SUMMARY OF CHANGES TO THE 2024 BUNDLE SINCE JULY 2024 PUBLIC DRAFT

The 2024 Bundle of Text Amendments ("the Bundle") is intended to clarify, simplify, and update the Denver Zoning Code. This document provides a summary of the substantive changes made to the draft between the July release of the Public Draft and the October release of the Revised Public Review Draft (the "Revised Draft"). Minor edits, formatting changes, and corrections are not captured here.

ARTICLE 1 – GENERAL PROVISIONS & ARTICLE 2: USING THE CODE

- **New General Rule Regarding Zone Lots**
    - Added new general rule to Section 1.2.2, Zone Lot Required, to clearly state that development permitted under the zoning code must occur only within the boundaries of the designated zone lot. This clear rule is expected to assist in administration and enforcement.
- **Assignment of Building Form**
    - Allow Zoning Administrator to determine building form for accessory structures to prevent anticipated violations of the Denver Zoning Code.
- **Building Connectors**
    - Revisions to apply the revised building connector building form only to one- and two-unit development where the need had been identified as a priority item for the Bundle; the July Public Draft had proposed allowing the building connector form in all zone districts for commercial development as well.
- **Article 2**
    - No changes – n/a

ARTICLES 3-8: CHANGES APPLICABLE TO ALL CONTEXTS AND ZONE DISTRICTS

- **Figures/Graphics:** Updated and revised as necessary to match building form amendments.
- **Building Coverage for Suburban House, Urban House, Duplex, and Tandem House Forms:** Revised building coverage allowances to be consistent across the same building forms in all zone districts, and to vary the allowance by lot size. Narrower (smaller) lots have the highest coverage, followed by mid-size lots, and the largest lots have the smallest amount; a reduction of up to 10 percent by removing the coverage exception for structures with vehicle parking.
- **Primary Street Upper Story Setback – Alternative:** Revised to clarify that only portions of buildings located within 1 foot of the minimum primary street setback line must comply with the 15-feet alternative upper story setback requirement (rather than all portions).
- **Tandem House Building Form:** Deleted the requirement for a minimum visible offset distance.
- **Building Form Standards for Detached Accessory Structures:**
    - Refined the standards for the proposed new building form called Minor Detached Structures (applies to minor structures generally less than 14 feet in height and 200 square foot (sf) footprint), depending on their location on the zone lot.

    - Added more specific standards for utility equipment and ground-mounted mechanical equipment. Simplifies siting of minor structures, including utility equipment, on all properties in Denver.
- **Design Standard Alternatives - Transparency**
    - Removed allowance for wall design elements as alternatives to meeting a minimum transparency requirement, based on a history of undesirable building design outcomes contrary to the transparency standard stated intent.
- **Build-to Exceptions**
    - Consolidate the following build-to exceptions and moved them to the build-to rule of measurement in Article 13 to reduce repetition:
        - Exception for Civic, Public, and Institutional uses
        - Exception for Primary Street Offset
        - Exception for Parkways
- **Height Exceptions**
    - Made substantial revisions to the height exceptions after comments from the public and staff highlighted that the existing height exception table generally works well, and the proposed revisions would add, not remove, complexity from the code. Only minor clarification edits appear in the Revised Draft.
- **Setback Exceptions**
    - Revised setback exceptions and revised definitions for "flatwork," "deck (deleted)," "barrier free access structures," "patios," "porches," and "stoop (deleted)" to clarify permitted setback exceptions.
    - Expanded setback exception for minor detached accessory structures serving purely utilitarian purposes, such as cluster mailboxes.
    - Updated applicability of setback exception for utility equipment up to 4 feet in height.

ARTICLE 8: DOWNTOWN (D-) NEIGHBORHOOD CONTEXT

- **Additional clean-up revisions** to sections affected by recent Expanding Housing Affordability text amendment and linkage fees.

ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS

- **Section 9.4.5.11, River North Overlay District (DO-7):** Remove integrated façade design alternative to meeting the limits on visible parking above street level in the DO-7 (River North Design Overlay District). This design alternative was intended to make structured above-ground parking less visible or obvious to the public but was very difficult to execute successfully and administer consistently.

ARTICLE 10: GENERAL DESIGN STANDARDS

- **Section 10.4.2.1, Vehicle and Bicycle Parking Required:** Continued substantive revisions and reorganization of this section for clarity. In addition, the Revised Draft added the following:
    - Clarified the incentive to improve existing off-street parking areas by allowing staff to reduce the number of existing spaces required to be maintained if the improvements will improve pedestrian or vehicle safety or access.
    - Revised threshold to when additional parking is required after an expansion or change of use when the subject uses' parking ratios are based on gross floor area: only an expansion/change of use that increases GFA more than 25% triggers additional parking, and then only for the increase in GFA over 25%.
    - Clarified that when additional parking for an expansion or change of use is based on comparing the minimum required parking amounts between the previous and expanded/new use, the calculation must use the current ratios contained in the DZC.
    - Clarified that when additional parking is required after an expansion or change of use, the entire off-street parking area, including existing spaces, must meet the code's minimum parking area layout/dimensional design standards in Section 10.4.6 (removed required compliance from parking lot landscaping). Staff is granted authority to reduce the number of required parking spaces if the design improvements with a reduced amount of parking improves pedestrian or vehicle access or safety.
    - Clarified application of the exception for change in use in existing buildings built prior to 1967.
- **Section 10.4.4.2 – Vehicle Parking Calculations:** Further revisions to new standard that implements recent state law requiring certain EV-ready parking spaces that are van-accessible to be counted as 2 spaces in calculating required parking spaces.
- **Section 10.4.5 – Vehicle Parking Exemptions and Reductions:** Removed extraneous provisions for retaining accessible parking spaces when applying permitted zoning exemptions or reductions.
- **Section 10.4.6 – Vehicle Parking Design – Revised standards for one- and two-unit development:** Revised to state a minimum "vehicle maneuvering area," which requires a minimum of 21 linear feet of maneuvering area when garage doors/carports do not open directly to a street or alley, and a minimum maneuvering area of 5 feet distance from garage doors/carports that directly open to a street or alley. Staff may reduce the minimum required 21-foot maneuvering area to no less than 18 linear feet through the administrative adjustment process stated in Article 12 of the DZC.
- **Section 10.4.6.4.C – Protection of Landscaping & Pedestrian Access:** Revised to clarify by quantifying a minimum 2-foot spacing of parking areas from sidewalks and on-site pedestrian ways.
- **Section 10.4.6.7 – Packed Parking:** Allows staff to reduce the 150 square foot minimum parking space area when packed parking is achieved through a mechanized parking system.
- **Section 10.4.8 – Loading:** Clarified applicability of required loading when there is an expansion or change of use – limited only when the gross floor area or number of units increases by more than 25%.

- **Section 10.5.5 – Fences and Walls:** Revised to create a new allowance in the CMP and Industrial I-A and I-B zones for installation of a non-lethal electric fence system, if approved by Denver Fire, without limit and no zoning permit required.
- **Division 10.6 – Grading:** Further refinement of revisions to simplify and clarify exceptions to the minimum grading standards.
- **Division 10.7 – Outdoor Lighting:** Added new, limited exemption for landmark structures and properties from the requirement for full cut-off lighting fixtures.
- **Division 10.10 – Signs:**
    - Further refined to clarify the applicability of comprehensive sign plans ("CSP") in Section 10.10.3.3, including adding the following:
        - Billboards cannot be allowed through a CSP.
        - Joint ID signs may be allowed to be sited off of the zone lot of the primary uses identified.
    - Further clarified the allowance "by-right" (without a CSP) for projecting signs in the Downtown zones.
    - Further clarified the special provisions in Sections 10.10.16 and 10.10.17 for high-quality projecting signs in the downtown. Converted the "review provisions" requiring consideration of a sign's compatibility into a "standard" requirement for compatibility, that all review- and decision-making bodies must apply to a projecting sign for approval.
    - Clarified Section 10.10.20, special provisions for signs in the Civic Center area: The Downtown Design Advisory Board must review all sign permits and make a recommendation to the zoning administrator before a permit may be approved.

ARTICLE 11 USE LIMITATIONS & DEFINITIONS

- **Definitions of Uses – Household:** Further revised to combine definition of "non-profit housekeeping unit" with definition of "household."

ARTICLE 12: ZONING PROCEDURES & ENFORCEMENT

- **Section 12.2.6 – Board of Adjustment:** Revised required vote for variances to be simple majority (3 out of 5) rather than super-majority (4 out of 5).
- **Section 12.3.3.12 - Inactive Applications:**
    - Further refined the standards for the expiration and closure of zoning application due to inactivity by the applicant. The following are the revised deadlines for when inaction may trigger CPD's right to close a record:
        - No action after 45 days on an initial submittal not meeting the minimum requirements for a "complete application" at the application intake step.
        - No payment of a review fee 45 days after notification that a fee is ready to be paid.
        - After receipt of a complete application, no action or request for reasonable extension after 180 days from staff notifying the applicant that corrections or more information is required.

        - After a reasonable timeframe decided by staff, if the applicant has not scheduled a required meeting or hearing before Planning Board, BOA, or City Council.
    - Revised to give CPD the discretion (instead of mandating) to notify an applicant of inactivity before closing a record/application.
    - Revised that when an applicant requests an extension of time to respond, staff may allow only one 180-day extension.
- **Section 12.3.7.1 - Modifications to Pending or Approved Applications, Plans or Permits:** Further refined the new provision that treats construction of one or more detached ADU structures/uses as a permitted modification to a previously approved SDP, rather than an amendment. Clarified that if an ADU is added inside the originally approved footprint of a structure allowed by a site development plan, that ADU may be added without requiring a modification or amendment to the governing site development plan.
- **Section 12.3.7.2 - Amendments to Approved Applications, Plans, and Permits:**
    - Further refined the new process to allow amendments to a previously approved site development plan without requiring participation of 100% of the property owners subject to the site development plan. Clarified that this decision is made after a mandatory pre-application meeting, which may occur before concept plan review. Increased some of the mandated time frames for notice and decision. Refined the review criteria.
    - Added the same authority to the Development Review Committee to allow an application to amend zone lots within a site development plan, without 100% owner participation.
- **Section 12.4.1 – Zoning Permit Review:**
    - Further revised and refined when a zoning permit is NOT required for minor development with the exception clarified for historic structures and districts (i.e., a zoning permit may still be required to enable landmark design review and approval).
    - Clarified zoning permit requirements for signs.
- **Section 12.4.4 – Zone Lot Amendments:** Revised to allow CPD to amend the boundaries of a zone lot without an owner-initiated application when there is a vacation of public right-of-way.
- **Section 12.4.5 – Administrative Adjustments:**
    - Revised to expand the applicability of the specific historic structure adjustment to include structures listed on the Colorado or national registries of historic places/structures.
    - Revised to add new type of administrative adjustments allowed to adjust the minimum vehicle maneuvering area required for garages and carports accessory to one-unit or two-unit dwellings.
    - Revised to specify that an "unusual physical condition or circumstance" may include conditions arising from a conforming structure located on the subject property (in addition to when an existing nonconforming or compliant structure creates the unusual conditions).
- **Section 12.4.8 – Appeal of Administrative Decision:** Corrected and revised to retain provision that an appeal to the BOA shall "stay" all actions and proceedings in furtherance of the action being appealed.
- **Section 12.4.11 – Text Amendments:** Removed "A decision by the City Council on a text amendment may be appealed to District Court." Text amendments are legislative decisions and may not be appealed to District Court.

- **Section 12.4.15 – Comprehensive Sign Plans (CSP):** Further refinement and revisions to this section, including reorganizing subsections for better clarity and logic. Additional corrections to the authority and role of the Downtown Design Advisory Board and the Landmark approving authority in the CSP process. Revisions to add a general review criterion that all CSPs comply with the applicable sign standards in Division 10.10, Signs, including special provisions for projecting signs/graphics in the downtown zones.
- **Section 12.10.4 - Development on Carriage Lots:** Further refined to reorganize the subsections and content for better clarity and logic.

ARTICLE 13 RULES OF MEASUREMENT & DEFINITIONS

- **Section 13.1.3.3 – Height in Stories – ROMs – Exceptions:** Revised to add back to the rule the following exceptions to measuring height-in-stories: (a) mezzanines; and (b) parking structure stories.
- **Division 13.3 – Definitions of Words, Terms and Phrases**
    - Further revised, deleted, or added new definitions where necessary:
        - Deck
        - Electrical Equipment
        - Flatwork
        - Mechanical Equipment
        - Patio
        - Porch
        - Projecting Window
        - Rood, Low-Slope (changed to less than 3:12 slope)
        - Stoop
        - Utility Equipment