

December 20, 2017

MEMORANDUM

TO: Commercial Zoning Staff

FROM: Kenneth S. Brewer, Development and Planning Supervisor, Commercial Zoning

C.C: Tina Axelrad, Zoning Administrator

SUBJECT: Commercial Zoning Permit Review-**REVISED 12.20.17**

General: Applications for zoning permits (both use and structure) for commercial/multi-family projects may be made in one of three ways: (1) over the counter review (Commercial Zoning counter); or (2) submission of plans for a logged in review (off-counter) or (3) submission through the Project Coordinator.

Scope: While the default method of zoning permit application review is the logged in review, this policy establishes the criteria for determining what types of projects may be reviewed over the Commercial Zoning counter, which reviews need to be logged and which reviews need to be referred to a project coordinator.

Policy

Processed through Project Coordination Team. The following types of reviews will be processed through the Project Coordination Team:

1. Construction of new primary multi-family or commercial structures.
2. Additions to primary structures where the disturbed land area is 0.5 acre or more
3. Amendments to approved Site Development Plans or Planned Building Group Plans.
4. Zoning submittals requested for projects subject to a Site Development Plan prior to recordation of that Site Development Plans.
5. Any unenclosed primary use within an industrial, manufacturing, wholesale and agriculture primary use in the I-MX, I-A, I-B, I-O, I-1 and I-2 zone districts (Environmental Health, Wastewater and others may be impacted).
6. Any other review that may consist of the complexity that may require the involvement of multiple agencies (to be determined by the project coordinator and the zoning reviewer).

The projects above all require a Project Coordinator to process. To determine which Project Coordinator to contact to begin the process, go to the Development Services



website at www.denvergov.org/ds and use the [DevelopDENVER tool](#) to lookup the Project Coordinator for your property.

For more information, contact us by email at zoning.review@denvergov.org or by voicemail at 720-865-3000.

Logged in permit review: This is the default method of review for the zoning project/permit types outlined below. The following types of projects will be logged in for off-counter review:

1. Expansions/additions to existing primary structures (resulting in an increase in gross floor area) or any changes to the site where the disturbed land area is less than 0.5 acre in land area.
2. Exterior modifications to the ground-story of a primary structure resulting in a change in window or entry configuration, or triggering application of other ground-story activation standards.
3. Exterior structure modifications on properties containing a Historic Structure, within a Landmark District or on a designated parkway
4. Change of use (e.g., an office space changing to a restaurant use) that requires the addition of new vehicular or bicycle parking spaces.
5. Re-issuance of a non-conforming use for a zoning permit due to name and/or ownership change.
6. ZPIN - Zoning permit for a land use subject to review with informational notice.
7. ZPSE - Zoning permit for a land use subject to special exception (BOA) review.
8. Zoning permits for the establishment of any of the following land uses:
 - a. Liquor store
 - b. Retail Food Establishment, Mobile
 - c. Body art establishments (tattoo parlors)
 - d. Outdoor eating and serving areas (patios), accessory to an eating and drinking establishment within 50 feet of a Protected District (defined in Art. 13 of DZC)
 - e. Any unenclosed primary use, including surface parking as an accessory use
 - f. Any use in the Vehicle/Equipment Sales, Rentals, Service & Repair category
 - g. Any permits for marijuana business uses.
 - h. Any permits for Home Occupations for Large Child Care Home
 - i. Any requests for a Unlisted Accessory, Home Occupation, or Temporary use.
9. Permits for signs subject to the following:
 - a. Signs for properties containing a Historic Structure or within a Landmark District
 - b. Signs for properties within a Design Review District
 - c. Signs for properties within a Comprehensive Sign Plan.
 - d. Non-conforming Signs
 - e. Murals-Determination of whether sign regulations apply
10. Fences and retaining walls for properties containing a Historic Structure, or within a Landmark District on a designated parkway
11. Over-height fence or walls
12. Telecommunication applications
13. Zoning compliance letters
14. Billboards (use and structure)

15. Public art installations
16. Zone lot amendments

Simultaneous Zoning and Building Plan Review:

A simultaneous zoning and building plan review is an option for owners, developers, contractors and design professionals that give them the opportunity to save time during the required review processes and obtain permits in a more expedited time frame. The simultaneous review is optional and not required. It must be specifically requested to receive a simultaneous review and all. In addition, those requesting this process must sign the attached request acknowledging that any costs associated with changes to drawings or documents will be at their risk, and that the City and County of Denver takes no responsibility for projects that may be rejected by either the Zoning Code Review Team or the Building Code Review Team. Revisions may be required or the project may not move forward until both approvals (and all other agency approvals) are finalized. Therefore, if a project is not approved by either the zoning or building review team; and the project is denied and does not move forward, all plan review fees are still required and will not be reimbursed or transferred. Additional fees will be required if a review has been completed by one entity and the other requires changes to the documents, thus requiring re-review by the team that previously reviewed and approved the project. Additional fees will be charged on an hourly basis, using our standard rates.

Any project that is permitted for a counter review or a logged in review that required both a zoning permit and a building permit may be submitted for a simultaneous review with the following exceptions:

1. The project proposes a use that is not permitted within the subject property's zone district.
2. The project does not meet any applicable use limitations according to the subject property's zone district.
3. The project is subject to adopted urban design standards and guidelines or is part of a design review district (unless the project is a tenant finish or change of use with no exterior improvements).
4. The project is part of a Site Development Plan currently under review (these projects are only allowed to do a simultaneous review upon approval of the Project Coordinator).
5. The project is either a designated Denver Landmark or is located with a Landmark/Historic District (unless the project is a tenant finish or change of use with no exterior improvements).
6. The project proposes a use that is subject to special review (e.g., Zoning Permit subject to Informational Notice [ZPIN], Zoning Permit subject to Special Exception Review [ZPSE], a variance or administrative review) under either Former Chapter 59 or the Denver Zoning Code.

Counter Review: Zoning Permit applications of lesser complexity and/or scope may be reviewed over the counter at the Commercial Zoning permit counter. Due to the rapid review times required, only very simple projects can be reviewed at the counter. If, at any point in the review, the reviewer finds the project to be too complex to complete a full zoning compliance review at the counter, the reviewer may require the project to be logged in for review. Any submittal for counter review lacking sufficient information will be rejected without review.

Any project that is permitted for a counter review may also be submitted for a logged in review.

Accordingly, over-the-counter zoning permit review is appropriate for the following permit/project types:

1. Re-issuance of a zoning permit for a conforming land use due solely to name and/or ownership change (Note: Any marijuana use as well as changes to a nonconforming land use must be logged in)
2. Change of use (e.g. an eating and drinking use changing to a retail sales use) which is not a marijuana use or which does not require additional vehicular or bicycle parking to meet the minimum requirement
3. Temporary uses (excluding Retail Food Establishment, Mobile)
4. Zoning permits for any land use not listed under 'logged in permit review' above
5. Home occupation zoning permits (excluding Child Care, Large and Unlisted Home Occupation Uses)
6. Outdoor eating and serving areas (patios) accessory to an eating and drinking establishment not within 50 feet of a Protected District as defined in Art. 13 of DZC unless previously established and no changes to the area (in sf) of the patio are proposed.
7. Installation or modification of exterior improvements which do not result in a change of floor area or changes to the parking area, including but not limited to:
 - a. Exterior changes to the ground-story of a structure resulting in no changes in gross floor area, or changes in window or entry configuration, or change to extent or type of ground floor active uses
 - b. Roof-top mechanical units
 - c. New handicap ramps
 - d. Tilt-mounted solar panels (not meeting the zoning code definition of "flush-mounted solar panels")
 - e. Trash enclosures
 - f. Ground mounted AC Units outside required setback area (ZPIN required if within the side interior or side street setback area)
8. Fences and retaining walls on properties not subject to Landmark or parkway review, including residential permits (although residential permitting will also do fence permits).
9. Construction of new, or alteration of existing, detached accessory structures, such as:
 - a. Sheds
 - b. Garages
10. Signs, excluding the following:
 - a. Signs for properties containing a Historic Structure or within a Landmark District



- b. Signs for properties within a Design Review District
- c. Signs for properties within a Comprehensive Sign Plan
- d. Non-conforming Signs
- e. Murals-Determination of whether sign regulations apply
- f. Signs for properties with marijuana businesses

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