

# **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 & GENERAL PROVISIONS**

### **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. Conflictings Provisions**

1. Where different provisions of this Code specify different and conflicting standards, the most restrictive standard shall apply unless otherwise explicitly stated.
2. Where there is a conflict between a generally applicable standard in this Code and a more specific standard of this Code, the more specific standard or regulation shall apply instead of the general standard.
3. Wherever higher or more restrictive standards are established by the provisions of any other applicable regulation, statute, or ordinance than are established by the provisions of this Code, the provisions of such other statute or ordinance shall govern.

#### **B. Denver Zoning Code's Relationship to Private Covenants**

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.

### **1.1.3.4 Severability**

If any provision of this Code or any provision of any rule or regulation lawfully promulgated hereunder, or any application of this Code or rule or regulation promulgated hereunder to any person or circumstance, is held invalid or inoperative, such invalidity or inoperativeness shall not affect other provisions or applications of this Code or rules or regulations. The provisions of this Code and all rules and regulations promulgated hereunder are severable.

## **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

- A. 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.
- B. All Zone Lots designated according to this Section shall comply with:
  1. The general standards for all Zone Lots in Section 1.2.3., General Standards for All Zone Lots; and
  2. The minimum Zone Lot standards for at least one building form allowed in the zone district in which the subject Zone Lot is located.
- C. Such Zone Lot shall be Continuously Maintained in accordance with the provisions of this Code for uses and structures in the zone district in which each such use or structure is located.
- D. The boundaries and area of a designated Zone Lot may be amended according to Section 12.4.4, Zone Lot Amendments.

#### 1.2.2.2 Zone Lot for Existing Structures and Uses

##### A. Structures and Uses Existing Prior to February 11, 1955

The land area occupied by a use, or the building site heretofore designated and occupied by each structure existing on February 11, 1955, shall, for the purposes of this Code, be deemed the Zone Lot for such use or structure. Whenever it becomes necessary to determine the Zone Lot for a structure or a use operating or existing prior to February 11, 1955, such determination shall be made by the Zoning Administrator.

##### B. All Other Existing Structures and Uses

Whenever it becomes necessary to determine the Zone Lot for a structure or use operating or existing after February 11, 1955, such determination shall be made by the Zoning Administrator.

##### C. Criteria for Determining Zone Lots for Existing Structures and Uses

The Zoning Administrator shall determine the Zone Lot for an existing structure or use based on consideration of one or more of the following:

1. The zoning and building permit history of the structure or use, including information contained in referenced land surveys, legal descriptions of the subject land, and approved site development plans or other types of approved site plans;
2. Previous zone lot amendment history;
3. Subdivision and assessor parcel history of the subject land, relying upon the presumption allowed in Section 1.2.2.2.D;
4. Tax assessment and title history for the subject land;
5. Sanborn Map Company historic fire insurance rating maps; and/or
6. Any other information that the Zoning Administrator finds to be relevant and necessary to determine the Zone Lot.

#### **D. Reliance on Assessor Parcel History - Presumption**

If after applying the criteria in Section 1.2.2.2.C above, a Zone Lot determination is not possible or there is conflicting evidence of the Zone Lot boundaries, the Zoning Administrator may rely on the following presumption regarding a subject property's assessor parcel history in making a Zone Lot determination:

1. If an assessor parcel that is part of a previously determined Zone Lot is subsequently sold to a different owner, and such assessor parcel's boundaries comply with the definition of "Conforming Zone Lot" in Article 13 of this Code, the Zoning Administrator:
  - a. May presume consent from all affected property owners to create a new zone lot that has the same boundaries as the assessor parcel, and
  - b. May recognize such assessor parcel as a legal zone lot without the owners' agreement to a Zone Lot Amendment according to Section 12.4.4, but only if the remainder of the previously determined zone lot also complies with the definition of "Conforming Zone Lot" in Article 13 of this Code.
2. Reliance on the presumption allowed in this Section 1.2.2.2.D may result in a verified Zone Lot for development under this Code without resort to the Zone Lot Amendment procedures stated in Section 12.4.4 of this Code.

### **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**

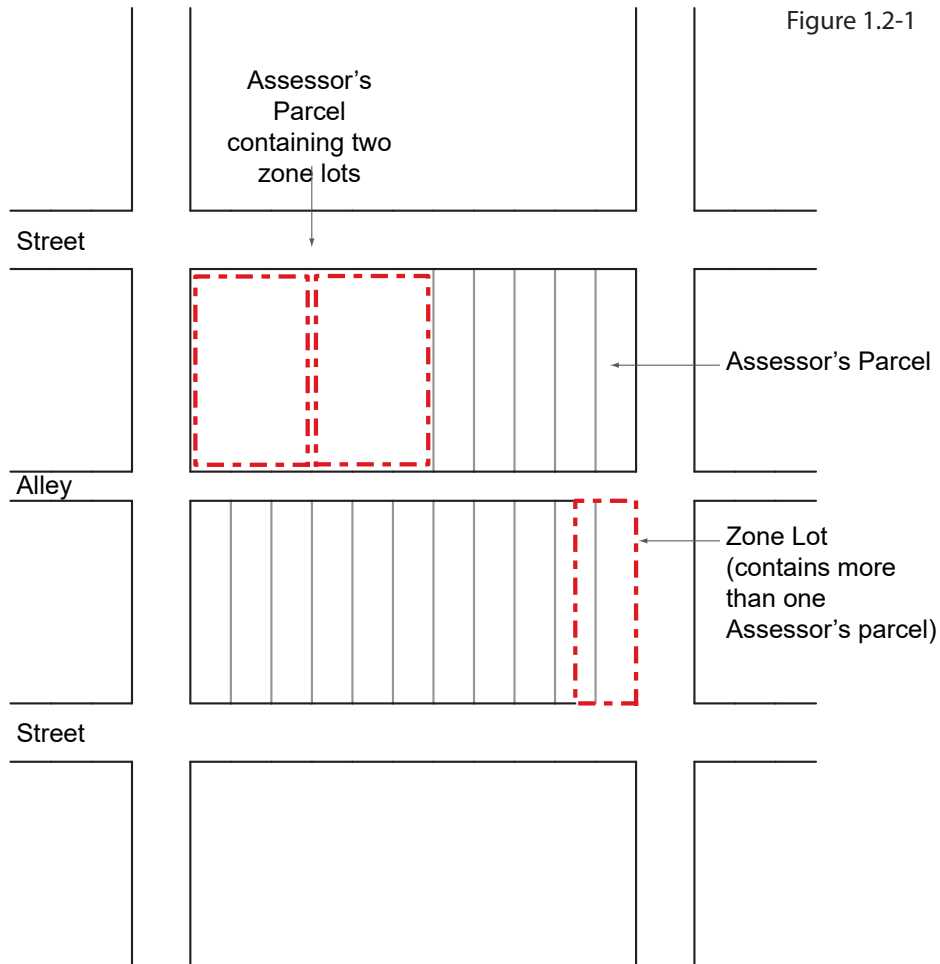
##### **A. General Rule - Contiguity Required**

1. A Zone Lot shall be composed of contiguous land area and its boundaries shall not cross a public right-of-way (including streets and alleys) unless explicitly allowed in this Code.
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 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 Street Level activation standards, unless otherwise specifically exempted by this Code.





### 1.2.3.3 Limited Allowance for Flag Zone Lots

#### A. Intent

Flag Zone Lots are intended to accommodate an existing pattern of underlying plats or subdivision that resulted in developable lots that are especially deep and have relatively narrow street frontage compared to more standard Zone Lots in Denver with widths of between 25 feet and 50 feet and Zone Lot depths between 100 feet and 125 feet. Flag Zone Lots are intended to accommodate appropriate development consistent with the subject SU zone district, and to result in a pattern of Zone Lots compatible with the existing neighborhood context.

#### B. Applicability

1. This Section regarding limited allowances for creation and development of Flag Zone Lots applies only in the SU zone districts.
2. A Zone Lot that meets the minimum requirements in Section 1.2.3.3.C, but which is not located in an SU zone district, may be created and developed only according to the Zone Lot requirements applicable in the subject zone district or according to Division 12.10, "Nonconforming Zone Lots."

### **C. Flag Zone Lot Standards**

Rules of Measurement for Zone Lot dimensions are found in Article 13, Section 13.1.5, "Siting Form Standards."

1. A Flag Zone Lot meeting the minimum requirements in this Section 1.2.3.3.C shall be created through application for a Zone Lot Amendment according to Section 12.4.4, "Zone Lot Amendments."
2. A Flag Zone Lot shall be no less than 20 feet wide measured along the Primary Street Zone Lot Line. For purposes of applying building form standards by Zone Lot Width for development, Flag Zone Lot Width shall be measured according to Section 13.1.5.1.B, "Rule of Measurement for Zone Lot Width."
3. A Flag Zone Lot must have a minimum of 160 feet of Zone Lot depth. Flag Zone Lot depth shall be measured as the distance between the two points located (1) on the Primary Street Zone Lot Line and (2) on the Rear Zone Lot Line that yield the greatest distance. See Figure 1.2-2.
4. A Flag Zone Lot shall measure a minimum of 50 feet wide, as measured parallel to the Primary Street Zone Lot Line, for at least 40 feet of contiguous Zone Lot depth. Flag Zone Lot depth shall be measured as the distance between the two points located (1) on the Primary Street Zone Lot Line and (2) on the Rear Zone Lot Line that yield the greatest distance. See Figure 1.2-2.
5. A Flag Zone Lot shall meet the minimum Zone Lot area building form standard, but no portion of the Flag Zone Lot that is less than 30 feet in width, as measured parallel to the Primary Street Zone Lot Line, shall count toward the required minimum Zone Lot Area. See Figure 1.2-2.
6. When creating a new Flag Zone Lot through a Zone Lot Amendment, and before any development is allowed to occur on a Flag Zone Lot, the proposed new Flag Zone Lot shall be reviewed and approved by the Fire Department, which may impose conditions upon the approval of the Zone Lot Amendment to create the Flag Zone Lot.
7. When a Flag Lot contains either an existing or a proposed Primary Structure that does not have a Primary Street-facing Façade, the Primary Structure shall be exempt from providing a required Primary Street Pedestrian Access, such as an Entrance or Entry Feature.

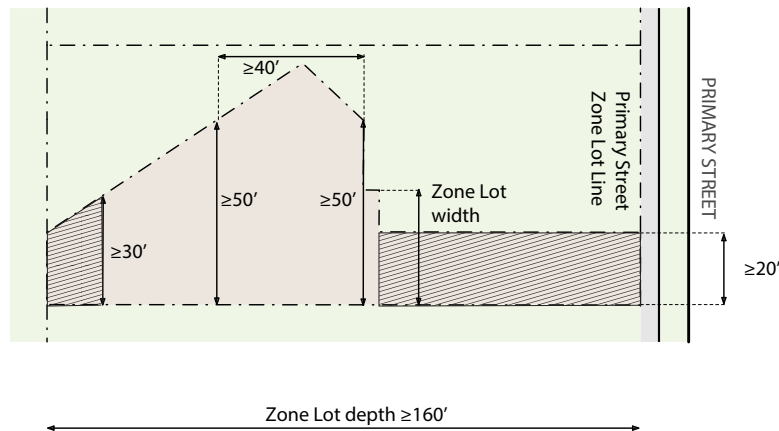
### **D. Determination of Zone Lot Lines**

The Zoning Administrator shall determine which Zone Lot Lines of a Flag Zone Lot are Primary Street, Side Street, Side Interior, or Rear Zone Lot Lines. For purposes of applying building form standards regulating height and bulk plane for a Flag Zone Lot, see Section 13.1.4.1, "Rule of Measurement for Percentage of Zone Lot Depth, Front and Rear."

### **E. Effect**

A Flag Zone Lot shall be considered a Conforming Zone Lot.

Figure 1.2-2



#### 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 standards as following:

1. New Zone Lots shall comply with the Zone Lot size and minimum Zone Lot width for at least one primary building form allowed in the subject zone district. Different minimum Zone Lot sizes and widths 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.

2. No new Zone Lot shall contain multiple Zone Districts when one or more of the multiple Zone Districts is a Protected District.

##### B. Development of Primary Building Forms on Conforming Zone Lots

Development of an allowed primary building form (e.g., a Row House or Duplex building form) shall occur only on a legally established Conforming Zone Lot that complies with the minimum Zone Lot size and width required for that specific building form.

##### C. Development of Detached Accessory Structures on Conforming Zone Lots

Development of an allowed detached accessory structure shall occur only on a legally established Conforming Zone Lot that complies with the minimum Zone Lot size and width required for the associated primary structure on the same Zone Lot.

##### D. Use and Development on Nonconforming Zone Lots

An existing legally established Nonconforming Zone Lot 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

#### A. Number of Uses and Structures Allowed per Zone Lot

The following tables establish the number of structures and uses allowed per zone lot, except as permitted in Section 1.2.3.5.B, Allowed Increases. Refer to the summary tables of allowed Building Forms per zone district presented in Articles 3-9 for additional standards and limits on the number of uses and structures allowed per zone lot. In case of conflict between the standards presented in this Section 1.2.3.5 and a standard stated in Articles 3-9, the more restrictive standard shall apply.

PRIMARY USES AND STRUCTURES - NUMBER ALLOWED PER ZONE LOT					
Applicable Building Forms	Applicable Zone Districts	Applicable Uses	Maximum # Primary Uses per Zone Lot	Maximum # Primary Structures per Zone Lot	Specific Requirements
Suburban House, Urban House, and Duplex	All S-RH, S-MU, M-RH, M-RX, M-CC, M-MX, and M-GMX Zone Districts	All Permitted Primary Uses	No Limit	No Limit	na
	All Other Zone Districts Where Building Form is Permitted	Permitted "Civic, Public & Institutional" Primary Uses with or without Permitted "Household Living" Primary Use	No Limit except Maximum 1 "Household Living" Primary Use*	No Limit	Minimum Zone Lot Area of 18,000-square feet required. One primary use categorized as "Household Living" and permitted in the zone district may be combined with one or more primary uses categorized as "Civic, Public, & Institutional".
		Primary "Nonresidential Use in Existing Business Structure" with or without any other Permitted Primary Use	No Limit - Subject to Specific Requirements at right	1	See applicable use limitations in Section 11.4.6
		All Other Permitted Primary Uses	1	1	See Section 1.2.3.5.B for allowed increases in all SU- and TU- zone districts for zone lots with certain existing accessory structures.
Tandem House	All Zone Districts Where Building Form is Permitted	All Permitted Primary Uses	2 - Subject to Specific Requirements at right	2 - Subject to Specific Requirements at right	Building Form shall consist of Tandem House Primary Structure #1 containing 1 Single Unit Dwelling use and Tandem House Primary Structure #2 containing 1 Single Unit Dwelling use.
All Other Building Forms	All Zone Districts Where Building Form is Permitted	All Permitted Primary Uses	No Limit	No Limit	na

**\*For example:** In the U-SU-C zone district, an elementary school, place for religious assembly (e.g., church), and a single-unit dwelling use may all be established as primary uses on the same Zone Lot.

ACCESSORY USES AND STRUCTURES - NUMBER ALLOWED PER ZONE LOT					
Applicable Accessory Building Forms	Applicable Zone Districts	Applicable Uses	Maximum # Accessory Uses per Zone	Detached Accessory Structures per Zone Lot	Specific Requirements
Detached Accessory Dwelling Unit	All Zone Districts Where Building Form is Permitted	Detached Accessory Dwelling Unit Use with or without any other Permitted Accessory Use	No Limit except Maximum 1 "Detached Accessory Dwelling Unit" Use	No Limit - Subject to Specific Requirements at right	See Section 11.8.2 for additional requirements for the Accessory Dwelling Unit use. Maximum one Accessory Structure of any building form with vehicle access doors per dwelling unit per Zone Lot
		All Other Permitted Accessory Uses	No Limit	No Limit - Subject to Specific Requirements at right	Maximum one Accessory Structure of any building form with vehicle access doors per dwelling unit per Zone Lot
All Other Accessory Building Forms	All Zone Districts Where Building Form is Permitted	All Permitted Accessory Uses	No Limit	No Limit - Subject to Specific Requirements at right	Maximum one Accessory Structure of any building form with vehicle access doors per dwelling unit per Zone Lot

**B. Allowed Increases on Zone Lot with Certain Existing Accessory Structures in SU- and TU-Zone Districts**

**1. Applicability and Qualifying Conditions for Exception**

In the SU and TU zone districts, an existing Accessory Structure meeting the requirements of this Section 1.2.3.5.B may be used in its entirety as an additional Primary Structure to contain only one Single Unit Dwelling primary use. To qualify, the existing Accessory Structure:

- a. Shall be originally constructed as an Accessory Structure prior to February 11, 1955;
- b. Shall be located on the same Zone Lot as an existing Primary Structure; and
- c. Shall contain more than 1 Story above finished grade, where such upper story:
  - i. Has at least 4 feet between the floor level of the story and the ceiling joists; and
  - ii. Contains either:
    - a) A minimum of 70-square feet in gross floor area not less than 7-feet in any horizontal dimension and that has at least 7-feet net floor-to-ceiling height throughout that area; or
    - b) For stories with sloped ceilings, a minimum of 70-square feet in gross floor area that has at least 5-feet net floor-to-ceiling height throughout that area and that has at least 7-feet net floor-to-ceiling height over half that area.

**2. Primary Building Form Assignment for Qualifying Existing Accessory Structures**

A qualifying existing Accessory Structure may be assigned a Primary Building form of either Suburban House, Urban House, or Tandem House, as allowed in the applicable zone district, except that the Tandem House building form is allowed in a SU zone district for structures meeting the requirements of this Section 1.2.3.5.B. When assigning the Tandem House building form, the existing Accessory Structure may be designated either Tandem House structure #1 or Tandem House structure #2.

**3. Allowed Increase in the Number of Primary Uses and Structures on Zone Lot**

If a Primary Building form is assigned to the existing Accessory Structure, then the maximum number of Primary Uses allowed on the subject Zone Lot shall be 2, and the maximum number of Primary Structures allowed on the subject Zone Lot shall be 2.

**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.

**1.2.4.4 Nonconforming Zone Lots**

See Division 12.10, Nonconforming Zone Lots.

## **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 Zone District Boundaries and Applicable Regulations**

##### **A. Zone Lots Less than or Equal to 6,000 Square Feet in Area**

If a zone district boundary line divides a zone lot that is less than or equal to 6,000 square feet in area as of the date the zone district boundary line was established such that the zone lot falls within two or more zone districts, then an applicant may select one of the following options to determine the applicable zoning regulations:

1. Each portion of the zone lot may be used in conformity with the regulations applicable to the zone district that such portion falls within; or
2. The entire zone lot may be used in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area; or
3. If the zone lot is divided equally into two zone districts, the applicant may choose to develop the entire zone lot in conformity with the regulations applicable to one of the two zone districts.

##### **B. Zone Lots Greater than 6,000 Square Feet in Area**

If a zone district boundary line divides a zone lot that is greater than 6,000 square feet in area as of the date the zone district boundary line was established such that the zone lot falls within two or more zone districts, then each portion of the zone lot shall be developed only in conformity with the regulations applicable to the zone district that such portion falls within, unless one of the following exceptions apply:

1. If a building containing a permitted use exists on the zone lot on the date the zone district boundary line was established and the building is divided by the zone district boundary line, and provided the building is not voluntarily demolished, then an applicant may select one of the following options to determine the applicable zoning regulations: Each portion of the zone lot may be used in conformity with the regulations applicable to the zone district that such portion falls within; or
  - a. The entire zone lot may be used in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area; or

- b. If the zone lot is divided equally into two zone districts, the applicant may choose to develop the entire zone lot in conformity with the regulations applicable to one of the two zone districts.
2. The entire zone lot may be developed in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area if:
    - a. The zone lot will only contain a multi-unit dwelling primary use with no other primary uses; and
    - b. The multi-unit dwelling primary use includes moderately priced dwelling units (MPDUs) pursuant to the mandatory or voluntary provisions of DRMC Article IV, Chapter 27 (Affordable Housing) that have been submitted for approval prior to January 1, 2017; and
    - c. The zone district applicable to more than 50% of the zone lot area allows more dwelling units to be constructed than in the other zone districts applicable to the zone lot.

This provision shall also apply to multi-family owner-occupied or rental residential developments submitted for approval prior to January 1, 2017 that include a higher percentage of MPDUs than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing) and to multi-family residential development submitted for approval prior to January 1, 2017 that includes housing affordable to households at a lower adjusted medium income than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing).

- C. If for any reason the location of any zone district boundary line is not readily determinable from the official map, the location of the zone 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 zone district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control;
  2. Where a zone district boundary line is given a position within a street or alley right-of-way or channelized waterway, the zone 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 zone district boundary line is shown as approximately following platted lot lines, the zone district boundary line shall be deemed to coincide with such platted lot lines;
  4. Where a zone district boundary line is shown by a specific dimension, such specific dimension shall control;
  5. Where a zone district boundary line extends in the direction of the length of a block, the zone district boundary line shall be deemed to coincide with the center line of such block;
  6. Where a zone district boundary line divides a platted lot or crosses unsubdivided property, the location of the zone district boundary line shall be fixed from the scale of the official map.

### **1.3.3.3 Access Across Zone Lots With Different Zone Districts**

- A. Notwithstanding the provisions of subsections 1.3.3.2.A and 1.3.3.2.B, access across Zone Lots that are in different zone districts shall be governed by this Section 1.3.3.3. In order to promote appropriate development in all zone districts, access across a Zone Lot to another Zone Lot with a different zone district classification is permitted, except that access to a Zone Lot not located in a residential district across a Zone Lot 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 Zone Lot 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 Zone Lot located in a residential district. If the use of the Zone Lot not located in a residential district changes so as to alter the access or otherwise impact the use of the Zone Lot located in the residential district, the Zoning Administrator may terminate the right to access the Zone Lot not located in a residential district across the Zone Lot located in the residential district or may impose additional conditions on the continued access. All other provisions of the district in which each such Zone Lot 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 (ZPIN), 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 zone 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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## **DIVISION 1.4 BUILDING FORM STANDARDS - GENERAL PROVISIONS**

### **SECTION 1.4.1 INITIAL ASSIGNMENT OF BUILDING FORM TO A NEW STRUCTURE**

#### **1.4.1.1 Intent**

To facilitate development of new structures consistent with this Code's purpose and intent, and with Denver's Comprehensive Plan.

#### **1.4.1.2 Applicability**

This section shall apply to development of all structures on a zone lot, except for Fences and Walls, in all zone districts except the D-C, D-TD, D-LD, D-GT, D-AS, OS-A, DIA, AIO, and O-1 zone districts.

#### **1.4.1.3 Initial Assignment of Building Form to a New Structure**

For each new Structure, the applicant shall select, or assign a building form to apply to govern development, provided:

- A. The building form is allowed in the subject zone district; and
- B. Where the building form standards include requirements for minimum Zone Lot Size, minimum Zone Lot Width, and/or other siting or geographic limitations, the subject Zone Lot shall comply with all such dimensional, siting, and/or geographic limitations.
- C. For structures on a Nonconforming Zone Lot, as defined in Article 13, the building form selected shall also comply with the requirements of Division 12.10, Nonconforming Zone Lots.
- D. Fences and Walls shall not be assigned a building form.

#### **1.4.1.4 Compliance with Building Form Standards**

Development of a new structure on a Zone Lot other than a Fence or Wall shall comply with all standards in this Code for the building form selected. Development of Fences or Walls shall comply with the standards stated in Division 10.5, Landscaping, Fences, Walls and Screening.

### **SECTION 1.4.2 INITIAL ASSIGNMENT OF BUILDING FORM TO AN EXISTING STRUCTURE**

#### **1.4.2.1 Intent**

To facilitate redevelopment and reuse of existing structures consistent with this Code's purpose and intent, and with Denver's Comprehensive Plan.

#### **1.4.2.2 Applicability**

This section shall apply to development involving an existing primary or detached accessory structure being modified, enlarged, or altered for the first time under Denver Zoning Code rules, except that that Section 1.4.2.3.B, Compliance with Initially Assigned Building Form Standards Not Required, shall not apply to the initial assignment of the Detached Accessory Dwelling Unit building form to an existing detached accessory structure.

#### **1.4.2.3 Initial Assignment of Building Form to Existing Structure**

For each existing Structure, the applicant shall select or assign a building form to apply to govern development according to this Section 1.4.2.3.

**A. Building Form is Allowed and Zone Lot is Conforming**

The applicant shall select or assign a building form to an existing structure, provided:

1. The building form is allowed in the subject zone district, and
2. The subject Zone Lot complies with the minimum Zone Lot Size (area), Width, and/or other siting or geographic limitations for the selected building form, and is otherwise a Conforming Zone Lot.
3. Existing Fences and Walls shall not be assigned a building form.

**B. Nonconforming Zone Lots**

If the subject zone lot is a Nonconforming Zone Lot, it may only be developed (and a building form assigned) according to the rules for Nonconforming Zone Lots stated in Division 12.10 of this Code.

**C. Compliance with Building Form Standards**

**1. Full Compliance Not Required**

Under an applicant-assigned initial building form, the existing Structure is not required to comply with all the selected building form standards, except that the subject Conforming Zone Lot shall comply with the selected building form's standards for minimum Zone Lot Size (area), minimum Zone Lot Width, and/or other siting or geographic limitations for the selected building form, as applicable.

**2. Future Use and Development May Be Considered**

This Section allows an applicant to assign a building form to their existing Structure based not only on what is allowed in the zone district and on the subject Zone Lot, but also what the applicant intends to do with the Structure in the future.

**Example:** An existing primary structure was legally constructed in 1965 under Former Chapter 59 (FC59) and has been continuously maintained and used as a single-unit dwelling. The structure is in an E-TU-B zone district. The zone lot is 4,500 sf. and 35 feet wide. The current owner wants to enlarge the existing structure and establish a new two-unit dwelling use. The primary structure building forms available to choose from based on the zone district and subject zone lot dimensions are Urban House, Duplex, and Tandem House. The applicant can choose any of these forms, regardless of the existing structure's current use or degree of compliance with any of the three building forms. Here, even though the structure is currently being used for single-unit dwelling use, and therefore would violate the Duplex building form's use limitation standard, the owner may choose to apply the Duplex form to the existing structure to most closely accommodate their future development plan to convert the structure to a two-unit dwelling use.

**Important Note:** While the existing structure does not need to comply with all the standards per the initially assigned building form, that means in some cases, the existing structure after development may be deemed "Compliant" or "Nonconforming" under Divisions 12.6 or 12.8 of this Code if one or more pre-existing building elements violate the selected building form standards.

**3. Existing Fences and Walls**

Development involving an existing Fence or Wall shall comply with the standards stated in Division 10.5, Landscaping, Fences, Walls and Screening.

**D. Zoning Administrator Authority to Make Initial Assignment of Building Form**

In the following circumstances, the Zoning Administrator may make the initial assignment of building form to an existing Structure:

1. In an application for a Zone Lot Amendment, the Zoning Administrator may assign a building form to an existing Structure that will be affected by the Zone Lot Amendment to determine whether the amendment can be approved without creating any new, nonconforming building elements (e.g., setback or bulk).
2. In zoning enforcement actions, the Zoning Administrator may assign a building form to an existing structure to determine the nature or extent of zoning code violations (e.g., a violation of the permitted use of a detached garage).
3. When assigning the initial building form to an existing Structure in the limited circumstances above, the Zoning Administrator shall assign a building form allowed in the subject zone district and allowed on the subject Zone Lot (the Zone Lot shall comply with the assigned form's minimum Zone Lot Size (area), Zone Lot Width requirements), and which results in the least amount and/or degree of Structure or building form nonconformities, including use.

**SECTION 1.4.3 COMBINING BUILDING FORM STANDARDS**

Combining standards from different building forms for the same structure is prohibited unless expressly allowed by this Code.

**SECTION 1.4.4 CHANGING BUILDING FORMS**

At an Applicant's request, a Structure with an existing assigned building form may be assigned a different permitted building form if:

- A. The structure fully conforms with all applicable standards of the new building form; or,
- B. The existing assigned building form is no longer a permitted building form in the applicable zone district.

**SECTION 1.4.5 APPLICABLE BUILDING FORM STANDARDS FOR DETACHED STRUCTURES WITH BUILDING CONNECTOR**

**1.4.5.1 Intent**

To provide clarity and conditions for how to apply building form standards when a physical connection (e.g., a below-grade tunnel or an above-grade breezeway) between two or more structures exists.

**1.4.5.2 Applicability**

Primary Structures with a Suburban House, Urban House, Duplex, Tandem House, Row House, Garden Court, or Town House building form and their associated Accessory Structures.

**1.4.5.3 Standard**

Except as specifically allowed below, a Detached Structure shall be disconnected without contact from any other Structure by an uninterrupted vertical separation from below grade to sky. A separate building form shall be selected and assigned to each such Detached Structure in accordance with Division 1.4 of this Code.

#### **1.4.5.4 Exception for Detached Structures with Building Connector**

The vertical separation between one or more Detached Primary Structures or between one Detached Primary Structure and its Detached Accessory Structures may be interrupted by a Building Connector meeting the following requirements. A Building Connector meeting the following requirements shall not be considered a Common Wall between such Structures:

- A. A building form allowed in the subject zone district for Accessory Structures shall be selected and assigned to the Building Connector. The Building Connector shall comply with all applicable standards for the building form selected.
- B. The Building Connector shall be separated from the interiors of the Detached Structures it serves by the Exterior Walls and doors of the Detached Structures it serves.
- C. The Building Connector shall be used exclusively as a pedestrian trafficway between the Detached Structures it connects, without any provisions for storage, furnishings, or other uses.