

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2017

COUNCIL BILL NO. CB17-0161  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance amending the Denver Zoning Code to revise parking**  
7 **exemptions for pre-existing small zone lots.**

8 **WHEREAS**, the City Council recognizes the challenges of developing pre-existing small zone  
9 lots in Mixed Use Commercial Zone Districts when there are mandatory minimum vehicle parking  
10 requirements; and

11 **WHEREAS**, the City Council recognizes that the Denver Zoning Code’s pre-existing small  
12 zone lot parking exemption encourages maintenance of the traditional small lot pattern of  
13 development, and mandating minimum parking requirements on small zone lots may encourage  
14 assembly of small zone lots into larger scale developments that are inconsistent with this traditional  
15 pattern of development; and

16 **WHEREAS**, the City Council desires to amend the Denver Zoning Code to implement  
17 additional criteria for parking exemptions for pre-existing small zone lots in the City and County of  
18 Denver; and

19 **WHEREAS**, the City Council has determined on the basis of evidence and testimony  
20 presented at the public hearing that amending the Denver Zoning Code as set forth herein is  
21 consistent with the City’s adopted plans, furthers the public health, safety and general welfare, and  
22 will result in regulations and restrictions that are uniform within zone districts that contain pre-existing  
23 small zone lots.

24 **NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
25 **DENVER:**

26 **Section 1.** Section 10.4.5.1.A of the Denver Zoning Code dealing with vehicle parking  
27 exemptions for pre-existing small zone lots is hereby amended by deleting the language stricken  
28 below and adding the language underlined below to read and be read as follows:

29 **“10.4.5.1 – Vehicle Parking Exemptions**

30 The following uses and circumstances are exempt from providing the minimum amount of  
31 vehicle parking otherwise required by this Code, but only to the extent specified in this Section.

1 A. Pre-Existing Small Zone Lots

2 1. Intent

3 Encourage the preservation of pre-existing Small Zone Lots through exempted  
4 vehicle parking requirements to facilitate the reuse of existing buildings and/or  
5 the redevelopment of Small Zone Lots.

6 2. Applicability

7 a. ~~In a All Mixed Use Commercial Zone Districts; and,~~

8 b. Where the subject Zone Lot is currently equal to or smaller than 6,250  
9 square feet and was equal to or smaller than 6,250 square feet on June  
10 25, 2010 (“Small Zone Lot”) buildings on zone lots which are equal to or  
11 smaller than 6,250 square feet in area on June 25, 2010, shall be exempt  
12 from providing parking otherwise required by this Division:

13 3. Exemption Allowed

14 a. Reuse of Existing Buildings on Small Zone Lots

15 i. If a building (1) is located on a Small Zone Lot and (2) existed on  
16 March 23, 2017, then the Gross Floor Area of all uses in such  
17 building, including any modifications, alterations, and expansions,  
18 shall be exempt from providing vehicle parking.

19 ii. Any building located on a Small Zone Lot that is voluntarily  
20 demolished shall not be considered an existing building.  
21 “Voluntary demolished” shall have the same meaning as the term  
22 “Demolition, Voluntary” defined in Article 13.

23 b. New Buildings on Small Zone Lots Located within Proximity to Transit  
24 Service

25 i. The Gross Floor Area of uses housed in the lowest three Stories  
26 entirely above the base plane of a new building constructed on a  
27 Small Zone Lot located within ½ mile of the outer boundary of a  
28 Rail Transit Station Platform or located within ¼ mile from a High-  
29 Frequency Transit Corridor may be exempt from providing vehicle  
30 parking. The Zoning Administrator shall determine whether a

1 Small Zone Lot is within proximity to transit service as specified in  
2 Section 13.1.9.

3 c. New Buildings on All Other Small Zone Lots

4 i. The Gross Floor Area of uses housed in the lowest two Stories  
5 entirely above the base plane of a new building constructed on  
6 any other Small Zone Lot may be exempt from providing vehicle  
7 parking.

8 d. Vehicle Parking Exceptions for Required Vehicle Parking on Small Zone  
9 Lots

10 i. All exceptions to minimum vehicle parking requirements set forth  
11 in Section 10.4.5 are available to any required minimum vehicle  
12 parking not exempted as described in this Section 10.4.5.1.A.

13 ii. The total number of vehicle parking spaces required may be  
14 reduced by up to 100% under any one or combination of the  
15 vehicle parking reductions provided in accordance with Section  
16 10.4.5.3.”

17 **Section 2.** Section 10.4.5.3.A.4 of the Denver Zoning Code dealing with vehicle parking  
18 reductions applicable to all vehicle parking reduction allowances is hereby amended by deleting the  
19 language stricken below and adding the language underlined below to read and be read as follows:

20 “4. Maximum Reduction Allowed

21 a. The total number of vehicle parking spaces required on a zone lot shall not be  
22 reduced by more than 50% under any one or combination of this subsection’s  
23 permitted reductions, with the following exceptions:

24 i. ~~except as provided in~~ Vehicle parking reductions for small lots in the C-  
25 CCN zone districts provided in Section 10.4.5.3.C, and except that

26 ii. ~~reduced parking approved as part of a~~ A General Development Plan shall  
27 not result in more than 75% reduction in the required parking for the  
28 entire GDP area.

29 iii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in

1 Section 10.4.5.1.A.

2 b. Vehicle parking spaces provided through the alternative vehicle parking ratios  
3 in Section 10.4.5.2 do not count towards the maximum percentage of vehicle  
4 parking spaces that may be reduced through this subsection's permitted  
5 reductions.

6 i. For example, a Zone Lot in a G-MS-5 zone district includes 100  
7 affordable housing units and office Primary Uses. The affordable  
8 housing use applies the alternative minimum vehicle parking ratio of 0.25  
9 vehicle parking spaces per unit for a parking requirement of 25 required  
10 vehicle parking spaces. The alternative minimum vehicle parking ratio  
11 for the affordable housing units is a 75% reduction from the 1 vehicle  
12 parking space per unit requirements in the G-MS-5 zone district, but  
13 alternative minimum vehicle parking ratios do not count towards the  
14 maximum percentage of vehicle parking spaces that may be reduced for  
15 the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the  
16 minimum vehicle parking requirement for the office Primary Use may be  
17 reduced in accordance with the vehicle parking reductions in Section  
18 10.4.5.3, but the alternative minimum vehicle parking requirement for the  
19 affordable housing units may not be reduced further."

20 **Section 3.** Section 13.1.9 of the Denver Zoning Code dealing with measurement of  
21 separations or distance is amended by adding a new subsection that reads as follows:

22 **"13.1.9.3 Measurement of Distance from a High Frequency Transit Corridor and a Zone**  
23 **Lot**

24 A. When measuring distance between a High Frequency Transit Corridor and a Zone Lot  
25 for which Section 10.4 applies, distance shall be determined from the centerline of the right of way  
26 of the High Frequency Transit Corridor to the nearest point of the Zone Lot."

27 **Section 4.** A new definition is added to Division 13.3 of the Denver Zoning Code that reads  
28 as follows:

29 "High-Frequency Transit Corridor: Corridors with high frequency bus service defined by the  
30 centerline of the right of way for named or numbered Streets specified below. For purposes of this  
31 Code, the lengths of High-Frequency Transit Corridors terminate at the point of intersection with the

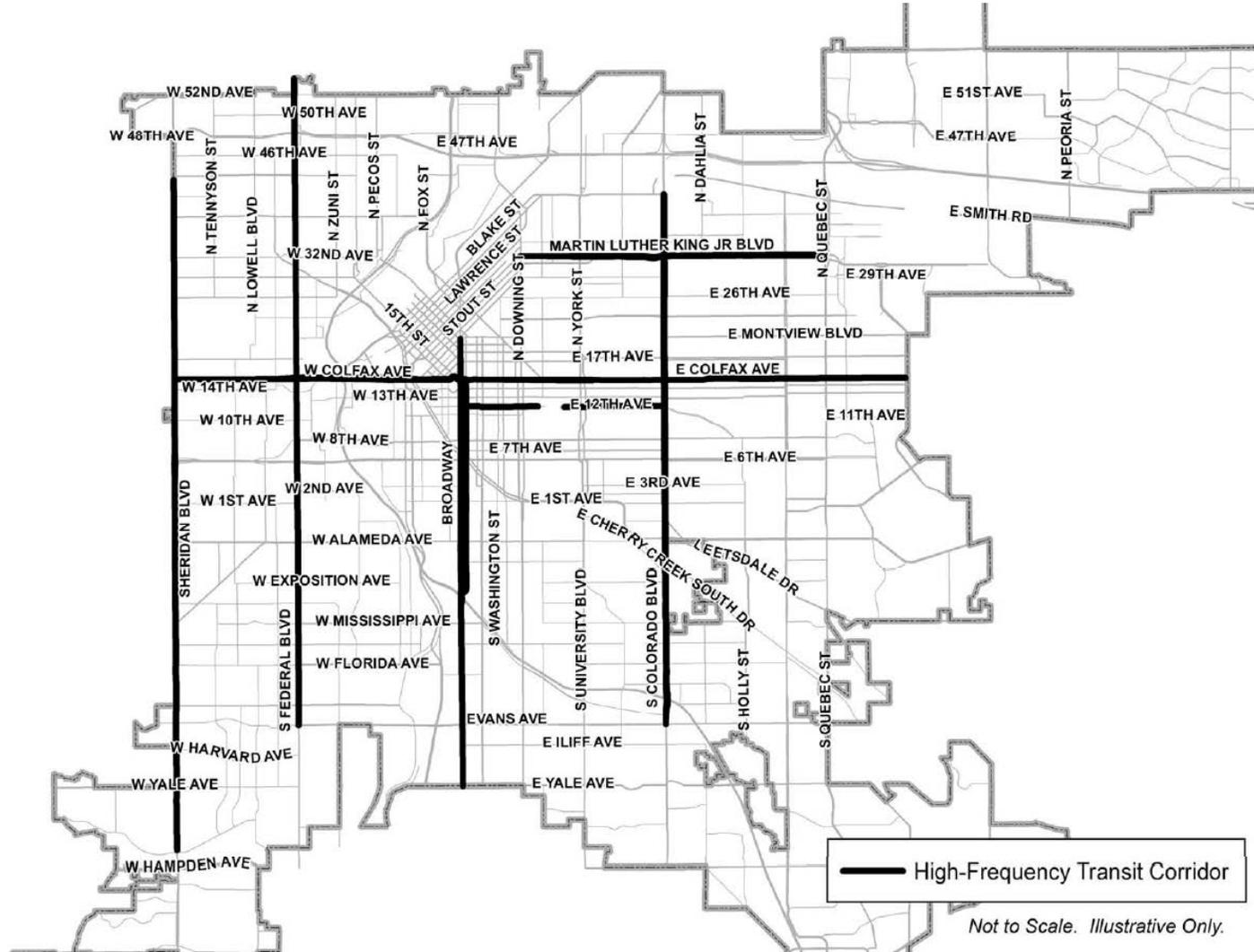
1 centerline of the right of way of the intersecting named or numbered Streets defined below, the City  
2 boundary, or a City Park, as applicable. See Figure 13.3-1

- 3 1. North and South Sheridan Boulevard from the intersection of West 44th Avenue  
4 (northernmost point) to the intersection of West Dartmouth Avenue (southernmost  
5 point)
- 6 2. North and South Federal Boulevard from the intersection of the City boundary at North  
7 Columbine Road (northernmost point) to the intersection of West Evans Avenue  
8 (southernmost point)
- 9 3. East and West Colfax Avenue from the intersection of the City boundary (westernmost  
10 point) to the intersection of the City boundary (easternmost point)
- 11 4. North and South Broadway from the intersection of East 20<sup>th</sup> Avenue (northernmost  
12 point) to the intersection of the City boundary (southernmost point)
- 13 5. North and South Lincoln Street from the intersection of East Colfax Avenue  
14 (northernmost point) to the intersection of East Ohio Avenue (southernmost point)
- 15 6. North and South Colorado Boulevard from the intersection of East 40<sup>th</sup> Avenue  
16 (northernmost point) to the intersection of East Evans Avenue (southernmost point)
- 17 7. Westbound East Martin Luther King Boulevard from the intersection of North Downing  
18 Street (westernmost point) to the intersection of northbound North Quebec Street  
19 (easternmost point)
- 20 8. East 12<sup>th</sup> Avenue from the intersection of North Broadway (westernmost point) to the  
21 intersection of the westernmost boundary of Cheesman Park (easternmost point) and  
22 East 12<sup>th</sup> Avenue from the intersection of the easternmost boundary of Cheesman Park  
23 to North Colorado Boulevard (easternmost point)

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Figure 13.3-1



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**Section 5.** Section 12.4.2.2 of the Denver Zoning Code dealing with the applicability of Zoning Permit Review with Informational Notice is amended by the addition of a new subsection D that reads as follows:

“D. Construction of any new building on a Small Zone Lot that includes a request for a parking exemption in accordance with Section 10.4.5.1.A.”

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1 COMMITTEE APPROVAL DATE: February 14, 2017

2 MAYOR-COUNCIL DATE: February 21, 2017

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_ ; \_\_\_\_\_

10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: February 16, 2017

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 §3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_