

CPD – Development Services Zoning Administration – Zoning Inspections	
<b>Subject:</b> Flagging Properties for Zoning Enforcement Check	
<b>Approved by:</b> Tina Axelrad, CPD Zoning Administrator	
<b>Policy #:</b> ZA-INSPECT-2023-2 (6 pages)	
<b>Date:</b> January 17, 2023	

## 1. Overview

This policy establishes a new business practice for the Zoning & Neighborhood Inspections (ZNIS) team within the Community Planning & Development department. The practice is intended to ensure that the Denver Department of Excise & Licenses (E&L) does not confer a significant privilege, specifically a license to allow a residence to conduct short-term rentals, if there is one or more active zoning enforcement actions against the proposed licensed premises that relate to or impact short-term rental activity.

This policy states the process steps for ZNIS staff to use Accela, the citywide permitting tracking system, to place a “notice” condition on specific property addresses where there are pending zoning enforcement actions that could negatively affect the property’s use for short-term rental. Upon finding such notice condition attached to a specific property address, E&L and other city agencies will have proper legal grounds to deny or stop review of an application for a short-term rental license until the zoning enforcement action has been finally resolved and zoning code compliance ensured.

## 2. Code References

### Denver Revised Municipal Code

- Sec. 33-53 – Licenses for Short-term Rentals – Issuance or Denial

### Denver Zoning Code:

- Article 12, Zoning Procedures & Enforcement, Division 12.11, Enforcement, Violations and Penalties.

## 3. Placing Condition on Property Address to Provide Notice of Zoning Enforcement Action

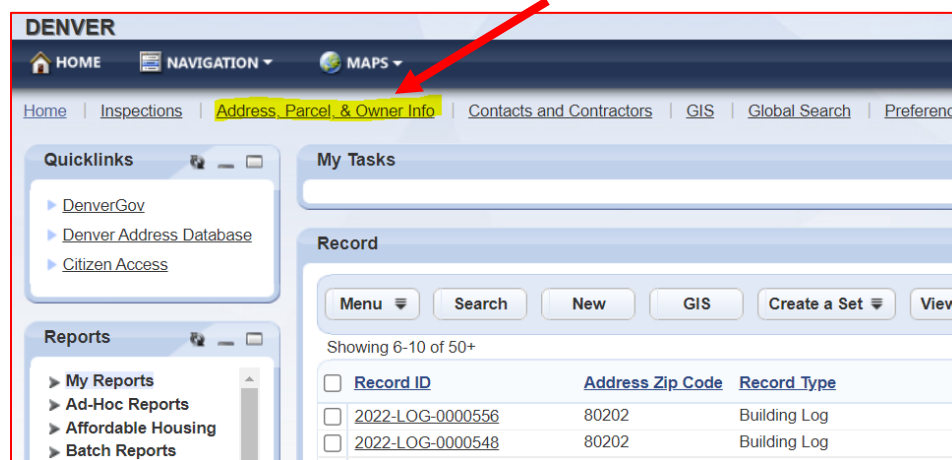
### *Applicability of Policy*

This policy shall apply to any property subject to a zoning enforcement action where the zoning inspector, using their professional judgement and discretion, determines that the zoning violation(s) at issue would prevent the legal operation of a short-term rental use at the subject property.

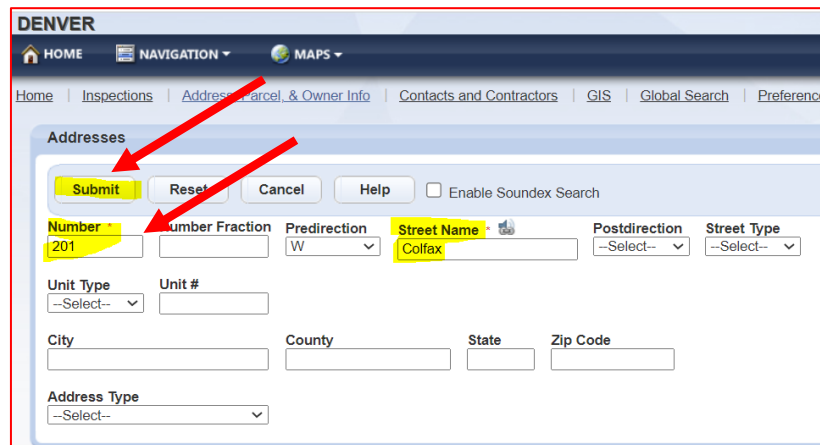
- *For example:* A zoning inspector has issued a notice of violation to a property containing a single unit dwelling where the violation is for unpermitted construction/establishment of a second dwelling unit inside the primary structure or in a detached accessory structure.

### Procedure for Creating Notice Condition on Properties with Open Zoning Enforcement Actions

- **Step 1:** The Zoning Inspector determines whether this policy applies to a specific zoning enforcement action. See Applicability provision above.
- **Step 2:** If this policy is applicable, the Zoning Inspector will use Accelea to create a new condition on the subject property address, according to the following directives:
  - On Accelea home/landing page, click on “Address, Parcel & Owner Info” link at top of navigation bar:



- Enter the subject property address and click “submit”:

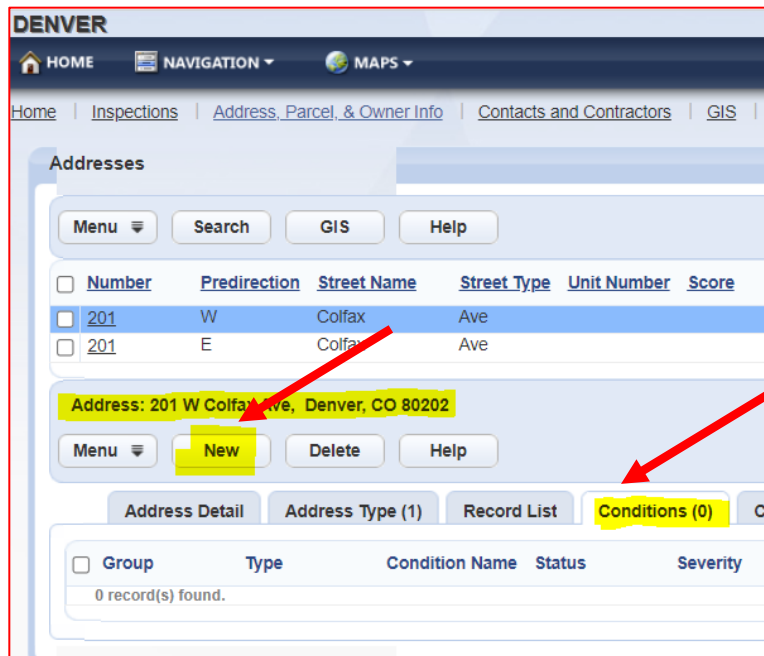


Enable Soundex Search

Number	Number Fraction	Predirection	Street Name	Postdirection	Street Type
201		W	Colfax	--Select--	--Select--

Unit Type: --Select--  
 Unit #:   
 City:  County:  State:  Zip Code:   
 Address Type: --Select--

- Once submitted and the correct subject address is shown, click on the “Condition” tab in the Address portal, and then click on “new” button:



- Create a new condition with the following specifications (see images below for example):
  - Group = “Enforcement”
  - Condition type = “Service Order”
  - Severity = “Notice”
  - Effective Date = date of creation
  - Condition Name = “Unpermitted Construction” or “Unpermitted Zoning Use” as applicable
  - Applied by Dept/Applied by User/Action by User = use current department and current user to apply zoning inspector name and department.
  - Short Comments/Long Comments/Public Display Message (same content in each field): “Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 202\_-ZNIS-\_\_\_\_\_.”
    - The record reference is to the in-progress ZNIS record for the unpermitted construction or use.

- “Include in Condition Notice” – check both boxes for “Condition Name” and “Short Comments” (see image at right)
- “Display Notice” – make sure “ACA” box is checked (see image at right).

**Include in Condition Notice**

Condition Name

Short Comments

**Display Notice**

Accela Automation

ACA

ACA Fee Estimate Page

- Click “Submit” to create the condition (see image below for all the information required in creating the Condition – make sure all information is completed before clicking “Submit”).

Menu Search GIS Help

Number	Predirection	Street Name	Street Type	Unit Number	Score	Postdirection	City	County
1326	N	Detroit	St				Denver	

Address: 1326 N Detroit St, Denver, CO 80206

Menu Submit Reset Cancel Help

Condition Detail
Condition History

**Condition Name**

**Type**

**Group**

**Status**

**Applied Date**

**Applied by Dept** Current Department

**Applied by User** Current User

**Severity**

**Action by Dept** Current Department

**Action by User** Current User

**Include in Condition Notice**

Condition Name

Short Comments

**Effective Date**

**Expiration Date**

**Display Notice**

Accela Automation

ACA

ACA Fee Estimate Page

**Short Comments** Standard Comment

Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 2020-ZNIS-0004981

[check spelling](#)

**Resolution Action**

[Empty]

[check spelling](#)

**Long Comments** Standard Comment

Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 2020-ZNIS-0004981

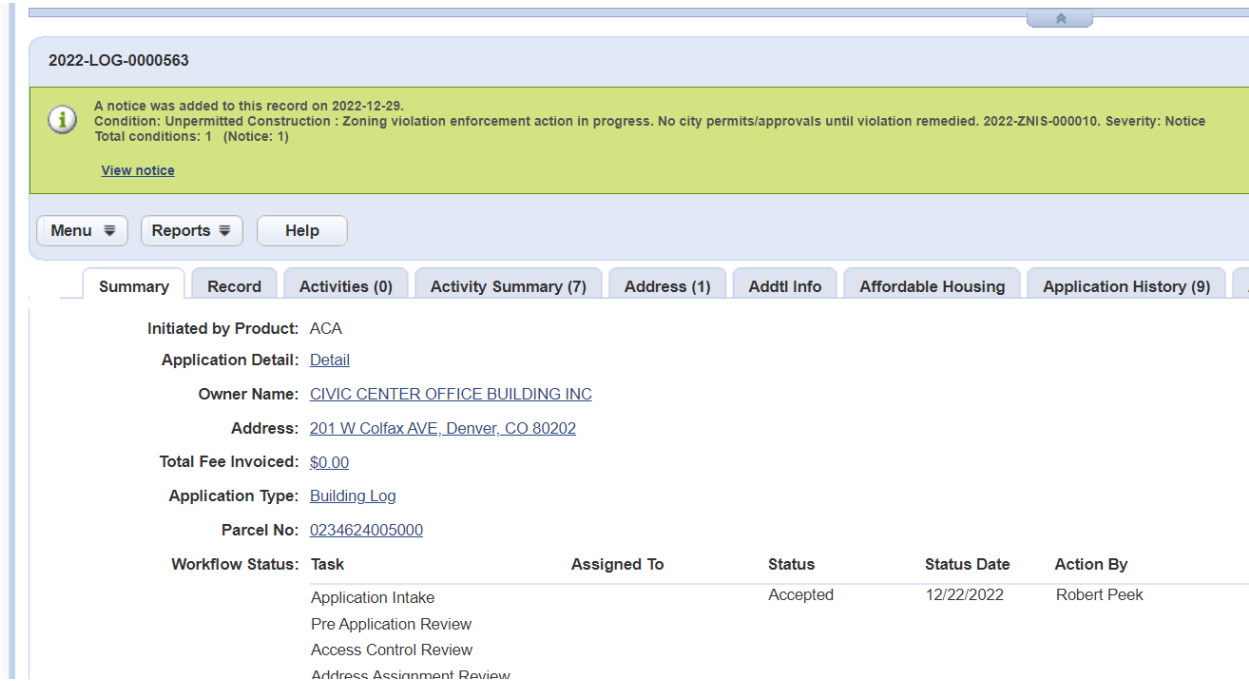
[check spelling](#)

**Public Display Message**

Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 2020-ZNIS-0004981

[check spelling](#)

- If the condition was correctly created, a user in Accela who looks up the subject address or has a record with that address, will see the green “Notice” condition banner as shown below:



2022-LOG-0000563

**i** A notice was added to this record on 2022-12-29.  
 Condition: Unpermitted Construction : Zoning violation enforcement action in progress. No city permits/approvals until violation remedied. 2022-ZNIS-000010. Severity: Notice  
 Total conditions: 1 (Notice: 1)  
[View notice](#)

Menu Reports Help

Summary Record Activities (0) Activity Summary (7) Address (1) Addtl Info Affordable Housing Application History (9)

Initiated by Product: ACA  
 Application Detail: [Detail](#)  
 Owner Name: [CIVIC CENTER OFFICE BUILDING INC](#)  
 Address: [201 W Colfax AVE, Denver, CO 80202](#)  
 Total Fee Invoiced: [\\$0.00](#)  
 Application Type: [Building Log](#)  
 Parcel No: [0234624005000](#)

Workflow Status:	Task	Assigned To	Status	Status Date	Action By
	Application Intake		Accepted	12/22/2022	Robert Peek
	Pre Application Review				
	Access Control Review				
	Address Assignment Review				

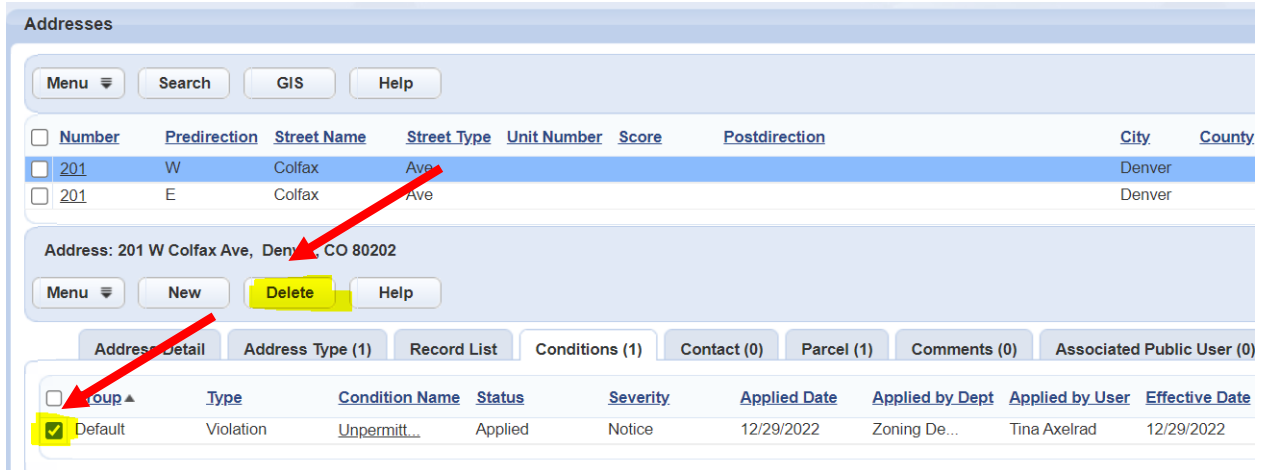
### *Procedure for E&L Reviewers/Staff Upon Seeing Zoning Violation Notice on Address*

- If an E&L reviewer sees the green banner “notice” on a property address that is the subject of a short-term rental license application or renewal, the reviewer shall deny the application and send notice to the license applicant that approval will not be granted until the zoning violation is remedied.
- The E&L reviewer should direct the license applicant to notify E&L when the zoning violation case is closed for compliance. The E&L reviewer can confirm zoning code compliance at any time by checking Accela to see if the “notice” condition on the subject address has been removed. The E&L reviewer may also reach out to the zoning inspector identified in the condition details for specific questions/inquiries, as needed.

### *Procedure for ZNIS Zoning Inspector When Zoning Enforcement Action is Resolved in Compliance*

- The “notice” condition must remain on the subject property address in Accela until the zoning violation is resolved and the property complies with the zoning standard that put the short-term rental use at issue. For example, the property obtains all required zoning and building permits for the unpermitted construction work.
- Upon closing the ZNIS enforcement record as in compliance, the zoning inspection must delete the “notice” condition on the subject property address in Accela.

- Following the above-described steps to search for the subject address in Accela, click on the “Condition” tab, select the condition by checking the box, and then click “Delete” to remove the condition from the address.



Addresses

Menu Search GIS Help

<input type="checkbox"/>	Number	Predirection	Street Name	Street Type	Unit Number	Score	Postdirection	City	County
<input type="checkbox"/>	201	W	Colfax	Ave				Denver	
<input type="checkbox"/>	201	E	Colfax	Ave				Denver	

Address: 201 W Colfax Ave, Denver, CO 80202

Menu New **Delete** Help

Address Detail Address Type (1) Record List Conditions (1) Contact (0) Parcel (1) Comments (0) Associated Public User (0)

<input type="checkbox"/>	Group	Type	Condition Name	Status	Severity	Applied Date	Applied by Dept	Applied by User	Effective Date
<input checked="" type="checkbox"/>	Default	Violation	Unpermitt...	Applied	Notice	12/29/2022	Zoning De...	Tina Axelrad	12/29/2022

- While the deleted condition may sometimes still appear on screen, you can always double-check its deletion by navigating back to the Accela “home” landing page and doing a record search for the subject address. View any record resulting from the address search, and you should see that the condition (green banner) is no longer present.

**End of Document**