placed on approval of the application:

A. The special exception is consistent with the Comprehensive Plan;
B. The proposed special exception shall be consistent with the purposes and objectives of the zone district in which it is located;
C. If located within an LDF, IMP or GDP area, the special exception shall be consistent with the LDF, IMP or GDP;
D. The special exception is in compliance with all applicable regulations in this Code, including but not limited to, any specific use limitations stated in Articles 3 through 9, and in Article 11, Use Limitations and Definitions;
E. The establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare of the community;
F. The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special exception;
G. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
H. The aggregate impacts of similar special exceptions shall not result in harmful external effects or environmental impacts; and
I. Any potential adverse impacts from the proposed special exception can and will be adequately mitigated.

12.4.9.4 Requirements and Limitations After Zoning Permit Issuance

A. Expiration and Extensions
   1. Except as otherwise allowed in subsection A.2. below, a zoning permit with special exception review shall expire 12 months from the date of the Board of Adjustment’s decision unless the special exception use begins operating, or a valid building permit is issued. Upon a showing of good cause, the Zoning Administrator may extend the permit for the special exception for additional time periods not to exceed a total of 12 additional months.
   2. If a zoning permit with special exception review is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

B. Limit on Reapplication for Denied Special Exceptions
No application for a zoning permit with special exception review denied by the Board of Adjustment shall be considered for a period of 1 year from the date of the original denial unless the Zoning Administrator determines that the application contains substantial changes that address the reasons for denial of the application.
SECTION 12.4.10 OFFICIAL MAP AMENDMENT (REZONING)

12.4.10.1 Applicability
An official map amendment may be required to correct an error in the map or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area to implement adopted plans, or to change the regulations and restrictions of an area as reasonably necessary to promote the public health, safety or general welfare.

12.4.10.2 Zone Districts Not Available for Rezoning
Except as otherwise provided in Section 9.4.2.1 and Section 12.3.3.9, no land may be rezoned into any zone district not established in this Code. In addition, the following zone districts established in this Code, while mapped on the Official Zoning Map, shall not be applied to any lands after June 25, 2010:

A. D-GT Downtown Golden Triangle zone district
B. D-AS Downtown Arapahoe Square zone district
C. O-1 zone district
D. Adult Use Overlay District (UO-1)
E. Billboard Use Overlay District (UO-2)

12.4.10.3 Adjacency and Location Requirements

A. Requirements
Official Map amendments for the following zone districts shall meet the following requirements:

1. Applications proposed to be zoned to the D-C, D-TD, D-LD, D-CV, D-AS-12+, or D-AS-20+ zone districts shall be adjacent to the same zone district sought for the subject property. For the purposes of this provision, adjacency shall not be destroyed by the existence of a dedicated public right-of-way.

2. Applications proposed to be zoned to the DIA zone district shall be adjacent to an existing DIA zone district if the application is not initiated by the Manager of Aviation. For the purposes of this provision, adjacency shall not be destroyed by the existence of a dedicated public right-of-way.

3. Applications proposed to be zoned to all Master Planned Context zone districts shall be located within a General Development Plan area where the GDP area is a minimum of 50 acres, and shall not include lands located within ¼ mile of an existing or planned Rail Transit Station Platform.

B. Exceptions to Additional Requirements
The following Official Map amendments are exempt from this section's requirements:

1. An Official Map amendment determined by the City Attorney to be a legislative zone map amendment.

2. An Official Map amendment applying zoning to lands newly included within the city's corporate boundaries after City Council approval of a minor boundary adjustment.
12.4.10.4 Review Process

A. Initiation

1. By City Council
   a. According to its authority under the City Charter, the City Council or any individual member of the City Council may initiate an official map amendment.
   b. The City Council or an individual City Council member may, but is not required to, follow the public notice or procedures in this Section 12.4.10.4. However, the City Council or any individual City Council member shall comply with the public notice and process provisions required by the Charter for an official map amendment (rezoning).

2. By Other Parties
   Other than City Council or an individual City Council member, only the following parties may initiate an official map amendment:
   a. The Manager.
   b. All official map amendment applications for a PUD District, or for a zone district with waivers and/or conditions under Section 12.4.10.6, shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.
   c. For official map amendment applications for other than a PUD District or zone district with waivers and/or conditions, an application for an official map amendment may be initiated by either:
      i. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or
      ii. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized in writing to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51 percent or more of the total area of the zone lots subject to the application for amendment.

B. Pre-Application Meeting

1. A pre-application meeting is mandatory for an official map amendment (Rezoning). See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

2. The Development Review Committee (DRC) shall determine at the pre-application meeting whether a Large Development Review (LDR) is required under Section 12.4.12.

C. Application and Fees - General

1. All applications for official map amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications. This provision does not apply to map amendments initiated by the Manager.

D. Review and Referral by Manager
   All applications for official map amendments shall be subject to the following review process:
   1. Referral and Examination of Application
      Upon receipt of a complete application, the Manager shall transmit copies of the application to other agencies that might be affected by the proposed application. If considered necessary, any such agency may require the applicant to furnish additional information of
a pertinent and reasonable nature. Any such agency may transmit comments and recommenda
tions concerning the application to the Manager. Any agency wishing to comment
shall do so within 21 days from the referral of the complete application. Non-response
by a reviewing agency within the 21-day time period, or any extension agreed to by the
Manager, shall be deemed a recommendation of approval by such agency.

2. Disposition of Application
   a. Except as allowed in subsection D.2.b. below, when the Manager determines an
      application for an official map amendment, including agency comments and rec
      ommendations, is ready for Planning Board action, the Manager shall submit the
      application to the Planning Board together with the Manager’s written recommenda
      tion to the Planning Board.
   b. Where an amendment is necessary only to correct an error in the official map,
      the Manager may submit the application, including agency comments and recom
      mendations, directly to the Council Committee for its consideration under Section
      12.4.10.4.F, below.

E. Public Hearing and Recommendation by Planning Board
   1. The Planning Board shall notice and hold a public hearing on the application for an
      official map amendment according to Section 12.3.4, Public Notice Requirements. The
      Planning Board shall consider the recommendation of the Manager and any comments, in
      addition to the review criteria below, in recommending approval, approval with condi
      tions, or denial of an official map amendment.
   2. The Planning Board’s recommendation shall be forwarded to the City Council for consid
      eration within 30 calendar days after the closing of the public hearing, unless the appli
      cant consents to an extension of such time.

F. Consideration of Application by Council Committee
   1. City Council shall appoint a committee of its members to examine all applications for
      official map amendment and the related department reports, Manager’s recommenda
      tion, and the Planning Board’s recommendation. The Council committee may at that time
      require additional information from the applicant, from anyone submitting comments, or
      from city agencies, including information previously waived.
   2. The Council committee shall direct any further action on the application under this
      Section and, when deemed ready for hearing, shall forward the application to the City
      Council.

G. Public Hearing and Final Decision by City Council
   1. The Manager shall submit the complete application with such supporting material as
      designated by the Council committee.
   2. The City Council shall notice and hold a public hearing on the proposed official map
      amendment according to Section 12.3.4, Public Notice Requirements. The City Council
      shall consider the recommendations of the Planning Board and Manager, and any other
      comments received, in addition to the review criteria below, in approving, approving with
      conditions, or denying an official map amendment.

12.4.10.5 Protest Petition

A. Effect of Protest to Amendment
   1. If a protest to an official map amendment signed by the owners of 20 percent or more
      either of (1) the area of the lots included in such proposed change; or (2) the total land
      area from the perimeter of the area proposed for change to a distance of 200 feet outside
of the perimeter of the area proposed for change, is filed with the City Council per subsection B. below, then the amendment shall not become effective except by the favorable vote of 10 members of the City Council.

2. For the purpose of defining owners and the area of land represented by the owner, land owned by more than one owner shall be divided to the extent of each owner’s percentage of ownership interest in determining whether a protest has the required percentage of signatures.

3. The Manager shall determine the adequacy of all protest petition signatures.

B. Filing of Protests; Time Limitations; Withdrawal
All protests to an official map amendment and any withdrawal of the protest or specific petition signatures shall be filed with the City Council on or before, and not later than, noon 7 days prior to the date for the public hearing before City Council on the official map amendment. No protests shall be signed until the official map amendment council bill is ordered published by City Council.

12.4.10.6 Waivers of Rights and Obligations and Approval of Reasonable Conditions
A. Whenever an application for an official map amendment, in whole or in part, is based upon a written representation by the applicant(s) that the applicant(s) wishes to waive certain rights or obligations under the proposed district classification, the City Council may adopt such waivers as a part of the ordinance amending the official map if such waivers are approved in writing by the applicant(s).

B. Whenever public necessity, convenience, general welfare or good zoning practice justify the attachment of reasonable conditions to an official map amendment, the City Council may adopt such conditions as a part of the ordinance amending the official map if such conditions are approved in writing by the applicant(s).

C. Upon adoption of an ordinance pursuant to subsections A. or B. above, no zoning permits shall be issued except in strict compliance with the approved waivers or conditions. Any person who applies for a permit to alter or erect a structure in such area shall be deemed to have assented to all of these waivers and conditions.

D. Every official map amendment based, in whole or in part, upon waivers as set forth in subsection A. or conditions as set forth in subsection B. above, shall contain an exact description of any such waivers or conditions. Such ordinance may be amended by City Council upon application for an amendment either by the original applicant or by a successor in interest; provided, however, that prior to such amendment, public notice shall be given similar in all respects to the public notice required for an official map amendment. Nothing contained in this Section shall be construed as a requirement that all applications for rezoning must contain waivers or have conditions.

E. When City Council approves a text amendment to the standards applicable in a zone district (see Section 12.4.11), such text amendment applies equally to all previously approved official map amendments to that zone district, including official map amendments that were based, in whole or in part, upon waivers or conditions.

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments
The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

A. Consistency with Adopted Plans
The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan.
B. Uniformity of District Regulations and Restrictions
The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

C. Public Health, Safety and General Welfare
The proposed official map amendment furthers the public health, safety and general welfare of the City.

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings
In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment that the City Attorney has determined is not a legislative rezoning only if the City Council finds the application meets the following criteria:

A. Justifying Circumstances
One of the following circumstances exists:

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
4. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
   a. Changed or changing conditions in a particular area, or in the city generally; or,
   b. A City adopted plan; or
   c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning;
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements
The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.

12.4.10.9 Additional Review Criteria for Rezoning to PUD District
In addition to the general review criteria stated in Section 12.4.10.7, for all proposed official map amendments requesting a PUD District, the City Council shall find:

A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;
C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;
D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and

E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

12.4.10.10 Appeal
A decision by the City Council on a proposed official map amendment may be appealed to District Court.

12.4.10.11 Requirements and Limitations After Rezoning Approval

A. Registration and Recording of Official Map Amendments

1. Recording Required
The Manager shall record the final action of the City Council on an official map amendment in the real property records of the Denver County Clerk and Recorder, and shall cause the amendment of the official zone map to designate the subject property according to the amendment.

2. Approved PUD District Plans
The Manager shall record all approved PUD District Plans in the real property records of the Denver County Clerk and Recorder along with the ordinance approving such PUD District Plan, and the Manager shall cause the amendment of the official zone map to designate the area included in the approved PUD District Plans as follows:
   a. For approved PUD Districts with General PUD District Plans: “PUD-G #_____.”
   b. For approved PUD Districts with Detailed PUD District Plans: “PUD-D #_____.”

B. Effect and Limitations on Approval

1. Effect of Rezoning Approval - In General
Approval of an official zone map amendment does not automatically confer any right to development or construction. Development shall comply with all applicable standards and procedures in this Code and the D.R.M.C.

2. Effect of Approved Detailed PUD District Plans
   a. The standards and provisions of an approved Detailed PUD District Plan shall constitute the zoning regulations for use and development of the subject property. Approval of a Detailed PUD District Plan shall constitute site development plan review for zoning compliance purposes only under Section 12.4.3, and zoning permits may be issued and site work commenced according to the approved Detailed PUD District Plan.
   b. An approved Detailed PUD District Plan shall expire after 18 months from the date of City Council approval if an approved zoning permit and building permit (as applicable) has not been obtained and if construction (as applicable) has not started. See Article 13, for definition of “start of construction.”
   c. The Zoning Administrator may extend the original 18-month expiration time frame for Detailed PUD District Plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

3. Effect of Approved General PUD District Plans
   a. Within a PUD District subject to an approved General PUD District Plan, no zoning permits may be issued and no work may commence until a site development plan...
has been approved according to Section 12.4.3, Site Development Plan Review, or unless a Detailed PUD District Plan for a portion or portions of the PUD District has been approved by City Council according to Section 9.6.1.3.A of this Code.

b. A site development plan within a PUD District may be for the entirety of the district, or for only one or more phases of the entire PUD District area. The approval of a site development plan for any one phase of the PUD District may be contingent on improvements that involve other or all phases. In any site development plan application for less than the entirety of the PUD District, the applicant shall submit plan exhibits that clearly show the relation of the subject site development phase(s) to the remainder of the PUD District area.

c. The standards and provisions of the approved PUD District subject to a General PUD District Plan, together with all approved site development plans for the PUD District, shall constitute the zoning regulations regulating all use and development of the subject property.

4. **City Council Authority to Rezone in Case of No Progress in a PUD District with a General PUD District Plan**

Areas covered by an approved PUD District with a General PUD District Plan may be considered by City Council for rezoning to a more appropriate classification under this Section if a complete site development plan for at least one phase of the PUD District has not been submitted within 30 months following approval of the PUD District with a General PUD District Plan; provided all owners of property subject to such amendment or rezoning have been first notified in writing by Community Planning and Development that the City Council is considering such rezoning.

5. **Modifications or Amendments to Approved PUD Districts**

   a. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, for regulations governing permitted modifications and amendments to approved PUD Districts and associated PUD District Plans.

   b. All approved amendments to a recorded PUD District Plan shall be recorded.

6. **12.4.10.12 Limits on Re-Application for Denied Official Map Amendments**

No application for an official map amendment shall be made concerning any land area, or any portion thereof, that was the subject of a public hearing conducted by City Council within the immediately preceding 12 months period and which public hearing resulted in a rejection of the proposed official map amendment. However, this limitation shall not apply to those land areas or portions thereof for which a different zone district classification is proposed than that which was denied by City Council.

**SECTION 12.4.11 TEXT AMENDMENT**

**12.4.11.1 Applicability**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the City, the text of this Code shall not be amended except to correct a manifest error in the chapter, or because of changed or changing conditions in a particular area or in the city generally, including any change to the regulations and restrictions of an area thereof, or to implement adopted plans, or as otherwise reasonably necessary to the promotion of the public health, safety or general welfare.

**12.4.11.2 Text Amendments to Create New Use Overlay Zones Not Allowed**

After June 25, 2010, no new Use Overlay District may be established through a text amendment to this Code.
12.4.11.3 Review Process

A. Initiation
A proposed text amendment may be initiated by:

1. City Council
   a. According to its authority under the City Charter, the City Council or any individual member of the City Council may initiate a text amendment. The City Council or an individual City Council member may, but is not required to, follow the public notice or procedures in this Section 12.4.11.3. However, the City Council or any individual City Council member shall comply with the public notice and process provisions required by the Charter for a text amendment.

2. Other Parties
   a. The Manager on the Manager's initiative or upon request of private parties may initiate a text amendment; or the manager of any city department or agency may initiate a text amendment.

B. Application
1. All requests for proposed text amendments shall be filed in writing with the Manager. This provision does not apply to text amendments initiated by the Manager.

C. Agency Referral and Recommendation
1. Upon receipt of a written request for a proposed text amendment, the Manager shall transmit copies of the request to any other agencies, either public or private, which might be affected by the amendment. Any such agency may transmit comments and recommendations concerning the proposed text amendment to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the written request. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

2. No text amendment shall be forwarded for City Council consideration until the amendment has been referred to affected agencies and the recommendations of those agencies, if any, considered.

D. Disposition of Initiated Text Amendments
1. Except as allowed in subsection D.2 below, when a request for a proposed text amendment, including agency comments and recommendations, is completely assembled, the Manager shall submit it, along with the Manager's written recommendation, to the Planning Board for the Planning Board's review and recommendation.

2. Where a text amendment is necessary only to correct an error or mistake in fact in the Code language, the Manager may submit the proposal, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.11.3.F, below.

E. Public Hearing and Recommendation by Planning Board
The Planning Board shall notice and hold a public hearing on the proposed text amendment according to Section 12.3.4, Public Notice Requirements. The Planning Board shall consider the recommendation of the Manager and any comments received, in addition to the review criteria below, in recommending approval, recommending approval with conditions, or recommending denial of a text amendment. The Planning Board shall forward its recommendation to City Council.
F. **Consideration by Council Committee**
   1. City Council shall appoint a committee of its members to examine all proposed text amendments and agency reports. The Council committee may at that time require additional information from the initiator of the proposed text amendment or from city agencies, including information previously waived.
   2. The Council committee shall direct any further action on the proposed text amendment under this Section and, when deemed ready for hearing, shall forward the proposal to the City Council.

G. **Public Hearing and Final Decision by City Council**
   1. The Manager shall submit the complete proposal with such supporting material as designated by the Council committee to the City Council for Council action.
   2. The City Council shall notice and hold a public hearing on the proposed text amendment according to Section 12.3.4, Public Notice Requirements. The City Council shall consider the recommendations of the Planning Board and Manager, comments received, and the review criteria below, in approving or denying a text amendment.

**12.4.11.4 Review Criteria**

A. **Consistency With Adopted Plans**
   All text amendments shall be consistent with the City's adopted plans, or the proposed text amendment is necessary to provide for a community need that was not anticipated at the time of the adoption of the Comprehensive Plan.

B. **Public Health, Safety and General Welfare**
   All text amendments shall further the public health, safety and general welfare of the City.

C. **Uniformity of District Regulations and Restrictions**
   A text amendment to this Code shall result in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

**12.4.11.5 Appeal**
A decision by the City Council on a text amendment may be appealed to District Court.

**SECTION 12.4.12 LARGE DEVELOPMENT REVIEW**

**12.4.12.1 Intent**

A. **General Intent**
   The intent of the Large Development Review (LDR) process is to implement City Council adopted plans that provide guidance for future land use and development, and resulting public infrastructure, open space, and public parks, on sites that are large or otherwise require a more coordinated inter-agency development review process. The LDR process provides an early opportunity to identify issues and the development’s relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. The LDR results in a framework for coordinating development, infrastructure improvements, and regulatory decisions before site-specific development proceeds within the subject area.

B. **Intent of the LDR Review Process**
   The LDR process is intended to:
1. Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies;

2. Ensure that development in the LDR area is consistent with City Council adopted plans;

3. Ensure that development in the LDR area will implement adopted plan policies related to infrastructure, open space, and public parks, as applicable, by establishing the appropriate timing and requirements for subsequent regulatory steps, submittals and approvals;

4. Produce a written document ("Large Development Framework") that states and describes all applicable planning and regulatory reviews and establishes a rational sequence of the required reviews to ensure that development in the LDR area is consistent with Section 12.4.12.1.A. General Intent; and

5. Provide an early opportunity for public and community information about the LDR and framework process.

12.4.12.2 Applicability

A. The Large Development Review (LDR) process and preparation of a Large Development Framework (LDF) is mandatory when the Development Review Committee (DRC) determines (1) the specific circumstances warrant a coordinated master framework process to guide future development; (2) the land use, development, open space, parks, housing, urban design, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development plan review; or (3) the area at issue is subject to a previously approved regulatory plan or document that established a coordinated master framework process, including but not limited to a General Development Plan or LDF. In determining whether circumstances warrant the LDR process and preparation of a LDF, all relevant factors shall be considered, including but not limited to the following:

1. **Adopted Plan Recommendation**
   A City Council adopted plan recommends use of the LDR process, preparation of an Infrastructure Master Plan (IMP), or General Development Plan (GDP) for all or portions of the subject area.

2. **Large-Scale Development**
   The Manager determines that the gross land area at issue is more than 5 acres or 3 Blocks or will result in the creation of 3 or more Blocks.

3. **Infrastructure Network or System Improvements**
   Future development in the subject area anticipates any of the following infrastructure improvements:
   a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or
   b. Establishing, extending, expanding, or otherwise changing an existing regional stormwater system; or
   c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.

4. **General Development Plan Amendments**
   The area is subject to a previously approved GDP and the GDP needs to be amended according to Section 12.4.12.18.A, Amendments and Minor Deviations to an Approved General Development Plan.

B. A determination whether the LDR process is applicable according to this subsection shall be made after the pre-application meeting as described in Section 12.4.12.5 below.
C. **Optional LDR**
   An owner may request a LDR process for the property in order to establish a coordinated regulatory and review framework for the property.

### 12.4.12.3 Timing of LDR Review
When LDR is mandatory, the Large Development Framework (LDF) shall be approved before final approval of the following.

A. Official Map Amendment
B. Subdivision under D.R.M.C., Chapter 50.
C. Site Development Plan under Section 12.4.3.
D. Infrastructure Master Plan under Section 12.4.14.

### 12.4.12.4 Initiation
A. A LDR may be initiated by any one or combination of the following parties:
   1. The owner or owners of the entire subject property;
   2. The owner(s)’s authorized agent(s);
   3. The Manager;
   4. The manager of Parks and Recreation; or
   5. The manager of Public Works.

### 12.4.12.5 Pre-Application Meeting for LDRs
A. A pre-application meeting is mandatory to determine the applicability of the LDR process for a specific development concept according to Section 12.4.12.2, Applicability. See 12.3.2, Pre-Application Meeting/Concept Plan Review.

B. An applicant shall request a pre-application meeting for LDR either on the applicant’s own initiative, or when directed by the Manager after submittal of an application for a different regulatory process, including but not limited to an Official Map Amendment, Infrastructure Master Plan, Site Development Plan, or Subdivision under D.R.M.C. Chapter 50. For example, the Manager may refer an applicant to the LDR pre-application meeting process in lieu of a pre-application meeting/concept review for Site Development Plan under Section 12.4.3.3.

C. The DRC shall attend the pre-application meeting, at which the applicant shall present the land use and development concept for the subject property.

D. When the DRC has sufficient information to assess the future land use and development proposal for infrastructure impacts, no later than 30 days following the pre-application meeting, the DRC shall inform the applicant in writing whether the Large Development Review (LDR) process and preparation of a Large Development Framework (LDF) is mandatory.

E. Any DRC determination that LDR is not required will not automatically mean that future development in the area at issue is not subject to a future LDR process in accordance with this section. For example, if the DRC determines that a LDR process is not required prior to approval of an Official Zoning Map Amendment for the area at issue, preparation of a LDF may still be required as part of a future request for a subdivision or site development plan in the area at issue.
12.4.12.6 Preliminary Determination of LDR Scope

If the DRC has determined that the LDR process is required in accordance with Section 12.4.12.2 (Applicability) and 12.4.12.5 (Preapplication Meeting), no later than 60 days following the pre-application meeting, the Manager shall inform the applicant of the DRC’s preliminary findings addressing, at a minimum, the following items:

A. The boundaries of the LDR;

B. Whether a City Council adopted plan (or plans) provides clear and sufficient guidance for changes in land use, development, and infrastructure in the subject area;
   1. City Council adopted plans may include, but are not limited to, neighborhood plans, station area plans, master plans, and citywide plans (Blueprint Denver).
   2. The Manager shall evaluate all applicable adopted plan policies and may determine "clear and sufficient guidance" exists considering all relevant factors, including but not limited to whether (1) the City Council adopted plans provide a level of detail for the subject LDR area sufficient to establish a framework for interconnected land uses, streets, open space, public parks, and other infrastructure, as applicable; (2) the plan was adopted within the previous 20 years from the date of the LDR preapplication meeting; and (3) the plan adequately addresses current community conditions for the subject area.

C. The type and timing of necessary regulatory processes applicable to the proposed development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, amendments or repeals of previously approved General Development Plans, or approval of any urban design standards and guidelines;

D. When the Manager finds that an Official Map Amendment is necessary for the proposed large development and when the Manager has made a preliminary finding of no clear and sufficient City Council adopted plan guidance according to Section 12.4.12.6.B above, the type and timing of necessary planning processes applicable to the proposed development of the subject area;

E. Whether any land dedication will be required through a subsequent regulatory process in the LDR area for streets, trails, open space, public parks, schools and other public purposes; and

F. Whether any additional actions will be required to ensure community benefits are achieved for the large development area identified in a City Council adopted plan, including but not limited to an affordable housing plan or a schools plan, as applicable.

12.4.12.7 Community Information Meeting

A. Timing of Community Information Meeting - Required Public Notice

No earlier than the DRC’s preliminary determination of the LDR scope according to Section 12.4.12.6 and prior to preparation and submittal of the Large Development Framework in accordance with Section 12.4.12.10, the applicant shall schedule a community information meeting and provide public notice of the community information meeting in compliance with the following standards.
1. **Written Notice of Community Information Meeting**
   The applicant shall send written notice at least 21 days prior to such meeting of the proposed Large Development Review application and community information meeting in compliance with the following standards:
   a. The written notice of the community information meeting shall be sent to:
      i. Owners of any real property located partially or totally in the boundary of the LDR area;
      ii. Owners of any real property located within 200 feet of the boundary of the LDR;
      iii. The City Council members in whose districts the LDR area is located, and the at-large City Council members;
      iv. Any neighboring municipality or county that is contiguous to any boundary of the LDR area;
      v. Denver Public Schools if the LDR area anticipates residential development;
      vi. Any special district of which any part of the district's boundaries is included in the LDR area;
      vii. Any neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the boundary of the LDR;
   b. The written notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
   c. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled.
   d. The failure of any real property owner or a registered neighborhood organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the City.

2. **Posted Notice of Community Information Meeting**
   Posted notice of the Community Information Meeting shall be provided in compliance with the following standards:
   a. No later than 21 days prior to the required Community Information Meeting, the applicant shall be responsible for posting signs on the subject property providing public notice thereof.
   b. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the Community Information Meeting, and any other information prescribed by the Manager.
   c. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.
   d. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the Community Information Meeting has been held. Failure to do so shall constitute a violation of this Code.

B. **Conduct of Community Information Meeting**
   1. At the community information meeting, the applicant shall present the large development proposal. Community Planning and Development staff shall present the DRC's preliminary findings from Section 12.4.12.6 (Preliminary Determination of LDR Scope) related to the LDR boundaries, whether there is clear and sufficient City Council adopted plan
12.4.12.8 Application and Fees
All applications for LDR review shall be filed in writing with Community Planning and Development within 180 days of the Community Information Meeting according to Section 12.4.12.7. If an application for LDR review is not submitted within 180 days after the Community Information Meeting, the Manager may require a new pre-application meeting, revised determination of the LDR scope, and a new Community Information Meeting. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.12.9 Review, Referral, and Final Determination of LDR Scope by the DRC
A. Review and Referral
The Manager shall refer the LDR application to the DRC and all affected or interested agencies for review and comment.

B. Final DRC Determination of LDR Scope
The DRC shall evaluate any relevant new information received since the Preliminary Determination of LDR Scope in Section 12.4.12.6 above, and establish the final scope for preparation and submittal of the Large Development Framework in Section 12.4.12.10 below.

12.4.12.10 Preparation and Submittal of the Large Development Framework
The applicant shall prepare and submit a Large Development Framework ("LDF") that addresses, at a minimum, the following:

A. The final LDR scope established by the DRC;
B. The type and timing of necessary regulatory or planning processes applicable to development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, Site Development Plans, amendments or repeals of previously approved General Development Plans, approval of any urban design standards and guidelines, or approval of any planning processes, as applicable;
C. The report summarizing the Community Information Meeting;
D. Development phasing plans, as applicable; and
E. Additional information required by the DRC.

12.4.12.11 Final Decision on LDF by Development Review Committee
A. The DRC shall consider the review criteria stated in Section 12.4.12.12, and make a final decision to approve, approve with conditions, or deny a LDF.
B. The DRC may attach conditions to the final LDF approval reasonably necessary to protect the health, safety and welfare of the community, or to mitigate adverse impacts on surrounding properties.

### 12.4.12 Review Criteria
The DRC shall approve a Large Development Framework (LDF) only if the DRC finds:

A. The LDF implements City Council adopted plans through the type and sequencing of regulatory or planning tools, as applicable; and

B. The LDF establishes a coordinated development review process that ensures the future development of the subject area will address land use, development, infrastructure, open space, public parks, schools, and other related issues, as applicable, in accordance with City Council adopted plans.

### 12.4.13 Appeals
Section 12.4.8, Appeal of Administrative Decision, shall apply to final decisions of the DRC on a LDF in accordance with this section.

### 12.4.14 Recordation of Approved LDF
Community Planning and Development shall register a copy of the final LDF document among its records and shall record the final LDF document in the real property records of the Denver County Clerk and Recorder.

### 12.4.15 Effect of Approved LDFs and GDPs
In addition to Section 12.3.5, Effect of Approved Applications, Plans and Permits, the following applies:

A. A recorded Large Development Framework (LDF) or previously approved General Development Plan (GDP), including any subsequently recorded amendments, shall be in full force and effect until and unless such time as the LDF or GDP is either superseded or rescinded.

B. The City Council may approve an official map amendment (rezoning) application for property located within an approved LDF or GDP area, taking into consideration the approved LDF or GDP.

C. The City may issue subdivision approvals, site development plan approvals, infrastructure master plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved LDF or GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved LDF or GDP.

### 12.4.16 Amendments to an Approved Large Development Framework

A. **Intent**
   In addition to Section 12.4.12.1, Intent, the LDF amendment process is specifically intended to allow for LDFs to change over time as needed and to establish appropriate procedures for amendments to LDFs.

B. **Applicability**
   This Section 12.4.16 shall apply to any change to a previously approved LDF.

C. **Initiation**
   Amendments to an approved LDF may be initiated by any one or combination of the following parties:

   1. One or more owner(s) or agent of the owner(s) of the properties to which the amendment applies;
2. The Manager;
3. The manager of Parks and Recreation; or
4. The manager of Public Works.

D. Procedure for LDF Amendments

1. DRC shall review an amendment to an approved LDF according to the same procedures and subject to the same limitations and requirements as the original LDF approval, and according to the additional review criteria in Section 12.4.12.16.E.

2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.

3. The Manager shall record all amendments to a LDF approved according to this Section in the records of the Denver County Clerk and Recorder’s Office.

E. Additional Review Criteria for LDF Amendments

In addition to the review criteria in Section 12.4.12.12, the DRC shall approve the LDF amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved LDF area, where such impacts are not otherwise substantially mitigated.

12.4.12.17 Withdrawal of Recorded Large Development Frameworks

Pursuant to the same procedure and subject to the same limitations and requirements by which such LDFs were approved and recorded, all LDFs recorded under this Code may be withdrawn, either partially or completely. LDFs may be withdrawn if the DRC determines that since the date of the approval of the existing LDF, conditions in the LDF area have changed to a degree that withdrawal of the LDF is in the public interest or 10 or more years have lapsed. Upon approval of an application to withdraw by the DRC, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

12.4.12.18 Amendments and Minor Deviations to an Approved General Development Plan

A. Amendments to an Approved GDP

1. Intent
The GDP amendment process is intended to allow for GDPS to change over time and to establish appropriate procedures for different types of amendments to GDPS.

2. Applicability
Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.4.12.18.A. The DRC shall decide if the proposed change falls within any of the following:

a. Significantly modifying or reallocating the permitted height, mix of uses, or density of development;

b. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;

c. Substantially moving or altering the vehicle access and circulation to or within the development;

d. Changing or negating a condition of approval; or

e. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager; or

3. **Procedure for Amendments**
   An amendment to an approved GDP may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications. An amendment to an approved GDP under this Section 12.4.12.18.A shall be reviewed for applicability to the Large Development Review (LDR) process in Section 12.4.12.2.

B. **Minor Deviations to an Approved GDP**
   The DRC may authorize minor deviations from a previously approved General Development Plan (GDP). Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.4.12.18.A, Amendments to an Approved GDP. All minor deviations to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder’s Office.

12.4.12.19 **Repeal of an Approved General Development Plan**

A. **Intent**
   The GDP repeal process set forth in this section is intended to provide a flexible process for repeal of certain types of GDPs. This section is intended for those GDPs that may be repealed without a substantial reduction of any community benefits conferred through the GDP, and with no adverse impacts on infrastructure systems or property owners in the GDP area that cannot otherwise be substantially mitigated.

B. **Applicability**
   Any General Development Plan approved under this Code or Former Chapter 59 is eligible for the GDP repeal process in this Section 12.4.12.19, provided the request meets all of the applicable standards and notice requirements in this section. Any requests for GDP repeals not eligible for this process shall be subject to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.

C. **Procedure for Review of GDP Repeals**

1. **Initiation**
   A GDP repeal may be initiated by any one or combination of the following parties:
   a. One or more property owners or their authorized agent(s) within the area subject to the repeal request;
   b. The Manager;
   c. The Manager of Parks and Recreation; or
   d. The Manager of Public Works.

2. **Pre-Application Meeting**
   A pre-application meeting is mandatory before submittal of an application for a GDP repeal in accordance with this section. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review

3. **Public Notice Requirements**
   a. **Written Notice of Receipt of Application**
      Written notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.A, except as follows:
      i. No later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the following parties:
         a) The city council members in whose district the subject property is located.
         a) The at-large city council members.
b) Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the area of the GDP proposed for a repeal.

c) The owners of any real property located in whole or in part within, or within 200 feet of, the area of the GDP proposed for a repeal.

iv. Such written notice shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the date of the written notice, and state that any final decision to approve the application shall be posted in accordance with DZC Section 12.3.4.5.C.

b. Posted Notice of Receipt of Application

Posted notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.B.

b. Posted Notice of Final Administrative Action

Posted notice of the final decision on the GDP repeal application shall be required in accordance with Section 12.3.4.5.C.

4. Review, Referral, and Decision by Development Review Committee

a. The DRC shall refer the GDP repeal application to all affected or interested agencies for review and comment.

b. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the proposed repeal of a general development plan, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying repeal of a general development plan in accordance with this section. Relevant comments shall include but are not limited to comments that the GDP repeal will negatively impact community benefits conferred through the GDP or adverse impacts that will not be substantially mitigated to property within or surrounding the proposed GDP repeal area.

c. If the DRC deems any comments received during the public notice period as relevant, the GDP repeal process shall proceed according to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.

d. The DRC may attach conditions to the General Development Plan repeal approval that are reasonably necessary to protect the health, safety and welfare of the community and to substantially mitigate adverse impacts on adjacent properties, as authorized by this Code.

5. Review Criteria

The DRC may approve the repeal of a GDP only upon finding that:

a. The repeal will not result in adverse impacts that have not been substantially mitigated; and

b. The repeal will not create a substantial reduction of any community benefits conferred through the GDP and not conferred through other regulatory tools, including but not limited to:

i. Vehicle, pedestrian, or bicycle connections; or

ii. Coordinated stormwater, wastewater, or water infrastructure systems; or

iii. Open space or parks systems serving the GDP area; or

iv. A phasing plan that sets forth the timing of and responsibility for development in the GDP area; or

v. Other community benefits that the DRC determines would be negatively impacted with the GDP repeal.
12.4.12.20 Large Development Review Rules and Regulations

The Manager has the authority to adopt rules and regulations relevant to the Large Development Review process that supplements the procedures and requirements set forth in this Section 12.4.12. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.12 for approval of a LDF.

SECTION 12.4.13 REGULATING PLAN

12.4.13.1 Intent

A. General Intent of a Regulating Plan

A Regulating Plan is used to apply permitted building forms, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a zone district. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all zone districts except in the M-GMX zone district. An approved Regulating Plan provides a binding plan that narrows the broad flexibility otherwise permitted in the zone district as site specific development proceeds within the subject area.

B. Intent of Regulating Plan in the M-GMX Zone District

For properties zoned to a Master Planned General Mixed Use ("M-GMX") District, a Regulating Plan is mandatory prior to site development. The M-GMX zone district allows a broad menu of potential building forms and land uses, which are intended to allow flexibility to create places with a specific character, as described in an approved General Development Plan. The broad menu of building forms and land uses must be restricted in their geographic location in order to successfully implement the approved General Development Plan, and to provide predictability and certainty for future property owners within the M-GMX zone district. The geographic application of specific building forms, building heights and land uses is shown through a Regulating Plan, which ensures the character described in the General Development Plan is implemented throughout the M-GMX zone district.

12.4.13.2 When Required & General Allowances

A. When Required

1. Mandatory in the M-GMX Zone District

Preparation of a Regulating Plan is mandatory in the M-GMX zone district, except when the subject property is included in a General Development Plan, which includes the same level of detail and information as required by this Section 12.4.13, including but not limited to the designation of Primary Streets.

2. Mandatory for Development within Certain General Development Plan Areas

Preparation of a Regulating Plan is mandatory prior to site development subject to a General Development Plan where the GDP does not include designation of Primary Streets.

3. Optional in All Other Cases

In all zone districts other than in the M-GMX zone district, and when a Regulating Plan is not otherwise mandatory under this Section, preparation of a Regulating Plan is optional.

B. General Allowances

1. A Regulating Plan may encompass all or a portion of the area within a General Development Plan, as applicable; in addition, there may be multiple Regulating Plans within the same GDP area.

2. There is no minimum area required for submittal of a Regulating Plan.
12.4.13.3 Review Process

A. Intent of the Regulating Plan Review Process
   The review process established in this Section 12.4.13 for a Regulating Plan is intended to:
   1. Narrow the application of the permitted building forms, land uses, and building heights within a zone district to specific geographic sites; and
   2. Ensure that the implementation of the zone district standards are consistent with the approved General Development Plan.

B. Timing of Regulating Plan Review
   When preparation of a Regulating Plan is required according to this Section, the Regulating Plan shall be approved before approval of any of the following zoning applications, as applicable, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications. A Regulating Plan may also be incorporated into or a part of a Site Development Plan if applicable.
   1. Special Exception Review
   2. Variances
   3. Site Development Plan Review
   4. Zoning Permit

C. Initiation
   A Regulating Plan may be initiated by any one or combination of the following parties:
   1. All of the owners of the entire land area subject to the application for a regulating plan, or their representatives authorized in writing to do; or
   2. The Manager.

D. Pre-Application Meeting
   A pre-application meeting is mandatory. See 12.3.2, Pre-Application Meeting/Concept Plan Review.

E. Application and Fees
   1. Submittal in Writing
      All applications for Regulating Plan review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

F. Regulating Plan Contents
   1. Regulating Plan
      a. The regulating plan shall be provided in a digital format acceptable to the Manager.
      b. A regulating plan shall be produced at a scale appropriate for review, but at no less than 1”=200’ scale.
      c. The regulating plan shall show:
         i. The land area that is the subject of the Regulating Plan, including 250 additional feet beyond the plan area to establish context, and shall also show the immediately adjoining land uses, roads, water bodies, and other rights-of-way or easements.
         ii. The boundaries of the area within the M-GMX zone district, as applicable.
         iii. Proposed size and layout of blocks.
iv. The location of all streets, alleys and drives with the street type specification and width of each.

v. Designation of Primary Streets and Side Streets.

vi. The location of all publicly accessible open spaces, including public parks or open space, common open space, and schools.

vii. The assignment of one or more permitted building form standards (e.g., urban house building form, general building form), including the maximum or range of heights permitted for such building forms, to each face block or zone lot. Building forms to apply within the Regulating Plan may be chosen from any of the building forms permitted in the applicable zone district.

viii. The land use or land uses permitted on each face block or zone lot.

ix. Where applicable, the location of dwelling units meeting the developer's affordable housing obligations under the Denver Revised Municipal Code.

x. The applicant may also assign supplemental building form standards to specific face blocks or zone lots to achieve urban design objectives for the proposed development, provided such supplemental standards shall be no less restrictive than otherwise applicable building form standards.

For example, while the applicable building form standards may limit a building's height to a maximum of 5 stories, a Regulating Plan may require a building located at a critical focal point within the development to have a minimum height of 2 stories. On the other hand, a Regulating Plan in the same instance cannot allow a maximum building height of 8 stories.

2. Project Report

a. The project report shall not be part of the recorded approval, but shall serve as background for the Manager in making a final decision on the Regulating Plan.

b. The project report shall include the following components.

i. Description of how the Regulating Plan is consistent with and implements any precedent approved plan for the area, such as a Neighborhood or Small Area Plan approved by the city, and the approved General Development Plan.

ii. Development program for the proposed Plan area, including:

a) Description of land use concepts and general geographic distribution for each land use concept;

b) Tabulation of acreages, as applicable, of each building form; and

c) Estimated sequence and timing (where known) of project construction

iii. Description of proposed transitions at the edge of the Regulating Plan area to promote compatibility between the Regulating Plan area and adjacent land uses, where applicable. For example, a Regulating Plan might illustrate the use of building height, the location of open space, landscaping and buffers, or streets and streetscape as transition tools along Regulating Plan area edges adjacent to more or less intensive building forms and land uses.

G. Review, Referral and Final Decision by Manager

1. Review and Referral

The Manager may refer the Regulating Plan application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application.
2. **Final Decision**
   a. The Manager shall make a final decision to approve, approve with conditions, or deny the Regulating Plan application, taking into consideration relevant agency or other party comments.
   b. The Manager may attach conditions to the Regulating Plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

12.4.13.4 **Review Criteria**
The Manager shall approve a Regulating Plan application only if the Manager finds:

A. That the proposed allocation and geographic location of building forms, building heights, and land uses are consistent with applicable City plans, including but not limited to any approved General Development Plan, the Comprehensive Plan, Blueprint Denver, the Strategic Transportation Plan, small area plans, and all amendments and supplements to such plans;

B. The Regulating Plan provides a plan that will enable the predictable development of building forms and heights, and the predictable establishment of land uses within the plan's area; and

C. Design of the mix of building forms, heights, and land uses will respect existing adjacent neighborhood context, where applicable, and creates an appropriate transition at the edges of the Regulating Plan.

12.4.13.5 **Appeals**
The final decision of the Manager may be appealed to the Board of Adjustment according to Section 12.4.8, Appeal of Administrative Decision.

12.4.13.6 **Requirements and Limitations After Regulating Plan Approval**

A. **Execution and Recording**
   1. The applicant shall submit an electronic file of the final approved Regulating Plan for recording, which shall include an electronic copy of the original Regulating Plan cover sheet signed by all owners of the subject property and by the Zoning Administrator.
   2. Following execution of the final regulating plan, the Zoning Administrator shall record the electronic Regulating Plan in the records of the Denver County Clerk and Recorder’s Office.

B. **Effect of Approved Regulating Plans**
   1. All approved Regulating Plans and any Regulating Plan amendments shall be binding upon the applicants and their successors and assigns, shall control the issuance of all sub-division approvals, site development plan approvals, zoning permits, and the construction, location, use, and operation of all land and structures included within the Regulating Plan area.
   2. A recorded Regulating Plan shall be in full force and effect until and unless such time as the Regulating Plan is amended or replaced by a new Regulating Plan for the same location according to this Section’s procedures.

C. **Modifications and Amendments to an Approved Regulating Plan**
   1. Modifications and amendments to an approved Regulating Plan are allowed according to Section 12.3.7 of this Code.
   2. Except in cases where Section 12.4.13.2 mandates the use of a Regulating Plan, withdrawal of an approved and recorded Regulating Plan is allowed provided all land and structures remaining under such Regulating Plan can be made to comply with all regulations.
established by the applicable zone district and this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

SECTION 12.4.14  INFRASTRUCTURE MASTER PLAN

12.4.14.1  Intent
The intent of the Infrastructure Master Plan (IMP) process is to:

A. Implement City Council adopted plans by establishing conceptual, horizontal land use, development, and infrastructure systems for large development areas prior to final, site-specific planning and engineering design;

B. Implement regulatory processes and actions established through a Large Development Framework (LDF), as applicable, including but not limited to official map amendments (rezonings) and subdivisions; and

C. Use existing development review processes established in DZC Article 12 to coordinate infrastructure, open space, and public parks systems, both in and surrounding an LDR area, as applicable.

12.4.14.2  Applicability
The Manager of Community Planning and Development shall determine if Infrastructure Master Plan (IMP) review is required based on consideration of the following factors, as applicable to the proposed development:

A. An approved LDF in accordance with Denver Zoning Code (DZC) Section 12.4.12 requires an IMP for the proposed development area;

B. A City Council adopted plan recommends preparation of an IMP for the proposed development area;

C. The proposed development is in a previously approved General Development Plan area;

D. The Manager of Community Planning and Development determines that the gross area of the proposed development is more than 5 acres, or 3 Blocks, or will result in 3 or more Blocks; or

E. The Manager of Community Planning and Development determines that the proposed development is of a scale and complexity where a coordinated process addressing horizontal development systems is necessary to implement City Council adopted plans or a General Development Plan, as applicable.

12.4.14.3  Review Process

A. Initiation
An IMP may be initiated by any one or combination of the following parties:

1. The owner or owners of the entire subject property;

2. The owner(s)’s authorized agent(s);

3. The Manager of Community Planning and Development;

4. The Manager of Parks and Recreation; or

5. The Manager of Public Works.

B. Development Review Committee – Final Approval Authority
The Development Review Committee (“DRC”) shall have the authority to approve, approve with conditions, or deny an Infrastructure Master Plan.
C. Pre-Application Concept IMP Review
A pre-application Concept IMP review is mandatory before submittal of a formal IMP application. During the Concept IMP review, the DRC will confirm the applicability of IMP review to the proposed development activity and the specific procedural steps and submittal requirements the applicant will follow. See also Denver Zoning Code (DZC) Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

D. Final IMP Submittal and Review
After completion of the pre-application Concept IMP review, submission of applications shall comply with DZC Section 12.3.3, Submission of Applications, DZC Section 12.3.3.4, Application Fees, and with additional requirements set forth below and in the IMP Rules and Regulations:

1. Submittal and Timing After Concept IMP
The applicant shall submit a Final IMP for review within 180 days after completion of the Concept IMP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180-day filing period expires, and is not otherwise extended, the applicant shall be required to submit a new application for Concept IMP review and pay all required fees.

2. Concurrent Applications
   a. Concurrent applications with IMPs may be allowed according to Denver Zoning Code (DZC) Section 12.3.3.9, Concurrent Applications, and shall be in accordance with any approved Large Development Framework (LDF), as applicable.
   b. No Site Development Plan shall be approved in the proposed development area until the IMP is approved, unless the DRC finds that no IMP is necessary for the proposed development in accordance with DZC Section 12.4.14.2, or allows an exception in writing.
   c. No IMP shall be approved before a LDF is approved, unless the DRC finds that no LDF is necessary for the proposed development in accordance with DZC Section 12.4.12.2.B, or allows an exception in writing.

3. Submittal Requirements
At a minimum, the final IMP application shall include the items set forth in the IMP Rules and Regulations.

E. Final IMP Review, Referral, and Decision by Development Review Committee

1. The DRC shall refer the IMP application to all affected or interested agencies for review and comment related to the IMP’s consistency with adopted plans and rules and regulations.

2. The DRC shall consider the relevant comments of all interested parties, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying an IMP application.

3. The DRC may attach conditions to the IMP approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

12.4.14.4 IMP Review Criteria
The DRC shall approve an IMP only upon finding that the following review criteria have been met, as applicable:

A. The IMP is consistent with City Council adopted plans;

B. The IMP meets the standards set forth in the IMP Rules and Regulations;

C. The IMP is consistent with all prior approvals that are regulatory and controlling for the subject property. For example, the IMP shall be consistent with a previously approved Large Develop-
ment Framework, General Development Plan, Regulating Plan, and any applicable Urban Design Standards and Guidelines;

D. The pedestrian, transit, and street pattern is appropriate and adequate to serve the IMP area and provide connectivity to surrounding properties, and promotes and accommodates multimodal transportation;

E. The IMP contains an adequate master plan for provision of drainage, wastewater, and water systems through the IMP or a separate regulatory process;

F. Unique natural resource features and sensitive areas, including but not limited to the regulatory floodplain, can be adequately protected and accommodated through the IMP or a separate regulatory process;

G. The IMP contains an adequate master plan for the provision of publicly accessible and usable open space and/or public parks; and

H. The IMP provides an adequate master plan to ensure all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development, as may be further ensured through subsequent or separate regulatory processes.

12.4.14.5 IMP Appeals

Denver Zoning Code Section 12.4.8, Appeal of Administrative Decision, shall apply.

12.4.14.6 Requirements and Limitations After IMP Approval

A. Recordation of Approved Infrastructure Master Plans

Community Planning and Development shall register a copy of the approved IMP among its records and shall record the approved IMP in the real property records of the Denver County Clerk and Recorder.

B. Effect of Approval

Denver Zoning Code Section 12.3.5, Effect of Approved Applications, Plans, and Permits, applies with the addition of the following.

1. An IMP approved according to these rules and regulations shall regulate the future use and development of the subject property.

2. After approval of an IMP, the City may issue site development plans, zoning permits, and building permits to an applicant, provided such approvals are consistent with the approved IMP and comply with all other City standards and regulations, including those set forth in an approved Large Development Framework.

3. After approval of the IMP and all requisite zoning permits, if the Development Review Committee (DRC) finds that development is not proceeding in accordance with the approved IMP, the Manager, through all enforcement authority available, may immediately issue an order stopping any or all work on the property that does not comply with the approved IMP, until such time as the noncompliance is remedied.

12.4.14.7 IMP Expiration

An approved IMP shall expire if no site development plans, zoning permits, or building permits have been approved or issued within any 10 year time period after approval of the IMP, or as otherwise specified by the DRC in writing.
12.4.14.8 Vested Rights in Infrastructure Master Plans

A. Certain Infrastructure Master Plans Eligible for Vested Rights

1. An IMP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the IMP, may result in vested rights concurrently with the approved IMP.

2. An IMP approved prior to or concurrent with the City Council’s approval of one or more official map amendment (rezonings) to implement the IMP may be amended after approval of the official map amendment(s) to obtain vested rights. All IMP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria stated in Section 12.4.14.9, IMP Amendments, Repeals, and Minor Deviations below.

3. An IMP eligible for vested rights according to this subsection may be afforded vested rights only for the following items. In no case may the DRC confer vested rights that conflict with any standards set forth in the Denver Zoning Code or the Denver Revised Municipal Code at the time of approval of the IMP.
   a. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the IMP area and to adjacent development or public amenities/facilities such as schools, parks, and open space;
   b. The location and functional classification of the future street network within the IMP area, as applicable;
   c. The designation of Primary Streets to guide future development in compliance with the Denver Zoning Code;
   d. The location of future publicly accessible open space and parks; and
   e. The location of future public facilities, as applicable.

4. The vested rights in an approved IMP are directly proportional to the level of detail and specificity approved in the plan.

B. Vesting Period in IMPs

Rights vested through approval of an IMP shall remain vested for three years or until such time as the IMP is either superseded or rescinded, whichever occurs first, unless otherwise approved by City Council. Amendments to IMPs shall not affect vested rights unless expressly stated otherwise in the amendment.

12.4.14.9 IMP Amendments, Repeals, and Minor Deviations

A. Intent

In addition to Section 12.4.14.1, Intent, the amendment process is intended to allow for IMPs to change over time as needed and to establish appropriate procedures for different types of amendments to IMPs.

B. Applicability

This Section 12.4.14.9 shall apply to any change to a previously approved IMP.

C. Initiation

Amendments to an approved IMP may be initiated by any one or combination of the following parties:

1. One or more property owners or their authorized agent(s) within the area being amended;
2. The Manager of Community Planning and Development;
3. The Manager of Parks and Recreation; or
4. The Manager of Public Works.

D. **Procedure for IMP Amendments**

1. DRC shall review an amendment to an approved IMP according to the same procedures and subject to the same limitations and requirements as the original IMP approval, and according to the additional review criteria in Section 12.4.14.9.E.

2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.

3. The Manager shall record all amendments to a LDF approved according to this Section in the real property records of the Denver County Clerk and Recorder’s Office.

E. **Additional Review Criteria for LDF Amendments**

In addition to the review criteria in Section 12.4.14.4, the DRC shall approve the IMP amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved IMP area, where such impacts are not otherwise substantially mitigated.

**12.4.14.10 Infrastructure Master Plan Rules and Regulations**

The Manager has the authority to adopt rules and regulations relevant to the Infrastructure Master Plan (IMP) process that supplements the processes set forth for IMP review and generally this Article 12, including common decision making authority and requirements common to all zoning procedures.
C. Zone Lot Width in the DO-7 Overlay District

1. Rule of Measurement
   In lieu of the rule of measurement set forth in Section 13.1.5.1.B, Zone Lot Width in the DO-7 district shall be the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line measured along the Primary Street Zone Lot Line. For Zone Lots with multiple Primary Street Zone Lot Lines, the Primary Street Zone Lot Line with the greatest length will be used to determine Zone Lot Width.

D. Basis of Zone Lot Size and Width

1. Intent
   To recognize historic development patterns by allowing Zone Lot size and width to be measured based on recorded documents.

2. Rule of Measurement
   a. For Building Form standards that are based on Zone Lot size or width, such as setbacks, the Zoning Administrator shall make a final determination of the applicable Zone Lot size or width based on the Record Document, where available. For the purposes of this provision, a "Record Document" shall mean a recorded Plat or Subdivision that specifies historic platted lot measurements applicable to the subject property.
   b. Where a Record Document is not available, an applicant shall submit a certified survey to determine all Zone Lot measurements. When a Zone Lot measurement is within one-tenth of a foot per 25 feet of the applicable standard, it shall be determined to meet that standard.
      i. For example: The required minimum side interior setback for an Urban House building form in an U-SU zone district varies depending on the Zone lot width. According to this rule of measurement, for example, as long as the certified survey shows a Zone Lot width of between 74.7’ and 75.3’, the setback standard applicable to a 75-foot wide Zone Lot will apply. The formula applied in this example is broken down below:
         a) The zone lot dimensional threshold at issue for determining the applicable setback is 75 feet (of width). Using the results of a certified survey, an applicant needs to know whether to apply the setback standard for a less-than-75-feet wide zone lot (5 feet) or the setback standard for a 75 feet or more wide zone lot (7.5 feet).
One-tenth of 1 foot = 0.10

For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times (75 divided by 25 = 3)

\[ .10 \times 3 = .30 \]

75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.

75 feet plus .30 feet = 75.3 feet, which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

### 13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

#### A. General Provisions

1. **Intent**
   
   To provide a reference of measurement for standards related to form and building placement (e.g., Build-to, Setback).

2. **General Requirements**
   
   a. A primary street zone lot line or a side street zone lot line may abut a zone lot line abutting a private street if approved by the Zoning Administrator.
   
   b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

3. **Criteria for Zoning Administrator Determinations**
   
   a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:
      
      i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
      
      ii. Block and lot shape;
      
      iii. The functional street classification of all abutting streets as adopted by the Public Works Department;
      
      iv. The future street classification of all abutting streets as adopted in Blueprint Denver;
      
      v. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
      
      vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.
   
   b. The Zoning Administrator shall have authority to designate a Zone Lot’s Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:
      
      i. The Zone Lot contains a Historic Structure, and
      
      ii. The Zone Lot is located within a Residential Zone District, and
iii. Block Sensitive Setback in a MU or RO zone district
   a) Where the Primary Street Setback is required in a MU or RO zone district and the Block Sensitive Setback is determined to be greater than 20 feet, the minimum Primary Street Setback shall be 20 feet instead.

3. Administrative Adjustment to Consider Entire Block Face
   An Applicant may request an administrative adjustment to consider the entire block face in the determination of the block sensitive primary street setback. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

4. Rule of Measurement
   a. The Block Sensitive Setback is a minimum setback based on the location of the front Facades of the Primary Structures on the reference zone lots identified in subsections C.1. and C.2. above.
   b. The Façade of a Primary Structure on the subject zone lot shall be located no closer to its primary street zone lot line than the shortest distance between a Primary Structure Façade located on an identified reference zone lot(s) and its respective primary street zone lot line.

13.1.5.4 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines for all CC, MX, and MS Zone Districts

A. Intent
   To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setbacks)

B. General Requirements
   1. Each zone lot line shall have a designation of Primary Street, Side Street, Side Interior or Rear.
   2. Each zone lot shall have at least one Primary Street.
   3. A primary street zone lot line or a side street zone lot line may abut a private street if approved by the Zoning Administrator.
4. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

C. **Criteria for Zoning Administrator Determinations**
   The Zoning Administrator shall designate a zone lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable Site Development Plan, Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. If criteria 1 does not apply or does not provide guidance for all zone lot lines, then the following criteria shall be used:
   a. The Zoning Administrator may designate no more than:
      i. One Primary Street in the S-CC, S-MX, E-CC, and E-MX zone districts.
      ii. Two Primary Streets in the U-MX and G-MX zone districts.
      iii. Two Primary Streets in the C-MX zone districts, and any additional Primary Streets being designated Primary Street B.
   b. The Blueprint Denver Street Classification of all abutting streets, per the following table:

<table>
<thead>
<tr>
<th>Blueprint Denver Street Classifications Map</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Main Street</td>
<td>C-MX</td>
</tr>
<tr>
<td>Main (all types)</td>
<td>Primary Street</td>
</tr>
<tr>
<td>Mixed Use (all types)</td>
<td>Primary Street, *May be Primary or Side Street</td>
</tr>
<tr>
<td>Commercial (all types)</td>
<td>Primary Street, *May be Primary or Side Street</td>
</tr>
<tr>
<td>Industrial (all types)</td>
<td>Primary Street, *May be Primary or Side Street</td>
</tr>
<tr>
<td>Residential Arterial</td>
<td>*May be Primary or Side Street</td>
</tr>
<tr>
<td>Residential Collector and Local and Undesignated</td>
<td>**Side Street, **Side Street, **Side Street, **Side Street</td>
</tr>
</tbody>
</table>

   *The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s) Zone Lot Lines
   **If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c

   c. Existing Conditions
      i. The same or similar use, building form and/or zone district occurring on the same and opposing face block frontage;
      ii. Frontage facing a public park;
      iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49; and
      iv. The functional street classification of all abutting streets as adopted by the Public Works Department.

D. **Interior Zone Lots**
   1. The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear zone lot lines for all zone lots in the MS zone districts; See Figure 13.1-48.
13.1.5.5 Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent
To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency) in Cherry Creek North (C-CCN), Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+(D-AS-20+), Downtown Central Platte Valley - Auraria Transition (D-CPV-T), Downtown Central Platte Valley - Auraria River (D-CPV-R), and Downtown Central Platte Valley - Auraria Center (D-CPV-C) zone districts.

B. General Requirements
1. Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

C. Criteria for Zoning Administrator Determinations
The Zoning Administrator shall designate a zone lot’s Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:
1. Guidance provided in any applicable Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines.
2. If criterion C.1 does not apply, then the following criteria shall be used:
   a. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and
   b. Block and lot shape.
D. Determining Zone Lot Lines

1. All Zone Lots - Primary Street Zone Lot Lines
   a. The Zoning Administrator shall designate all Zone Lot Lines abutting a street to be Primary Street zone lot lines.
   b. In D-CPV-R zone districts only, any Zone Lot Line that abuts, and is roughly parallel to, the South Platte River, or a street that is adjacent to the South Platte River shall be designated as a Primary Street Zone Lot Line.
   c. In D-CPV-T, D-CPV-R, and D-CPV-C zone districts only, any Zone Lot Line that abuts a Public Park shall be designated as a Primary Street Zone Lot Line.

2. Interior Zone Lots
   For interior zone lots in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:
   a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
   b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.
   c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.
   See Figure 13.1-54.

Figure 13.1-54

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DENVER ZONING CODE
June 25, 2010 | Republished May 24, 2018

Amendment: 3
3. **Corner Zone Lots, Double Frontage Zone Lots, and Zone Lots with Frontage on 3 or More Streets/Full Block**

For all corner zone lots, double frontage zone lots, and zone lots with frontage on 3 or more streets or a full block in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:

a. All Zone Lot Lines abutting a named or numbered street shall be Primary Street Zone Lot Lines.

b. The Zoning Administrator shall determine the Side Interior and Rear Zone Lot Lines, as applicable. See Figure 13.1-55

![Figure 13.1-55](image-url)
13.1.5.6 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District

A. Intent
To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

B. General Requirements
The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B General Requirements shall apply in addition to the requirements set forth in this Section 13.1.5.6.

C. Criteria for Zoning Administrator Determinations
For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
   a. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Streets.
   b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street designation for more than one Abutting street.

2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
   a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
   b. Where a corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.

3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-56.

4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets
In lieu of the provisions set forth in Sections 13.1.5.4.E-G, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-56.
b. **Covered Walkway**

This alternative may be used only if the covered walkway complies with all of the following standards:

i. Shall take the form of an Arcade, Canopy, or Pergola.
ii. Shall be accessible to the general public during business hours.
iii. Shall provide continuous covered access to a required Entrance from the public right-of-way.
iv. A required public Entrance shall be visible from the Primary Street zone lot line.

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**Figure 13.1-114**

*Not to Scale. Illustrative Only.*

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### C. **Street Level Height**

1. **Intent**

Promote Street Level designs that can be adapted to future uses and ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.

2. **Applicability**

Street Level Height shall apply to any street-facing story meeting the definition of Street Level in Section 13.3.

3. **Rules of Measurement**

a. Street Level Height is measured from the upper surface of the floor of the Street Level, to the upper surface of the floor or roof next above across the entire street-facing Street Level building facade for a minimum depth of 15 feet from the street-facing building facade. See Figure 13.1-115.

b. A building facade is “street-facing” if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is “street-facing.” See Figure 13.1-101.
13.1.6.4 Open Space in Large Developments

A. **Net Development Area**

The required amount of Open Space in Large Developments shall be calculated as the percentage of the gross development area. The Net Development Area shall be the gross land area.
within the boundaries of the proposed large development area less the gross area of existing and proposed public rights-of-way and City park land, or land required to be dedicated to the City by the Department of Parks and Recreation.

B. **Contiguous Open Space Area**

1. The width of the minimum contiguous open space requirement for large developments shall be measured parallel to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as "A" in Figure 13.1-116.

2. The depth of the minimum contiguous open space requirement for large developments shall be measured perpendicular to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as "B" in Figure 13.1-116. 

![Figure 13.1-116](image)
SECTION 13.1.7 FENCE AND WALL HEIGHT MEASUREMENT

Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, or from the top-most point of the Retaining Wall on which it is placed, to the topmost point of the fence or wall.

SECTION 13.1.8 RETAINING WALL HEIGHT MEASUREMENT

The height of a Retaining Wall shall be measured as the vertical distance from the lowest grade at the base of the Retaining Wall to the top-most point where the wall no longer retains earth. Any vertical distance of wall more than 6 inches above the top-most point is no longer a Retaining Wall but is a Fence and Wall as defined in Article 13, and shall be measured according to the rule in Section 13.1.7.

Figure 13.1-117
Not to Scale. Illustrative Only.

SECTION 13.1.9 ROOFTOP MECHANICAL EQUIPMENT SCREENING MEASUREMENT

Rooftop mechanical equipment screening shall be measured from the opposite side of the abutting Primary Street’s public right of way at the edge of the right of way, measured 5’-6” above grade, as measured perpendicular to the midpoint of each building. The midpoint is measured at the widest point of the building parallel to the Primary Street Zone Lot Line.
Figure 13.1-118

Mechanical Equipment not visible from Primary Street R.O.W. (screening not required)

Figure 13.1-119

Not to Scale. Illustrative Only.
SECTION 13.1.10 MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

When measuring the permitted length of a motor vehicle, including but not limited to recreational vehicles, trailers, buses, or trucks, the following rule of measurement shall apply: The distance measured from the front-most to the rear-most portion of the vehicle (e.g., to the front and rear bumper), except, however, when extensions or projections are added beyond the front-most or rear-most portion of the vehicle, then the measurement shall include such extensions or projections.

SECTION 13.1.11 MEASUREMENT OF SEPARATION OR DISTANCE

13.1.11.1 Measurement of Separation or Distance Between Uses
   A. When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.
   B. Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

13.1.11.2 Measurement of Separation or Distance Between a Use and Zone District
   A. When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
   B. Only when a significant part of the primary use requiring separation is operated outside of a completely enclosed structure shall the separation be measured from the nearest point of the zone lot occupied by the primary use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
   C. In the case of an outdoor accessory use requiring separation from a zone district (for example, an accessory outdoor eating or serving area), distance shall be measured from the nearest point of the outdoor accessory use to the nearest point of the zone district boundary from which the separation is to be effected or established.

13.1.11.3 Measurement of Separation or Distance Between a Rail Transit Station Platform and a Zone Lot
   When measuring distance between a Rail Transit Station Platform and uses for which Section 10.4 applies, distance shall be determined from the nearest point of the Rail Transit Station Platform to the nearest point of the Zone Lot.

13.1.11.4 Measurement of Distance from a High Frequency Transit Corridor and a Zone Lot
   A. When measuring distance between a High Frequency Transit Corridor and a Zone Lot for which Section 10.4 applies, distance shall be determined from the centerline of the right of way of the High Frequency Transit Corridor to the nearest point of the Zone Lot.
Permitted Structure: See definition of “Structure, Permanent,” below.

Person: An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.

Planned Unit Development (PUD): A zone district wherein an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in zone lot size, building form, bulk, use, density, lot coverage, open space, or other restriction to the existing zoning regulations of this Code. See Division 9.6, Planned Unit Development District, of this Code.

Plaza: An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas.

Porch, Front: A one or two-story structure providing access to the primary uses within a primary building. Front porch may be covered and must be unenclosed on the primary street-facing façade of the primary building.

Porch: A one or two-story structure attached to a building providing access to the building. A porch may be covered and must be at least 50% open on each side, except for sides abutting a facade or required fire wall. If a porch is not covered, it is distinguished from a patio by enclosure of the porch on all open sides by low walls or railings, except where pedestrian access is provided to access the porch.

Premises: A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.

Primary Street: See Rule of Measurement, Division 13.1.


Processing: Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.

Professional Studio: See “Studio, Professional.”

Projecting Window: For purposes of a setback encroachment, shall include bay window, box window and bow window.

Property: Any land, building, or other structure, or part thereof.

Protected District: Any one of the following zone districts:

1. S-SU-A
2. S-SU-D
3. S-SU-F
4. S-SU-Fx
5. S-SU-F1
6. S-SU-I
7. S-SU-Ix
8. S-RH-2.5
9. E-SU-A
10. E-SU-B
11. E-SU-D
12. E-SU-D1
13. E-SU-Dx
14. E-SU-D1x
15. E-SU-G
16. E-SU-G1
17. E-TU-B
18. E-TU-C
19. E-RH-2.5
20. E-MU-2.5
21. U-SU-A
22. U-SU-A1
23. U-SU-A2
24. U-SU-B
25. U-SU-B1
26. U-SU-B2
27. U-SU-C
28. U-SU-C1
29. U-SU-C2
30. U-SU-E
31. U-SU-E1
32. U-SU-H
33. U-SU-H1
34. U-TU-B
35. U-TU-B2
36. U-TU-C
37. U-RH-2.5
38. U-RH-3A
39. G-RH-3
40. Any zone district retained from Former Chapter 59, mapped on the Official Map, and considered a "protected Zone District" under Section 59-96 of the Former Chapter 59.

Public Art: Any structure or other installation meeting the definition of "Works of Public Art" in Section 20-86 of the Denver Revised Municipal Code (DRMC).
Qualified Professional: A person with experience and training with expertise appropriate for the relevant subject matter. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in the relevant subject matter (e.g., soil science, engineering, environmental studies, geology or related field), must have related work experience, and must be a professional engineer or other professional licensed in the state of Colorado.
Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Semi-Trailer: Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.


Setback Space or Area: The area between a zone lot line and a required minimum setback line.

Shielded: The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

SIC: Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.


Side Zone Lot Line: See "Zone Lot, Side".


Sign: A sign is any object or device or part thereof situated, outdoors or indoors, which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, motion illumination, or projected images. Signs do not include the following:

a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;

b. Merchandise, pictures or models of products or services incorporated in a window display;

c. Time and temperature devices not related to a product;

d. National, state, religious, fraternal, professional and civic symbols or crests;

e. Works of art which in no way identify a product.

Sign, Animated: Any sign or part of a sign which changes physical position by any movement or rotation.

Sign, Arcade: A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

Sign, Billboard: See definition of "Outdoor General Advertising Device," above.
Sign, Flashing: Any sign either stationary or animated, which exhibits any change in: natural or artificial light or color effects; text; pictures or any other form of message more frequently than once per hour by any means whatsoever.

Sign, Ground: A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

Sign, Individual Letter: Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.

Sign, Joint Identification: A sign which serves as a common or collective identification for three (3) or more business or industrial uses by right on the same zone lot excluding, however, the identification of products.

Sign, Marquee: A sign attached to, painted on, erected against or extending from a marquee.

Sign, Noncommercial: A sign expressing noncommercial speech generally in the form of an opinion on a particular subject, or support for, or opposition to, a particular cause, political or otherwise.

Sign, Off-Site Commercial: A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed. This definition does not include noncommercial signs.

Sign, Outdoor General Advertising Device: See definition of “Outdoor General Advertising Device,” above.

Sign, Political: A sign expressing support for, or opposition to, a political candidate, political party, ballot or other election issue.

Sign, Portable: Any sign that is not permanently affixed to building, structure or the ground.

Sign, Projecting: A sign or graphic, other than a wall sign, that is attached to and projects from the wall, soffit, or eave of a building, is not in the same plane as the wall, soffit, or eave to which it is attached, and identifies a use within that building.

Sign, Roof: (1) A sign attached to the roof of a building which sign projects above the Roof Line of the building, or (2) a sign attached to an exterior wall or Parapet Wall which sign extends above the lowest height of the Parapet Wall.

Sign, Temporary: Any sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material intended to be displayed for a short period of time.

Sign, Wall: A sign attached to, painted on or erected against a wall, facia, parapet wall or pitched roof of a building or structure, and no part of which sign projects above the Roof Line and whose display surface is parallel to and extends not more than twenty-four (24) inches from the wall to which it is attached and extends not more than eight (8) inches from the facia to which it is attached or, if attached to a pitched roof, the bottom of its display surface does not extend more than six (6) inches vertically from the roof surface and the top of its display surface does not extend more than forty-eight (48) inches horizontally from the roof surface.