

## MEMORANDUM

To: Development Services staff  
From: Matthew Seubert for Tina Axelrad, Zoning Administrator  
Date: September 10, 2018  
Re: **Denver Zoning Code Clarification – Detached Accessory Structures**  
DZC Sections 3.3.4.3.C, 4.3.4.3.C, 5.3.4.3.C, 6.3.4.3.C, 7.3.4.3.C, and 9.7.4.3.C

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### Summary

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

- Does the 10% limit on gross floor area in §3.3.4.3.C and similar provisions in Articles 4-9 apply only to the specific “Detached Accessory Structure” building form?
- Answer: **Yes.**

### Discussion – Code Analysis

Confusion arises from the phrase ‘detached accessory structure’ in the DZC, because it is both a generic name for a category of structure types in the zoning code (“detached accessory” as opposed to “primary” or “temporary” structure), and the specific name of one set of building form/development standards applicable to one particular flavor of detached accessory structures (generally, those without vehicle access doors, but also not the Detached Accessory Dwelling Unit form). Because of this confusion, clarification regarding the applicability of Sections 3.3.4.3.C, 4.3.4.3.C, 5.3.4.3.C, 6.3.4.3.C, 7.3.4.3.C, and 9.7.4.3.C is necessary.

Sections 3.3.4.3.C, 4.3.4.3.C, 5.3.4.3.C, 6.3.4.3.C, 7.3.4.3.C, and 9.7.4.3.C state standards under the heading “Additional Standards for Detached Accessory Structure Building *Forms*”. Subsection 3.3.4.3.C.1, and similar, state that the section applies only to the “Detached Accessory Structure Building *forms*”. (Emphasis added). In both cases, the word ‘forms’ contains a typographical error and the correct word should be ‘form,’ singular only. In other words, the standards in Section 3.3.4.3.C, and similar, apply only to the one specifically named “Detached Accessory Building” *form*. Therefore, these standards do not apply to the other unique detached accessory structure building forms that are allowed in the context, such as the Detached Accessory Dwelling Unit (DADU), Detached Garage, and Other Detached Accessory Structures forms.

Subsection 3.3.4.3.C.2, and similar, imposes a limit on Gross Floor Area (GFA) that such detached accessory structures shall not exceed 10% of the area of the Zone Lot. This limitation expressly exempts detached accessory structures with vehicle access doors. Although the term ‘detached accessory structure’ is not capitalized in subsection C.2, subsection C.1 — as clarified above —

makes clear that this provision applies only to the specifically named “Detached Accessory Structure” building form. Therefore, the Gross Floor Area limitation in subsection C.2 does not apply to the other detached accessory structure building forms, namely the DADU, Detached Garage, and Other Detached Accessory Structures forms. These other building forms are governed to the same intent by limitations for maximum Building Footprint. For interpretation of the term Building Footprint, please see the code [interpretation](#) issued by the Zoning Administrator on August 31, 2018.

The requirement in table 3.3.4.5.D that Gross Floor Area (max) is limited to 10% of the Zone Lot means that the Gross Floor Area of each individual Detached Accessory Structure is limited to no more than 10% of the Zone Lot. As noted in the table, this provision does not apply to the parking of vehicles. There is no limit on the number of structures using the Detached Accessory Structure building form permitted on a Zone Lot. However, as noted above, §3.3.4.3.C.2 states that the Gross Floor Area of such detached accessory structures shall not exceed 10% of the area of the Zone Lot. In other words, the sum of the GFA of structures using the Detached Accessory Structure building form is limited to 10% of the Zone Lot. Therefore, the 10% GFA limit applies to both any individual structure using the Detached Accessory Structure as well as cumulatively to all structures on a zone lot assigned the Detached Accessory Structure building form.

Related, in §3.3.4.4, and similar sections in Articles 4-9, the second column in the summary table has the heading ‘Max Number of Detached Accessory Structures per Zone Lot.’ The use of this phrase in this context refers to the generic category of all detached accessory structures, rather than to the one specific building form called the “Detached Accessory Structure” form. The table should be read as ‘Max number of detached accessory structures per Zone Lot,’ without capitalization of the subject phrase.