

Winston Downs Community Association Meeting
Tuesday, November 16th, 2021

We have included some relevant and important sections from the Denver Zoning Code below. These are from Articles 3 (suburban neighborhood contexts), 11 (Use limitations), and 12 (Zoning procedures and enforcement). You can view the articles in their entirety at: <https://www.denvergov.org/Government/Agencies-Departments-Offices/Community-Planning-and-Development/Denver-Zoning-Code> or by following this QR code:



These are the use limitations of the religious assembly use in the Zoning Code:

PUBLIC AND RELIGIOUS ASSEMBLY USE CATEGORY

SECTION 11.3.10 PUBLIC OR RELIGIOUS ASSEMBLY, ALL TYPES

11.3.10.1 All Residential Zone Districts; All MX-2x, MS-2x Zone Districts

In all Residential Zone Districts and in all MX-2x, MS-2x zone districts, where Public or Religious Assembly uses are permitted with limitations, the following operations shall be terminated by 11:00 p.m.:

- A. Daily operations of uses and activities accessory to a primary Public or Religious Assembly use, including but not limited to accessory recreation uses or activities; and
- B. Daily operations of other primary uses located on the same zone lot as the Public or Religious Assembly use, including but not limited to Day Care Centers or Elementary or Secondary Schools, but not including a primary household living use located on the same zone lot.

11.3.10.2 All SU, TU, TH, RH Zone Districts

In all SU, TU, TH, RH zone districts, where permitted with limitations, Club or Lodge use is prohibited.

11.3.10.3 All SU, TU, TH, RH, MU, RO Zone Districts

In all SU, TU, TH, RH, MU, RO zone districts, where permitted with limitations, Conference Center use is prohibited.

This is the definition of a “household” in Article 11 (11.12)

3. Household

- a. A “household” is either:
 - i. A single person occupying a dwelling unit, plus any permitted domestic employees; or
 - ii. Any number of persons related to each other by blood, marriage, civil union, committed partnership, adoption, or documented responsibility (such as foster care or guardianship), plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or
 - iii. Up to 5 adults of any relationship, plus any minor children related by blood, adoption or documented responsibility, plus any permitted domestic employees, who all occupy a dwelling unit as a single non-profit housekeeping unit; or
 - iv. Up to 8 adults of any relationship with a “handicap” according to the definition in the Federal Fair Housing Act, and who do not meet this Code’s definition of a Congregate Living or Residential Care use; or
 - v. Up to 8 older adults (individuals 55 or more years of age) who occupy a dwelling unit as a single, non-profit housekeeping unit, and who do not meet this Code’s definition of a Congregate Living or Residential Care Use.
- b. A household excludes any use that meets the definition of a Congregate Living use.

Below are several other important definitions regarding Residential Care and Religious Assembly:

11.12.2.3 Definition of Residential Care Use Category

A. A Residential Structure or structures where guests receive treatment, supervision, emergency shelter, personal care, protective oversight, or other similar care or services, from staff on-site as a condition of the guests' residency. This definition excludes care provided by domestic employees or care workers in a private home that meets this Code's definition of Household Living or Congregate Living. For purposes of this definition, a "guest" is a person who stays overnight, regardless of total length of stay. For purposes of this definition, staff and volunteers who regularly return to another place of primary residence, but who stay overnight while working or volunteering, shall not be considered "guests." Tenancy may range from overnight to 30 days or longer. This use category includes, but is not limited to:

1. Shelters
2. Community correction facilities and halfway houses
3. Recovery residences, where a guest's participation in a program of supervision, treatment, or care is required
4. Rehabilitation facilities
5. Assisted living facilities
6. Nursing homes or hospices

B. Specific Residential Care Use Types

Residential Care uses are further defined and distinguished by number of guests as follows:

1. Residential Care Use, Type 1: up to 10 guests year-round, or up to 100 guests for a maximum of 130 days per calendar year.
2. Residential Care Use, Type 2: 11 to 40 guests.
3. Residential Care Use, Type 3: 41 to 100 guests.
4. Residential Care Use, Type 4: 101 or more guests.

11.12.3.5 Public and Religious Assembly

A. Definition of Public and Religious Assembly Use Category

Public and religious assembly uses are permanent places where persons regularly assemble for religious worship or secular activities, and which are maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses include civic and social organizations such as private lodges, clubs, fraternities, and similar private membership organizations.

B. Specific Public and Religious Assembly Use Types and Definitions

1. Religious Assembly

A building where persons regularly assemble for religious worship and which building is maintained and controlled by a religious body organized to sustain public worship.

2. Club or Lodge

A building or land used for the activities of an association of persons for the promotion of a private or nonprofit common objective, such as literature, science, politics, and good fellowship. A club or lodge is not accessory to, or operated as, or in connection with a tavern, eating or drinking place, or other commercial establishment open to the general public.

SECTION 11.2.8 TYPE 1 RESIDENTIAL CARE USES

11.2.8.1 Type 1 Residential Care Use Operated by a Religious Assembly Use

In all zone districts, where permitted with limitations, Type 1 Residential Care uses operated by a Religious Assembly use (a "Religious Assembly" use is defined in Article 11) shall be operated according to provisions of Section 11.2.7.1.B, Limitations Applicable to All Residential Care Uses, without the requirement for a zoning permit. Any change in operation or expansion that exceeds the permitted number of guests or limit on days of operation set forth in Section 11.12.2.3.B.1, Specific Residential Care Use Types, Type 1, shall require a zoning permit and compliance with all the requirements of the applicable provisions of Section 11.2.9, 11.2.10 and 11.2.11 for Type 2, Type 3, or Type 4 Residential Care Use.

11.2.8.2 All SU, TU and RH-2.5 Zone Districts

In all SU, TU and RH-2.5 zone districts, where permitted with limitations, all Type 1 Residential Care uses shall comply with the following limitations:

A. Correctional Supervision Programs Prohibited

Type 1 Residential Care uses serving non-paroled persons who have been placed in a program of correctional supervision by the judicial or correctional departments of any city, county, state or federal government are prohibited.

B. Density Limitation.

A proposed Type 1 Residential Care use shall not be located within a one-mile radius of more than three other Residential Care uses of any type.

Below are the use tables, found in Article 3 (3.4.4) specifically regarding household living, residential care, and public and religious assembly.

KEY: * = Need Not be Enclosed P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
 ZPCIM = Subject to Zoning Permit Review with Community Information Meeting ZPIN = Subject to Zoning Permit Review with Informational Notice
 ZPSE = Subject to Zoning Permit with Special Exception Review When no ZP, ZPCIM, ZPIN, ZPSE listed = No Zoning Permit required

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-Ix S-SU-I	S-RH-2.5	S-MU-3 S-MU-5 S-MU-8 S-MU-12 S-MU-20	S-CC-3x S-CC-5x S-CC-5	S-MX-2x S-MX-2A	S-MX-3 S-MX-3A S-MX-5 S-MX-5A S-MX-8 S-MX-8A S-MX-12 S-MX-12A	S-MS-3 S-MS-5	APPLICABLE USE LIMITATIONS			
RESIDENTIAL PRIMARY USE CLASSIFICATION												
Household Living	Dwelling, Single Unit • No Parking Requirements	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.6	
	Dwelling, Two Unit • Vehicle: 1.25/unit • MS only: 1/unit • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.2; §11.2.6	
	Dwelling, Multi-Unit • Vehicle - MS only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/5 units (80/20)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.3; §11.2.6	
	Dwelling, Live / Work • Vehicle - MS only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/5 units (80/20)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.4; §11.2.6	
Residential Care	Residential Care, Type 1 • Vehicle: .5/1,000 sf GFA • Bicycle: No requirement	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	L/L-ZP	§11.2.7; §11.2.8	
	Residential Care, Type 2 • Vehicle: .5/1,000 sf GFA • Bicycle: No requirement	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.7; §11.2.9	
	Residential Care, Type 3 • Vehicle: .5/1,000 sf GFA • Bicycle: No requirement	NP	NP	NP	S-MU-3, -5; NP S-MU-8, -12, -20; L-ZPCIM	L-ZPCIM	L-ZPCIM	NP	NP	L-ZPCIM	L-ZPCIM	§11.2.7; §11.2.10
	Residential Care, Type 4 • Vehicle: .5/1,000 sf GFA • Bicycle: No requirement	NP	NP	NP	S-MU-3, -5; NP S-MU-8, -12, -20; L-ZPCIM	L-ZPCIM	L-ZPCIM	NP	NP	L-ZPCIM	L-ZPCIM	§11.2.7; §11.2.11
Congregate Living	All Types • Vehicle: 1/1,000 sf GFA • Bicycle: 1/20,000 sf GFA	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		

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Public and Religious Assembly	All Types • Vehicle: .5/1,000 sf GFA • Bicycle: 1/10,000 sf GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	L-ZP	P-ZP	P-ZP	§11.3.10

Below are a list of temporary uses from 3.4.4

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USE CATEGORY	SPECIFIC USE TYPE •Vehicle Parking Reqmt: # spaces per unit of measurement •Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-Ix	S-SU-F1 S-SU-I 2.5	S-RH- S-MU-12 S-MU-20	S-MU-3 S-MU-5 S-MU-8	S-CC-3x S-CC-5x	S-CC-3 S-CC-5	S-MX-2x	S-MX-2 S-MX-2A	S-MX-3 S-MX-3A S-MX-5 S-MX-5A S-MX-8 S-MX-8A S-MX-12 S-MX-12A	S-MS-3 S-MS-5	APPLICABLE USE LIMITATIONS	
TEMPORARY USE CLASSIFICATION													
Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Unlisted Temporary Uses	L - Applicable to all Zone Districts										§11.11.1	
	Ambulance Service - Temporary	NP	NP	NP	L-ZP	Not Applicable - See Permitted Primary Uses							
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	§11.11.2
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.7
	Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Outdoor Retail Sales*	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.11.11
	Outdoor Sales, Seasonal*	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP/ZPIN	L-ZP/ZPIN	L-ZP	L-ZP	L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.13
	Retail Food Establishment, Mobile*	NP	NP	NP	NP	L-ZP	L-ZP	NP	L-ZP	L-ZP	L-ZP	NP	§11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.16
	Temporary Tiny Home Village	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	§11.11.17
Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		

This is a list of uses and use changes where a zoning permit is required, from 12.4

B. Uses

1. Establishment of a Primary Use.
2. Change of a Primary Use.
3. The establishment of an Accessory Use, or the change of Accessory Use, but only when a zoning permit is required in the Use and Parking Tables found in Articles 3-9.
4. The establishment of a Temporary Use of any structure or land, but only when a zoning permit is required in the Use and Parking Tables found in Articles 3-9.
5. Changes in the total Gross Floor Area ("GFA") of a use, including but not limited to increases in the GFA of a use that increases a parking requirement or that is subject to a maximum area limit in this Code (e.g., an Accessory Dwelling Unit use or garage parking use accessory to a Single Unit Dwelling use).

These are the review process and criteria for Zoning permits from 12.4

12.4.1.4 Review Process

A. Initiation

The owner[s] of the subject property or the owner's authorized agent may initiate an application for zoning permit review.

B. Pre-Application Meeting

A pre-application meeting is optional before submittal of a zoning permit review application. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.

C. Application and Fees

1. Submittal in Writing

All applications for zoning permit review shall be submitted in writing to Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications

The applicant may submit a zoning permit review application concurrent with the submittal of other applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit be issued until the zoning permit according to this Section is approved, unless the Zoning Administrator allows an exception in writing.

D. Review, Referral and Final Decision

The Zoning Administrator may refer the zoning permit application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application. The Zoning Administrator shall make a final decision to approve, approve with conditions, or deny the zoning permit application, taking into consideration relevant agency or other party comments. 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 Zoning Administrator may take the provisions of such other governing statute or ordinance into consideration in making a final decision. For example, the Zoning Administrator may deny a zoning permit application for a plant husbandry use that, while permitted by the provisions of this Code, is prohibited by D.R.M.C., Chapter 6 Licenses, due to proximity to a school. See Section 1.1.3.3.A, Conflicting Provisions.

12.4.1.5 Review Criteria

The Zoning Administrator shall use the following criteria in making a decision on an application for zoning permit review:

- A. The zoning permit is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, all zoning permits shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, Regulating Plan, or Site Development Plan.
- B. The zoning permit complies with all applicable regulations in this Code.