

# **ARTICLE 1. GENERAL PROVISIONS**

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## **DIVISION 1.1 GENERAL**

### **SECTION 1.1.1 PURPOSE**

This Code is enacted to implement Denver's Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.

### **SECTION 1.1.2 INTENT**

This Code is intended to balance conservation and development by:

- A. Promoting development that maintains Downtown Denver's preeminence as the region's economic, civic, and cultural center.
- B. Promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods.
- C. Providing standards for compatible transitions of use, density, building scale and height between existing and new development.
- D. Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics
- E. Promoting preservation and protection of historic resources
- F. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.

This Code is intended to achieve design excellence in the built environment by:

- G. Providing building and site design standards that address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- H. Providing circulation and access standards that appropriately balance pedestrian and vehicular needs and result in safe pedestrian environments of the highest quality.
- I. Providing standards for adequate provision of urban services, public amenities, and public spaces that have lasting civic purpose and, through design excellence, create long term value for the community.
- J. Promoting innovative infrastructure, landscape, and building design that advance the function and beauty of the City.

This Code is intended to guide Denver's prosperous and sustainable future by:

- K. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.
- L. Promoting sustainable building and site design practices.
- M. Promoting diverse and affordable housing options.
- N. Providing standards for interconnected streets and development patterns that support all modes of travel (walking, bicycling, public transit, driving)
- O. Providing standards that maintain safe and healthful water conditions by minimizing impervious cover and controlling erosion, sedimentation and other pollution of surface and subsurface waters.
- P. Promoting conservation of land, energy, and natural resources

### **SECTION 1.1.3 APPLICABILITY**

#### **1.1.3.1 Jurisdiction**

This Code shall apply to all property within the limits of the City and County of Denver.

#### **1.1.3.2 Limitations**

##### **A. Limitations on All Land and Structures**

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with this Code and upon performance of all conditions herein set forth.

##### **B. Limitations on Sales and Rentals of All Land and Structures**

No person and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Code.

##### **C. Limitations on City Agencies**

No permit, certificate, license or other document or oral approval, the use of which may be subject to the provisions of this Code, shall be issued by any department, agency or board of the City until the Community Planning and Development shall have certified that the use to be made of the permit, certificate, license, other document or oral approval is in full compliance with the provisions of this Code.

#### **1.1.3.3 Conflicting Provisions**

- A. Wherever higher or more restrictive standards are established by the provisions of any other applicable statute or ordinance than are established by the provisions of this Code, the provisions of such other statute or ordinance shall govern.
- B. Nothing herein contained shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are contrary to the provisions of this Code. Nothing in any restrictions established by covenants running with the land shall render inoperative any provisions established in this Code.

### **SECTION 1.1.4 MINIMUM REQUIREMENTS**

This Code shall be deemed the minimum requirements necessary to achieve the intent of this Code.

## **DIVISION 1.2 ZONE LOTS**

### **SECTION 1.2.1 INTENT AND PURPOSE**

The purpose of a Zone Lot is to provide a boundary for a defined area of land to which this Code's regulations for both land uses and structures apply.

### **SECTION 1.2.2 ZONE LOT REQUIRED**

#### **1.2.2.1 Zone Lot Required Prior to Development**

1.2.2.2 A separate ground area, herein called a "Zone Lot," shall be designated, provided, and continuously maintained for all permitted structures and land uses. Designation shall occur prior to or concurrent with a zoning application required by Article 12, Zoning Procedures and Enforcement.

1.2.2.3 All Zone Lots designated according to this Section shall comply with:

- A. The general standards for all Zone Lots in Section 1.2.3., General Standards for All Zone Lots; and
- B. The minimum Zone Lot standards for at least one building form allowed in the Zone District in which the subject Zone Lot is located.

#### **1.2.2.4 Zone Lot for Existing Structures and Uses**

The land area occupied by a use, or the building site heretofore designated and occupied by each structure existing on June 25, 2010, shall, for the purposes of this Code, be deemed the Zone Lot for such use or structure. Such Zone Lot shall be continuously provided and maintained in accordance with the provisions of this Code for uses or structures in the Zone District in which each such use or structure is located. The boundaries and area of a designated Zone Lot may be amended under Section 12.4.4, Zone Lot Amendments.

### **SECTION 1.2.3 GENERAL STANDARDS FOR ALL ZONE LOTS**

#### **1.2.3.1 Public Street Frontage Required**

Each Zone Lot shall have at least one Zone Lot line abutting a dedicated named or numbered street.

#### **1.2.3.2 Contiguous Land Area Required**

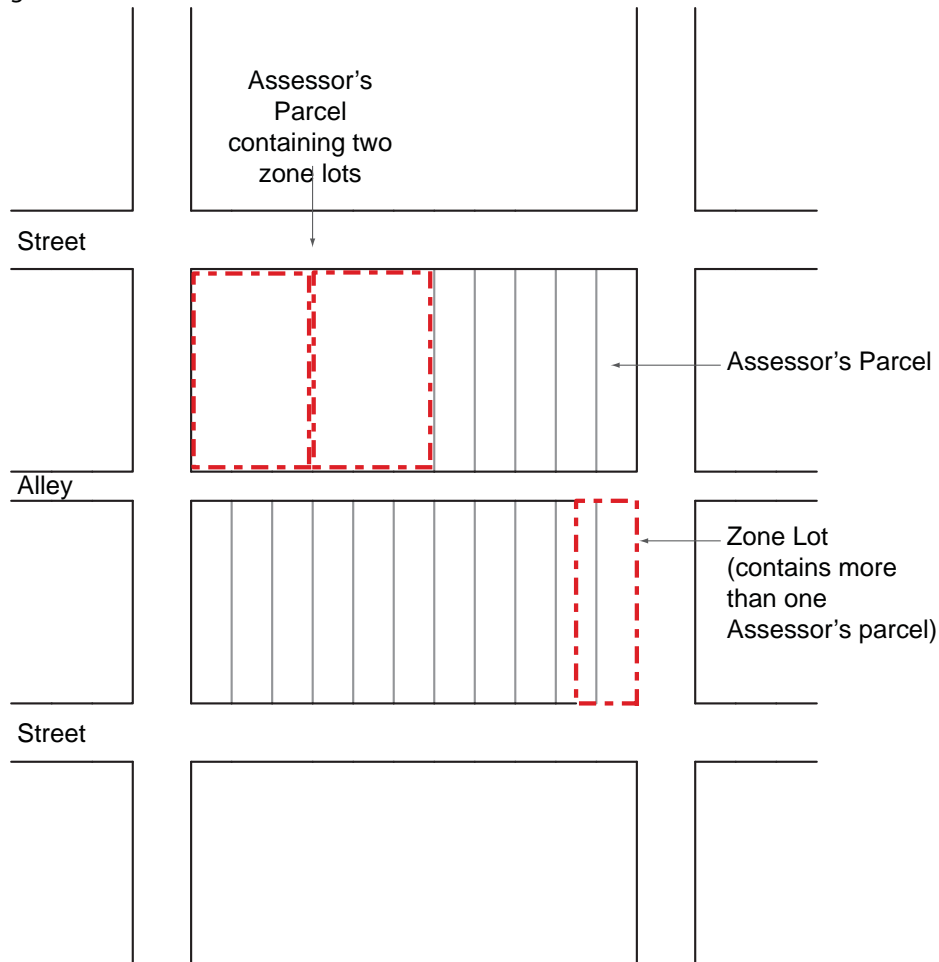
##### **A. General Rule - Contiguity Required**

1. A Zone Lot shall be composed of contiguous land area.
2. More than one assessor's parcel and/or portions of one assessor's parcel may make up a Zone Lot. See Figure 1.2-1. Changes in ownership of one or more assessor's parcels underlying a Zone Lot does not affect the status of the Zone Lot.

##### **B. Exception in D-C, D-TD and Campus Zone Districts - Zone Lot May Cross Public Streets**

In all Campus Context Zone Districts and in the Downtown Core (D-C) and Downtown Theater District (D-TD) Zone Districts, two or more abutting Zone Lots divided by one or more public streets or alleys may be designated as a single Zone Lot. In cases where a single Zone Lot is divided by one or more primary streets or alleys, multiple street frontages within the Zone Lot boundaries shall comply with all building form standards tied to frontage on a primary or side street, including but not limited to build-to standards and ground story activation standards, unless otherwise specifically exempted by this Code.

Figure 1.2-1



### 1.2.3.3 Limited Allowance for Flag Lots

"Flag" lots may be permitted in the SU Zone Districts, subject to compliance with the following limitations:

- A. The required minimum lot width may be reduced to 20 feet at the public street frontage of a Zone Lot containing a width of 50 feet or more for a depth of at least 40 feet, but the required minimum Zone Lot area shall not include any portion of the lot less than 30 feet in width.
- B. Before any flag lot is approved pursuant to this Section 1.2.3.3, and before any development is allowed on a flag lot, the Zone Lot or development must be approved by the Fire Department, which may impose conditions upon its approval, according to Section 12.4.3, Site Development Plan Review.

### 1.2.3.4 Compliance with Minimum Zone Lot Standards

Where the building forms allowed in a Zone District include minimum Zone Lot standards, such as minimum Zone Lot size or minimum Zone Lot width, compliance with such standards is subject to the following:

#### A. New Zone Lots

The creation or designation of new Zone Lots (whether through subdivision, through designation of a new Zone Lot, or through amendment of an existing Zone Lot) shall comply with the minimum Zone Lot size for at least one primary building form allowed in the subject Zone Dis-

tract. Different minimum Zone Lot sizes may apply to different primary building forms allowed in the same Zone District.

For example, a Zone Lot is created in the G-MU-3 district after June 25, 2010, and it is 3,000 square feet in size. The Zone Lot is allowed because one of the primary building forms permitted in the G-MU-3, the Urban House form, allows a Zone Lot to be as small as 3,000 square foot. However, while an Urban House form may be developed on that new 3,000 square foot Zone Lot, an Apartment building form could not because, in the G-MU-3 Zone District, the Apartment building form requires a Zone Lot no smaller than 6,000 square feet.

**B. Development of Primary Building Forms**

Development of an allowed primary building form (e.g., a Row House or Duplex building form) shall occur only on a legally established Zone Lot that complies with the minimum Zone Lot size required for that specific building form. Zone lots that do not comply with the minimum size or width requirements for a specific building form are nonconforming Zone Lots; development on nonconforming Zone Lots shall comply with the standards according to Division 12.10, Nonconforming Zone Lots.

**C. Development of Accessory Structures**

Development of an allowed accessory structure shall occur only on a legally established Zone Lot that complies with the minimum Zone Lot size required for the primary building on the same Zone Lot

**D. Development on Nonconforming Zone Lots**

An existing legally established Zone Lot that is nonconforming under this Code may be used and developed according to Division 12.10, Nonconforming Zone Lots.

**1.2.3.5 Number of Uses and Structures Allowed Per Zone Lot**

The following table establishes the number of structures and uses allowed per zone lot:

PRIMARY USES AND STRUCTURES			
Applicability	Primary Uses per Zone Lot	Primary Structures per Zone Lot	Specific Requirements
All SU and TU Zone Districts	1	1	na
All SU and TU Zone Districts, Tandem House Building Form Only	2	2	Where permitted, may be occupied by a Tandem house building form, which is comprised of two primary structures, each containing a primary single-unit dwelling use.
All SU and TU Zone Districts, Carriage House Exception	2	2	One additional structure containing more than one habitable story, and which structure was erected prior to November 8, 1956, as a carriage house, may be used in its entirety as a primary single unit dwelling unit.
All SU and TU Zone Districts, Civic Uses	1	No Limit	On a Zone Lot 18,000 square feet or larger in area, where the primary use is classified as a "Civic, Public and Institutional Use", and where such use is permitted in the Zone District, the Zone Lot may be occupied by one or more primary structures.
All Other Zone Districts	No Limit	No Limit	na

ACCESSORY USES AND STRUCTURES		
Applicability	Accessory Uses per Zone Lot	Detached Accessory Structures per Zone Lot
All Residential Zone Districts	No Limit	No Limit, except detached accessory structures with vehicle access doors, limited to 1 per dwelling unit
All Other Zone Districts	No Limit	No Limit

## **SECTION 1.2.4 REFERENCE TO OTHER APPLICABLE PROVISIONS**

### **1.2.4.1 Multiple Buildings on a Single Zone Lot**

See Division 10.3, Multiple Buildings on a Single Zone Lot.

### **1.2.4.2 Zone Lot Amendment Procedures**

See Section 12.4.4, Zone Lot Amendments.

### **1.2.4.3 Definition of “Zone Lot”**

See Division 13.3, Definitions of Words, Terms and Phrases.

## **DIVISION 1.3 OFFICIAL ZONING MAP**

### **SECTION 1.3.1 ADOPTION OF OFFICIAL MAP**

The digital maps created and maintained by the Department of Community Planning and Development and published by Technology Services' Geographic Information Systems Office delineating the boundaries of the various Zone Districts, together with all matters and things shown on such maps, are hereby adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official zoning map of the City and County of Denver ("Official Map"). The Official Map shall be marked pursuant to a system of identification established by Community Planning and Development consistent with this Code.

### **SECTION 1.3.2 AMENDMENTS TO OFFICIAL MAP**

All amendments to the Official Map shall be maintained in and kept current by the Department of Community Planning and Development and made available to the public.

### **SECTION 1.3.3 INTERPRETATIONS**

#### **1.3.3.1 District Regulations to be Uniform**

The regulations established in this Code shall apply uniformly to all geographical areas having the same Zone District classification and designation on the Official Map.

#### **1.3.3.2 Determination of District Boundaries**

- A. If a district boundary line divides an area of land under 6,000 square feet in area and held in one ownership of record on the date the district boundary line was established, then:
  1. The entire site may be used in conformity with the regulations for each of the districts; or
  2. If the area is divided into two or more parcels of land, the entire area may be used in conformity with the regulations for the district in which one parcel is located, if such parcel contains more than one-half of the entire area; or
  3. If the area is divided into two equal parcels of land, the entire area may be used in conformity with the regulations for the district in which either of such parcels of land is located.
- B. If a district boundary line divides an area of land containing 6,000 square feet or more and resulting from the establishment of a district boundary line dividing an area of land held in one ownership of record on the date the district boundary line was established, each parcel of land in excess of 6,000 square feet shall be used only in conformity with the regulations for the district in which such parcel of land is located unless one of the following exceptions apply:
  1. If a building containing a use by right exists on the area of land on the date the district boundary line was established and the building was divided by the district boundary line, the provisions of this paragraph shall not apply and the use of such parcel of land shall be governed by the provisions stated in paragraph A. above.
  2. If the parcel will contain only multi-family residential development and contains moderately priced dwelling units (MPDUs) pursuant to the mandatory or voluntary provisions of D.R.M.C. Article IV, Chapter 27 (Affordable Housing) and more than 50% of the parcel is located in a district where permitted building forms would allow more dwelling units to be constructed, then the entire parcel may be developed with the same building forms permitted in the district applicable to more than 50% of the parcel. This provision shall also apply to multi-family owner-occupied or rental residential developments that include a higher percentage of MPDUs than the thresholds established in D.R.M.C. Article IV, Chapter 27 (Affordable Housing) and to multi-family residential development that

includes housing affordable to households at a lower adjusted medium income than the thresholds established in D.R.M.C. Article IV, Chapter 27 (Affordable Housing).

- C. If for any reason the location of any district boundary line is not readily determinable from the official map, the location of the district boundary line shall be fixed by the Department of Community Planning and Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:
1. Where a district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control;
  2. Where a district boundary line is given a position within a street or alley right-of-way or channelized waterway, the district boundary line shall be deemed to be in the center of such street or alley right-of-way or channelized waterway;
  3. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines;
  4. Where a district boundary line is shown by a specific dimension, such specific dimension shall control;
  5. Where a district boundary line extends in the direction of the length of a block, the district boundary line shall be deemed to coincide with the center line of such block;
  6. Where a district boundary line divides a platted lot or crosses unsubdivided property, the location of the district boundary line shall be fixed from the scale of the official map.

#### **1.3.3.3 Access Across Parcels With Different Districts**

- A. Notwithstanding the provisions of paragraphs A or B above, access across parcels of land with different district classifications shall be governed by this paragraph. In order to promote appropriate development in all Zone Districts, access across a parcel of land to another parcel of land with a different district classification is permitted except that access to a parcel of land not located in a residential district across a parcel of land located in a residential district shall not be permitted unless the Zoning Administrator determines that:
1. Such access is compatible or could be made compatible with any existing or allowed uses on the parcel of land in the residential district; and
  2. Traffic, noise, pollution and other impacts of such access are or can be mitigated.
- B. The Zoning Administrator may impose conditions on the approval of such access in order to ensure that the impacts of traffic, noise, pollution and other external effects of such access are mitigated so as to protect the residential character of the parcel of land located in a residential district. If the use of the parcel of land not located in a residential district changes so as to alter the access or otherwise impact the use of the parcel of land located in the residential district, the Zoning Administrator may terminate the right to access the parcel of land not located in a residential district across the parcel of land located in the residential district or may impose additional conditions on the continued access. All other provisions of the district in which each such parcel of land is located shall apply. An owner requesting such access shall file a request with the Zoning Administrator and the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice (PIN), shall be followed.

#### **1.3.3.4 Necessity for District Designation**

- A. It is the intent of this Code that all lands within the boundaries of the City and County of Denver shall have a zoning district designation. However, nothing herein prohibits one or more overlay districts to be used in conjunction with another of the enumerated districts.

- B. If for any reason any land within the boundaries of the City and County of Denver shall be determined not to be within one of the aforesaid districts or shall be determined not to validly bear one of the aforesaid zoning designations, whether such determination results from annexation, from judicial declaration or from any other reason or cause, no permits shall be issued for the erection or alteration of any structure or structures within the area found wanting in classification until a zoning classification has been established therefore by the City Council. A zoning classification shall be established promptly and within a reasonable period of time; provided, however, that if a zoning classification is not established within 90 days from the date on which an area is determined to be in want of a classification, the site shall be considered part of the Open Space C (OS-C) District until such time as a zoning classification is established.

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