# DENVER ZONING CODE

**Effective Date**
**June 25, 2010**

**Restated in its Entirety on May 24, 2018**

**As Amended Through October 10, 2019**

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# 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 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

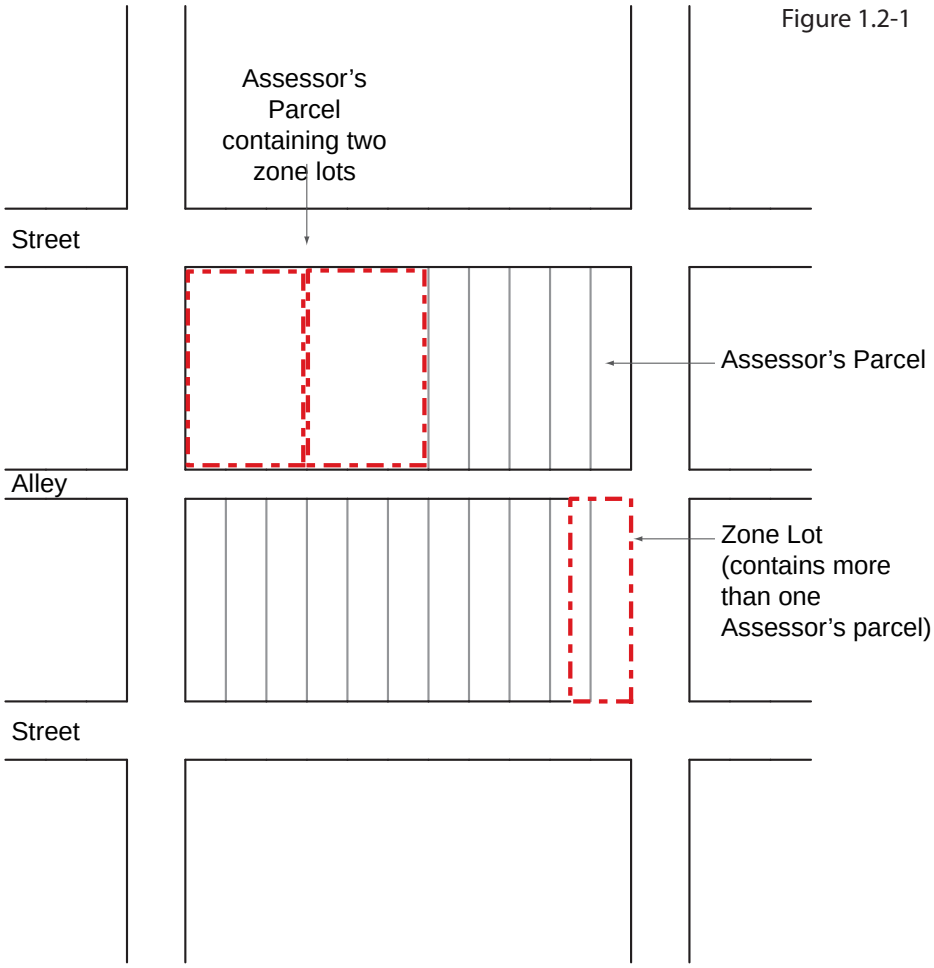
1. A Zone Lot shall be composed of contiguous land area and its boundaries shall not cross a public right-of-way (including streets and alleys) unless explicitly allowed in this Code.

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.

Figure 1.2-1




### 1.2.3.3 Limited Allowance for Flag Zone Lots

**A. Intent**

Creation of a flag zone lot through the zone lot amendment process is intended to accommodate an existing pattern of underlying plats or subdivision that resulted in zone lots that are especially deep and have narrow street frontage. Creation of a flag zone lot is 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**

"Flag" zone lots may be permitted only in the SU zone districts.

**C. Flag Zone Lot Standards**

1. A Flag Zone Lot may be created only through application for a Zone Lot Amendment according to Section 12.4.4, "Zone Lot Amendment," of this Code.

2. A Flag Zone Lot need not comply with the applicable minimum zone lot width standard at the Primary Street zone lot line, provided the proposed Flag Zone Lot complies with the standards stated in this Section 1.2.3.3.C.

3. The existing Zone Lot proposed for amendment must have a minimum of 160 feet of zone lot depth.

4. The resulting Flag Zone Lot shall have a zone lot width of no less than 20 feet at the Primary Street zone lot line.

5. The resulting Flag Zone Lot shall have a minimum width of 50 feet for at least 40 feet of contiguous zone lot depth.

6. The resulting 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 may count toward the required minimum zone lot area.

7. The remainder Zone Lot (the Zone Lot that remains after being amended to create the new Flag Zone Lot) shall comply with Section 1.2.3.4.A., "Compliance with Minimum Zone Lot Standards."

8. Before any Flag Zone Lot is approved pursuant to this Section 1.2.3.3, and before any development is allowed on a Flag Zone Lot, the Flag Zone Lot shall be reviewed and approved by the Fire Department, which may impose conditions upon its approval, according to Section 12.4.3, Site Development Plan Review.

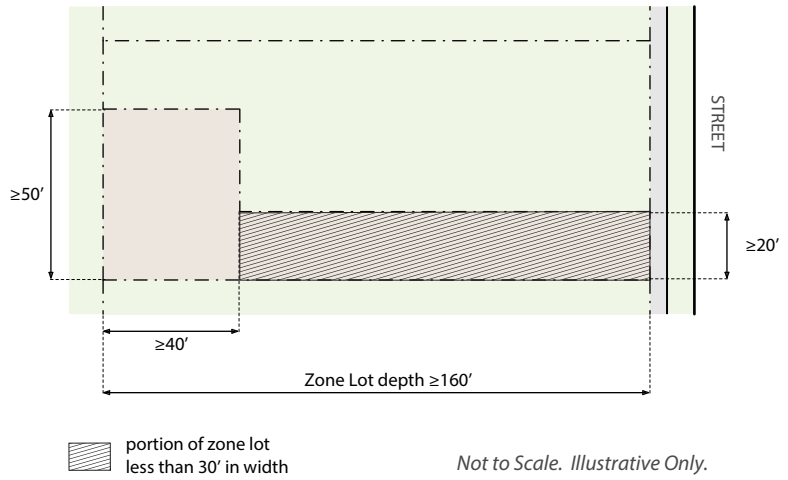
**D. Determination of Zone Lot Lines**

As part of the approval of a Zone Lot Amendment application that creates a new Flag Zone Lot, the Zoning Administrator shall determine which zone lot lines of the Flag Zone Lot are Primary Street, Side Street, Side Interior, or Rear zone lot lines. As applicable for purposes of applying building form standards regulating height and bulk plane, the Zoning Administrator shall also determine where on the Flag Zone Lot the front 65% and rear 35% of zone lot depth occur.

**E. Effect**

Both the Flag Zone Lot and remainder Zone Lot shall be considered Conforming Zone Lots.

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 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 mulitple Zone Districts is a Protected District.

### 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 Detached Accessory Structures

Development of an allowed detached 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 | | | | |
|---|---|---|---|---|
| **Applicable Zone Districts** | **Applicable Building Forms** | **Maximum # Primary Uses per Zone Lot** | **Maximum # Primary Structures per Zone Lot** | **Specific Requirements** |
| All SU, TU, RH, MU, and RO, Zone Districts, except in M-RH, S-RH and S-MU zone districts or as otherwise allowed in this table | Suburban House, Urban House, and Duplex | 1 | 1 | na |
| All SU and TU Zone Districts, Civic, Public and Institutional Uses | All building forms permitted in the zone district | No Limit on combining multiple permitted primary uses when all such uses are classified as "Civic, Public and Institutional Uses". In addition, one primary use categorized as a "Household Living" use and permitted in the zone district may be combined with one or more Civic, Public and Institutional Uses.<br><br>**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. | No Limit - Subject to Specific Requirements in this table | On a Zone Lot 18,000 square feet or larger in area, where one of the permitted primary uses is classified as a "Civic, Public and Institutional Use", the Zone Lot may be occupied by one or more primary structures. |
| All SU, TU, RH, MU, and RO Zone Districts | Tandem House | 2 - Subject to Specific Requirements in this table | 2 - Subject to Specific Requirements in this table | Where permitted, the Zone Lot 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 | 2 - Subject to Specific Requirements in this table | 2 - Subject to Specific Requirements in this table | A Carriage House may be used in its entirety as a Primary Structure containing a single unit dwelling use. See Article 13 for definition of "Carriage House." |
| All Other Zone Districts | All building forms | No Limit | No Limit | na |

| ACCESSORY USES AND STRUCTURES | | |
|---|---|---|
| **Applicability** | **Maximum # Accessory Uses per Zone Lot** | **Maximum # 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.

### 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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# ARTICLE 2. USING THE CODE

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## ARTICLE 2. USING THE CODE


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# DIVISION 2.1 OVERVIEW

The following Sections describe the approach to the Code, how it is organized, and how information and regulations are presented. They provide a guide to the naming convention for zone districts and a step-by-step guide for how to navigate and find information in the Code. Finally, this Article sets forth the full menu of zone district.

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# DIVISION 2.2 CODE APPROACH

## SECTION 2.2.1 CONTEXT-BASED APPROACH

The Code is organized by Neighborhood Contexts derived from existing and desired characteristics of Denver's neighborhoods. The Neighborhood Contexts are distinguished from one another by their overall physical and functional characteristics including but not limited to: street, alley, and block patterns; building placement and height; diversity, distribution, and intensity of land uses; and diversity of mobility options. This context-based approach provides a range of zone districts that set standards for compatible development.

## SECTION 2.2.2 FORM-BASED APPROACH

The Code also uses a form-based approach to explain how buildings and structures relate to their lots, surrounding buildings and structures, and street and alley rights-of-way. Each zone district includes a menu of illustrated building forms. The building form standards that control height, setbacks, parking location, building configuration and Street Level activation, as applicable to the Neighborhood Context, zone district and type of building form. The illustrated building forms are not intended to limit the shape, forms, roof styles or architectural styles. The illustrations are intended solely to illustrate typical volumes that building forms may occupy in order to maintain a consistent context for the neighborhood.

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# DIVISION 2.3 CODE ORGANIZATION

## SECTION 2.3.1 ARTICLES 3 THROUGH 7: NEIGHBORHOOD CONTEXTS

The Code is organized such that each Neighborhood Context is a separate Article. The purpose is to provide, to the extent possible, all regulations applicable to that Neighborhood Context in one location of the Code. Each Neighborhood Context Article has the same Division headings to ensure consistency when referencing regulations between Articles. Each of the Division headings are described below.

### 2.3.1.1 Neighborhood Context Description

Each Article provides a description of the Neighborhood Context. The description is organized to describe general character; street, block and access patterns; building placement and location; building height; and mobility. The description provides the basis for the context and form based regulations.

### 2.3.1.2 Districts

A. This Division establishes the menu of zone districts for the Neighborhood Context. There is a list of intent statements for each zone district in the Context.

B. Zone District Naming Convention: The zone districts for the Suburban, Urban Edge, Urban, General Urban and Urban Center Neighborhood Contexts follow a consistent naming convention, as follows:

| FIRST LETTER | SECOND LETTERS | THIRD LETTER OR THIRD NUMBER | OCCASIONAL LAST NUMBER OR LETTER | EXAMPLES |
|---|---|---|---|---|
| **Neighborhood Context** | **Dominant Building Form and Character** | **Minimum Zone Lot Size in square feet or Maximum Building Height in stories** | **Special Purpose** | |
| S = Suburban<br>E = Urban Edge<br>U = Urban<br>G = General Urban<br>C = Urban Center | SU = Single Unit<br>TU = Two Unit<br><br><br><br><br><br><br><br>RH = Row House<br>MU = Multi Unit<br>RO = Residential Office<br>RX = Residential Mixed Use<br>CC = Commercial Corridor<br>MX = Mixed Use<br>MS = Main Street | <u>Minimum Zone Lot Size</u><br>A = 3,000<br>B = 4,500<br>C = 5,500<br>D = 6,000<br>E = 7,000<br>F = 8,500<br>G = 9,000<br>H = 10,000<br>I = 12,000<br><br><u>Heights</u><br>2 = 2 stories<br>2.5 = 2.5 stories<br>3 = 3 stories<br>5 = 5 stories<br>8 = 8 stories<br>12 = 12 stories<br>16 = 16 stories<br>20 = 20 stories | When there is a number or letter at the end of the zone district name, that is an indicator of special regulations. Refer to the zone district regulations for more detail. Typically:<br><br>1 = Accessory dwelling units allowed throughout<br><br>2 = Accessory dwelling unit and duplexes allowed on certain corners<br><br>x = Special provisions tailored to that zone district<br><br>A = Special provisions, especially design standards or allowed building forms, tailored to that zone district | U-SU-A:<br>Urban Neighborhood Context, allows single units and the minimum zone lot size is 3,000 sf<br><br>U-SU-A1:<br>Urban Neighborhood Context, allow single units, a minimum lot size of 3,000 sf and allows accessory dwelling units<br><br>G-MU-3:<br>General Urban Neighborhood, allows up to multiple family uses with a maximum height of 3 stories<br><br>C-MX-5:<br>Urban Center Neighborhood, allows a commercial and residential uses with a maximum height of 5 stories. |

#### 2.3.1.3 Design Standards

The Design Standards Division establishes the intent of all applicable design standards, allowed building forms by zone district, building form standards and any exceptions or alternatives. A summary table provides an overview for easy reference. Each building form has a set of illustrations and a table of standards to ensure clarity in interpretation.

#### 2.3.1.4 Uses and Required Minimum Parking

Uses and Parking provides a listing of all allowed uses by zone district. With each use category, the vehicle and bike parking requirements are listed.

## SECTION 2.3.2 ARTICLE 8: DOWNTOWN NEIGHBORHOOD CONTEXT

The Downtown Neighborhood Context is organized differently than Articles 3 through 7 due to the unique nature of the downtown zone districts. This Article contains all the zone districts within the city's downtown area and applicable regulations. The Downtown Neighborhood Context has a different zone district naming convention. The first letter is "D" to denote the Downtown Neighborhood Context. The second letters are abbreviations for the specific neighborhood within Downtown. For example: D-AS is Downtown Arapahoe Square. After providing the zoning regulations for each downtown zone district, there are Sections on design standards and the uses and minimum parking requirements.

## SECTION 2.3.3 ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS

Article 9 contains regulations for Special Contexts and Districts. Special Contexts and Districts are those that need to be treated differently due to specialized uses, forms, regulations and/or procedures. Special Contexts and Districts have a different zone district naming convention described within each Division. The first letters indicate the type of context or district with subsequent lettering or numbering when there is variation.

2.3.3.1 Industrial Context (I-MX, -A, -B): The Industrial Context establishes zone districts that allow varying intensities and types of industrial forms and uses.

2.3.3.2 Campus Context (CMP-H, -H2, -EI, -EI2, -ENT, -NWC, -NWC-C, -NWC-G, -NWC-F, -NWC-R): The Campus Context establishes zone districts for larger scale sites offering healthcare, education/institution, entertainment, and the National Western Center.

2.3.3.3 Open Space Context (OS-A, -B, -C): The Open Space Context establishes zone districts for various types of park, recreational and open space land.

2.3.3.4 Overlay Districts (CO, UO, IO, DO, AIO): Overlay Districts are zone districts that apply in addition to the base zone district. There are Conservation Overlay Districts, Use Overlay Districts, Design Overlay Districts, Incentive Overlay Districts and the Airport Influence Overlay District.

2.3.3.5 Denver International Airport District: This district applies to the Denver International Airport.

2.3.3.6 O-1 Zone District: O-1 is a zone district that applies to various recreation, institutional, and utilities.

2.3.3.7 Planned Unit Development District: The Planned Unit Development District is a unique zone district that provides form, use, parking and other standards tailored to a particular site.

2.3.3.8 Master Planned Context: The Master Planned Context is intended for larger scale sites that will develop over a long period of time and in multiple phases. Within the Master Planned Context there is a menu of residential and mixed use zone district.

## SECTION 2.3.4 ARTICLES 10 THROUGH 13: GENERAL STANDARDS AND PROCEDURES

Articles 10 through 13 contain regulations that apply throughout the city and are not unique to a Neighborhood Context or Special Context. They are organized together so that common regulations are found in the same place such as use limitations, procedures, definitions and rules of measurement.

# DIVISION 2.4 USING THE CODE

## SECTION 2.4.1 STEP BY STEP USE OF THE CODE

### 2.4.1.1 Determine the Zone District:

Obtain a property's zoning from the Denver County assessor's records, from the Official Map or by consulting the city's website: www.denvergov.org. Take note of any Overlay Districts that apply. Also take note of zoning for adjacent properties, and specifically whether or not the subject property is in, or adjacent to, a Protected Zone District, as defined in Division 13.3, Definitions of Words, Terms & Phrases.

### 2.4.1.2 Find the Neighborhood Context Article:

Zone districts are organized by Neighborhood Context in the Code. The first letter of the zone district indicates the applicable Neighborhood Context. Go to the applicable Article of the Code (Article 3 through Article 9) for the relevant zoning regulations. For example, if the property is zoned U-SU-A, the first "U" in the zone district name indicates the context – in this case, the"U"rban Neighborhood Context, refer to Article 5, Urban Neighborhood Context.

### 2.4.1.3 Understand the Neighborhood Context:

Gain further understanding of the neighborhood context by reviewing the Neighborhood Context Description, which is the first Division in the Neighborhood Context Article. For example, read Division 5.1, Neighborhood Context Description, for a description of the Urban Neighborhood Context.

### 2.4.1.4 Review the Applicable Zone Districts:

To understand which zone districts apply in the Neighborhood Context, read Districts, which is the second Division in all Neighborhood Context Articles. Review the intent statement for your zone district to understand its general purpose and how it relates to other zone districts in that context. For example, read Division 5.2, Districts, for a zone district listing and intent statements for the Urban Neighborhood Context. Refer to Article 9, Special Contexts and Districts, Division 9.4, Overlay Zone Districts for information on relevant overlay zone district.

### 2.4.1.5 Choose a Building Form:

The zone district allow a variety of building forms appropriate for the context. Review Design Standards, the third Division in all Neighborhood Context Articles, for a listing of allowed primary and accessory building forms by zone district. Next, find the building form you want to construct or alter, and use the associated graphic and table to determine allowed building setbacks, height and other regulations. Primary Building Forms are listed separately from Detached Accessory Building Form standards. One building form and the associated standards must be selected. For example, read Section 5.3.3, Primary Building Form Standards in Division 5.3, Design Standards. A table at the beginning of this Section summarizes which building forms are appropriate in each Urban Neighborhood Context zone district. Assume, for example, you want to build an Urban House in the U-SU-A zone district. Read Section 5.3.3.4.A, District Specific Standards, for the applicable standards for the Urban House form in the Urban Neighborhood Context. Review the graphic and read the table to find standards for this building form applicable to the U-SU-A zone district. Read Section 5.3.5 through 5.3.8 to find additional design standards and to understand permitted exceptions and alternatives to meeting the building form standards. If a term is not clear, refer to Article 13 for Rules of Measurement and Definitions.

### 2.4.1.6 Identify Allowable Uses and Required Parking:

The last Division of each Neighborhood Context Article states the allowed land uses and required vehicle and bicycle parking in each zone district. To find what uses are allowed in a particular zone district, consult the Uses Table at the end of the Article. Allowed primary, accessory and temporary uses and the relevant vehicle and bike parking requirements are listed in the first column of the Use Table and zone districts are listed across the remaining table columns. Table cell entries for each use indicates whether the use is allowed in the zone district or allowed subject to specific

limitations, and/or subject to a specific review. If the use is not allowed it will be indicated as Not Permitted (NP). The last column of the Use Table references the user to all applicable use limitations. Some use limitations are contained within the Article and some, that apply to several zone districts, are found in Article 11, Use Limitations and Definitions. In some cases, use limitations reference their applicability to Residential Zone Districts or Mixed Use Commercial Zone Districts. Refer to Article 13, Rules of Measurement & Definitions for a listing of which zone districts are categorized as such. Unless otherwise specified, any use can occupy any building form provided they are allowed in the zone district. If you need a use summary, use definitions or use limitations refer to Article 11, Use Limitations and Definitions.

#### 2.4.1.7 Review the General Design Standards:

Review Article 10, General Design Standards which includes standards that are generally applicable to all new development, regardless of neighborhood context. Standards address vehicle and bicycle parking, loading, multi-structure developments, landscaping, outdoor lighting, outdoor storage and display, signs, and general performance standards. For example, the Parking and Loading Division provides exceptions and reductions that may be available. In some cases, design standards reference their applicability to Residential Zone Districts or Mixed Use Commercial Zone Districts. Refer to Article 13, Rules of Measurement & Definitions for a listing of which zone districts are categorized as such.

#### 2.4.1.8 Understand Zoning Procedures and Enforcement:

Review Article 12, Zoning Procedures and Enforcement to gain an understanding of all zoning procedures applicable to new development. The Article first identifies all the review and decision-making bodies and their respective roles under this Code, then describes steps common to most or all zoning procedures (e.g., public notice requirements), and then describes the steps required for each type of zoning procedure (e.g., zoning permit review, special exception review, rezonings, and variances). A summary of review and decision making authority and type of public notice required for each procedure is provided in Section 12.3.4. Article 12, Zoning Procedures and Enforcement also contains the rules for nonconforming and compliant uses, structures, and lots. Finally, Article 12, Zoning Procedures and Enforcement contains general enforcement provisions, including what constitutes a violation of the Code and the associated penalties.

# DIVISION 2.5 ESTABLISHMENT OF ZONE DISTRICTS

The following are the zone districts organized by context:

### 2.5.1.1 Suburban, Urban Edge and Urban Neighborhood Context:

| SUBURBAN NEIGHBORHOOD CONTEXT | | URBAN EDGE NEIGHBORHOOD CONTEXT | | URBAN NEIGHBORHOOD CONTEXT | |
|---|---|---|---|---|---|
| S-SU-A | Single Unit A | E-SU-A | Single Unit A | U-SU-A | Single Unit A |
| S-SU-D | Single Unit D | E-SU-B | Single Unit B | U-SU-A1 | Single Unit A1 |
| S-SU-Fx | Single Unit Fx | E-SU-D | Single Unit D | U-SU-A2 | Single Unit A2 |
| S-SU-F | Single Unit F | E-SU-Dx | Single Unit Dx | U-SU-B | Single Unit B |
| S-SU-F1 | Single Unit F1 | E-SU-D1 | Single Unit D1 | U-SU-B1 | Single Unit B1 |
| S-SU-Ix | Single Unit Ix | E-SU-D1x | Single Unit D1x | U-SU-B2 | Single Unit B2 |
| S-SU-I | Single Unit I | E-SU-G | Single Unit G | U-SU-C | Single Unit C |
| S-RH-2.5 | Row House 2.5 | E-SU-G1 | Single Unit G1 | U-SU-C1 | Single Unit C1 |
| S-MU-3 | Multi Unit 3 | E-TU-B | Two Unit B | U-SU-C2 | Single Unit C2 |
| S-MU-5 | Multi Unit 5 | E-TU-C | Two Unit C | U-SU-E | Single Unit E |
| S-MU-8 | Multi Unit 8 | E-RH-2.5 | Row House 2.5 | U-SU-E1 | Single Unit E1 |
| S-MU-12 | Multi Unit 12 | E-MU-2.5 | Multi Unit 2.5 | U-SU-H | Single Unit H |
| S-MU-20 | Multi Unit 20 | E-RX-3 | Residential Mixed Use 3 | U-SU-H1 | Single Unit H1 |
| S-CC-3x | Commercial Corridor 3x | E-RX-5 | Residential Mixed Use 5 | U-TU-B | Two Unit B |
| S-CC-3 | Commercial Corridor 3 | E-CC-3x | Commercial Corridor 3x | U-TU-B2 | Two Unit B2 |
| S-CC-5x | Commercial Corridor 5x | E-CC-3 | Commercial Corridor 3 | U-TU-C | Two Unit C |
| S-CC-5 | Commercial Corridor 5 | E-MX-2x | Mixed Use 2x | U-RH-2.5 | Row House 2.5 |
| S-MX-2x | Mixed Use 2x | E-MX-2A | Mixed Use 2A | U-RH-3A | Row House 3A |
| S-MX-2A | Mixed Use 2A | E-MX-2 | Mixed Use 2 | U-RX-3 | Residential Mixed Use 3 |
| S-MX-2 | Mixed Use 2 | E-MX-3A | Mixed Use 3A | U-RX-5 | Residential Mixed Use 5 |
| S-MX-3A | Mixed Use 3A | E-MX-3 | Mixed Use 3 | U-MX-2x | Mixed Use 2x |
| S-MX-3 | Mixed Use 3 | E-MS-2x | Main Street 2x | U-MX-2 | Mixed Use 2 |
| S-MX-5A | Mixed Use 5A | E-MS-2 | Main Street 2 | U-MX-3 | Mixed Use 3 |
| S-MX-5 | Mixed Use 5 | E-MS-3 | Main Street 3 | U-MS-2x | Main Street 2x |
| S-MX-8A | Mixed Use 8A | E-MS-5 | Main Street 5 | U-MS-2 | Main Street 2 |
| S-MX-8 | Mixed Use 8 | | | U-MS-3 | Main Street 3 |
| S-MX-12A | Mixed Use 12A | | | U-MS-5 | Main Street 5 |
| S-MX-12 | Mixed Use 12 | | | | |
| S-MS-3 | Main Street 3 | | | | |
| S-MS-5 | Main Street 5 | | | | |

### 2.5.1.2 General Urban, Urban Center and Downtown Neighborhood Context:

| GENERAL URBAN NEIGHBORHOOD CONTEXT | | URBAN CENTER NEIGHBORHOOD CONTEXT | | DOWNTOWN NEIGHBORHOOD CONTEXT | |
|---|---|---|---|---|---|
| G-RH-3 | Row House 3 | C-RX-5 | Residential Mixed Use 5 | D-C | Downtown Core District |
| G-MU-3 | Multi Unit 3 | C-RX-8 | Residential Mixed Use 8 | D-TD | Downtown Theater District |
| G-MU-5 | Multi Unit 5 | C-RX-12 | Residential Mixed Use 12 | D-LD | Lower Downtown District |
| G-MU-8 | Multi Unit 8 | C-MX-3 | Mixed Use 3 | D-CV | Downtown Civic District |
| G-MU-12 | Multi Unit 12 | C-MX-5 | Mixed Use 5 | D-GT | Downtown Golden Triangle |
| G-MU-20 | Multi Unit 20 | C-MX-8 | Mixed Use 8 | D-AS | Downtown Arapahoe Square |
| G-RO-3 | Residential Office 3 | C-MX-12 | Mixed Use 12 | D-AS-12+ | Downtown Arapahoe Square 12+ |
| G-RO-5 | Residential Office 5 | C-MX-16 | Mixed Use 16 | D-AS-20+ | Downtown Arapahoe Square 20+ |
| G-RX-3 | Residential Mixed Use 3 | C-MX-20 | Mixed Use 20 | D-CPV-T | Downtown Central Platte Valley - Auraria Transition |
| G-RX-5 | Residential Mixed Use 5 | C-MS-5 | Main Street 5 | D-CPV-R | Downtown Central Platte Valley - Auraria River |
| G-MX-3 | Mixed Use 3 | C-MS-8 | Main Street 8 | D-CPV-C | Downtown Central Platte Valley - Auraria Center |
| G-MS-3 | Main Street 3 | C-MS-12 | Main Street 12 | | |
| G-MS-5 | Main Street 5 | C-CCN-3 | Cherry Creek North 3 | | |
| | | C-CCN-4 | Cherry Creek North 4 | | |
| | | C-CCN-5 | Cherry Creek North 5 | | |
| | | C-CCN-7 | Cherry Creek North 7 | | |
| | | C-CCN-8 | Cherry Creek North 8 | | |
| | | C-CCN-12 | Cherry Creek North 12 | | |

### 2.5.1.3 Special Contexts and Zone Districts:

| INDUSTRIAL CONTEXT | |
|---|---|
| I-MX-3 | Industrial Mixed Use 3 |
| I-MX-5 | Industrial Mixed Use 5 |
| I-MX-8 | Industrial Mixed Use 8 |
| I-A | Light Industrial |
| I-B | General Industrial |
| **CAMPUS CONTEXT** | |
| CMP-H | Campus Healthcare |
| CMP-H2 | Campus Healthcare 2 |
| CMP-EI | Campus Education Institution |
| CMP-EI2 | Campus Education Institution 2 |
| CMP-ENT | Campus Entertainment |
| CMP-NWC | Campus National Western Center |
| CMP-NWC-C | Campus National Western Center - Core |
| CMP-NWC-G | Campus National Western Center - General |
| CMP-NWC-F | Campus National Western Center - Flex |
| CMP-NWC-R | Campus National Western Center - Riverfront |
| **OPEN SPACE CONTEXT** | |
| OS-A | Open Space Public Parks |
| OS-B | Open Space Recreation |
| OS-C | Open Space Conservation |

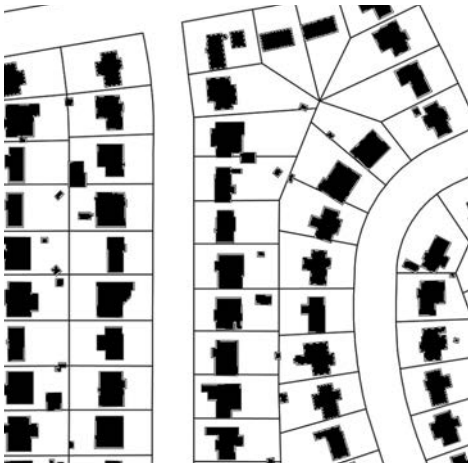
| MASTER PLANNED CONTEXT | |
|---|---|
| M-RH-3 | Row House 3 |
| M-RX-3 | Residential Mixed Use 3 |
| M-RX-5 | Residential Mixed Use 5 |
| M-RX-5A | Residential Mixed Use 5A |
| M-CC-5 | Commercial Corridor 5 |
| M-MX-5 | Commercial Mixed Use 5 |
| M-IMX-5 | Industrial Mixed Use 5 |
| M-IMX-8 | Industrial Mixed Use 8 |
| M-IMX-12 | Industrial Mixed Use 12 |
| M-GMX | General Mixed Use |
| **OVERLAY DISTRICTS** | |
| UO- | Use Overlay District |
| CO- | Conservation Overlay District |
| DO- | Design Overlay District |
| IO- | Incentive Overlay District |
| AIO- | Airport Influence Overlay District |
| **OTHER SPECIAL CONTEXTS OR ZONE DISTRICTS** | |
| DIA | Denver International Airport |
| O-1 | Open Zone District |
| **PLANNED UNIT DEVELOPMENT CONTEXT** | |
| PUD | Planned Unit Development |

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# ARTICLE 3. SUBURBAN (S-) NEIGHBORHOOD CONTEXT







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## ARTICLE 3. SUBURBAN (S-) NEIGHBORHOOD CONTEXT


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# DIVISION 3.1 NEIGHBORHOOD CONTEXT DESCRIPTION









## SECTION 3.1.1 GENERAL CHARACTER

The Suburban Neighborhood Context is characterized by single-unit and multi-unit residential, commercial strips and centers, and office parks. Single-unit residential consists typically of the Suburban House building form with street-facing garages. Multi-unit building forms are typically separated from single-unit residential and consist of Row House and occasional mid- and high-rise Apartment building forms. Commercial buildings are typically separated from residential and consist of Shopfront and General forms. Single-unit residential uses are primarily located away from residential and commercial arterial streets. Multi-unit residential and commercial uses are primarily located along arterial and collector streets.

## SECTION 3.1.2 STREET AND BLOCK PATTERNS

The Suburban Neighborhood Context consists of an irregular pattern of block shapes surrounded by curvilinear streets within a modified or non-existent grid, with cul-de-sacs and typically no alleys. Block shapes and sizes vary. The typical block pattern includes attached sidewalks (though sidewalks may be detached or non-existent), street and surface parking, and generous landscaping between the street and buildings.

## SECTION 3.1.3 BUILDING PLACEMENT AND LOCATION

Single- unit residential buildings typically have consistent, deep front setbacks and varying side setbacks and building orientation. Multi-unit residential buildings typically have deep front setbacks and wide side setbacks. Commercial buildings may have varying orientation and typically have deep front and side setbacks to accommodate landscaping and parking.

## SECTION 3.1.4 BUILDING HEIGHT

The Suburban Neighborhood Context is characterized by low scale buildings except for some mid- and high-rise multi-unit residential and commercial structures, particularly along arterial streets.

## SECTION 3.1.5 MOBILITY

The Suburban Neighborhood Context has a higher reliance on the automobile with some access to pedestrian and bicycle facilities and the multi-modal transportation system.

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# DIVISION 3.2 DISTRICTS (S-SU-, S-RH-, S-MU-, S-CC-, S-MX-, S-MS-)

## SECTION 3.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Suburban Neighborhood Context and are applied to property as set forth on the Official Map.

**Suburban Neighborhood Context**

| | |
|---|---|
| S-SU-A | Single Unit A |
| S-SU-D | Single Unit D |
| S-SU-F | Single Unit F |
| S-SU-Fx | Single Unit Fx |
| S-SU-F1 | Single Unit F1 |
| S-SU-I | Single Unit I |
| S-SU-Ix | Single Unit Ix |
| S-RH-2.5 | Row House 2.5 |
| S-MU-3 | Multi Unit 3 |
| S-MU-5 | Multi Unit 5 |
| S-MU-8 | Multi Unit 8 |
| S-MU-12 | Multi Unit 12 |
| S-MU-20 | Multi Unit 20 |
| S-CC-3 | Commercial Corridor 3 |
| S-CC-3x | Commercial Corridor 3x |
| S-CC-5 | Commercial Corridor 5 |
| S-CC-5x | Commercial Corridor 5x |
| S-MX-2 | Mixed Use 2 |
| S-MX-2x | Mixed Use 2x |
| S-MX-2A | Mixed Use 2A |
| S-MX-3 | Mixed Use 3 |
| S-MX-3A | Mixed Use 3A |
| S-MX-5 | Mixed Use 5 |
| S-MX-5A | Mixed Use 5A |
| S-MX-8 | Mixed Use 8 |
| S-MX-8A | Mixed Use 8A |
| S-MX-12 | Mixed Use 12 |
| S-MX-12A | Mixed Use 12A |
| S-MS-3 | Main Street 3 |
| S-MS-5 | Main Street 5 |

# SECTION 3.2.2 RESIDENTIAL DISTRICTS (S-SU-A,-D, -F, -Fx -F1, -I,-Ix, S-RH-2.5, S-MU-3, 5, 8, 12, 20)

## 3.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts promote a consistent pattern of one to two story suburban houses where the wider part of the building orients to the street and access is provided by front-loaded garages. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the row house and multi unit districts promote existing and future patterns of multiple buildings on a single Zone Lot. These building forms include duplex, row house and apartments sometimes organized around common open space and parking areas with an internal circulation system.

C. These standards recognize common residential characteristics within the Suburban Neighborhood Context but accommodate variation by providing a range of Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

E. These Residential districts capture parts of the city typically platted and developed in the mid- to late 1900s.

## 3.2.2.2 Specific Intent

**A. Single Unit A (S-SU-A)**
S-SU-A is a single unit district allowing suburban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Suburban Neighborhood Context. Access may be from the street or from an alley.

**B. Single Unit D (S-SU-D)**
S-SU-D is a single unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet.

**C. Single Unit F (S-SU-F)**
S-SU-F is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet.

**D. Single Unit Fx (S-SU-Fx)**
S-SU-Fx is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. The primary distinction between this zone district and S-SU-F is there are more limitations on home occupations.

**E. Single Unit F1 (S-SU-F1)**
S-SU-F1 is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. Tandem houses and detached accessory dwelling units are also allowed on lots that are at least 150 feet deep.

**F. Single Unit I (S-SU-I)**
S-SU-I is a single unit district allowing suburban houses with a minimum zone lot area of 12,000 square feet. This district requires the largest setbacks and lowest lot coverage (more unobstructed open space) in the Suburban Neighborhood Context.

**G. Single Unit Ix (S-SU-Ix)**
S-SU-Ix is a single unit district allowing suburban houses with a minimum zone lot area of 12,000 square feet. This district requires the largest setbacks and lowest lot coverage in the Suburban Neighborhood Context. The primary distinction between this zone district and S-SU-I is there are more limitations on home occupations.

**H. Row House 2.5 (S-RH-2.5)**
S-RH-2.5 is a multi unit district and allows suburban house, duplex and Row House building forms up to two and one half stories in height.

**I. Multi Unit 3, 5, 8, 12, 20 (S-MU-3, 5, 8, 12, 20)**
S-MU- is a multi unit district and allows suburban house, duplex, row house, and apartment building forms up to 3, 5, 8, 12, 20 stories in height.

## SECTION 3.2.3 COMMERCIAL CORRIDOR DISTRICTS (S-CC-3, -3x, -5, -5x)

### 3.2.3.1 General Purpose

A. The Commercial Corridor zone districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.

B. The Commercial Corridor zone districts address development opportunities next to the city's most auto-dominated corridors.

C. Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout.

D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

### 3.2.3.2 Specific Intent

**A. Commercial Corridor – 3 (S-CC-3)**
S-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

**B. Commercial Corridor – 3x (S-CC-3x)**
S-CC-3x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3.

**C. Commercial Corridor – 5 (S-CC-5)**
S-CC-5 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 5 stories is desired.

**D. Commercial Corridor – 5x (S-CC-5x)**
S-CC-5x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 5 stories is desired with less intense uses than S-CC-5.

# SECTION 3.2.4 MIXED USE DISTRICTS (S-MX-2, -2X, -2A, -3, -3A, -5, -5A, -8, -8A, -12, -12A)

## 3.2.4.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.

B. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections.

C. The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way. Standards offer predictable flexibility consistent with the variety of mixed use development found in the Suburban Neighborhood Context.

D. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

## 3.2.4.2 Specific Intent

**A. Mixed Use – 2 (S-MX-2)**
S-MX-2 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired.

**B. Mixed Use – 2x (S-MX-2x)**
S-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**C. Mixed Use – 2A (S-MX-2A)**
S-MX-2A applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to low intensity uses and the low scale General building form to encourage a more pedestrian-oriented environment.

**D. Mixed Use – 3 (S-MX-3)**
S-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

**E. Mixed Use – 3A (S-MX-3A)**
S-MX-3A applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

**F. Mixed Use – 5 (S-MX-5)**
S-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.

**G. Mixed Use – 5A (S-MX-5A)**
S-MX-5A applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. Design standards provide flexibility in building

siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

**H. Mixed Use – 8 (S-MX-8)**
S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.

**I. Mixed Use – 8A (S-MX-8A)**
S-MX-8A applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

**J. Mixed Use – 12 (S-MX-12)**
S-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired.

**K. Mixed Use – 12A (S-MX-12A)**
S-MX-12A applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

## SECTION 3.2.5 MAIN STREET DISTRICTS (S-MS-3, -5)

### 3.2.5.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Suburban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and maximum building coverage is significant.

### 3.2.5.2 Specific Intent

**A. Main Street – 3 (S-MS-3)**
S-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

**B. Main Street – 5 (S-MS-5)**
S-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 5 stories is desired.

# DIVISION 3.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 3.3.1 GENERAL INTENT

The Intent of this Division 3.3 Design Standards are to:

3.3.1.1 Implement the Denver Comprehensive Plan.

3.3.1.2 Implement the zone district's Intent and Purpose

3.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

3.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.

3.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

3.3.1.6 Give equal prominence to pedestrian realm as a defining element of neighborhood character.

3.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

3.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

3.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

3.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

3.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

3.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

## SECTION 3.3.2 BUILDING FORM INTENT

### 3.3.2.1 Height

A. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

### 3.3.2.2 Siting

#### A. Required Build-To

1. Provide a more consistent street edge to enhance the character, quality and accessibility of new development.
2. Improve the relationship between new development and public streets to promote pedestrian activity and establish a sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

#### B. Setbacks

1. Site buildings to be consistent with intended character and functional requirements of the context.
2. Improve connections between varied uses and the public street.

#### C. Parking Location

1. Minimize the visual impacts of parking areas on streets and adjoining property.
2. Minimize conflicts between pedestrian and vehicles.

### 3.3.2.3 Design Elements

#### A. Configuration

1. Promote variation in building form that enhances access to sunlight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Main Street setback: Consider the proportional scale of new development necessary to establish a well defined edge to the public street.
4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

#### B. Transparency

1. Maximize window area at Street Level to help activate the street.
2. To create rhythms and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

#### C. Entrances

1. Give prominence to pedestrian realm as a defining element of district and neighborhood character.
2. Provide convenient access to buildings and active uses from the street.
3. Create a clearly articulated and varied visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

### 3.3.2.4 Specific Building Form Intent

#### A. Residential Zone Districts Building Form Intent

**1. Suburban House**
Establish standards for Single Unit Dwelling development. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**2. Duplex**
Establish standards for Two Unit Dwelling development within a single primary structure, allowing side-by-side and up-down configurations. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**3. Tandem House**
Establish standards for two dwelling units on a single zone lot, but occurring in two separate primary structures with a single unit in each structure.

**4. Row House**
Establish standards for buildings containing Side-by-Side Dwelling Units that require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street.

**5. Apartment**
Establish standards for Multi-Unit Dwelling development in a variety of layouts. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

#### B. Commercial Mixed Use Zone Districts Building Form Intent

**1. Drive Thru Services**
To allow more flexible design standards to accommodate unique circumstances of automobile service uses and primary uses with an accessory drive-thru lane.

a. MX: Eliminate the build-to requirement and require a garden wall along street frontages.

b. MS: Allow a decrease in the percentage of build-to required along the Primary Street, allow a garden wall and canopy combination to meet a portion of the build-to and allow surface parking between a building and the Side Street.

**2. Drive Thru Restaurant**
To allow more flexible design standards to accommodate unique circumstances of eating/drinking establishments with an accessory drive-thru lane.

a. CC and MX: No change to standards contained within the General building form.

b. MS: Allow a reduced build-to requirement and a drive-thru lane to be located between the building and the Primary Street and Side Street.

**3. General**
Establish the base set of standards for the zone district from which all other building forms deviate for specific situations.

**4. Shopfront**
Establish the base set of standards for the zone district from which all other building forms deviate for specific situations.

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# SECTION 3.3.3 PRIMARY BUILDING FORM STANDARDS

## 3.3.3.1 Applicability

All development, except detached accessory structures, in all the Suburban Neighborhood Context zone districts.

## 3.3.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted building form in the applicable zone district.

## 3.3.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

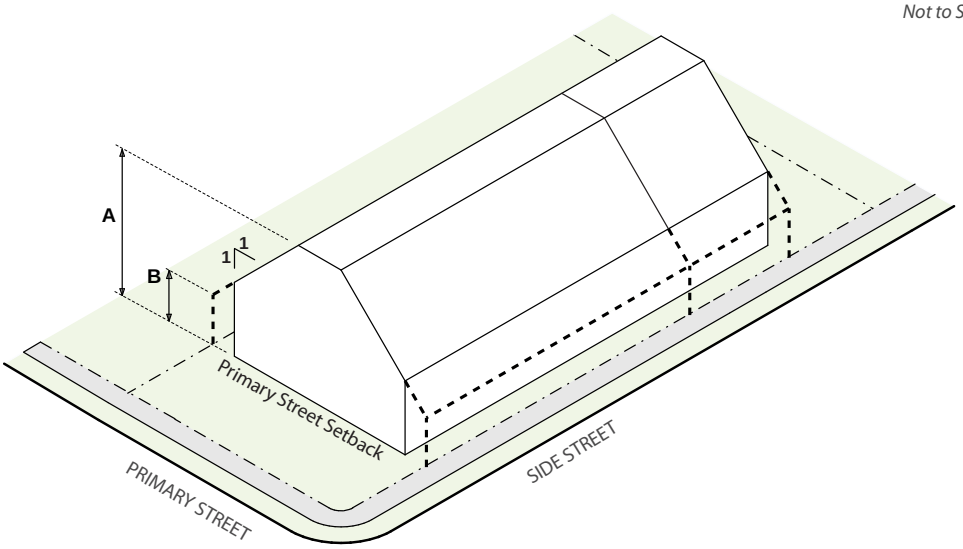
| Suburban (S-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurants | General | Shopfront |
| **Max Number of Primary Structures per Zone Lot** | | 1* | 1* | 1* | 2 | No Maximum | | | | | | | |
| RESIDENTIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Single Unit (SU) | S-SU-A, -D, -F, -Fx, -I, -Ix | ■ | | | | | | | | | | | |
| | S-SU-F1 | ■ | | | ■ | | | | | | | | |
| Row House (RH) | S-RH-2.5 | ■ | | ■ | | ■ | | | | | | | |
| Multi Unit (MU) | S-MU-3, -5, 8, 12, 20 | ■ | | ■ | | ■ | | | ■ | | | | |
| MIXED USE COMMERCIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Commercial Corridor (CC) | S-CC-3, -3x, -5, -5x | | | | | | | | | □ | □ | ■ | |
| Mixed Use (MX) | S-MX-2x | | | | | | | | | | | ■ | ■ |
| | S-MX-2, -3, -5, -8, -12 | | | | | | | | | □ | □ | ■ | ■ |
| | S-MX-2A, -3A, -5A, -8A, -12A | | | | | | | | | | | ■ | ■ |
| Main Street (MS) | S-MS-3, -5 | | | | | | | | | □ | □ | | ■ |

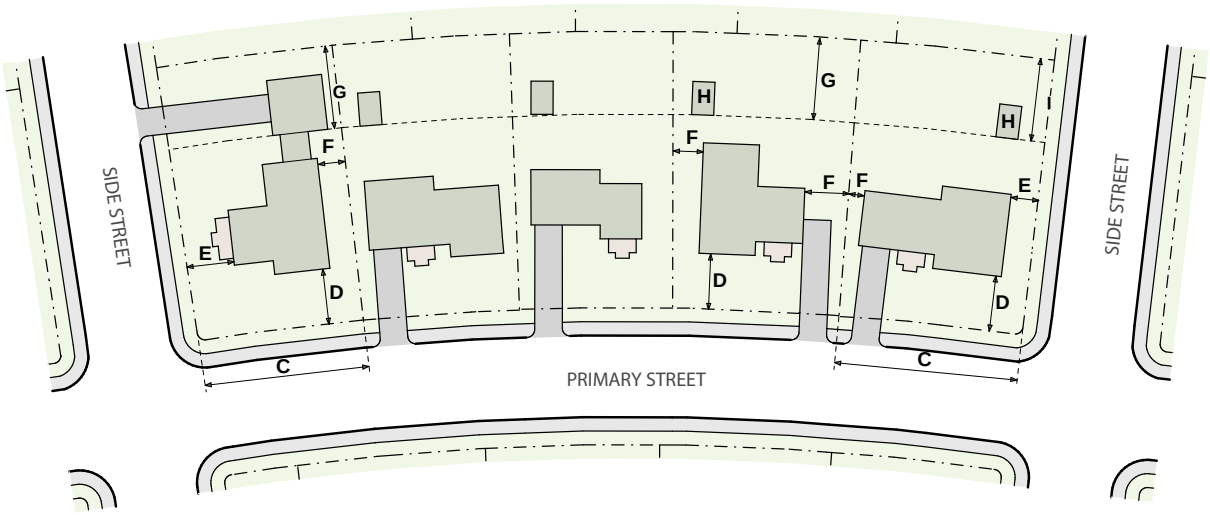
■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

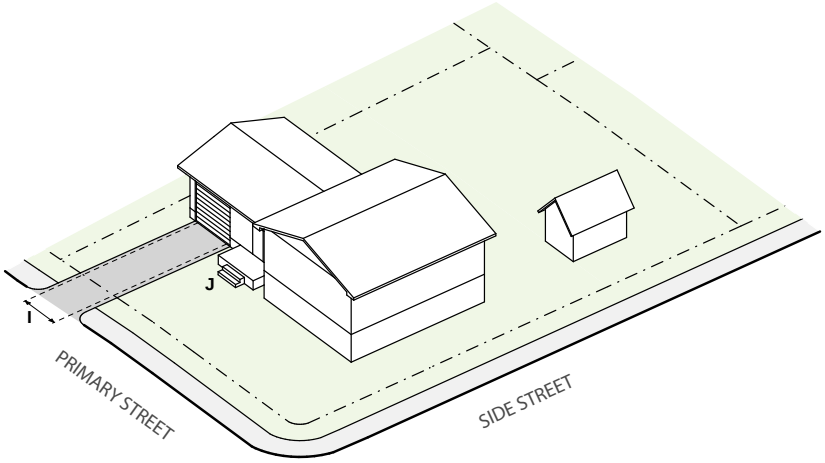
## 3.3.3.4 District Specific Standards

### A. Suburban House

*Not to Scale. Illustrative Only.*



## SUBURBAN HOUSE

| | HEIGHT | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, -5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 2.5 | 2.5 | 2.5 | 3 | 2.5 | 3 |
| A | Feet (max) | 30′ | 30′ | 30′ | 30′ | 30′ | 32′ |
| | Feet, permitted height increase (max) | 1′ for every 5′ increase in lot width over 50′ up to a maximum height of 35′ | | | | | |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | na |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | na |

| | SITING | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, -5, -8,<br>-12, -20 |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 6,000 sf | 8,500 sf | 12,000 sf | 6,000 sf | 6,000 sf |
| C | Zone Lot Width (min) | 25′ | 50′ | 62.5′ | 62.5′ | 50′ | 50′ |

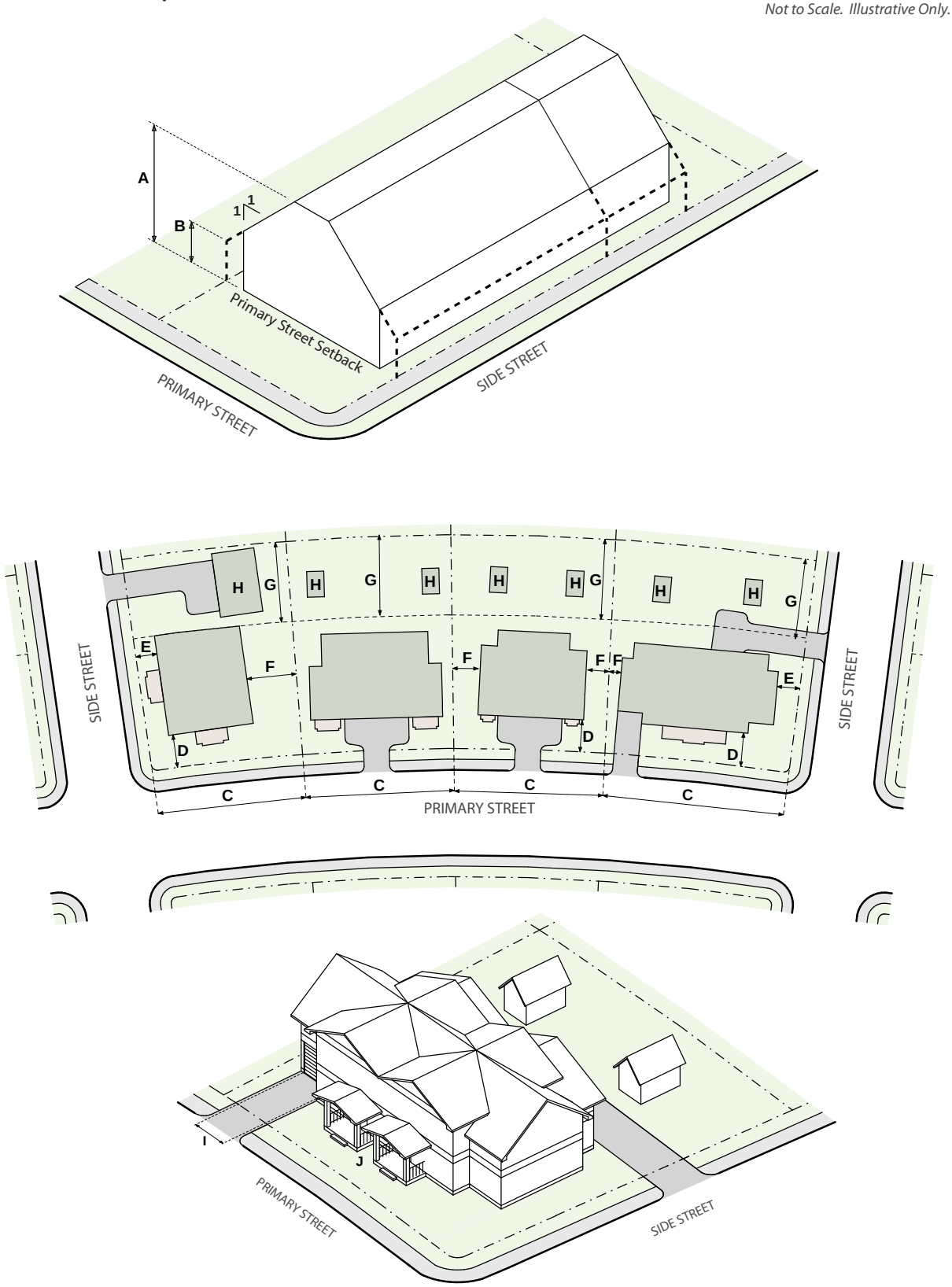
| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All S-SU, RH, -MU Districts<br>25′ or Less | Greater than 25′ and less than 62′ | 62′ or Greater |
|---|---|---|---|---|
| D | Primary Street, block sensitive setback required | na | yes | yes |
| D | Primary Street, where block sensitive setback does not apply (min) | 15′ | 20′ | 20′ |
| E | Side Street (min) | 3′ | 5′ | 5′ |
| F | Side Interior (min) | 3′ | 5′ | 7.5′ |
| G | Rear, alley/no alley (min) | 12′/20′ | 12′/20′ | 12′/20′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 50% | 50% |
| | **PARKING BY ZONE LOT WIDTH** | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 2 Spaces and 320 sf | 2 Spaces and 320 sf | 33% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 3.3.7.6) | | |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 3.3.4 | | |

| | DESIGN ELEMENTS | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, -5, -8,<br>-12, -20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Rooftop and/or Second Story Decks | See Section 3.3.5.2 | | | | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks. | | | | | |
| I | Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater | | | | | |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25′: Primary Street (min) | 10′ | 10′ | 10′ | na | 10′ | na |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| J | Pedestrian Access, Primary Street | Entry Feature | | | | | |
| | **USES** | All S-SU, -RH, -MU Districts | | | | | |
| | | Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 3.4 Uses and Parking. | | | | | |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Duplex

*Not to Scale. Illustrative Only.*



## DUPLEX

| | HEIGHT | S-RH-2.5 | S-MU-3, -5, -8, -12, -20 |
|---|---|---|---|
| A | Stories (max) | 2.5 | 3 |
| A | Feet (max) | 30′ | 32′ |
| | Feet, permitted height increase | 1′ for every 5′ increase in lot width over 50′ up to a maximum height of 35′ | |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | na |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | na |

| | SITING | S-RH-2.5 | S-MU-3, -5, -8, -12, -20 |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Zone Lot Size (min) | 4,500 sf | 4,500 sf |
| C | Zone Lot Width (min) | 37.5′ | 37.5′ |

| | | All S-RH and S-MU Districts | |
|---|---|---|---|
| | **SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH** | **61′ or Less** | **Greater than 61′** |
| D | Primary Street, block sensitive setback required | yes | yes |
| D | Primary Street, where block sensitive setback does not apply (min) | 20′ | 20′ |
| E | Side Street (min) | 5′ | 5′ |
| F | Side Interior (min) | 5′ | 5′ |
| G | Rear, alley/no alley (min) | 12′/20′ | 12′/20′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 50% |
| | **PARKING BY ZONE LOT WIDTH** | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max %) | 50% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec 3.3.7.6) | |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 3.3.4 | |

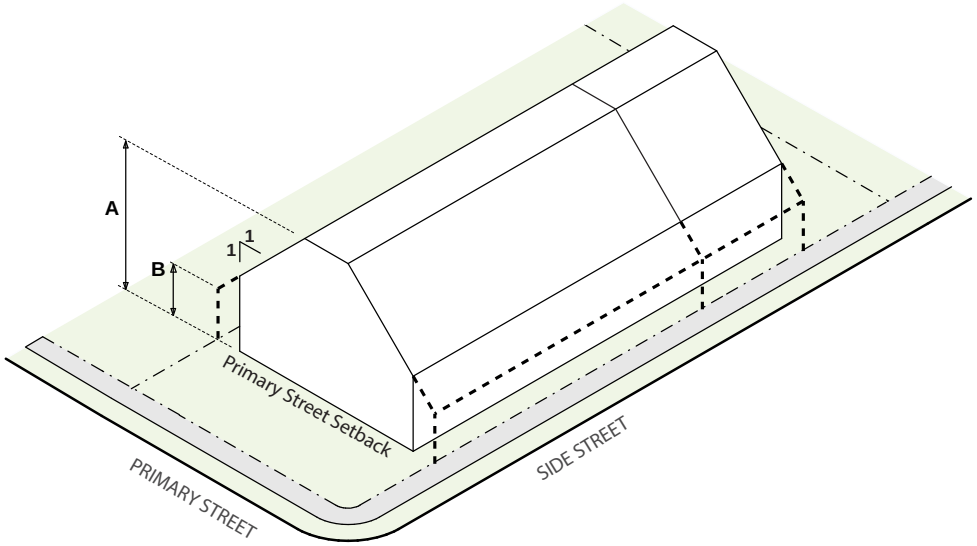
| | DESIGN ELEMENTS | S-RH-2.5 | S-MU-3, -5, -8, -12, -20 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Rooftop and/or Second Story Decks | See Section 3.3.5.2 | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks. | |
| I | Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater | |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25′: Primary Street (min) | 10′ | na |
| | **STREET LEVEL ACTIVATION** | | |
| J | Pedestrian Access, Primary Street | Entry Feature | |

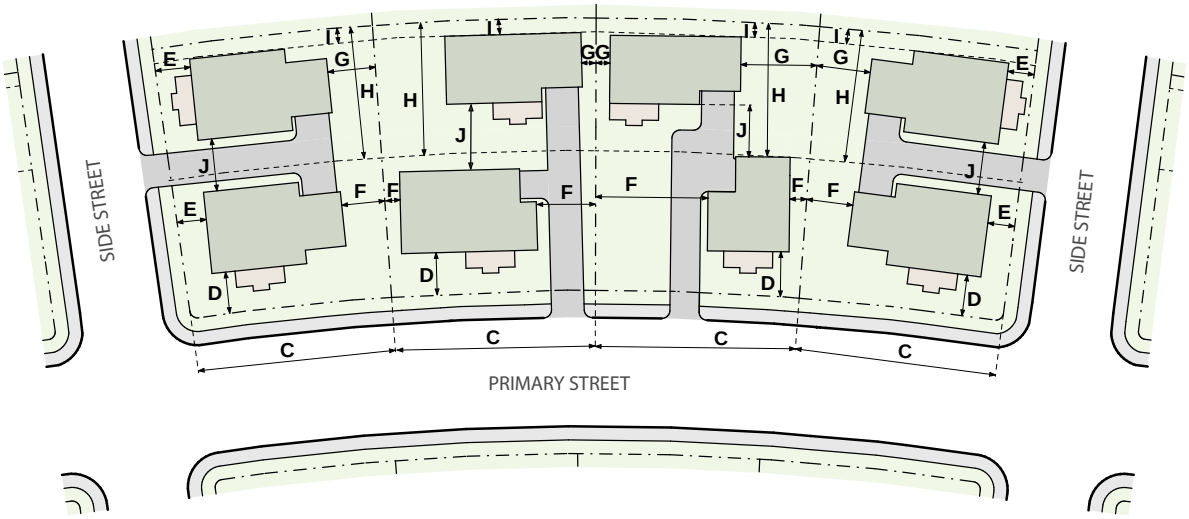
| USES | All S-RH and S-MU Districts |
|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 3.4 Uses and Parking |

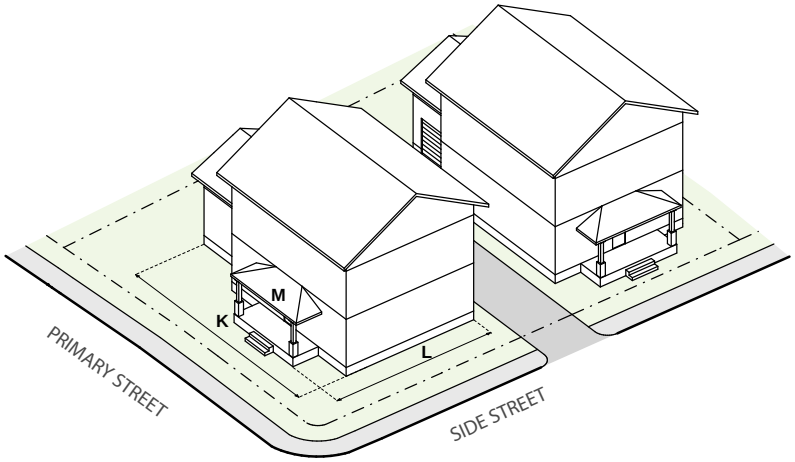
**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## C. Tandem House

*Not to Scale. Illustrative Only.*



## TANDEM HOUSE

| | HEIGHT | S-SU-F1 |
|---|---|---|
| A | Stories (max) | 2.5 |
| A | Feet (max) | 30′ |
| | Feet, permitted height increase | 1′ for every 5′ increase in lot width over 50′ up to a maximum height of 35′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ |
| | Bulk Plane Slope from Side Interior/Side Street Zone Lot Line | 45° |

| | SITING | S-SU-F1 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 12,000 sf |
| C | Zone Lot Width (min) | 62.5′ |
| | Zone Lot Depth (min) | 150′ |
| | Number of Primary Structures per Zone Lot (max) | 2 |
| | **SETBACKS AND BUILDING COVERAGE** | **S-SU-F1** |
| D | Primary Street, block sensitive setback required | yes |
| D | Primary Street (min) | 20′ |
| E | Side Street (min) | 10′ |
| F | Side Interior, for Primary Structure #1 (min one side/min combined) | 5′/15′ |
| G | Side Interior, for Primary Structure #2 (min one side/min combined)* | 5′/15′ |
| H | Rear, for Primary Structure #1, as a % of lot depth (min) | 50% |
| I | Rear, for Primary Structure #2 (min) | 5′ |
| J | Minimum Separation Between Primary Structures (min) | 6′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% |
| | **PARKING BY ZONE LOT WIDTH** | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max %) | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 3.3.7.6) |
| | **DETACHED ACCESSORY STRUCTURES** | see Sec. 3.3.4 |

| | DESIGN ELEMENTS | S-SU-F1 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| K | Overall Structure Width, Primary or Side Street (max) | 36′ |
| L | Overall Structure Length, Primary or Side Street (max) | 42′ |
| | Rooftop and/or Second Story Decks | See Section 3.3.5.2 |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use.<br>(2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks. |
| | Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25′: Primary Street (min), for Structure #1 and for Structure #2 in first 50% of lot Depth | 10′ |
| | **STREET LEVEL ACTIVATION** | |
| M | Pedestrian Access, Primary Street | Primary Structure #1: Entry Feature<br>Primary Structure #2: No Requirement |
| | **USES** | **S-SU-F1** |
| | | Primary Uses shall be limited to Single Unit Dwelling per primary structure. See Division 3.4 Uses and Parking |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Must be offset to be visible from the street if to the rear of Primary Structure #1 (side setbacks may be reversed from Primary Structure #1)**

### D. Row House


Not to Scale. Illustrative Only.
(L) Upper Story Setback
ALLEY
SIDE STREET
Protected District
(H) Side Interior Setback
(D) Zone Lot Width
PRIMARY STREET
(E) Primary Street Build-To
(K) Upper Story Stepback
(B) Side Wall Height
(J) Street-Facing Garage Door Width
(E) Primary Street Setback
(F) Side Street Setback
(I) Dwelling Unit Oriented to the Street
(N) Pedestrian Access
(M) Transparency
(G) Side Interior Setback

# ROW HOUSE

| | HEIGHT | S-RH-2.5 | S-MU-3 | S-MU- 5, 8, 12, 20 |
|---|---|---|---|---|
| A | Stories (max) | 2.5 | 3 | 5 |
| A | Feet (max) | 35′ | 35′ | 65′ |
| B | Side Wall Height (max) | 25′ | na | na |

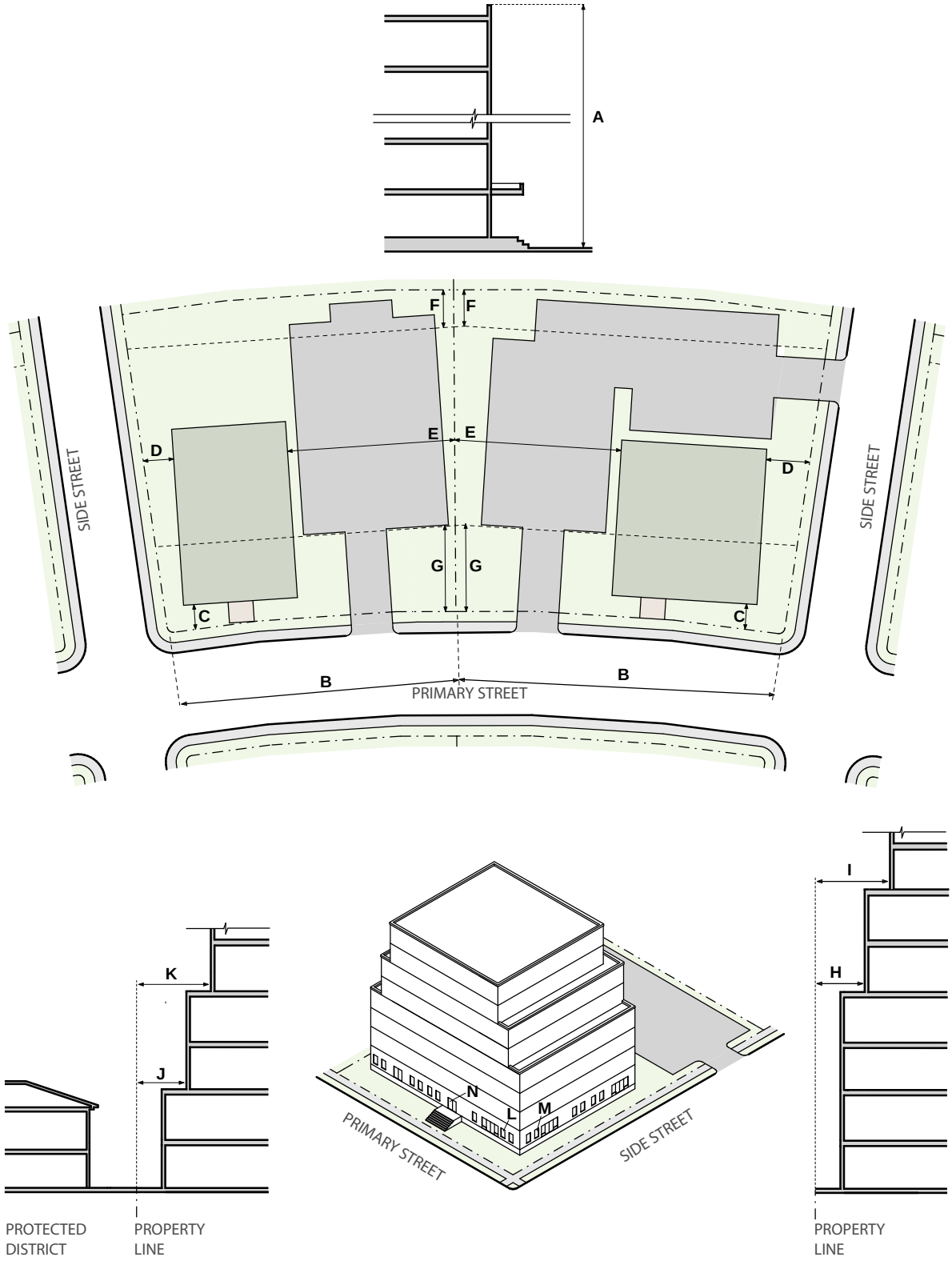
| | SITING | S-RH-2.5 | S-MU-3 | S-MU- 5, 8, 12, 20 |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 6,000 sf | 6,000 sf | 6,000 sf |
| C | Zone Lot Width (min) | 50′ | 50′ | 50′ |
| | Dwelling Units per Primary Residential Structure (max) | 10 | na | na |
| | **REQUIRED BUILD-TO** | | | |
| D | Primary Street (min % within min/max) | na | 50% 0′/80′ | 50% 0′/80′ |
| | **SETBACKS** | | | |
| | Primary Street, block sensitive setback required | yes | na | na |
| E | Primary Street (min) | 20′ | 10′ | 10′ |
| F | Side Street (min) | 5′ | 5′ | 5′ |
| G | Side Interior (min) | 5′ | 5′ | 5′ |
| H | Side Interior, adjacent to Protected District (min) | na | 10′ | 10′ |
| | Rear, alley/no alley (min) | 12′/20′ | 10′/20′ | 10′/20′ |
| | Rear, adjacent to Protected District (min) | na | na | na |
| | **PARKING** | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | | |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 3.3.4 | | |

| | DESIGN ELEMENTS | S-RH-2.5 | S-MU-3 | S-MU- 5, 8, 12, 20 |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| I | Dwelling Units Oriented to the Street | All Dwelling Units shall be Oriented to the Street | | |
| | Dwelling Unit Configuration | Structure shall only contain Side-by-Side-Dwelling Units | | |
| J | Primary Street-Facing Attached Garage Door Width (max per unit) | 10′ | 10′ | 10′ |
| K | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25′: Primary Street, Side Street and Side Interior, (min) | 10′ | na | na |
| | Upper Story Setback Above 40′, Side, interior | na | na | 15′ |
| | Upper Story Setback above 51′, Side, interior | na | na | 15′ |
| L | Upper Story Setback Above 27′, adjacent to Protected District: Side Interior | na | 25′ | 25′ |
| | Upper Story Setback above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na | 20′/25′ |
| | Upper Story Setback above 40′, adjacent to Protected District: Rear, alley/Rear, no alley (min) | na | na | 30′/40′ |
| | Upper Story Setback above 51′, adjacent to Protected District: Side Interior (min) | na | na | 40′ |
| | Rooftop and/or Second Story Decks | See Section 3.3.5.2 | | |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | | |
| | **STREET LEVEL ACTIVATION** | | | |
| M | Transparency, Primary Street (min) | 30% | 30% | 30% |
| | Transparency, Side Street (min) | 25% | 25% | 25% |
| N | Pedestrian Access | Each unit shall have a street-facing Entrance | | |
| | **USES** | **All S-RH and S-MU Districts** | | |
| | | Primary Uses shall be limited to Multi-Unit Dwelling uses. See Division 3.4 Uses and Parking | | |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## E. Apartment

*Not to Scale. Illustrative Only.*



## APARTMENT

| | HEIGHT | S-MU-3 | S-MU-5 | S-MU-8 | S-MU-12 | S-MU-20 |
|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 8 | 12 | 20 |
| A | Feet (max) | 40′ | 65′ | 100′ | 140′ | 230′ |
| | Feet, within 175′ of Protected District (max) | na | na | 75′ | 75′ | 75′ |

| | SITING | S-MU-3 | S-MU-5 | S-MU-8 | S-MU-12 | S-MU-20 |
|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | |
| | Zone Lot Size (min) | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf |
| | Zone Lot Width (min) | 50′ | 50′ | 50′ | 50′ | 50′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | na | na | na | 70% | 70% |
| | **REQUIRED BUILD-TO** | | | | | |
| B | Primary Street (min% within min/max) | 50% 0′/80′ | 50% 0′/80′ | 50% 0′/80′ | 50% 0′/80′ | 50% 0′/80′ |
| | **SETBACKS** | | | | | |
| C | Primary Street (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| D | Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ |
| E | Side Interior (min) | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ |
| | Side Interior adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| F | Rear, alley/no alley (min) | 10′/20′ | 10′/20′ | 10′/20′ | 10′/20′ | 10′/20′ |
| | **PARKING** | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Allowed/Allowed | | | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 3.3.7.6) | | | | |
| | Vehicle Access, all other permitted uses | Access determined at Site Development Plan Review | | | | |

| | DESIGN ELEMENTS | S-MU-3 | S-MU-5 | S-MU-8 | S-MU-12 | S-MU-20 |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| | Primary Street-Facing Attached Garage Door Width (max per structure) | 20′ | 20′ | 20′ | 20′ | 20′ |
| H | Upper Story Setback Above 40′, Side Interior | na | 15′ | na | na | na |
| | Upper Story Setback Above 51′, Side Interior | na | na | 15′ | 15′ | 15′ |
| I | Upper Story Setback Above 75′, Rear, alley/Rear, no alley and Side Interior | na | na | 20′/30′ | 20′/30′ | 20′/30′ |
| J | Upper Story Setback above 27′, adjacent to Protected District: Side Interior (min) | 25′ | 25′ | 25′ | 25′ | 25′ |
| K | Upper Story Setback Above 40′, adjacent to Protected District: Rear, alley/no alley | na | 30′/40′ | 30′/40′ | 30′/40′ | 30′/40′ |
| | Upper Story Setback above 51′, adjacent to Protected District: Side Interior (min) | na | 40′ | 40′ | 40′ | 40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| L | Transparency, Primary Street (min) | 30% | 30% | 30% | 30% | 30% |
| M | Transparency, Side Street (min) | 25% | 25% | 25% | 25% | 25% |
| N | Pedestrian Access, Primary Street | Pedestrian Connection | | | | |
| | **USES** | All S-MU | | | | |
| | | Primary Uses shall be limited to Multi Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 3.4 Uses and Parking | | | | |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## Drive Thru Services

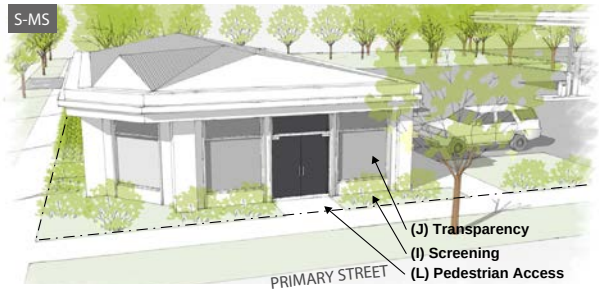
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## DRIVE THRU SERVICES

| | APPLICABILITY | All S-CC, S-MX, and S-MS |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | S-MX-2 | S-CC-3, -3x, -5, -5x<br>S-MX-3, -5, -8, -12 S-MS-3, -5 |
|---|---|---|---|
| A | Stories (max) | 2 | 3 |
| A | Feet (max) | 30″ | 45′ |

| | SITING | S-CC-3, -3x, -5, -5x | S-MS-3, -5 | S-MX-2, -3, -5, -8, -12 |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max)* | na | 50% 0′/15′ | na |
| C | Side Street (min % within min/max)* | na | 50% 0′/15′ | na |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| G | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Allowed/Allowed | Not Allowed/Allowed | Allowed/Allowed |

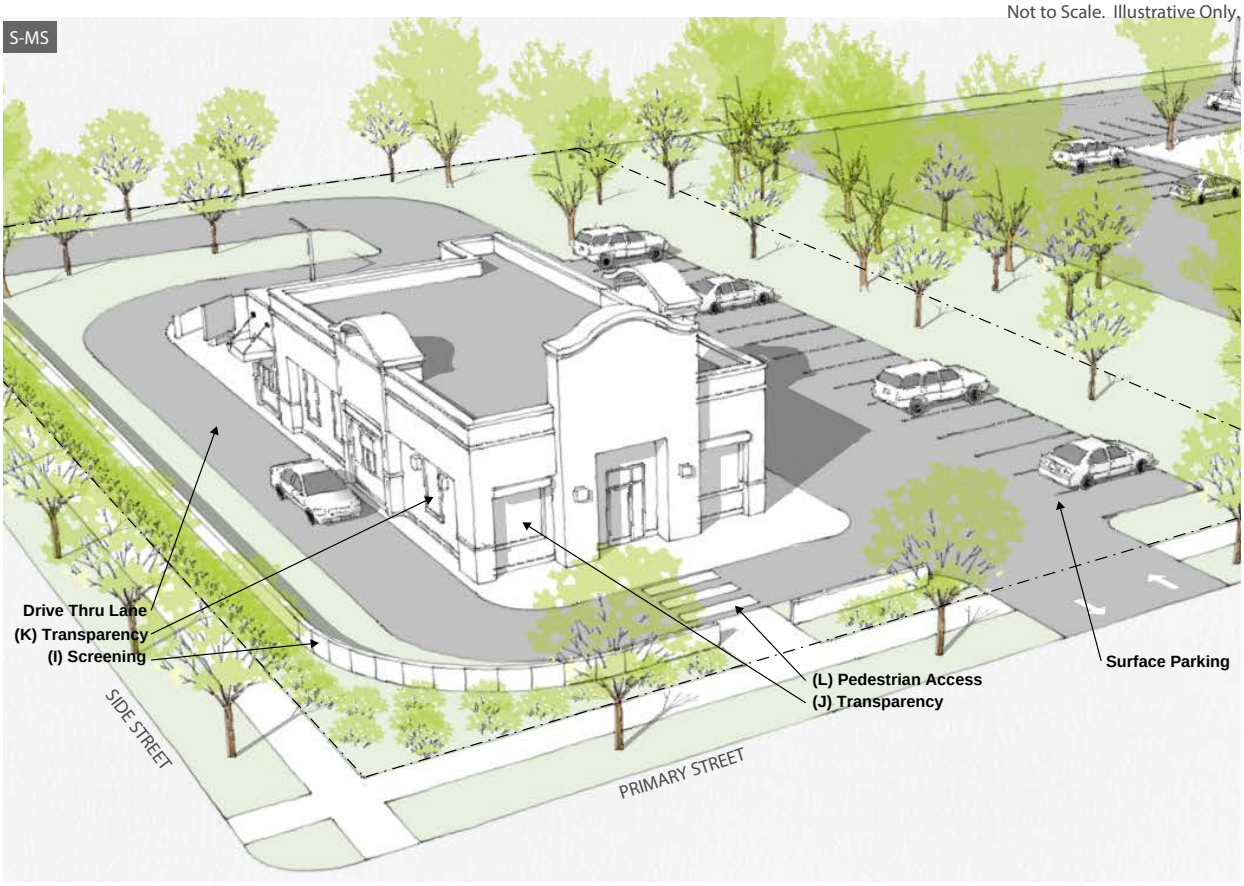
| | DESIGN ELEMENTS | S-CC-3, -3x, -5, -5x | S-MS-3, -5 | S-MX-2, -3, -5, -8, -12 |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| H | *Canopy | na | Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To. | na |
| I | Screening Required | See Article 10 | Garden Wall required within 0′/15′ for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0′/15′, following the standards of Article 10, Section 10.5.4.4 | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | 15′/25′ | 15′/25′ | 15′/25′<br>S-MX-2: na |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 40%* | 60% | 40%* |
| K | Transparency, Side Street (min) | 25%* | 25% | 25%* |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | Entrance | Pedestrian Connection |

| | USES | All S-CC, S-MX, and S-MS |
|---|---|---|
| | | All permitted Primary Uses shall be allowed within this building form, if the building form includes at least one of the following: (1) an Automobile Services, Light Primary Use, or (2) a Primary Use with Accessory Drive Thru Use, excluding Eating & Drinking Establishments. See Division 3.4 Uses and Required Minimum Parking. |

*Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street

### F. Drive Thru Restaurant

Not to Scale. Illustrative Only.






# DRIVE THRU RESTAURANT

| | APPLICABILITY | All S-CC, S-MX, and S-MS |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | S-MX-2 | S-CC-3, -3x, -5, -5x<br>S-MX-3, -5, -8, -12<br>S-MS-3, -5 |
|---|---|---|---|
| A | Stories (max) | 2 | 3 |
| A | Feet (max) | 30′ | 45′ |

| | SITING | S-CC-3, -3x, -5, -5x | S-MX-2, 3, -5, -8, -12 | S-MS-3, -5 |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max) | na | 50%<br>0′/80′ | 50% 0′/35′ |
| C | Side Street (min % within min/max) | na | na | 50% 0′/18′ |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| G | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Allowed/Allowed | Allowed/Allowed | Not allowed/Not Allowed |
| | Drive Thru Lane between building and Primary Street/Side Street | Allowed/Allowed | Allowed/Allowed | Allowed/Allowed |
| H | Drive Thru Lane Width (max) | na | na | 12′ |
| I | Drive Thru Lane Screening | na | na | Garden Wall, following the standards of Article 10, Section 10.5.4.4 |

| | DESIGN ELEMENTS | S-CC-3, -3x, -5, -5x | S-MX-2, -3, -5, -8, -12 | S-MS-3, -5 |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | 15′/25′ | 15′/25′<br>S-MX-2: na | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 40%* | 40% | 60% |
| K | Transparency, Side Street (min) | 25%* | 25% | 25% |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | Pedestrian Connection | Entrance and Pedestrian Connection |

| | USES | All S-CC, S-MX, and S-MS |
|---|---|---|
| | | All permitted Primary Uses shall be allowed within this building form, if the building form includes a minimum of one Eating & Drinking Establishment Primary Use with Accessory Drive Thru Use. See Division 3.4 Uses and Required Minimum Parking. |

*Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street

## G. General (1 of 3)

*Not to Scale. Illustrative Only.*



## GENERAL (1 OF 3)

| | HEIGHT | S-CC-3<br>S-CC-3x | S-CC-5<br>S-CC-5x |
|---|---|---|---|
| | Stories (max) | 3 | 5 |
| | Feet (max) | 45′ | 70′ |
| | Feet, within 175′ of Protected District (max) | na | na |
| | Height Exceptions | See Section 3.3.7.1 | |

| | SITING | S-CC-3, -3x, -5, -5x |
|---|---|---|
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Street (min) | 0′ |
| | Side Interior (min) | 5′ |
| A | Side Interior, adjacent to Protected District (min) | 10′ |
| | Rear (min) | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 3.3.7.3 and 3.3.7.4 |
| | **PARKING** | |
| B | Surface Parking between building and Primary Street/ Side Street | Allowed/Allowed |
| C | Surface Parking Screening | See Article 10, Division 10.5 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 3.3.7.6) |
| | Vehicle Access, all other permitted uses | Access determined at Site Development Plan Review |

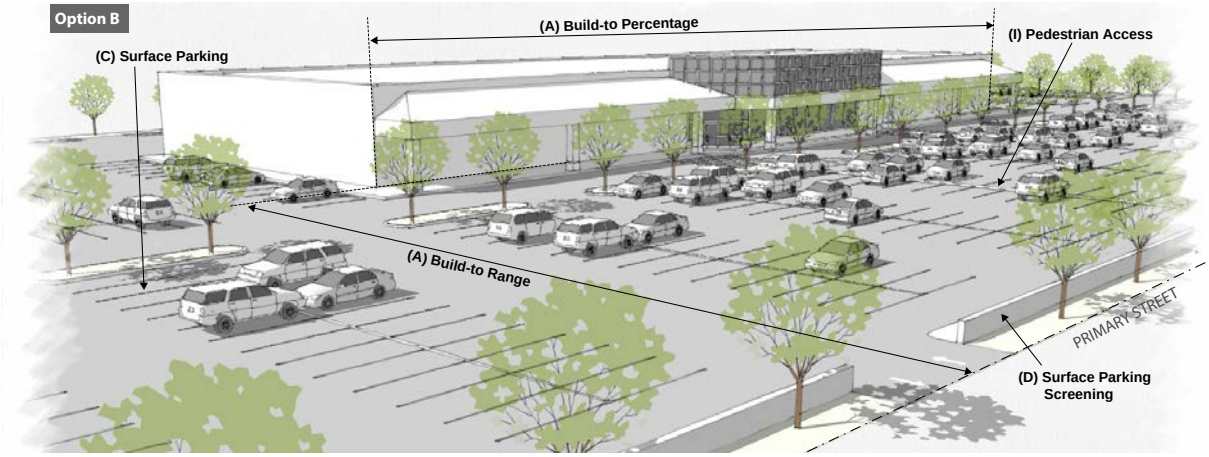
| | DESIGN ELEMENTS | S-CC-3<br>S-CC-3x | S-CC-5<br>S-CC-5x |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| D | Upper Story setback above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ |
| E | Upper story setback above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | |
| F | Transparency, Primary Street (min) | 40%*<br>Residential Only Buildings: 30%* | |
| G | Transparency, Side Street (min) | 25%* | |
| | Transparency Alternatives | See Section 3.3.6.3 | |
| H | Pedestrian Access, Primary Street | Pedestrian Connection | |
| | **USES** | All S-CC | |
| | | All permitted Primary Uses shall be allowed within this building form. See Division 3.4 Uses and Parking | |

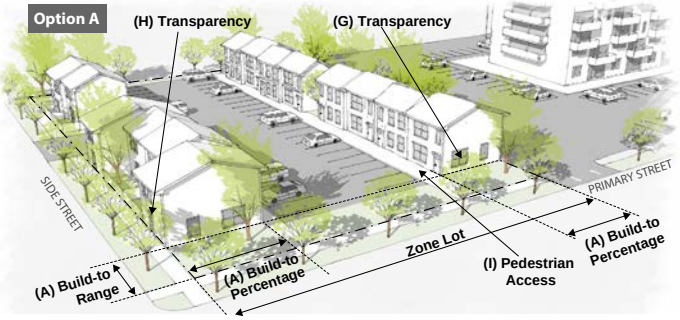
*Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street

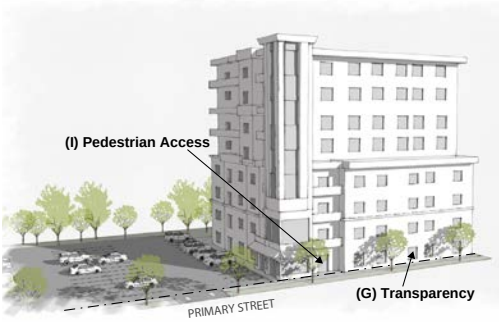
## H. General (2 of 3)

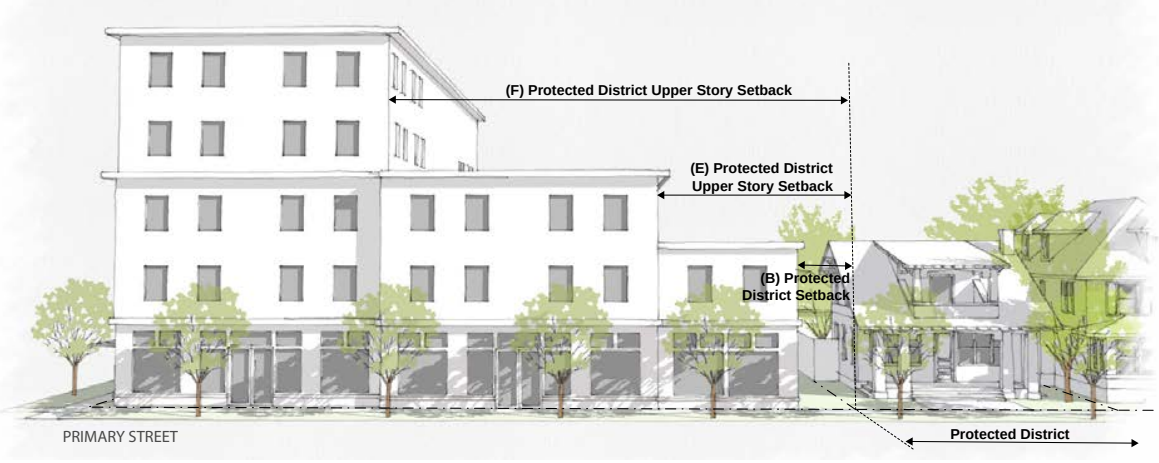
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## GENERAL (2 OF 3)

| | HEIGHT | S-MX-2x | S-MX-2 | S-MX-3 | S-MX-5 | S-MX-8 | S-MX-12 |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 2 | 2 | 3 | 5 | 8 | 12 |
| | Feet (max) | 30′ | 30′ | 45′ | 70′ | 110′ | 150′ |
| | Feet, within 175′ of Protected District (max) | na | na | na | na | 75′ | 75′ |
| | Height Exceptions | See Section 3.3.7.1 | | | | | |

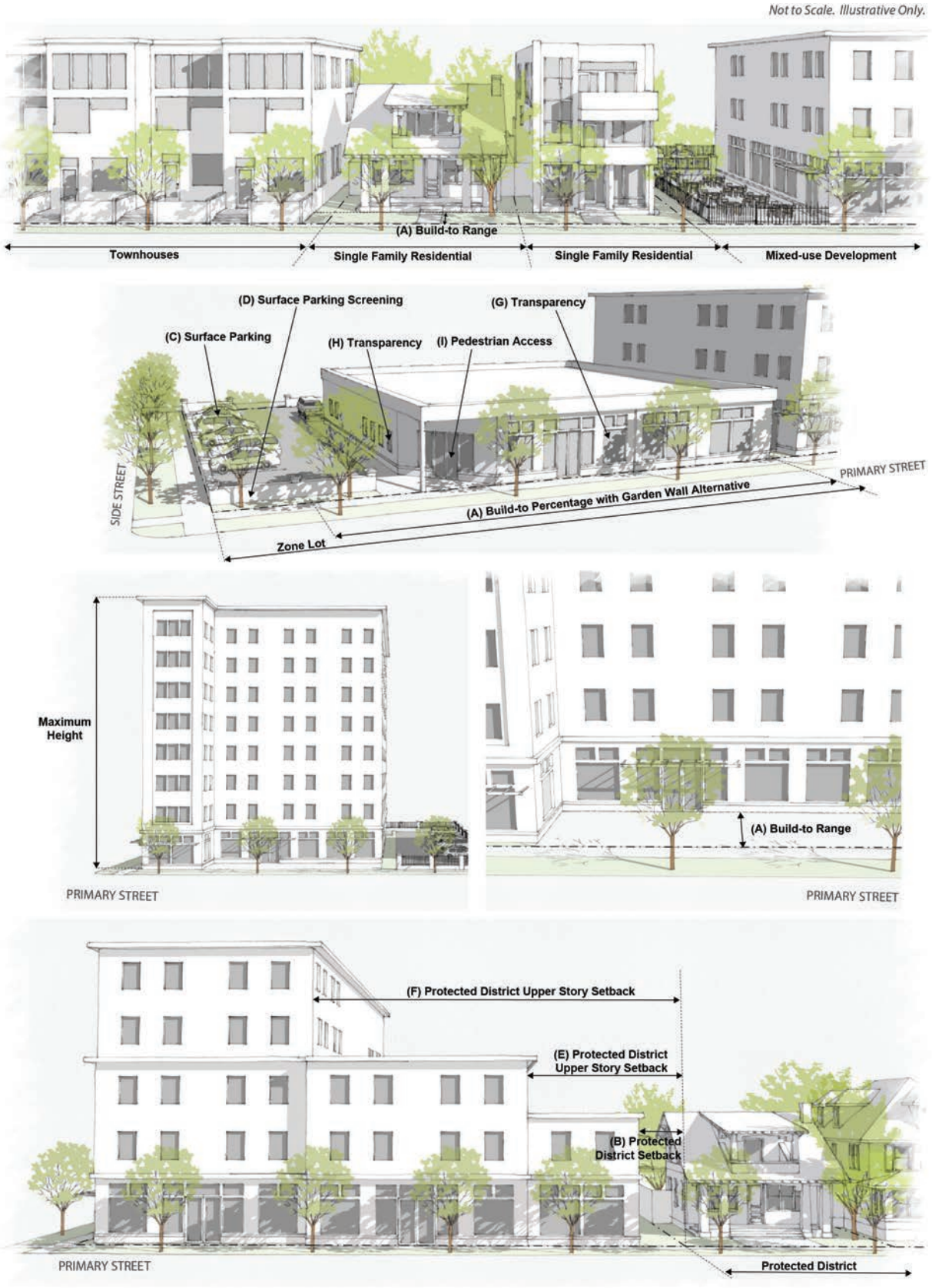
| | SITING | All S-MX Option A | All S-MX Option B |
|---|---|---|---|
| | **RESTRICTION** | na | Allowed only if Street Level GFA is equal or greater than 20,000 sf |
| | **REQUIRED BUILD-TO** | | |
| A | Primary Street (min build-to % within min/max range) | 50% 0′/80′ | 50% 0′/150′ |
| | Build-to Exceptions and Alternatives | See Sections 3.3.7.2 and 3.3.6.1 | See Sections 3.3.7.2 and 3.3.6.1 |
| | **SETBACKS** | | |
| | Primary Street (min) | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ |
| B | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| | Rear (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | S-MX-2x: 12′/20′ All Other Zone Districts: 0/10′ | S-MX-2x: 12′/20′ All Other Zone Districts: 0/10″ |
| | Setback Exceptions and Encroachments | See Sections 3.3.7.3 and 3.3.7.4 | See Sections 3.3.7.3 and 3.3.7.4 |
| | **PARKING** | | |
| C | Surface Parking between building and Primary Street/ Side Street | Allowed/Allowed | Allowed, limited to two double loaded aisles within the Build-To range/Allowed |
| D | Surface Parking Screening | See Article 10, Division 10.5 | Garden Wall required within 0′/15′ for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0′/15′, following the standards of Article 10, Section 10.5.4.4 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 3.3.7.6) | |
| | Vehicle Access, all other permitted uses | Access determined at Site Development Plan Review | |

| | DESIGN ELEMENTS | S-MX-2x | S-MX-2 | S-MX-3 | S-MX-5 | S-MX-8 | S-MX-12 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| E | Upper Story setback above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| F | Upper story setback above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na | na | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| G | Transparency, Primary Street (min) | 40%* Residential Only Buildings: 30%* | | | | | |
| H | Transparency, Side Street (min) | 25%* | | | | | |
| | Transparency Alternatives | See Section 3.3.6.3 | | | | | |
| I | Pedestrian Access, Primary Street | Pedestrian Connection | | | | | |

| USES | All S-MX |
|---|---|
| | (1) All permitted Primary Uses shall be allowed within this building form See Division 4.4 Uses and Parking; and (2) 40% of the street-facing portions of building façade located within 80′ of the Primary Street shall be occupied by Street Level active uses as described in Section 3.3.5.3. |

*Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street

## I. General (3 of 3)



## GENERAL (3 OF 3)

| | HEIGHT | S-MX-2A | S-MX-3A | S-MX-5A | S-MX-8A | S-MX-12A |
|---|---|---|---|---|---|---|
| | Stories (max) | 2 | 3 | 5 | 8 | 12 |
| | Feet (max) | 30′ | 45′ | 70′ | 110′ | 150′ |
| | Feet, within 175′ of Protected District (max) | na | na | na | 75′ | 75′ |
| | Height Exceptions | See Section 3.3.7.1 | | | | |

| | SITING | S-MX-2A, -3A, -5A, -8A, -12A |
|---|---|---|
| | **REQUIRED BUILD-TO** | |
| A | Primary Street (min build-to % within min/max range) | 60% 0′/20′ |
| | Side Street (min build-to % within min/max range) | na |
| | Build-to Exceptions and Alternatives | See Sections 3.3.7.2 and 3.3.6.1 |
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Street (min) | 0′ |
| | Side Interior (min) | 0′ |
| B | Side Interior, adjacent to Protected District (min) | 10′ |
| | Rear (min) | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 3.3.7.3 and 3.3.7.4 |
| | **PARKING** | |
| C | Surface Parking between building and Primary Street/ Side Street | Not Allowed/Allowed |
| D | Surface Parking Screening | See Article 10, Division 10.5 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 3.3.7.6) |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | S-MX-2A | S-MX-3A | S-MX-5A | S-MX-8A | S-MX-12A |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| E | Upper Story setback above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| F | Upper story setback above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| G | Transparency, Primary Street (min) | 40%<br>Residential Only Buildings: 30% | | | | |
| H | Transparency, Side Street (min) | 25% | | | | |
| | Transparency Alternatives | See Section 3.3.6.3 | | | | |
| I | Pedestrian Access, Primary Street | Entrance | | | | |

| USES | |
|---|---|
| | (1) All permitted Primary Uses shall be allowed within this building form; and (2) 40% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 3.3.5.3. |

## J. Shopfront

*Not to Scale. Illustrative Only.*



## SHOPFRONT

| | HEIGHT | S-MX-2<br>S-MX-2x<br>S-MX-2A | S-MS-3<br>S-MX-3<br>S-MX-3A | S-MS-5<br>S-MX-5<br>S-MX-5A | S-MX-8<br>S-MX-8A | S-MX-12<br>S-MX-12A |
|---|---|---|---|---|---|---|
| | Stories (max) | 2 | 3 | 5 | 8 | 12 |
| A | Feet (min/max) | na/30′ | na/45′ | 24′/70′ | 24′/110′ | 24′/150′ |
| | Height Exceptions | See Section 3.3.7.1 | | | | |

| | SITING | S-MX-2<br>S-MX-2x<br>S-MX-2A | S-MS-3<br>S-MX-3<br>S-MX-3A | S-MS-5<br>S-MX-5<br>S-MX-5A | S-MX-8<br>S-MX-8A | S-MX-12<br>S-MX-12A |
|---|---|---|---|---|---|---|
| | **REQUIRED BUILD TO** | | | | | |
| B | Primary Street (min build-to % within min/max range) | 75%<br>0′/5′ Residential Only Buildings: 0′/10′ | | | | |
| C | Side Street (min build-to % within min/max range) | 25%<br>0′/5′ Residential Only Buildings: 0′/10′ | | | | |
| | Build-to Exceptions and Alternatives | See Sections 3.3.7.2 and 3.3.6.1 | | | | |
| | **SETBACKS** | | | | | |
| | Primary Street (min) | 0′ | | | | |
| | Side Street (min) | 0′ | | | | |
| | Side Interior (min) | 0′ | | | | |
| D | Side interior, adjacent to Protected District (min) | 10′ | | | | |
| | Rear, (min) | 0′ | | | | |
| | Rear, adjacent to Protected District, alley/no alley (min) | S-MX-2x: 12′/20′<br>All Other Zone Districts: 0′/10′ | | | | |
| | Setback Exceptions and Encroachments | See Sections 3.3.7.3 and 3.3.7.4 | | | | |
| | **PARKING** | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed (Sec. 3.3.5.1)/Not Allowed (Sec. 3.3.5.1) | | | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 3.3.7.6) | | | | |
| | Vehicle Access, all other permitted uses | Access determined at Site Development Plan Review | | | | |
| E | Surface Parking Screening | See Article 10, Division 10.5 | | | | |

| | DESIGN ELEMENTS | S-MX-2<br>S-MX-2x<br>S-MX-2A | S-MS-3<br>S-MX-3<br>S-MX-3A | S-MS-5<br>S-MX-5<br>S-MX-5A | S-MX-8<br>S-MX-8A | S-MX-12<br>S-MX-12A |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| | Primary Street Upper Story Setback above 5 stories or 70′ (min) See Section 3.3.6.2 for Alternative | na | na | na | 20′ | 20′ |
| F | Upper Story Setback above 27′ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| G | Upper story setback above 51′ adjacent to Protected District: Rear, alley/no alley and Side Interior (min) | na | na | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| H | Transparency, Primary Street (min) | 60%<br>Residential Only Buildings: 40% | | | | |
| I | Transparency, Side Street (min) | 25% | | | | |
| | Transparency Alternatives | See Section 3.3.6.3 | | | | |
| J | Pedestrian Access, Primary Street | Entrance | | | | |

| USES | All S-MS and S-MX Zone Districts |
|---|---|
| | (1) All permitted Primary Uses shall be allowed within this building form. See Division 3.4 Uses and Parking; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street and Side Street build-to requirements shall be occupied by Street Level active uses as described in Section 3.3.5.3. |

# SECTION 3.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 3.3.4.1 Applicability

All detached accessory structures in all the Suburban Neighborhood Context zone districts

## 3.3.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 3.3.4, Detached Accessory Building Form Standards.

**6. Detached Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 3.3.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 3.3.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 3.3.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

**1. Building Coverage**

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

**2. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

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### 3.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

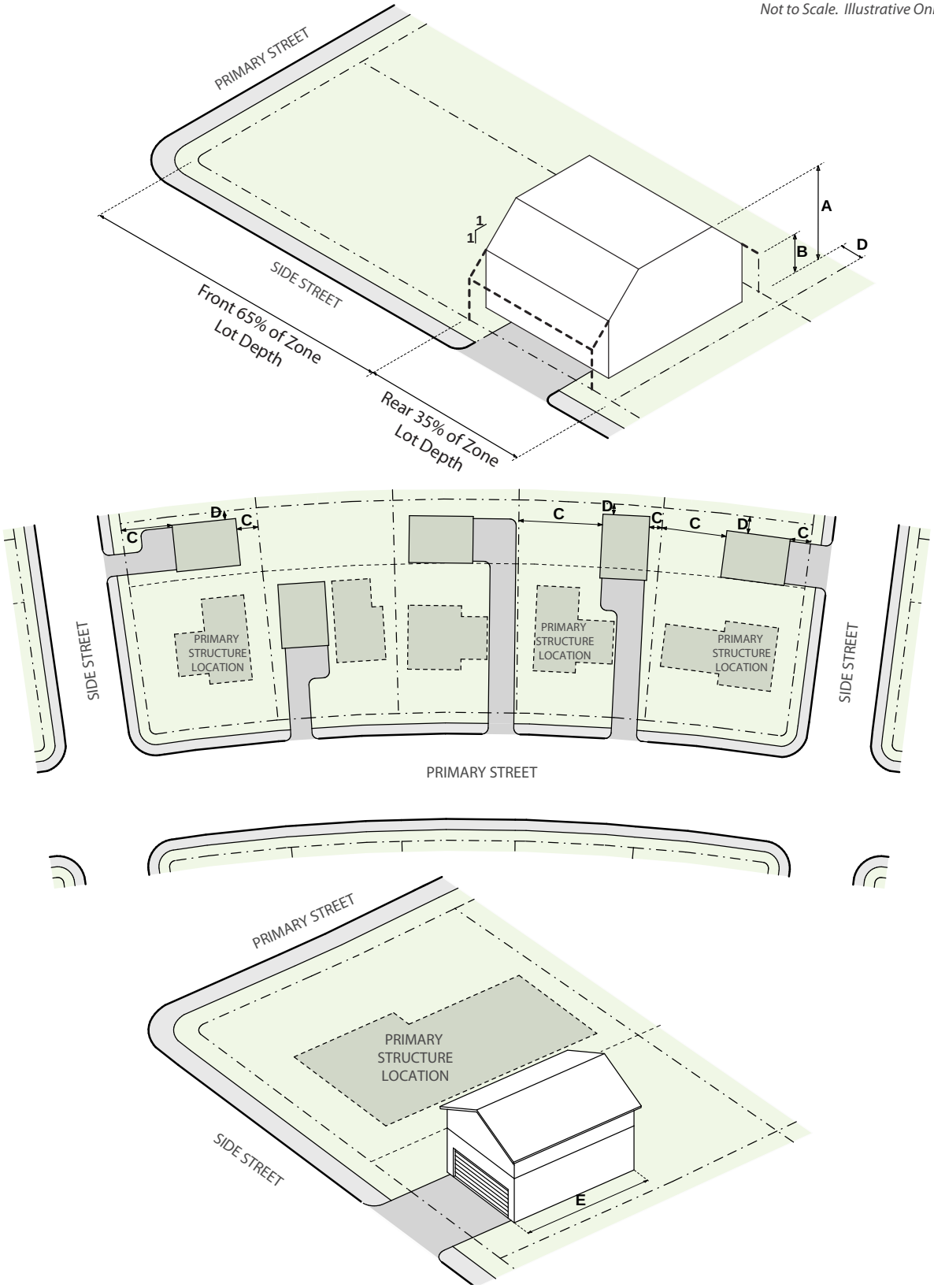
| Suburban (S-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Single Unit (SU) | S-SU-A, -D, -F, -Fx, -I, -Ix | no max* | | ■ | ■ | |
| | S-SU-F1 | no max* | ■ | ■ | ■ | |
| Row House(RH) | S-RH-2.5 | no max* | ■ | ■ | ■ | |
| Multi Unit (MU) | S-MU-3, -5, 8, 12, 20 | no max* | ■ | ■ | ■ | |
| Commercial Corridor (CC) | S-CC-3, -3x, -5, -5x | no max | | | | ■ |
| Mixed Use (MX) | S-MX-2x | no max | | | | ■ |
| | S-MX-2, -3, -5, -8, -12 | no max | | | | ■ |
| | S-MX-2A, -3A, -5A, -8A, -12A | no max | | | | ■ |
| Main Street (MS) | S-MS-3, -5 | no max | | | | ■ |

■ = Allowed ◻ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

### 3.3.4.5 District Specific Standards

#### A. Detached Accessory Dwelling Unit

*Not to Scale. Illustrative Only.*



# DETACHED ACCESSORY DWELLING UNIT

| | HEIGHT | S-SU-F1 | S-RH-2.5 | S-MU-3, -5, -8, -12,- 20 |
|---|---|---|---|---|
| A | Stories (max) | 1.5 | 1.5 | 1.5 |
| A | Feet (max) | 24′ | 24′ | 24′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | na |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | na |

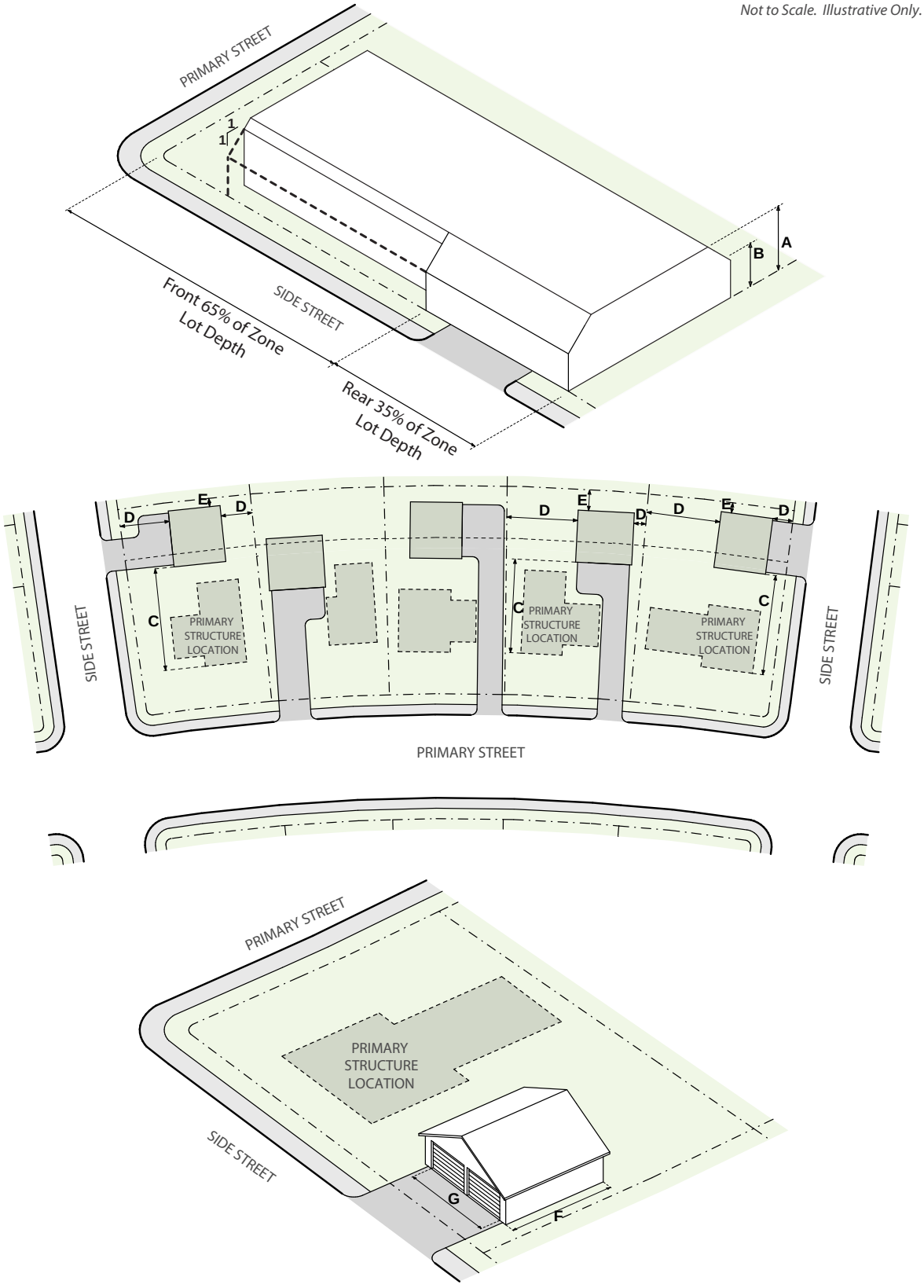
| | SITING | S-SU-F1 | S-RH-2.5 | S-MU-3, -5, -8,- 12, -20 |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 8,500 sf | 6,000 sf | 6,000 sf |
| | Zone Lot Depth (min) | 150′ | na | na |
| | Additional Standards | See Section 3.3.4.3 | | |
| | **SETBACKS** | | | |
| | Location | Located in the rear 35% of the zone lot depth | | |
| C | Side Interior and Side Street (min) | 5′ | 5′ | 5′ |
| D | Rear (min) | 5′ | 5′ | 5′ |
| | **PARKING** | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present see Sec. 3.3.7.6 for exceptions | | |

| | DESIGN ELEMENTS | S-SU-F1 Only By Zone Lot Size: 6,000 sf or Less | S-SU-F1 Only By Zone Lot Size: Greater than 6,000 sf and up to 7,000 sf | S-SU-F1 Only By Zone Lot Size: Greater than 7,000 sf | S-RH-2.5, S-MU-3, -5, -8, -12, -20 |
|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | |
| | Building Footprint (max) | 650 sf | 864 sf | 1,000 sf | 1,000 sf |
| | Habitable Space (max) | 650 sf | 864 sf | 1,000 sf | na |
| E | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ |
| | Rooftop and/or Second Story Decks | Not allowed - See Section 3.3.5.2 | | | |
| | **USES** | S-SU-F1; S-RH-2.5; All S-MU | | | |
| | | Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted. See Division 3.4 for permitted Accessory Uses | | | |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Detached Garage

*Not to Scale. Illustrative Only.*



## DETACHED GARAGE

| | HEIGHT | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1 | 1 | 1 | 1 | 1 | 1 |
| A | Feet (max) | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | na |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | na |

| | SITING | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| | Additional Standards | See Section 3.3.4.3 | | | | | |
| | **SETBACKS** | | | | | | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| D | Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot** | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ | 3′ | 3′ | 3′ | 3′ | 3′ |
| E | Rear, no alley (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Rear, alley, where garage doors do not face alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present see Sec. 3.3.7.6 for exceptions | | | | | |

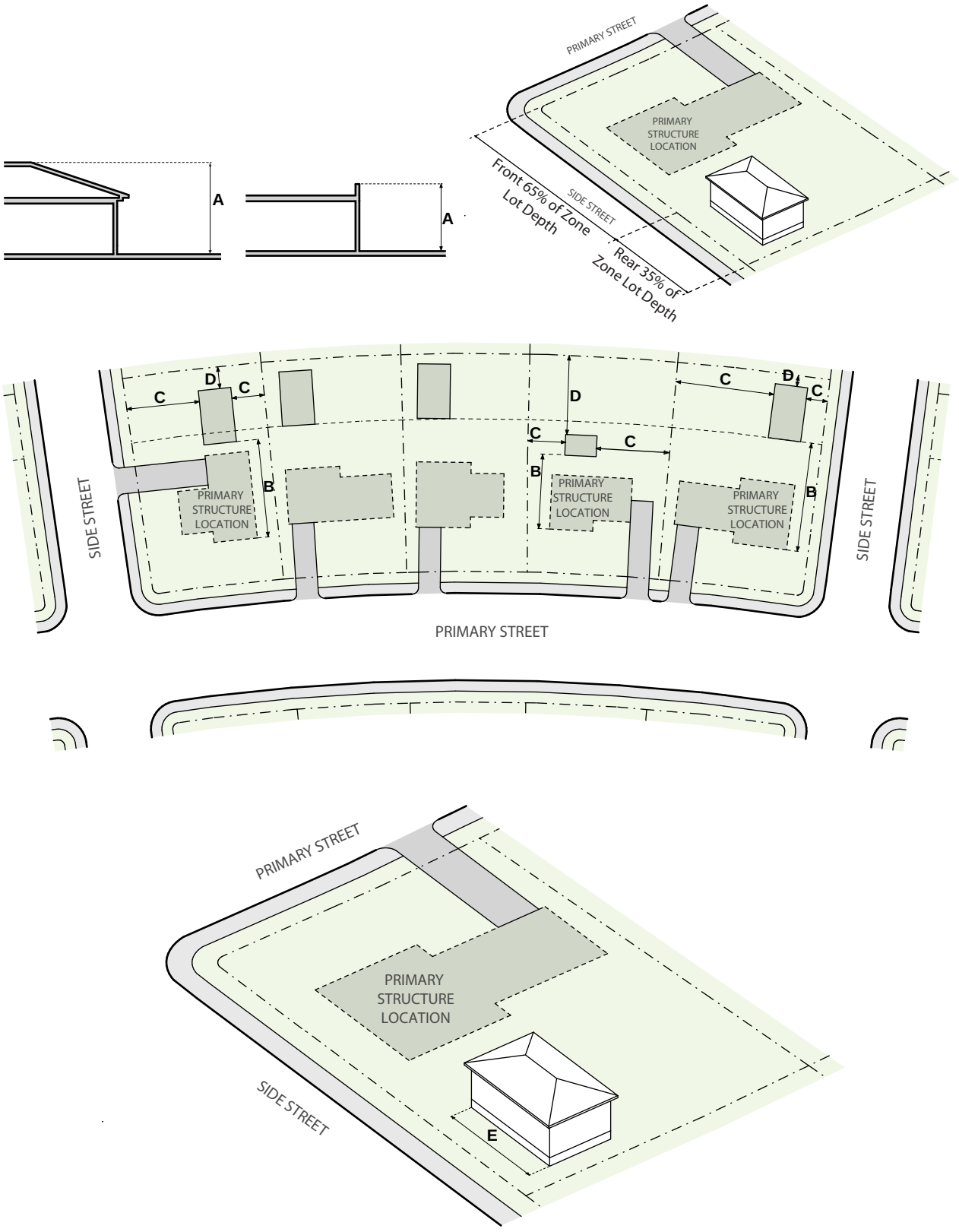
| | DESIGN ELEMENTS | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Building Footprint (max) | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 864 sf per unit* | 864 sf per unit* |
| F | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ | no max | no max |
| | Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 3 | 3 | 3 | 3 | no max | no max |
| G | Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 28′ | 28′ | 28′ | 28′ | no max | no max |
| | **USES** | All S-SU; S-RH-2.5; All S-MU | | | | | |
| | | Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 3.4 for permitted Accessory Uses | | | | | |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 sf**
****Setbacks less than 5′ may be subject to more restrictive Public Works, building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

## C. Other Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## OTHER DETACHED ACCESSORY STRUCTURES

| | HEIGHT | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1 | 1 | 1 | 1 | 1 | 1 |
| A | Feet (max) | 15′ | 15′ | 15′ | 15′ | 15′ | 15′ |
| | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | na |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | na |

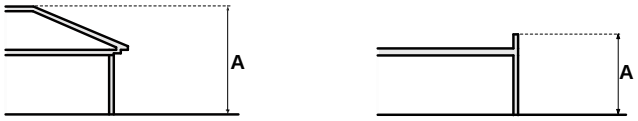
| | SITING | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| | Additional Standards | See Section 3.3.4.3 | | | | | |
| | **SETBACKS** | | | | | | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| C | Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| C | Side Interior, for structure entirely in rear 35% of zone lot (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior, for structure not entirely in rear 35% of zone lot (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Side Interior, for structure not entirely in rear 35% of zone lot (min), where Zone Lot Width is 30′ or less | 3′ | 3′ | 3′ | 3′ | 3′ | 3′ |
| D | Rear, no alley (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Rear, alley, where doors face alley (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Rear, alley, where doors do not face alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |

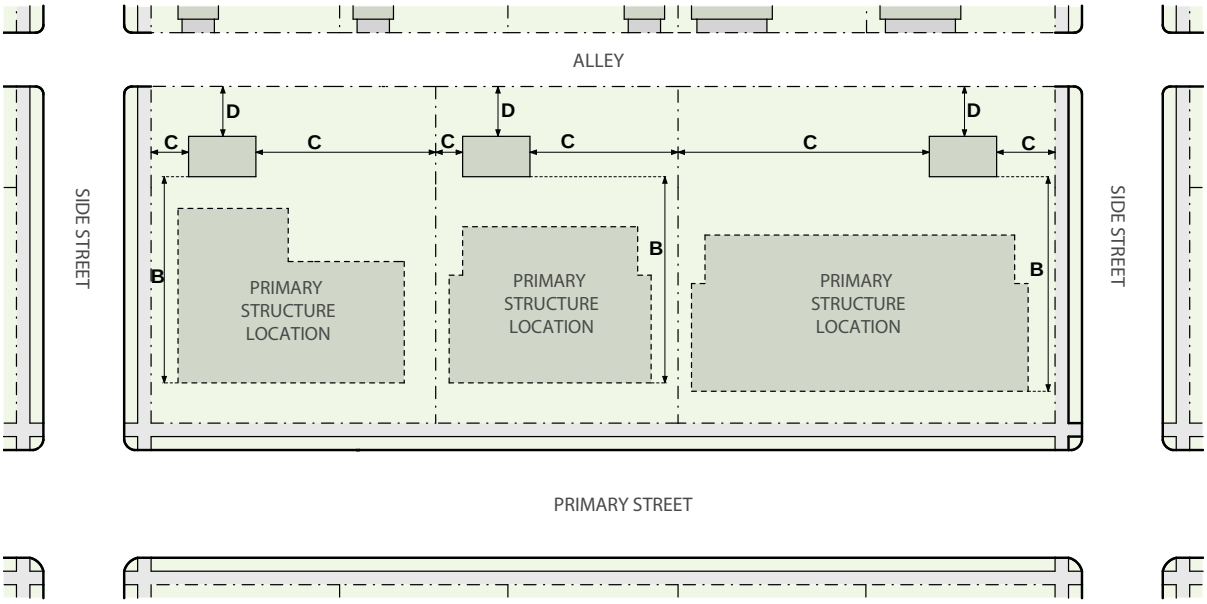
| | DESIGN ELEMENTS | S-SU-A | S-SU-D | S-SU-Fx<br>S-SU-F<br>S-SU-F1 | S-SU-Ix<br>S-SU-I | S-RH-2.5 | S-MU-3, 5,<br>-8, -12, -20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Building Footprint (max) | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf |
| E | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ | 36′ | 36′ |
| | USES | All S-SU; S-RH-2.5; All S-MU | | | | | |
| | | Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 3.4 for permitted Accessory Uses | | | | | |

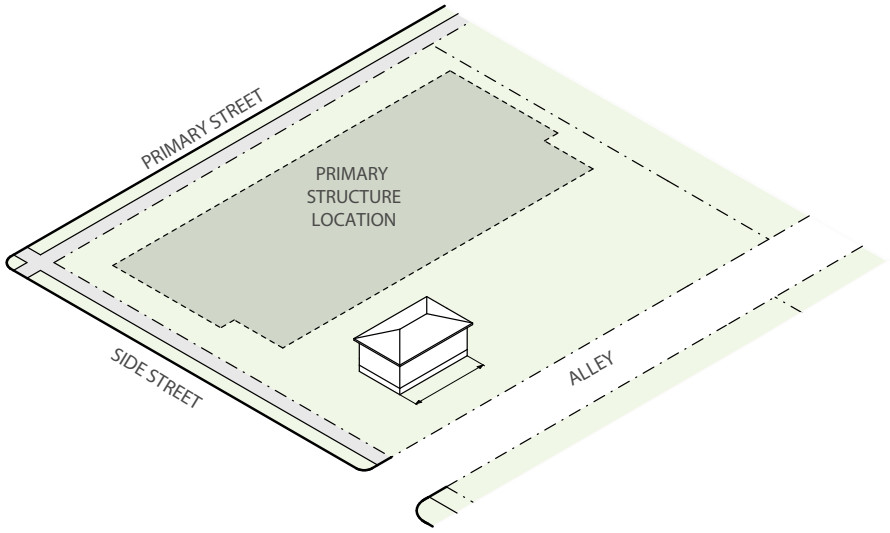
**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## D. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All S-CC,-MX, -MS |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | All S-CC,-MX, -MS |
|---|---|---|
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Interior and Side Street (min) | 5′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ |
| | Rear, alley, where garage doors do not face alley (min) | 0′ |

| DESIGN ELEMENTS | All S-CC,-MX, -MS |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to structures used for the parking of vehicles. See Section 3.3.4.3 |
| Additional Standards | See Section 3.3.4.3 |

| USES | All S-CC,-MX, -MS |
|---|---|
| | Accessory Uses Only |

**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 3.3.5 SUPPLEMENTAL DESIGN STANDARDS

## 3.3.5.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

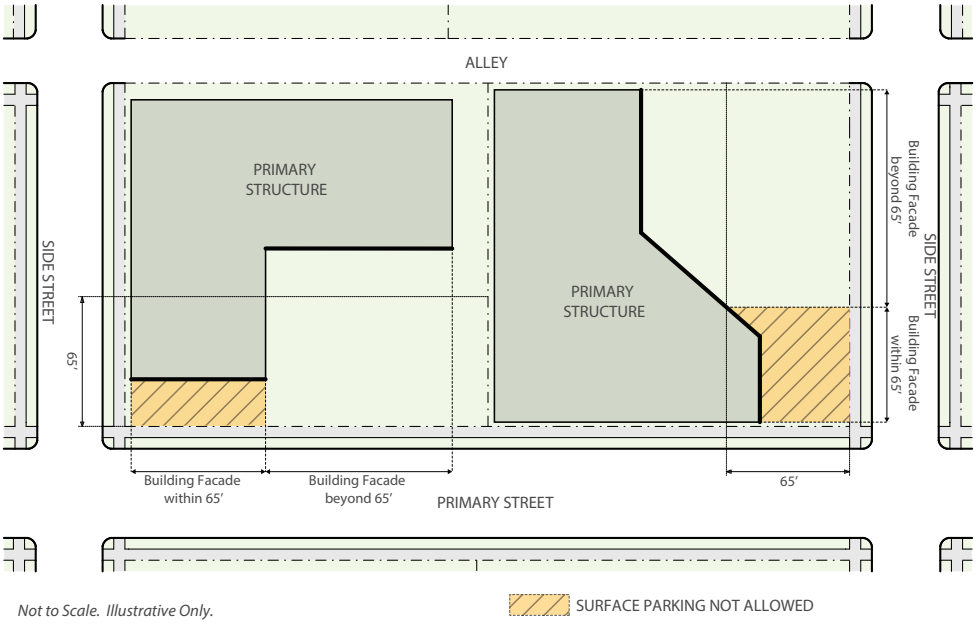
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

### B. Applicability

This Section 3.3.5.1 applies to the Shopfront building form in the S-MS zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.




## 3.3.5.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards in low-scale residential neighborhoods.

### B. Applicability

All S-SU and S-RH zone districts

### C. Supplemental Design Standard

1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the zone lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the zone lot depth, including detached or freestanding structures, but excluding the detached accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 3.3.5.3 Street Level Active Uses in the S-MX and S-MS Zone Districts

**A. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**

This Section 3.3.5.3 applies to the General and Shopfront building forms in the S-MX zone districts and the Shopfront building form in the S-MS zone districts.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 3.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

## SECTION 3.3.6 DESIGN STANDARD ALTERNATIVES

### 3.3.6.1 Required Build-To Alternatives

**A. Intent**

To help define the public realm and enhance the visual quality of the built environment where it is not possible to do so with building facades.

**B. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E.

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | |
|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) |
| S-MU<br>S-CC<br>S-MS | na | na | 25%** | 30%** | 30%** | 100% | na |
| S-MX | 10'* | na | 25%** | 30%** | 30%** | 100% | na |

***Permitted increase in the maximum depth of the required build-to range.**
****If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

### 3.3.6.2 Primary Street Upper Story Setback

**A. Intent**
To provide flexibility while maintaining and promoting a pedestrian-scaled primary street.

**B. Applicability**
S-MX-8, S-MX-8A, S-MX-12, S-MX-12A

**C. Alternative**
When the building is placed at 0 feet on the Primary Street Zone Lot Line, then the Upper Story Setback above 5 stories or 70 feet may be reduced to 15 feet. This alternative only applies to portions of buildings placed at 0 feet on the Primary Street Zone Lot Line. Therefore, any portions of the building placed beyond 0 feet shall meet the Upper Story Setback stated in the building form table.

### 3.3.6.3 Transparency Alternatives

**A. Intent**
To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

**B. Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| S-MU | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| S-CC | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| S-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| S-MS | Primary Street | 40% | 50% | 60% | 40% | 50% |
| | Side Street | 40% | 50% | 80% | 40% | 50% |

*Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.

### 3.3.6.4 Pedestrian Access (Entrance) Alternatives

**A. Intent**

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

**B. Allowance**

In the S-MX-2A, -3A, -5A, -8A, -12A zone districts for all building forms, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway

### 3.3.6.5 Attached Garage Alternative

**A. Intent**

To allow for an attached garage, designed as an integral part of the building's facade, to project forward of a primary street facing facade when the design of the entire building de-emphasizes the garage entrance and function.

**B. Applicability**

Zone lots that meet both of the following may utilize this alternative:

1. Zoned S-SU, S-RH, or S-MU; and
2. Zone Lot Width along Primary Street is at least 100 feet.

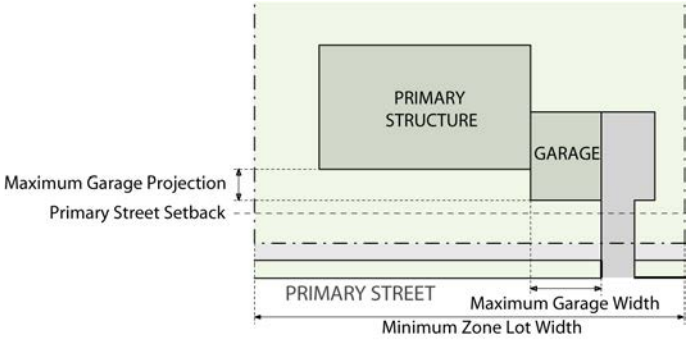
**C. Allowance**

An attached garage may be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) enclosing the primary use, if the attached garage complies with all of the following standards:

1. Garage doors shall not face the Primary Street (See Section 13.1.6.1.L);

2. Maximum 30 feet width and maximum 12 feet depth dimension for the portion of the attached garage projecting forward of the Primary Street facing facade;

3. The attached garage facade facing the Primary Street has similar architectural and material treatment as the other portions of the Primary Street facing facade.




## SECTION 3.3.7 DESIGN STANDARD EXCEPTIONS

### 3.3.7.1 Height Exceptions

**A. Intent**

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

**B. Applicability and Standards:**

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this Section 3.3.7.1.B.

2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All S- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All S- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story or greater S-MU, S-CC, S-MX, S-MS Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 3-Story or lower S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story or greater S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the Side Interior where adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 3-Story or lower S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story or greater S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All 3-Story or lower S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story or greater S-MU, S-CC, S-MX, S-MS Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Parapet Wall and/or Safety Railing | All 5-Story or greater S- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All S- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All S- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All S-CC, S-MX, S-MS Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All S- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 3.3.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

#### B. Parkways

**1. Intent**

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

### 3.3.7.3 Setback Exceptions

#### A. Intent

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

#### B. Standard

In all S- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 3.3.7.4 Setback Encroachments

#### A. Intent

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

#### B. Standard

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

##### 1. Architectural Elements

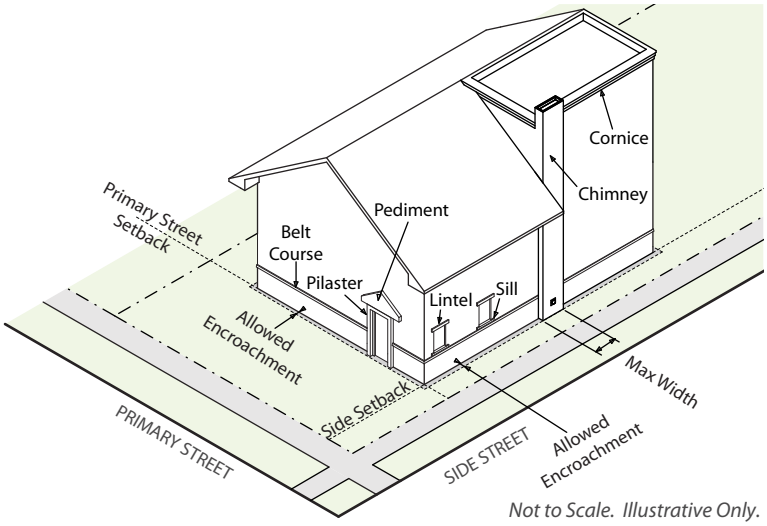
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All S- Zone Districts | All Building Forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

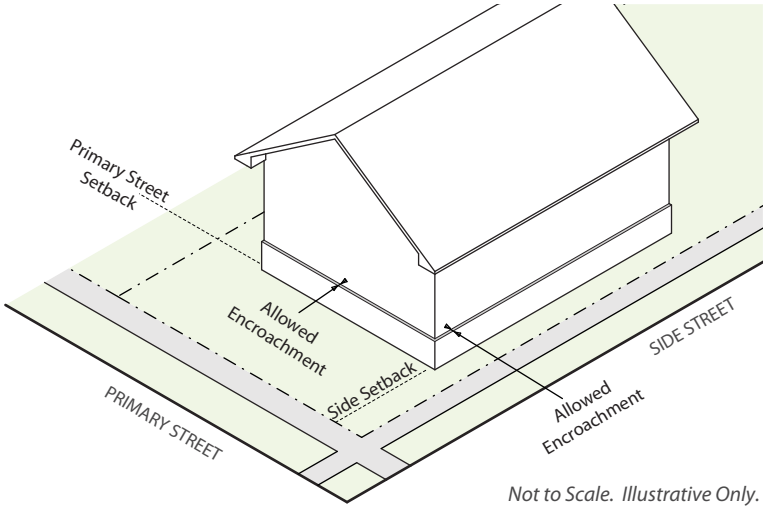
Intent: To allow common, minor decorative elements which are integral to a building.

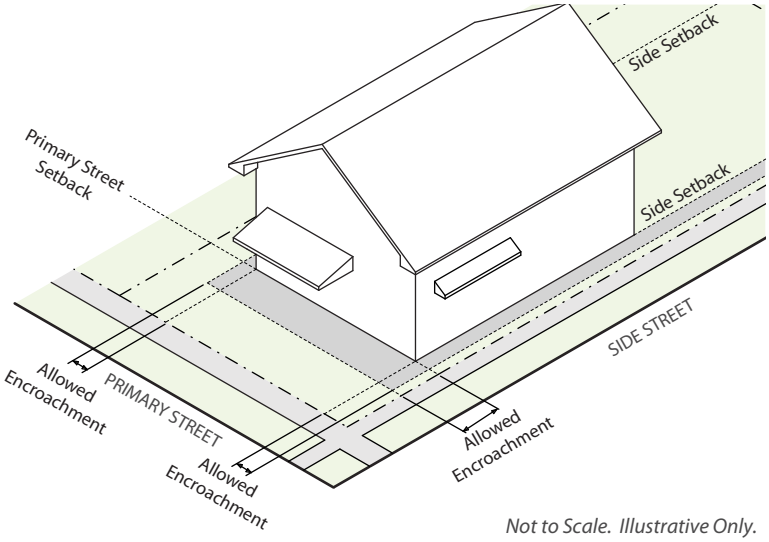


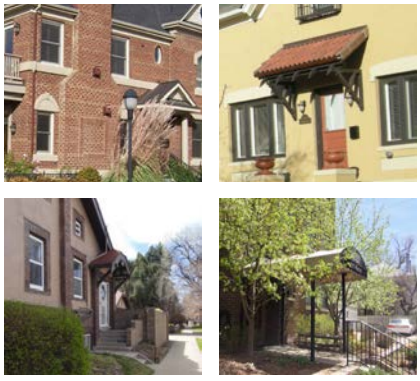
*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All S- Zone Districts | All Building Forms | 6″ | 6″ | 6″ | 6″ |
| Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• Shall be no more than 8′ maximum in horizontal width;<br>• Shall be open on three sides;<br>• May include an at-grade landing. | All S-SU, S-RH Zone Districts | All Building Forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ and at no point closer than 2′ to a property line. | Not allowed |
| Intent: To provide for covering over an entrance to protect from weather. Unlike the Porch encroachment, canopy is allowed in Side Interior. |  *Not to Scale. Illustrative Only.* | | | | | |



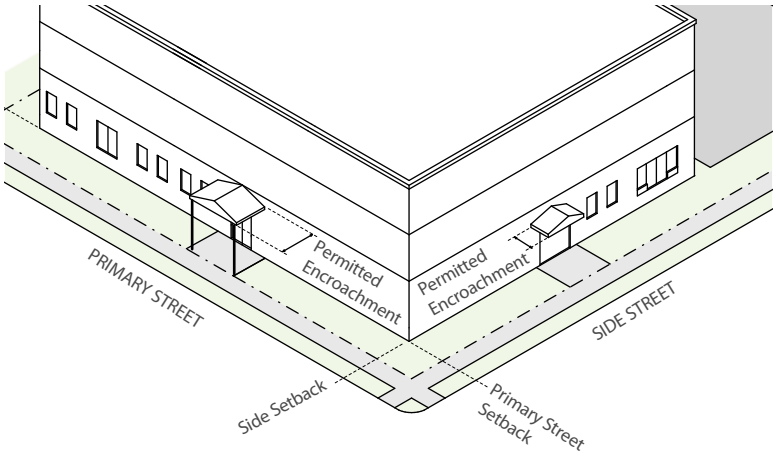
*Illustrative only*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All S- Zone Districts, except S-SU and S-RH | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |

Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building.



*Illustrative only*



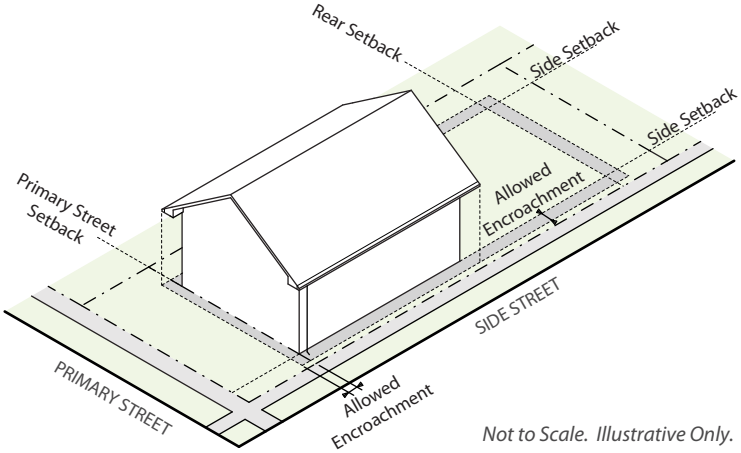

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All S- Zone Districts | All Building Forms | 3' | 3' | 3'; if setback is less than 5': 2' | 5' |

Intent: To allow features of structures intended to repel weather



*Illustrative only*

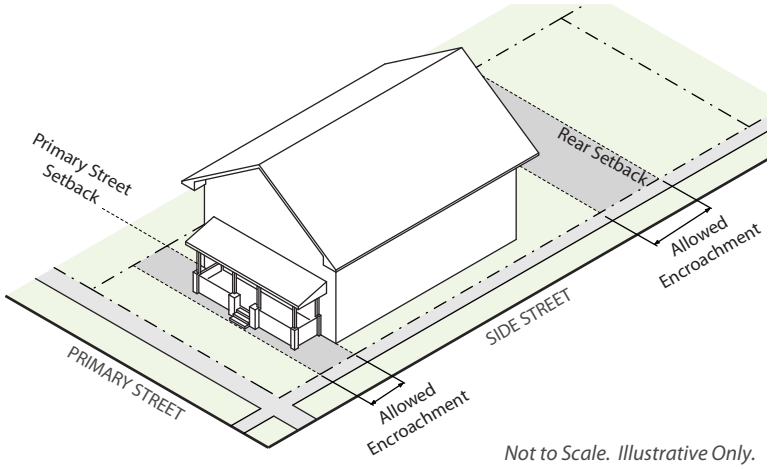



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All S- Zone Districts | All Building Forms | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |
| Intent: To promote elements which provide for street activation and human scale. | | | | | | |



*Illustrative only*

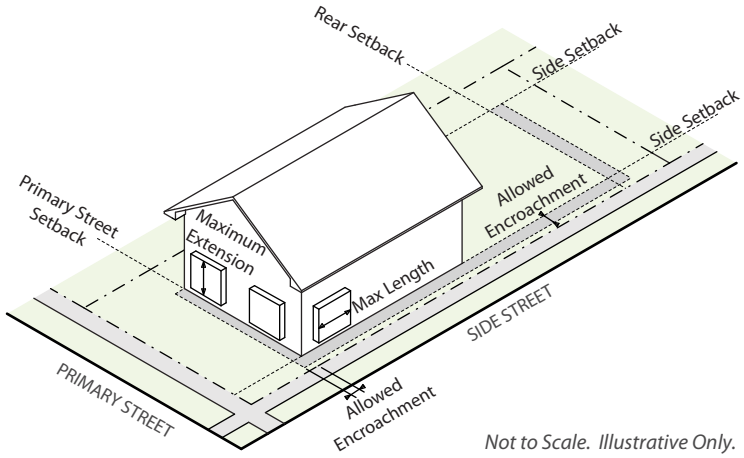



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All S- Zone Districts | All Building Forms | 1.5′ | 1.5′ | Not allowed | 1.5′ |
| Intent: To allow for improved interior daylighting. | | | | | | |



*Illustrative only*



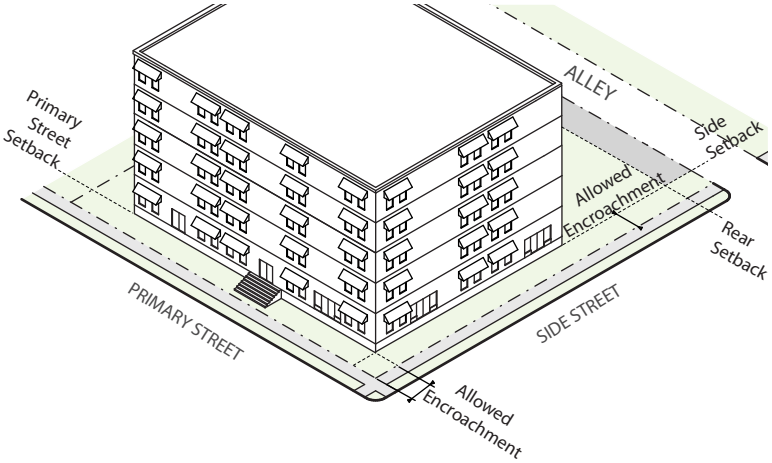

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: building elements, such as awnings, designed and intended to control light entering a building | All S- Zone Districts | All Building Forms | 5′ | 3′ | 3′ | 10′ |

Intent: To allow for elements either integral or attached to a building which control light entering through windows.



*Illustrative only*




*Not to Scale. Illustrative Only.*

**2. Site Elements**

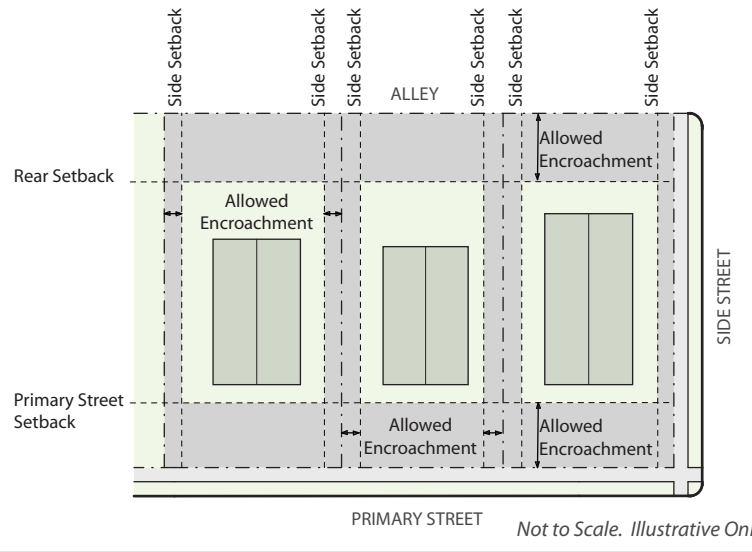
To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
| Off-Street Parking Area for Suburban House, Duplex, and Tandem House building forms | All S-SU, S-RH, S-MU Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow off-street parking area where it is not impactful due to the number of required parking spaces.



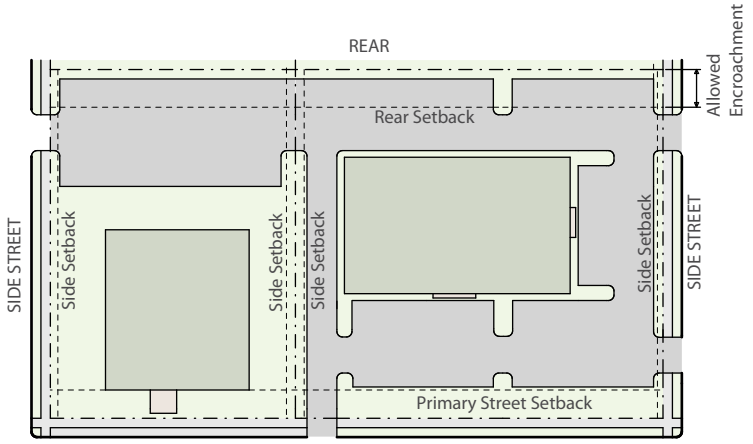
*Illustrative only*




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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area | All S-RH and S-MU Zone Districts | Row House and Apartment | Not allowed | Not allowed | Allowed within the rear 35% of the Zone Lot only | Any distance |

Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces.



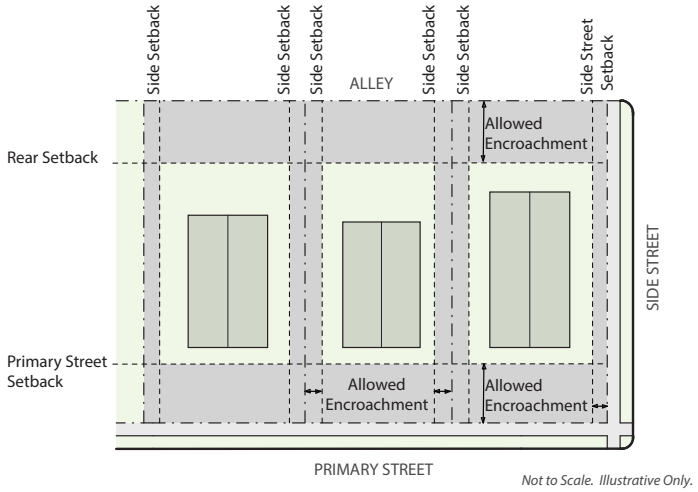

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All S-SU, S-RH, S-MU Zone Districts | Suburban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area.



*Illustrative only*



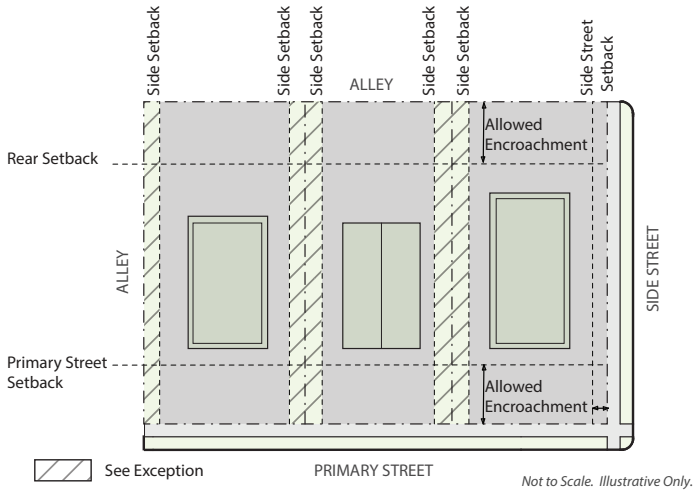

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All S-RH and S-MU Zone Districts | Row House and Apartment | Any distance | Any distance | Not allowed (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

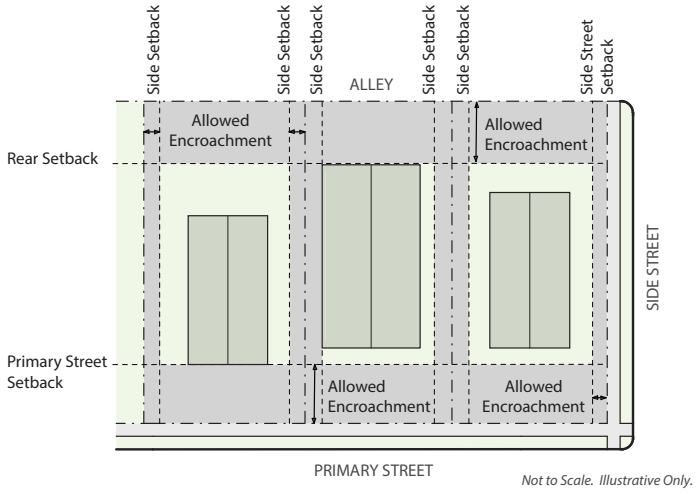
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All S- Zone Districts | All Building Forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



### 3. Service & Utility Elements

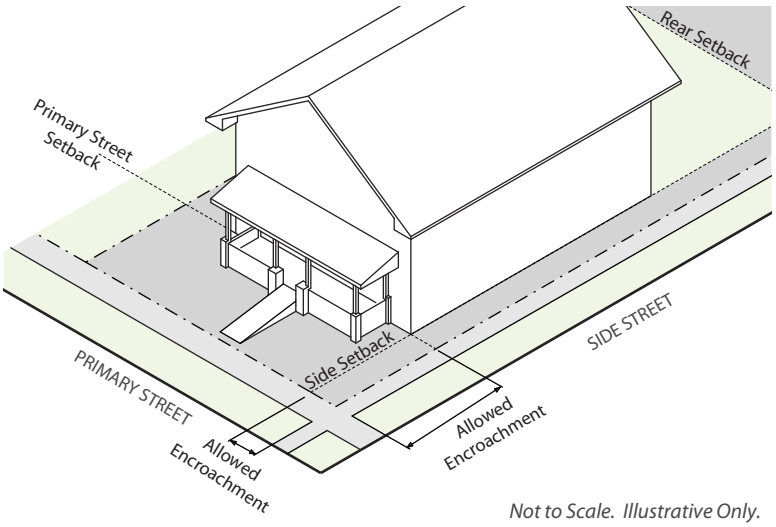
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

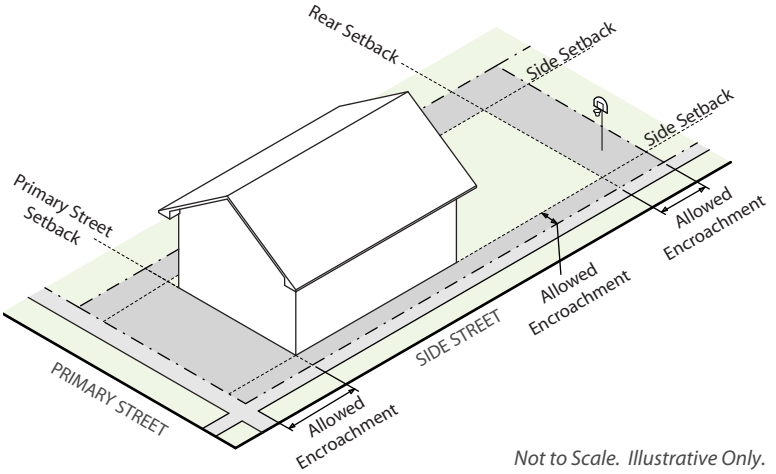


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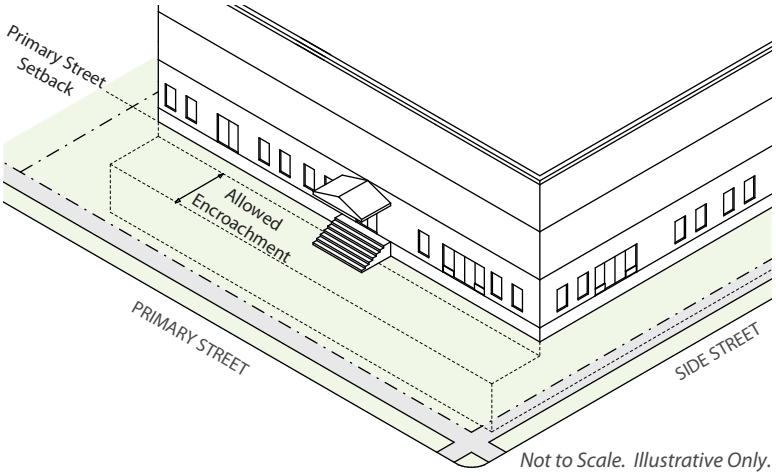


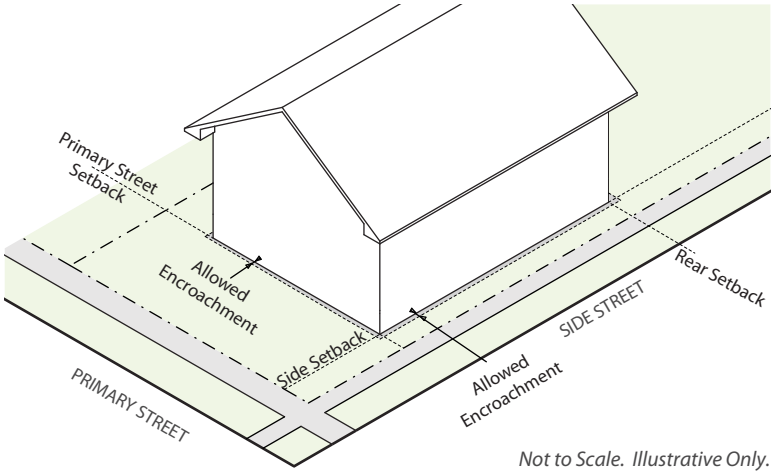

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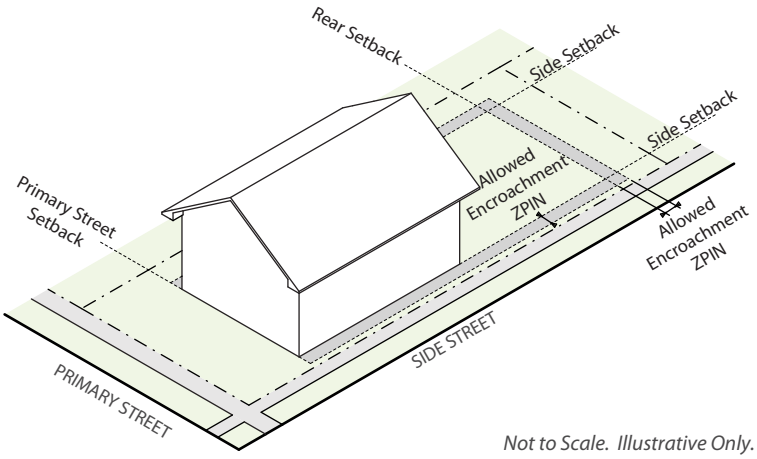
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

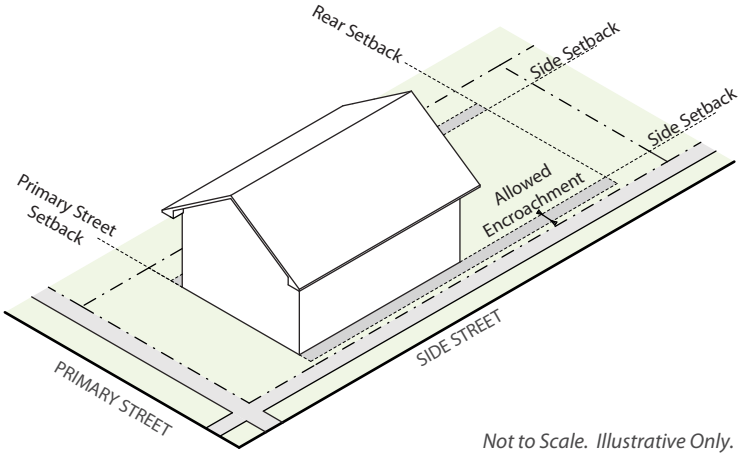



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  Not to Scale. Illustrative Only. | | | | | |

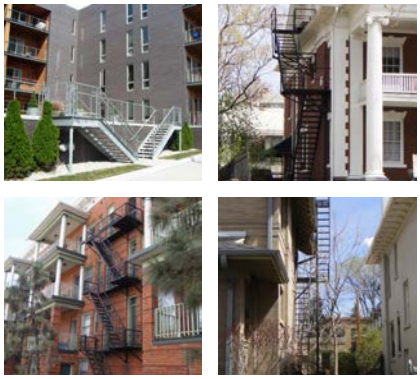
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All S- Zone Districts | All Building Forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  Not to Scale. Illustrative Only. | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All S- Zone Districts | All Building Forms | Not allowed | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the DRMC;<br>• Does not exceed 4' in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

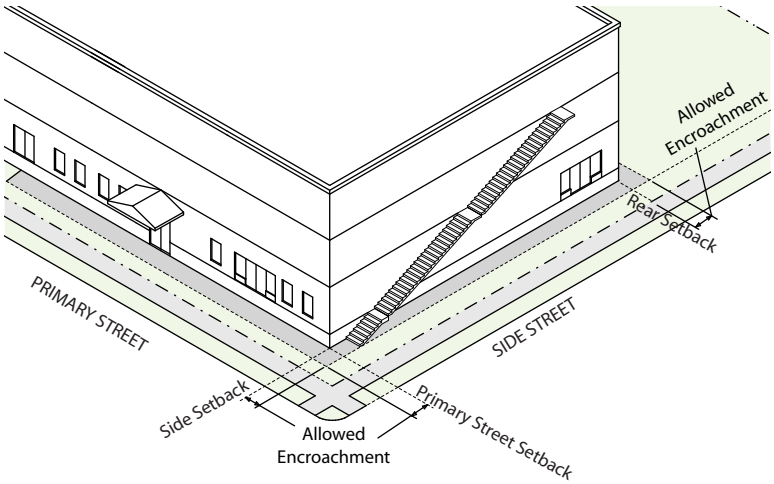
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All S- Zone Districts | All Building Forms | Not allowed | 3' | 3' | Not allowed |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All S- Zone Districts | All Building Forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



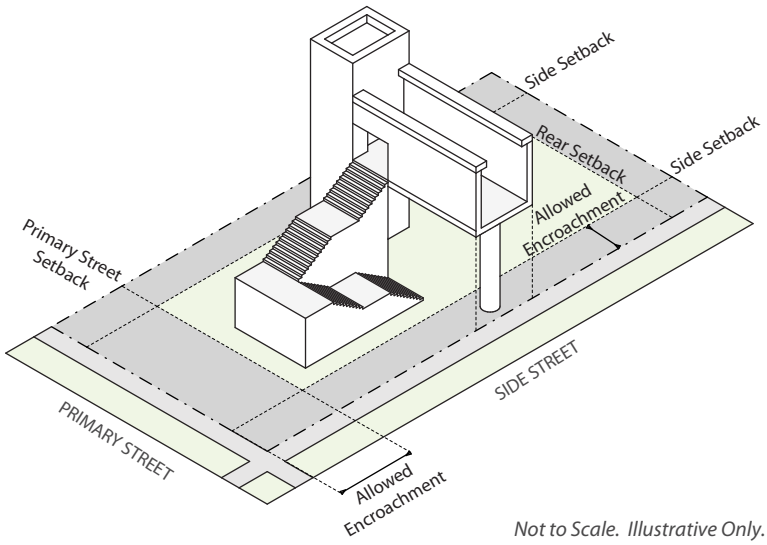

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes



*Illustrative only*

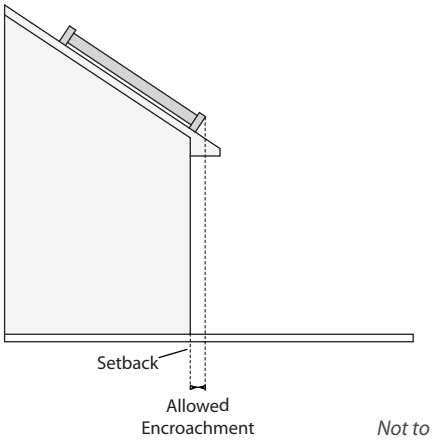



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

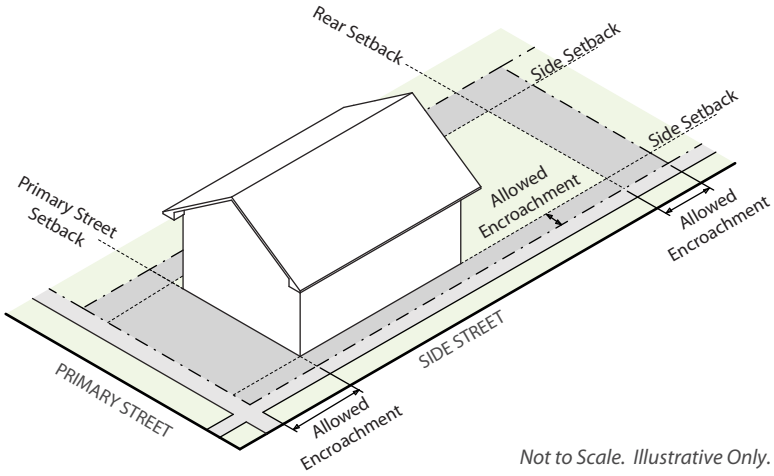


*Illustrative only*




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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All S- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

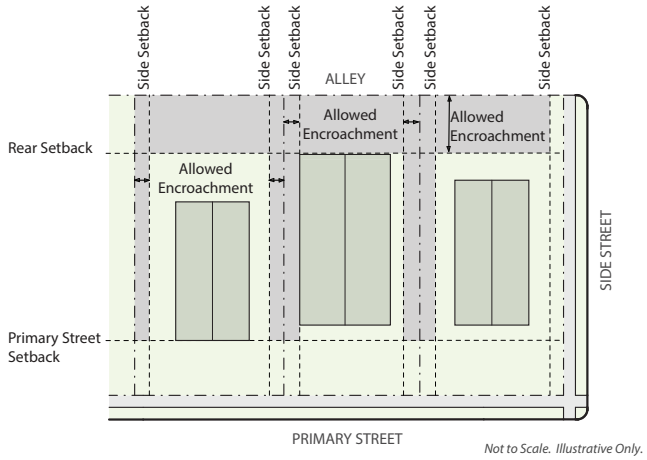



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All S-RH, S-MU, S-CC, S-MX, and S-MS Zone Districts | All Building Forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

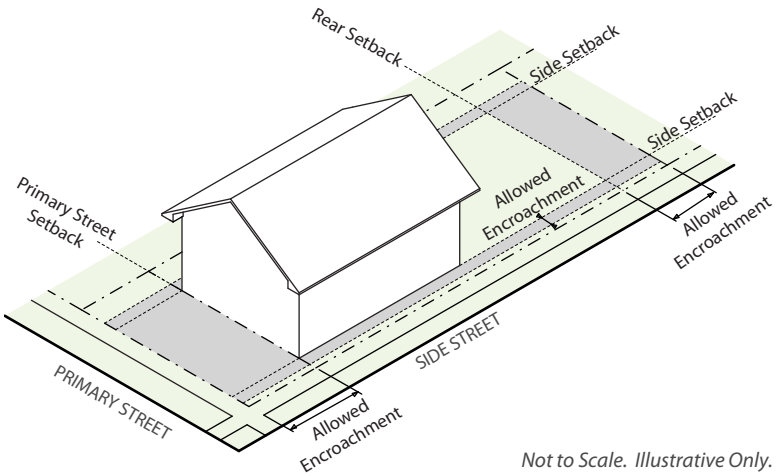



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All S- Zone Districts | All Building Forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*



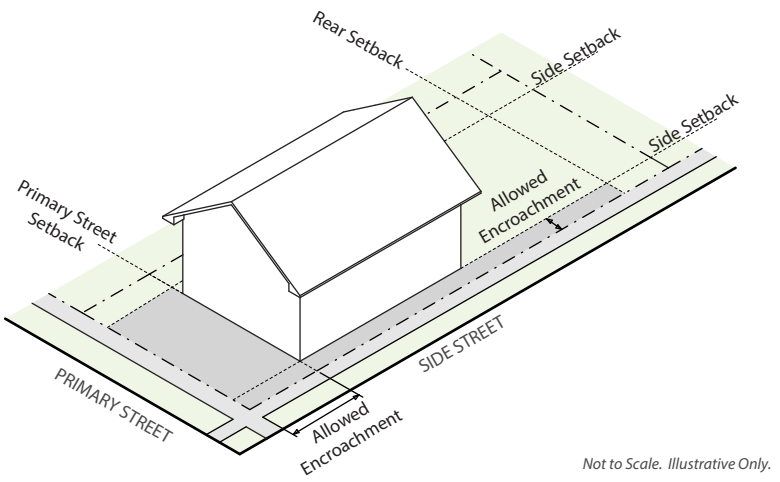

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All S-Zone Districts | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting. | | | | | | |






*Illustrative only*




*Not to Scale. Illustrative Only.*

### 3.3.7.5 Building Coverage Exception

**A. Applicability**
All S-SU, S-RH, and S-MU zone districts where a building coverage standard applies.

**B. Front Porch**

**1. Intent**
To promote street activation and human scale.

**2. Standard**
Area on a zone lot occupied by a Front Porch may be excluded from the calculation of building coverage, up to a maximum of 400 square feet for each dwelling unit.

### 3.3.7.6 Vehicle Access From Alley Required - Exceptions

**A. No Alley**
Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**
Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 3.3.7.6, then vehicular Alley access is required.

## SECTION 3.3.8 REFERENCE TO OTHER DESIGN STANDARDS

### 3.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4

B. Landscaping, Fences, Walls and Screening: Division 10.5

C. Site Grading: Division 10.6

D. Outdoor Lighting: Division 10.7

E. Signs: Division 10.10

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# DIVISION 3.4 USES AND REQUIRED MINIMUM PARKING

## SECTION 3.4.1 APPLICABILITY

3.4.1.1 This Division 3.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Suburban Neighborhood Context zone districts.

3.4.1.2 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

3.4.1.3 For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## SECTION 3.4.2 ORGANIZATION

### 3.4.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 3.4.2.2 Primary Use Classifications, Categories & Specific Use Types

**A. Primary Use Classifications**

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

**B. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**C. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly permitted by this Code.

## SECTION 3.4.3 EXPLANATION OF TABLE ABBREVIATIONS

### 3.4.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 3.4.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 3.4.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 3.4.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## SECTION 3.4.4 DISTRICT SPECIFIC STANDARDS

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 1.25/unit<br>• MS only: 1/unit<br>• Bicycle: No requirement | L-ZP | 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<br>• Vehicle - MS only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1/ 5 units (80/20) | L-ZP | 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<br>• Vehicle - MS only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1/ 5 units (80/20) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.4; §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | P-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.2.6; §11.2.7 |
| | Community Corrections Facility | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | NP | NP | NP | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.2.8 |
| | Residential Care Use, Small or Large<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.2.9 |
| | Rooming and Boarding House<br>• Vehicle - MS only: 2 / 1,000 sf GFA<br>• Vehicle: 5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L | L | L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L | L | L-ZPIN/L | L-ZPIN/L | §11.2.11 |
| | Student Housing<br>• Vehicle - MS only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1/ 5 units (80/20) | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | §11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.2 |

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ZP = Zoning Permit Review ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: 1 / 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZPIN | P-ZP | P-ZP | P-ZP | §11.3.4 |
| | Postal Facility, Neighborhood<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/ 20,000 sf GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 20,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.3.5 |
| | Hospital | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Education | Elementary or Secondary School<br>• Vehicle- High School: 2/1,000 sf GFA<br>• Bicycle - High School: 1/ 20,000 sf GFA (0/100)<br>• Vehicle- All Others: 1/1,000 sf GFA<br>• Bicycle-All Others: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.8 |
| | University or College<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | §11.3.8; § 11.3.9 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 sf GFA<br>• 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 | P-ZP | § 11.3.10 |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others - MS only: 2/1,000 sf GFA<br>• Vehicle - All Others: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | L-ZPIN | L-ZP | P-ZP | P-ZP | § 11.4.2 |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZPSE | L-ZP | NP | L-ZPSE | L-ZPSE | L-ZPSE | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Nonresidential Uses in Existing Business Structures In Residential Zones<br>(All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | Not Applicable | | | | | | §11.4.6 |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | NP | NP | L-ZP | L-ZP | P-ZP | P-ZP | NP | NP | NP | NP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 5/1,000 sf GFA<br>• Bicycle: 1/5,000 sf GFA (0/100) | NP | NP | NP | NP | P-ZP | P-ZP | L-ZPSE | L-ZP | P-ZP | P-ZP | § 11.4.9 |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/20,000 sf GFA (60/40) | NP | NP | NP | NP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lodging Accommodations | Lodging Accommodations, All Others<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/20,000 sf GFA (60/40) | NP | NP | NP | NP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 2/1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (60/40) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.4.10 |
| | Office, All Others<br>• Vehicle: 2/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (60/40) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZPIN | L-ZP | L-ZP | L-ZP | §11.4.12; §11.4.13 |
| | Animal Sales and Services, All Others | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Food Sales or Market<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | L-ZP | L-ZP | P-ZP | P-ZP | §11.4.14 |
| | Pawn Shop | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | NP | L-ZP | L-ZPIN | L-ZPIN | NP | NP | §11.4.11 §11.4.16 |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | NP | P-ZP | NP | NP | NP | P-ZP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | L-ZP/L-ZPIN | L-ZP | P-ZP | P-ZP | §11.4.11 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | P-ZP | NP | L-ZP | P-ZP | P-ZP | §11.4.17 |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | NP | L-ZPSE | L-ZP | L-ZP | §11.4.18; §11.4.19 |
| | Automobile Services, Heavy<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP/ ZPSE | NP | NP | NP | L-ZP/ ZPSE | §11.4.18; §11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | §11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | P-ZPSE | NP | NP | NP | NP | |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | S-CC-3x: L-ZP/ ZPSE<br>S-CC-5x: P-ZP | L-ZPSE | NP | L-ZP/ZPSE | S-MX-3, -3A: L-ZP/ZPSE<br>All Others: P-ZP | S-MS-3: L-ZP/ ZPSE<br>S-MS-5: P-ZP | §11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | §11.5.2 |
| | Telecommunication Facilities - All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Industrial Services | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZPIN | L-ZPIN | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | §11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP/ ZPSE | NP | NP | L-ZP/ZPSE | L-ZP/ ZPSE | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | L-ZPIN/ ZPSE | §11.5.13 |
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZP | L-ZP | L-ZPIN | L-ZPIN | L-ZP | L-ZP | §11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.5.16 |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | P-ZP | NP | NP | L-ZP | L-ZP | §11.5.23 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wholesale, Storage, Warehouse & Distribution | Vehicle Storage, Commercial*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZPIN | NP | NP | NP | NP | §11.5.24 |
| | Wholesale Trade or Storage, General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | P-ZPIN | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | NP | NP | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | §11.5.26 |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.4 |
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | | | §11.7 |
| | Accessory Dwelling Unit | NP | S-SU-F1 only: L-ZP; All other: NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.8.2 |
| | Domestic Employee | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.3 |
| | Garden* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | L | L | L | L | L | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | NP | NP | L-ZP | Not Applicable - See Permitted Primary Uses | | | | | | §11.7; §11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.8.9 |
| | Short-term Rental | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | L | L | L | L | L | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | Not Applicable - See Permitted Primary Uses | | | | | | §11.8; §11.5.13 |
| | Yard or Garage Sales* | L | L | L | L | L | L | L | L | L | L | §11.8; §11.8.11 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | | | |
| Home Occupations<br><br>(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations) | Adult Care Home | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.1 |
| | Animal Care Services | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.2 |
| | Artist Studio | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.3 |
| | Beauty Shop or Salon | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.4 |
| | Child Care Home, Small | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.5 |
| | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.3 |
| | Clock and Watch Repair | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.6 |
| | Craft Work | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.7 |
| | Custom Dress-making, Millinery, Tailoring, Sewing | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.8 |
| | Food Preparation | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.9 |
| | Foster Family Care | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.10 |
| | Fresh Produce and Cottage Foods Sales* | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.11 |
| | Laundering and Pressing | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.12 |
| | Office, Non-Medical, Non-Dental | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.13 |
| | Professional Studio | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.15 |
| | Rooming and/or Boarding | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.16 |
| | Tutoring Services | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4.17 |
| | Unlisted Home Occupations | NP | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.5 |

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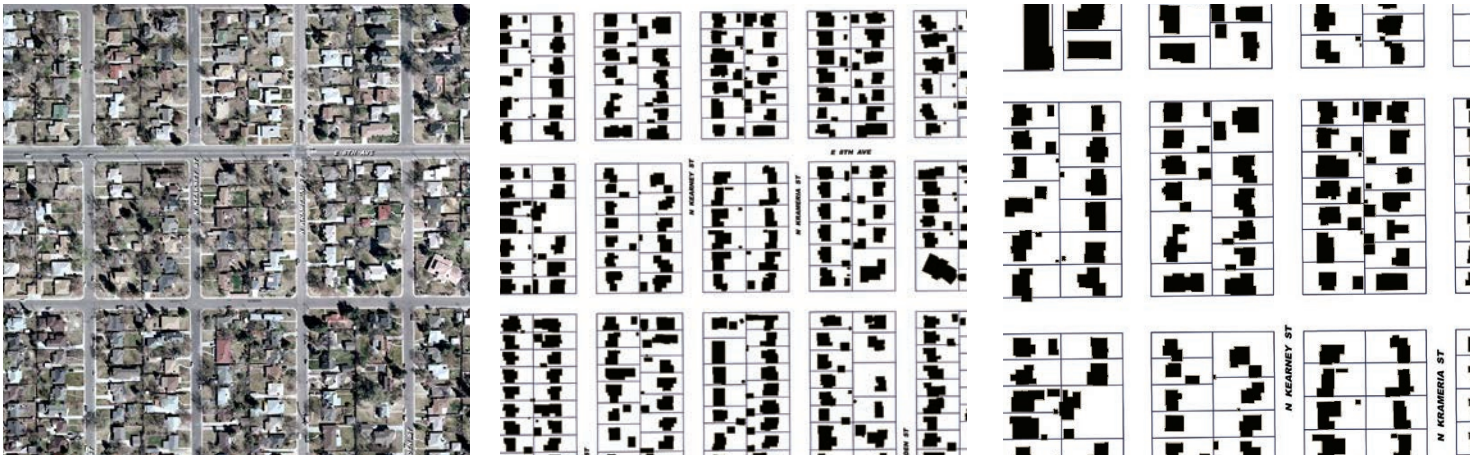
| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | NP | NP | NP | NP | L | Not Applicable - See Permitted Primary Uses | NP | NP | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | §11.7; §11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | L | Not Applicable - See Permitted Primary Uses | | | | | | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services | NP | NP | NP | NP | L-ZP | L-ZP | NP | NP | L-ZP | NP | §11.7; §11.10.5 |
| | College accessory to a Place for Religious Assembly | L | L | L | Not Applicable - See Permitted Primary Uses | | | L | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | NP | NP | NP | L | L | NP | NP | L | L | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | NP | NP | NP | NP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | L | L | L | L | Not Applicable | | | | | | §11.7; §11.4.6 |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | NP | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | NP | NP | NP | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | NP | NP | L-ZPIN/ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | L-ZP | L-ZP | NP | NP | L-ZP | NP | |
| | Outdoor Storage, Limited* | NP | NP | NP | NP | L | L | L | L | L | L | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | NP | NP | NP | NP | L | L | L | L | L | L | §11.7; §11.10.18 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | S-SU-Fx<br>S-SU-Ix | S-SU-A<br>S-SU-D<br>S-SU-F<br>S-SU-F1<br>S-SU-I | S-RH-2.5 | S-MU-3<br>S-MU-5<br>S-MU-8<br>S-MU-12<br>S-MU-20 | S-CC-3x<br>S-CC-5x | S-CC-3<br>S-CC-5 | S-MX-2x | S-MX-2<br>S-MX-2A | S-MX-3<br>S-MX-3A<br>S-MX-5<br>S-MX-5A<br>S-MX-8<br>S-MX-8A<br>S-MX-12<br>S-MX-12A | S-MS-3<br>S-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Temporary Uses<br><br>(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 | §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 | §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 | §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 | §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 | §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 | §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 | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | 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 | 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 | §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 | §11.11.13 |
| | Retail Food Establishment, Mobile* | NP | NP | NP | NP | L-ZP | L-ZP | NP | 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 | §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 | §11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |

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# ARTICLE 4. URBAN EDGE (E-) NEIGHBORHOOD CONTEXT



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# DIVISION 4.1 NEIGHBORHOOD CONTEXT DESCRIPTION








## SECTION 4.1.1 GENERAL CHARACTER

The Urban Edge Neighborhood Context is characterized by a mix of elements from both the Urban and Suburban Neighborhood Contexts. The Urban Edge Neighborhood Context is primarily single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House and Suburban House building forms. Multi-unit building forms are typically the Row House, Garden Court, Town House or Apartment building forms embedded with other residential uses. Commercial buildings are typically the Shopfront and General building forms that typically contain a single type of use. Single and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential and commercial uses are located along local streets, arterials, and main streets.

## SECTION 4.1.2 STREET, BLOCK AND ACCESS PATTERNS

The Urban Edge Neighborhood Context consists of a regular pattern of block shapes surrounded by orthogonal streets within a grid or modified grid. Orthogonal streets provide connection and a mixed presence of alleys. Block sizes and shapes are consistent and include attached, detached and non-existent sidewalks, treelawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

## SECTION 4.1.3 BUILDING PLACEMENT AND LOCATION

Single-, two-unit and multi-unit residential buildings typically have consistent moderate to deep front setbacks. Building orientation along a block face may be inconsistent or consistent. Commercial buildings typically have consistent orientation and front setbacks deep enough to allow for a mix of landscaping and some parking.

## SECTION 4.1.4 BUILDING HEIGHT

The Urban Edge Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

## SECTION 4.1.5 MOBILITY

There is reliance on the automobile with some pedestrian and bicycle activity and low to medium level of access to the multi-modal transportation system.

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# DIVISION 4.2 DISTRICTS (E-SU-, E-TU-, E-RH-, E-CC-, E-MX-, E-RX-, E-MS-)

## SECTION 4.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Urban Edge Neighborhood Context and are applied to property as set forth on the Official Map.

| **Urban Edge Neighborhood Context** | |
|---|---|
| E-SU-A | Single Unit A |
| E-SU-B | Single Unit B |
| E-SU-D | Single Unit D |
| E-SU-Dx | Single Unit Dx |
| E-SU-D1 | Single Unit D1 |
| E-SU-D1x | Single Unit D1x |
| E-SU-G | Single Unit G |
| E-SU-G1 | Single Unit G1 |
| E-TU-B | Two Unit B |
| E-TU-C | Two Unit C |
| E-RH-2.5 | Row House 2.5 |
| E-MU-2.5 | Multi Unit 2.5 |
| E-CC-3 | Commercial Corridor 3 |
| E-CC-3x | Commercial Corridor 3x |
| E-MX-2 | Mixed Use 2 |
| E-MX-2A | Mixed Use 2A |
| E-MX-2x | Mixed Use 2x |
| E-MX-3 | Mixed Use 3 |
| E-MX-3A | Mixed Use 3A |
| E-RX-3 | Residential Mixed Use 3 |
| E-RX-5 | Residential Mixed Use 5 |
| E-MS-2 | Main Street 2 |
| E-MS-2x | Main Street 2x |
| E-MS-3 | Main Street 3 |
| E-MS-5 | Main Street 5 |

## SECTION 4.2.2 RESIDENTIAL DISTRICTS (E-SU-A, -B, -D, -DX, -D1, -D1x, -G, -G1, E-TU-B, -C, E-RH-2.5, E-MU-2.5)

### 4.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and row house districts promote existing and future patterns of lower scale multi unit building forms that typically address the street in the same manner as an urban house building form.

C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

### 4.2.2.2 Specific Intent

**A. Single Unit A (E-SU-A)**
E-SU-A is a single unit district allowing only urban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Urban Edge Neighborhood Context.

**B. Single Unit B (E-SU-B)**
E-SU-B is a single unit district allowing only urban houses with a minimum zone lot area of 4,500 square feet.

**C. Single Unit D (E-SU-D)**
E-SU-D is a single unit district allowing only urban houses with a minimum zone lot area of 6,000 square feet.

**D. Single Unit Dx (E-SU-Dx)**
E-SU-Dx is a single unit district allowing suburban and urban houses with a minimum zone lot area of 6,000 square feet.

**E. Single Unit D1 (E-SU-D1)**
E-SU-D1 is a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.

**F. Single Unit D1x (E-SU-D1x)**
E-SU-D1x is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard.

**G. Single Unit G (E-SU-G)**
E-SU-G is a single unit district allowing suburban and urban houses with a minimum zone lot area of 9,000 square feet. The wider lots result in the largest side setbacks in the Urban Edge Neighborhood Context.

**H. Single Unit G1 (E-SU-G1)**
E-SU-G1 is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum lot area of 9,000 square feet. Setbacks accommodate front and side yards similar to E-SU-G and allow an detached accessory dwelling unit in the rear yard.

**I. Two Unit B (E-TU-B)**
E-TU-B allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

**J. Two Unit C (E-TU-C)**
E-TU-C allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

**K. Row House 2.5 (E-RH-2.5)**
E-RH-2.5 is a multi unit district and allows suburban house, urban house, detached accessory dwelling unit, duplex, tandem house and row house building forms up to two and a half stories in height.

**L. Multi Unit 2.5 (E-MU-2.5)**
E-MU-2.5 is a multi unit district and allows urban house, detached accessory dwelling unit, duplex, tandem house, row house, garden court, town house and apartment building forms up to two and a half stories in height depending on building form.

## SECTION 4.2.3 COMMERCIAL CORRIDOR DISTRICTS (E-CC-3, -3x)

### 4.2.3.1 General Purpose

A. The Commercial Corridor zone districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.

B. Commercial Corridor zone districts address development opportunities next to the city's most auto-dominated corridors.

C. Commercial Corridor buildings generally have a deep build-to requirement to allow for some measure of parking between the building and the street. Predictable flexibility is provided for building and parking location for larger scale buildings.

D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

### 4.2.3.2 Specific Intent

**A. Commercial Corridor – 3 (E-CC-3)**
E-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

**B. Commercial Corridor – 3x (E-CC-3x)**
E-CC-3x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than E-CC-3.

## SECTION 4.2.4 MIXED USE DISTRICTS (E-MX-2, -2A, -2X, -3, -3A)

### 4.2.4.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.

B. There is a diverse menu of Mixed Use zone districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods.

C. The Mixed Use districts are appropriate along corridors, embedded in neighborhoods and on large sites.

D. The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way. Predictable flexibility in building form options recognizes the varied development pattern of Urban Edge Neighborhoods.

E. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

### 4.2.4.2 Specific Intent

**A. Mixed Use – 2 (E-MX-2)**
E-MX-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. Design standards provide options for varied building placement while still offering an active street front.

**B. Mixed Use- 2A (E-MX-2A)**
E-MX-2A applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. Design standards support a consistent pattern of buildings placed at the street to offer an active street front.

**C. Mixed Use - 2x (E-MX-2x)**
E-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**D. Mixed Use – 3 (E-MX-3)**
E-MX-3 applies to areas or intersections served primarily by collector and arterial streets where a building scale of 1 to 3 stories is desired. Design standards provide options for varied building placement while still offering an active street front.

**E. Mixed Use - 3A (E-MX-3A)**
E-MX-3A applies to areas or intersections served primarily by collector and arterial streets where a building scale of 1 to 3 stories is desired. Design standards support a consistent pattern of buildings placed at the street to offer an active street front.

## SECTION 4.2.5 RESIDENTIAL MIXED USE DISTRICTS (E-RX-3, -5)

### 4.2.5.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have non-residential uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

### 4.2.5.2 Specific Intent

**A. Residential Mixed Use – 3 (E-RX-3)**
E-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

**B. Residential Mixed Use – 5 (E-RX-5)**
E-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

## SECTION 4.2.6 MAIN STREET DISTRICTS (E-MS-2, -2X, -3, -5)

### 4.2.6.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Urban Edge Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and building coverage is significant.

### 4.2.6.2 Specific Intent

**A. Main Street 2 (E-MS-2)**
E-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. The E-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located directly within a residential neighborhood.

**B. Main Street 2x (E-MS-2x)**
E-MS-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**C. Main Street 3 (E-MS-3)**
E-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

### D. Main Street 5 (E-MS-5)

E-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.

# DIVISION 4.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 4.3.1 GENERAL INTENT

The Intent of this Division 4.3 Design Standards are to:

4.3.1.1 Implement the Denver Comprehensive Plan.

4.3.1.2 Implement the zone district's Intent and Purpose

4.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

4.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.

4.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

4.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.

4.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

4.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

4.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

4.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

4.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

4.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

## SECTION 4.3.2 BUILDING FORM INTENT

### 4.3.2.1 Height

A. Encourage buildings whose forms are responsive to evolving nodes of mixed-use, pedestrian and transit activity as well as the surrounding context.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

### 4.3.2.2 Siting

#### A. Required Build-To

1. Provide a more consistent street edge to enhance the character, quality and accessibility of the context.

2. Provide additional spatial definition to streets to promote pedestrian activity and sense of place.

3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

**B. Setbacks**

1. Site buildings to be consistent with intended character and functional requirements of the context.

2. Improve connections between varied uses and the public street.

**C. Parking Location**

1. Minimize the visual impacts of parking areas on streets and adjoining property.

2. Minimize conflicts between pedestrian and vehicles.

### 4.3.2.3 Design Elements

**A. Configuration**

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.

2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.

3. Main Street setback: Consider the proportional scale of new development necessary to establish a well defined edge to the public street.

4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

**B. Transparency**

1. To create rhythms and patterns on building facades that provide visual interest and reflect the uses within the building.

2. Maximize window area at Street Level to help activate the street.

3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

**C. Entrances**

1. Give prominence to pedestrian realm as a defining element of zone district and neighborhood character.

2. Provide convenient access to buildings and active uses from the street.

3. Create a clearly articulated and varied visual hierarchy of building entrances as an aid in way-finding.

4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

5. Create visually interesting and human-scaled facades.

### 4.3.2.4 Specific Building Form Intent

#### A. Residential Zone Districts

**1. Suburban House**
Establish standards for Single Unit Dwelling development that allows more height in the rear of a lot but with a more restrictive bulk plane over the entire lot, as compared to Urban House. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**2. Urban House**
Establish standards for Single Unit Dwelling development. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**3. Duplex**
Establish standards for Two Unit Dwelling development within a single primary structure, allowing side-by-side and up-down configurations. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**4. Tandem House**
Establish standards for two dwelling units on a single zone lot, but occurring in two separate primary structures with a single unit in each structure.

**5. Row House**
Establish standards for buildings containing Side-by-Side Dwelling Units to require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street. Accommodates Multi-Unit Dwelling development.

**6. Garden Court**
Establish standards for Multi-Unit Dwelling development where dwelling entrances may be oriented around a common, central Garden Court with landscaping, rather than exclusively orienting toward the street, as Row House requires. Off-Street Parking Areas are restricted in the front of the Zone Lot. Accommodates Two Unit and Multi-Unit Dwelling development.

**7. Town House**
Establish standards for buildings containing Side-by-Side Dwelling Units to require Dwelling Units located near the street to be Oriented to the Street. Compared to the Row House building form, additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street. Accommodates Two Unit and Multi-Unit Dwelling development.

**8. Apartment**
Establish standards for Multi-Unit Dwelling development that allows a variety of Dwelling Unit configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. The building form requires a minimum of one entrance at the street, in addition to transparency and other design elements. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

#### B. Commercial Mixed Use Zone Districts

**1. Drive Thru Services**
To allow more flexible design standards to accommodate unique circumstances of automobile service uses and primary uses with an accessory drive-thru lane.

a. E-MX: Eliminate build-to requirement

b. E-MX-2A, 3A: Gas Stations Only - eliminate build-to requirement; All other - allow a reduced build-to percentage and allow a canopy and garden wall combination to meet a portion of the build-to requirement.

c. E-MS: Allow a reduced build-to requirement and allow a canopy and garden wall combination to meet a portion of the build-to requirement.

**2. Drive Thru Restaurant**

To allow more flexible design standards to accommodate unique circumstances of eating/drinking establishments with an accessory drive-thru lane.

a. MX: For corner lots only, allow a reduced build-to requirement and a drive-thru lane to be located between the building and the Primary Street.

b. MS: For corner lots only, allow a decrease in the percentage of build-to required along the Primary Street, when the build-to percentage is increased along the Side Street.

**3. General**

Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. All uses are allowed.

**4. Shopfront**

Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. Compared to the General building form, the Shopfront building form has increased standards for design elements such as transparency, active use and build-to. All uses are allowed.

# SECTION 4.3.3 PRIMARY BUILDING FORM STANDARDS

## 4.3.3.1 Applicability

All development, except detached accessory structures, in all the Urban Edge Neighborhood Context zone districts

## 4.3.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

## 4.3.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

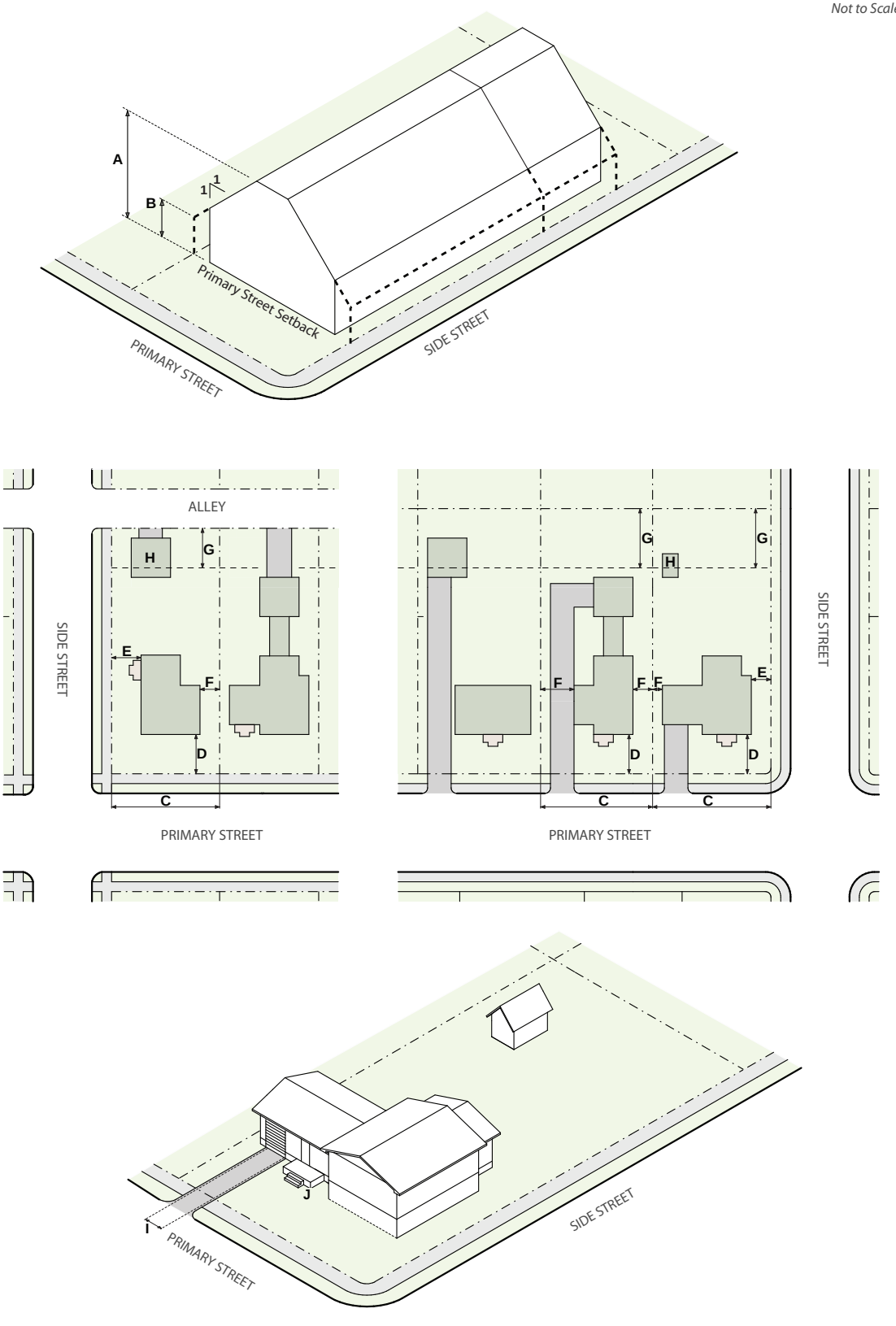
| Urban Edge (E-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurant | General | Shopfront |
| **Max Number of Primary Structures Per Zone Lot** | | **1*** | **1*** | **1*** | **2** | **No Maximum** | | | | | | | |
| RESIDENTIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Single Unit (SU) | E-SU-A, -B, -D | | ■ | | | | | | | | | | |
| | E-SU-D1 | | ■ | | | | | | | | | | |
| | E-SU-Dx , -G | ■ | ■ | | | | | | | | | | |
| | E-SU-D1x, -G1 | ■ | ■ | | | | | | | | | | |
| Two Unit (TU) | E-TU-B, -C | | ■ | ■ | ■ | | | | | | | | |
| Row House (RH) | E-RH-2.5 | ■ | ■ | ■ | ■ | ■ | | | | | | | |
| Multi Unit (MU) | E-MU-2.5 | ■ | ■ | ■ | ■ | | ■ | ■ | ■ | | | | |
| COMMERCIAL MIXED USE ZONE DISTRICTS | | | | | | | | | | | | | |
| Residential Mixed Use (RX) | E-RX-3, -5 | | | | | | | ■ | | | | | ■ |
| Commercial Corridor (CC) | E-CC-3, -3x | | | | | | | | | □ | □ | ■ | |
| Mixed Use (MX) | E-MX-2x | | | | | | | ■ | | | | ■ | ■ |
| | E-MX-2, -2A, 3, 3A | | | | | | | ■ | | □ | □ | ■ | ■ |
| Main Street (MS) | E-MS-2x | | | | | | | ■ | | | | | ■ |
| | E-MS-2, -3, -5 | | | | | | | ■ | | □ | □ | | ■ |

■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

## 4.3.3.4 District Specific Standards

### A. Suburban House

*Not to Scale. Illustrative Only.*



## SUBURBAN HOUSE

| | HEIGHT | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|
| A | Stories (max) | 2.5 | 2.5 | 2.5 |
| A | Feet (max) | 30′ | 30′ | 30′ |
| | Feet, permitted height increase | 1′ for every 5′ increase in lot width over 50′ up to a maximum height of 35′ | | |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° |

| | SITING | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 6,000 sf | 9,000 sf | 6,000 sf |
| C | Zone Lot Width (min) | 50′ | 62.5′ | 50′ |

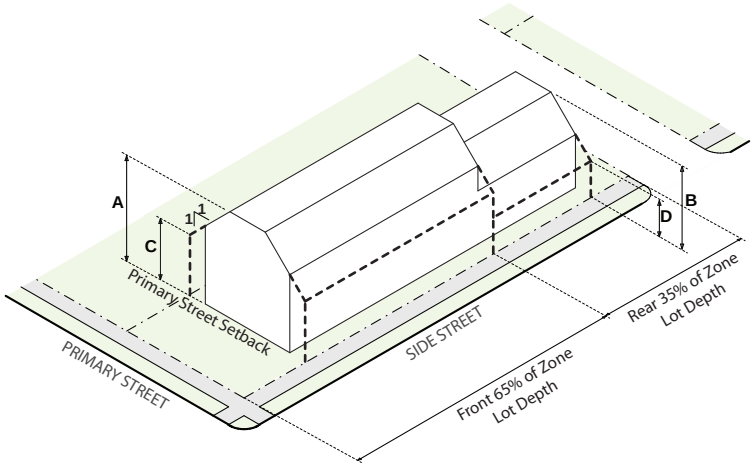
| | | All E-SU, -RH, -MU Districts | |
|---|---|---|---|
| | **SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH** | **61′ or Less** | **Greater than 61′** |
| D | Primary Street, block sensitive setback required | yes | yes |
| D | Primary Street, where block sensitive setback does not apply (min) | 20′ | 20′ |
| E | Side Street (min) | 5′ | 5′ |
| F | Side Interior (min) | 5′ | 7.5′ |
| G | Rear, alley/no alley (min) | 12′/20′ | 12′/20′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | **61′ or Less** | **62′ or Greater** |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 33% | 33% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 4.3.7.6) | |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 4.3.4 | |

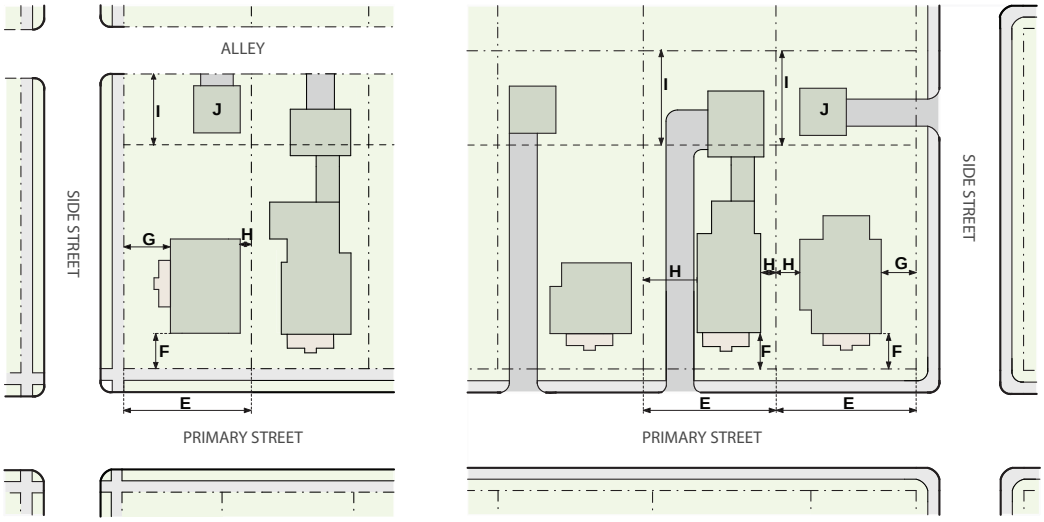
| | DESIGN ELEMENTS | All E-SU, -RH, -MU Districts |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 |
| I | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use.<br>(2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks |
| | Primary Street-Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25′: Primary Street (min) | 10′ |
| | **STREET LEVEL ACTIVATION** | |
| J | Pedestrian Access, Primary Street | Entry Feature |
| | **USES** | **All E-SU, -RH, -MU Districts** |
| | | Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses.<br>See Division 4.4 Uses and Parking |

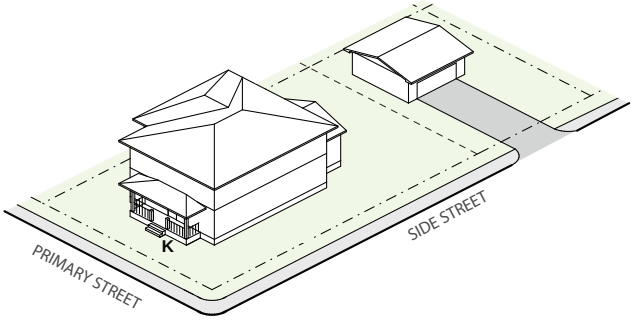
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Urban House

*Not to Scale. Illustrative Only.*



## URBAN HOUSE

| | HEIGHT | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 |
| A/B | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | | | | | | |
| | Feet, rear 35% of zone lot depth, permitted height increase | 1' for every 3' increase in side setback up to a maximum height of 19' | | | | | | | |
| C/D | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot in front 65% / rear 35% of zone lot depth | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot | 45° | 45° | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 4,500 sf | 6,000 sf | 6,000 sf | 9,000 sf | 4,500 sf | 5,500 sf | 4,500 sf |
| E | Zone Lot Width (min) | 25' | 35' | 50' | 50' | 62.5' | 35' | 50' | 35' |

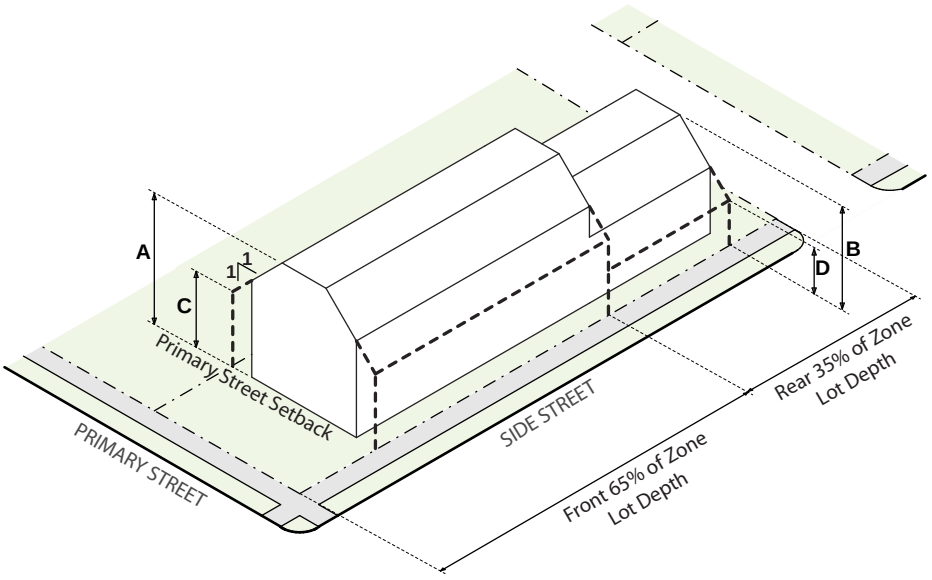
| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All E-SU, TU, RH, MU Districts<br>30' or less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
|---|---|---|---|---|---|
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 7.5' |
| H | Side Interior (min) | 3' | 3' min one side/<br>10' min combined | 5' | 10' |
| I | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 2 Spaces and 320 sf | 2 Spaces and 320 sf | 33% | 33% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec 4.3.7.6) | | | |
| J | **DETACHED ACCESSORY STRUCTURES** | see Sec. 4.3.4 | | | |

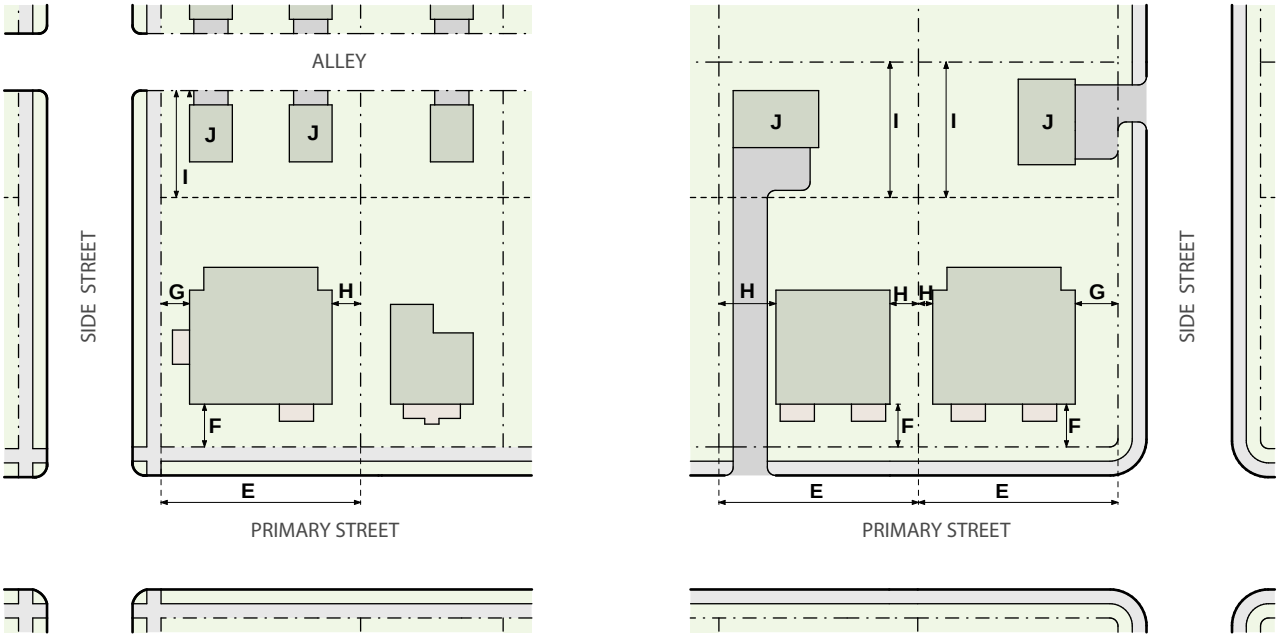
| | DESIGN ELEMENTS | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | | | |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 | | | | | | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use.<br>(2) May follow the Detached Garage building form for Side Street, Side Interior and Rear setbacks | | | | | | | |
| | Primary Street-Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater | | | | | | | |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min) | 10' | 10' | 10' | 10' | 10' | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | | | | | | |
| K | Pedestrian Access, Primary Street | Entry Feature | | | | | | | |
| | **USES** | All E-SU, TU, RH, MU Districts | | | | | | | |
| | | Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 4.4 Uses and Parking | | | | | | | |

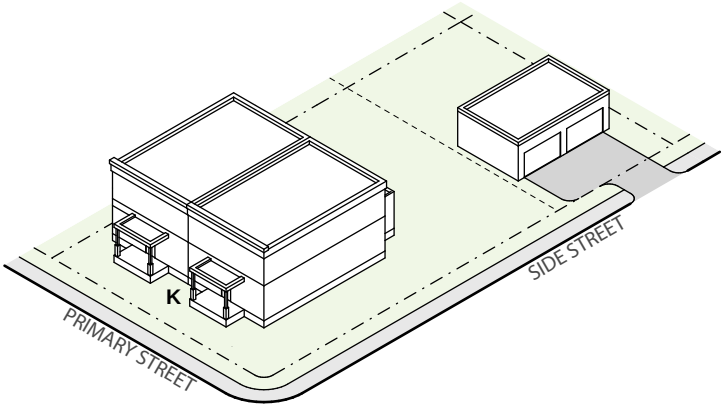
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## C. Duplex

*Not to Scale. Illustrative Only.*



## DUPLEX

| | HEIGHT | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 | 2.5/1 | 2.5/1 |
| A/B | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/17' | 30'/17' | 30'/17' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | |
| | Feet, rear 35% of zone lot depth, permitted height increase | 1' for every 3' increase in side setback up to a maximum height of 19' | | |
| C/D | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines in front 65% / rear 35% of zone lot | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines | 45° | 45° | 45° |

| | SITING | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 4,500 sf | 5,500 sf | 4,500 sf |
| E | Zone Lot Width (min) | 35' | 50' | 35' |

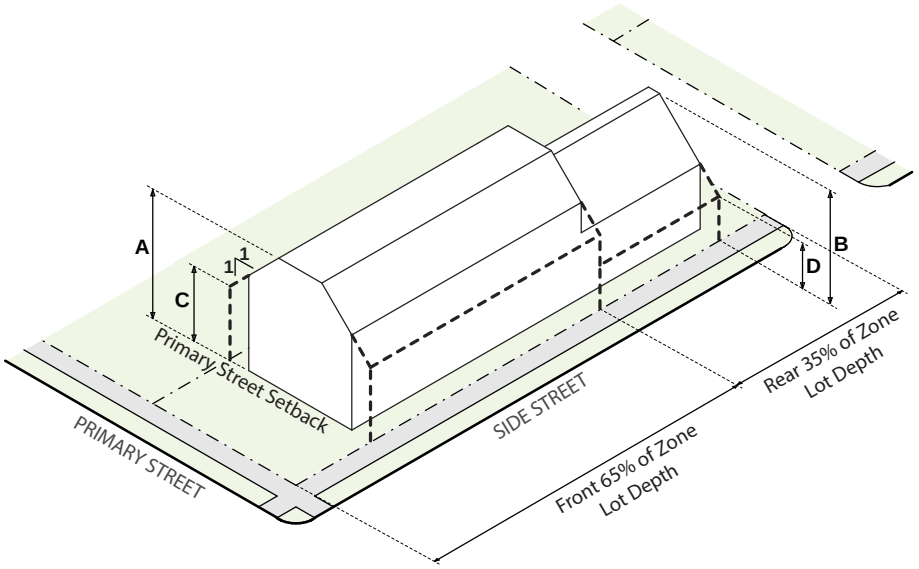
| | | All E-TU, RH, MU Districts | | | |
|---|---|---|---|---|---|
| | **SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH** | **30' or less** | **Greater than 30' and up to 40'** | **Greater than 40' and less than 75'** | **75' or Greater** |
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 7.5' |
| H | Side Interior (min) | 3' | 3' min one side/ 10' min combined | 5' | 10' |
| I | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 50% | 50% | 50% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 4.3.7.6) | | | |
| J | **DETACHED ACCESSORY STRUCTURES** | see Sec. 4.3.4 | | | |

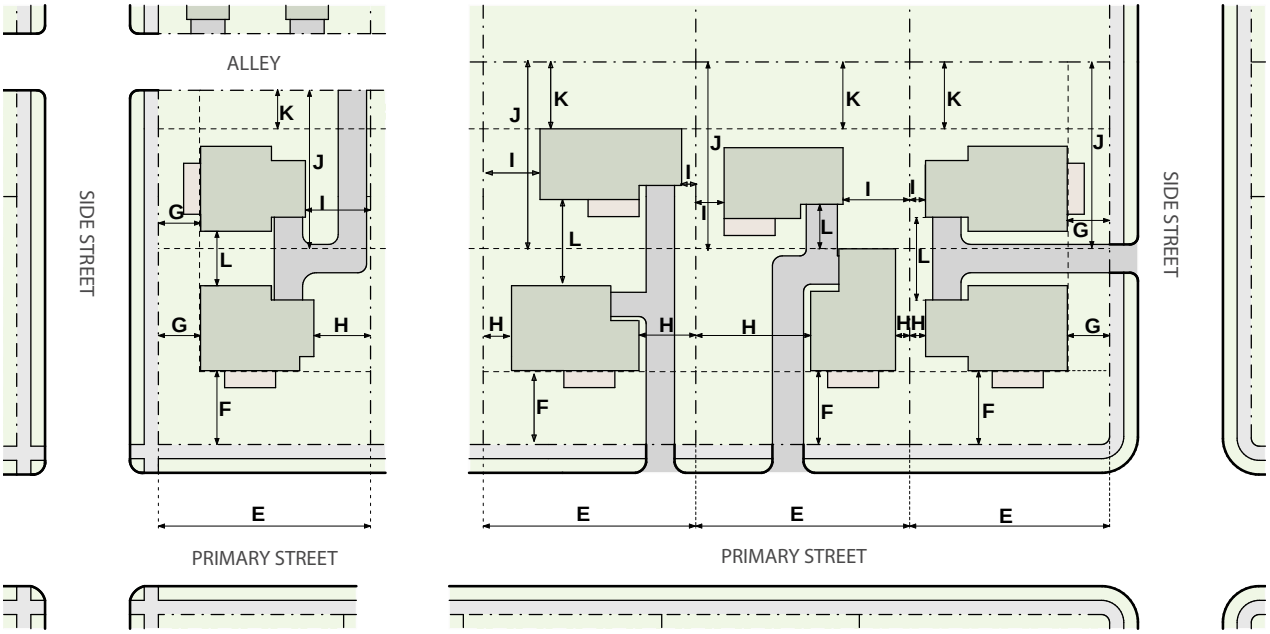
| | DESIGN ELEMENTS | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form standards for Side Street, Side Interior and Rear setbacks | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the front Primary Street facing facade of the dwelling primary structure or 16', whichever is greater | | |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min) | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | |
| K | Pedestrian Access, Primary Street | Entry Feature | | |
| | **USES** | **All E-TU, RH, MU Districts** | | |
| | | Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 4.4 Uses and Parking | | |

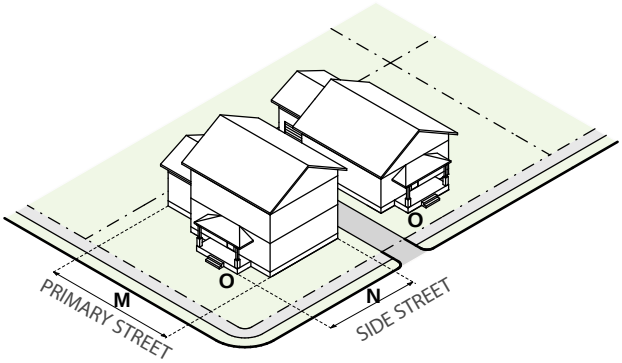
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## D. Tandem House

*Not to Scale. Illustrative Only.*



# TANDEM HOUSE

| | HEIGHT | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | Stories (max) | 2.5 | 2.5 | 2.5 |
| A/B | Feet, front 65% /rear 35% of zone lot depth (max) | 30'/24' | 30'/24' | 30'/24' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | |
| C/D | Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of zone lot depth | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side Interior and Side Street zone lot line | 45° | 45° | 45° |

| | SITING | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 4,500 sf | 5,500 sf | 4,500 sf |
| E | Zone Lot Width (min) | 35' | 50' | 35' |

| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All E-TU, RH, MU Districts: 30' or less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
|---|---|---|---|---|---|
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 7.5' |
| H | Side Interior, for Primary Structure #1 (min one side/min combined) | 3'/6' | 3'/10' | 5'/10' | 10'/20' |
| I | Side Interior, for Primary Structure #2 (min one side/min combined)* | 3'/6' | 3'/10' | 5'/10' | 10'/20' |
| J | Rear, for Primary Structure #1, as a % of lot depth (min) | 50% | 50% | 50% | 50% |
| K | Rear, for Primary Structure #2 (min) | 5' | 5' | 5' | 5' |
| L | Minimum Separation Between Primary Structures (min) | 6' | 6' | 6' | 6' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 50% | 50% | 50% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec 4.3.7.6) | | | |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 4.3.4 | | | |

| | DESIGN ELEMENTS | E-TU-B | E-TU-C | E-RH-2.5; E-MU-2.5 |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| M | Overall Structure Width (max) | 36' | 36' | 36' |
| N | Overall Structure Length (max) | 42' | 42' | 42' |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form for Side Street, Side Interior and Rear setbacks | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the dwelling primary structure or 16', whichever is greater | | |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min), for Structure #1 and for Structure #2 in first 50% of lot Depth | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | |
| O | Pedestrian Access, Primary Street* | Primary Structure #1: Entry Feature<br>Primary Structure #2: No Requirement | | |

| USES | All E-TU, RH, MU Districts |
|---|---|
| | Primary Uses shall be limited to Single Unit Dwelling per primary structure. See Division 4.4 Uses and Parking |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Must be offset to be visible from the street if to the rear of Primary Structure #1 (side setbacks may be reversed from Primary Structure #1)**

## E. Row House


Not to Scale. Illustrative Only.
(H) Dwelling Unit Oriented to the Street
(A) Height
(B) Side Wall Height
(J) Pedestrian Access
PRIMARY STREET
(G) Side Interior Setback
(I) Upper Story Stepback
(J) Street-Facing Garage Door Width
Rear 35% of Zone Lot Depth
SIDE STREET
Front 65% of Zone Lot Depth
PRIMARY STREET
(F) Side Street Setback
(K) Pedestrian Entrance
(C) Upper Story Stepback
(E) Primary Street Setback
(D) Zone Lot Width

## ROW HOUSE

| | HEIGHT | E-RH-2.5 |
|---|---|---|
| A | Stories (max) | see below |
| A | Feet (max) | see below |
| A | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 |
| A | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/19' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' |
| B | Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' |
| C | Upper Story Setback, for Low-Slope Roof, Above 25': Side, Interior and Side Street | 15' |

| | SITING | E-RH-2.5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 6,000 sf |
| D | Zone Lot Width (min) | 50' |
| | Dwelling Units per Primary Residential Structure (max) | 10 |
| | **SETBACKS** | |
| E | Primary Street, block sensitive setback required | yes |
| E | Primary Street, where block sensitive setback does not apply (min) | 20' |
| F | Side Street (min) | 5' |
| G | Side Interior (min) | 5' |
| | Rear, alley/no alley (min) | 12'/20' |
| | Rear, adjacent to Protected District, alley/no alley (min) | na |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 4.3.4 |

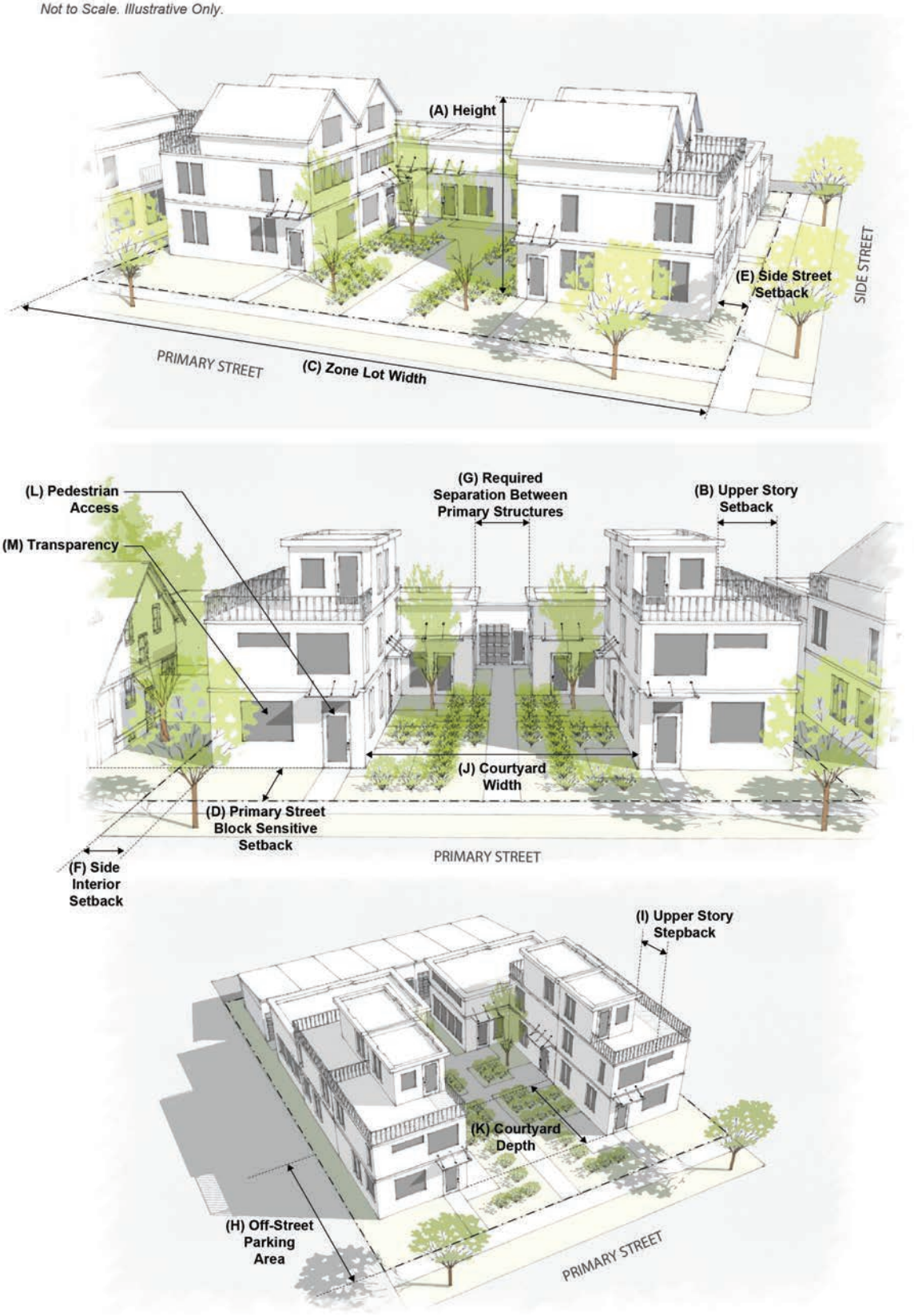
| | DESIGN ELEMENTS | E-RH-2.5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| H | Dwelling Units Oriented to the Street | All Dwelling Units shall be Oriented to the Street |
| | Dwelling Unit Configuration | Structure shall only contain Side-by-Side Dwelling Units |
| I | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min) | 10' |
| J | Primary Street- Facing Attached Garage Door Width (max per unit) | 10' |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks |
| | **STREET LEVEL ACTIVATION** | |
| K | Pedestrian Access | Each unit shall have a street-facing Entrance |

| USES | E-RH-2.5 |
|---|---|
| | Primary Uses shall be limited to Multi-Unit Dwelling and permitted Group Living and Nonresidential uses.<br>See Division 4.4 Uses and Parking |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## F. Garden Court

*Not to Scale. Illustrative Only.*



# GARDEN COURT

| | HEIGHT | E-MU-2.5 |
|---|---|---|
| A | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 |
| A | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/19' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' |
| | Side Wall Plate Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' |
| B | Upper Story Setback, for Low-Slope Roof, above 25': Side, Interior and Side Street | 15' |

| | SITING | E-MU-2.5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 9,000 sf |
| C | Zone Lot Width (min) | 75' |
| | Dwelling Units per Primary Residential Structure (max) | 10 |
| | **SETBACKS** | |
| | Primary Street, block sensitive setback required | yes |
| D | Primary Street, where block sensitive setback does not apply (min) | 20' |
| E | Side Street (min) | 5' |
| F | Side Interior (min) | 5' |
| | Rear, alley/no alley (min) | 12'/20' |
| G | Required Separation Between Primary Structures (min) | 10' |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/ Side Street | Not Allowed/Not Allowed |
| H | Off-Street Parking Area | Shall be setback a minimum of 50' from the Primary Street |
| | Surface Parking Screening | See Article 10, Division 10.5 |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 4.3.4 |

| | DESIGN ELEMENTS | E-MU-2.5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| I | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min) | 10' |
| J | Street-Facing Garden Court Width, (min) | 30' or 33% of Zone Lot width, whichever is greater. |
| K | Street-Facing Garden Court Depth (min) | 30' |
| | Garden Court Design Standards | See Sec. 4.3.5.3 |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks |
| | **STREET LEVEL ACTIVATION** | |
| L | Pedestrian Access | Each dwelling unit shall have a Street Level Entrance. A minimum of two dwelling units shall have a Dwelling Unit Entrance with Entry Feature facing the Primary Street and all other dwelling units shall have an Entrance that faces either the Primary Street or the interior Garden Court |
| M | Transparency, Primary Street (min) | 30% |
| | Transparency, Side Street (min) | 25% |
| | **USES** | |
| | | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+). See Division 4.4 Uses and Parking |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## G. Town House (Multi Unit Districts)

*Not to Scale. Illustrative Only.*



# TOWN HOUSE (MULTI UNIT DISTRICTS)

| | HEIGHT | E-MU-2.5 |
|---|---|---|
| A | Stories, front 65% / rear 35% of Zone Lot depth (max) | 2.5/1 |
| A | Feet, front 65% / rear 35% of Zone Lot depth (max) | 30'/19' |
| | Feet, front 65% of Zone Lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' |
| B | Side Wall Plate Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' |
| C | Upper Story Setback, for Low-Slope Roof, above 25': Side, Interior and Side Street | 15' |

| | SITING | E-MU-2.5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 6,000 sf |
| D | Zone Lot Width (min) | 50' |
| | **REQUIRED BUILD-TO** | |
| E | Primary Street (min build-to % within min/max range) | 70%<br>20'/25' |
| | **SETBACKS** | |
| F | Primary Street, block sensitive setback required | Yes |
| F | Primary Street, where block sensitive does not apply (min) | 20' |
| G | Side Street (min) | 7.5' |
| H | Side Interior, except Dwelling Units Oriented to the Street (min) | 10' |
| I | Side Interior, for Dwelling Units Oriented to the Street (min) | 5' |
| | Rear, alley/no alley (min) | 12'/20' |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present |

| | DESIGN ELEMENTS | E-MU-2.5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| J | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 30' of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units |
| | **STREET LEVEL ACTIVATION** | |
| K | Transparency, Primary Street (min) | 40% |
| | Transparency, Side Street (min) | 25% |
| L | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature |

| USES | E-MU-2.5 |
|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 4.4 Uses and Parking |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## I. Town House (Mixed Use Districts)



# TOWN HOUSE (MIXED USE DISTRICTS)

| | HEIGHT | E-RX-3 | E-RX-5 | E-MX-2x<br>E-MX-2A<br>E-MX-2 | E-MX-3A<br>E-MX-3 | E-MS-2x<br>E-MS-2 | E-MS-3 | E-MS-5 |
|---|---|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 2 | 3 | 2 | 3 | 5 |
| A | Feet (min/max) | na/38′ | na/70′ | na/30′ | na/38′ | na/30′ | na/38′ | 24′/70′ |

| | SITING | E-RX-3 | E-RX-5 | E-MX-2x<br>E-MX-2A<br>E-MX-2 | E-MX-3A<br>E-MX-3 | E-MS-2x<br>E-MS-2 | E-MS-3 | E-MS-5 |
|---|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | | |
| B | Primary Street (min build-to % within min/max range) | 70%<br>10′/15′ | 70%<br>10′/15′ | 70% 10′/15 | 70%<br>10′/15 | 75%<br>10′/15′ | 75%<br>10′/15′ | 75%<br>10′/15′ |
| | Side Street (min build-to % within min/max range) | na | na | na | na | 25%<br>7.5′/15′ | 25%<br>7.5′/15′ | 25%<br>7.5′/15′ |
| | **SETBACKS** | | | | | | | |
| C | Primary Street (min) | 10' | 10' | 10' | 10' | 10' | 10' | 10' |
| D | Side Street (min) | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ |
| E | Side Interior (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| F | Side Interior, adjacent to Protected District (min) | E-MX-2x and E-MS-2x: 5'<br>All other Zone Districts: 10' | | | | | | |
| | Rear (min) | 0' | 0' | 0' | 0' | 0' | 0' | 0' |
| | Rear, Adjacent to Protected District, alley/no alley (min) | E-MX-2x and E-MS-2x: 12'/20'<br>All other Zone Districts: 0'/10' | | | | | | |
| | **PARKING** | | | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | | | | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | | | | | | |

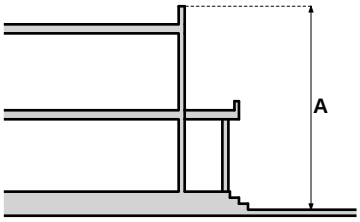
| | DESIGN ELEMENTS | E-RX-3 | E-RX-5 | E-MX-2x<br>E-MX-2A<br>E-MX-2 | E-MX-3A<br>E-MX-3 | E-MS-2x<br>E-MS-2 | E-MS-3 | E-MS-5 |
|---|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | | |
| G | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 20′ of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. | | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | | | | | | |
| H | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | na | na | na | 15′/25′ | 20′/25′ |
| | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min) | na | 35′/40′ | na | na | na | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | | |
| I | Transparency, Primary Street (min) | 40% | | | | | | |
| | Transparency, Side Street (min) | 25% | | | | | | |
| J | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature | | | | | | |

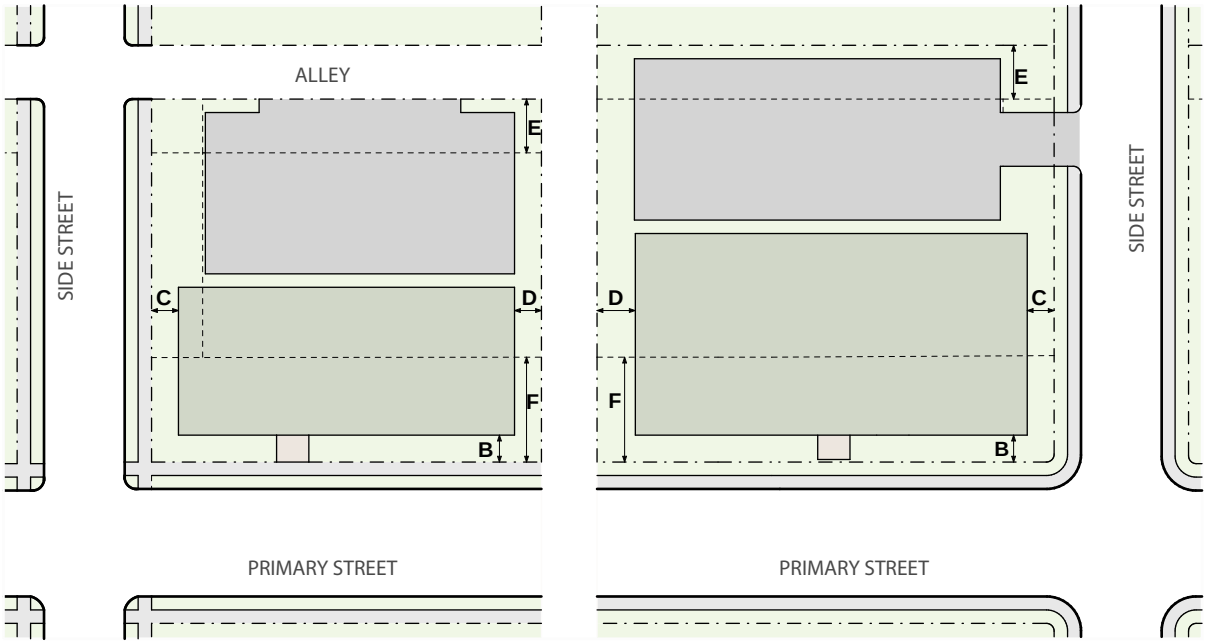
| USES | All E-RX Districts | All E-MX Districts | All E-MS Districts |
|---|---|---|---|
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | na | na | 100% |
| | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 4.4 Uses and Parking | | |

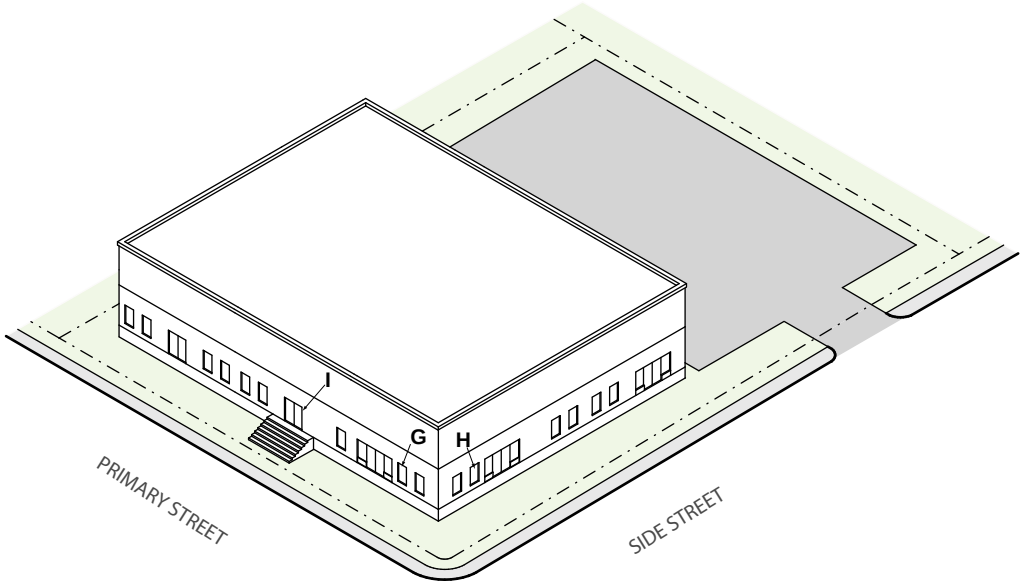
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## J. Apartment

*Not to Scale. Illustrative Only.*



## APARTMENT

| | HEIGHT | E-MU-2.5 |
|---|---|---|
| A | Stories, front 65% / rear 35% of zone lot depth (max) | 2/1 |
| A | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/19' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' |
| | Side Wall Plate Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' |
| | Upper Story Setback, for Low-Slope Roof, Above 25': Side Interior and Side Street (min) | 15' |

| | SITING | E-MU-2.5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 6,000 sf |
| | Zone Lot Size (min) | 50' |
| | **SETBACKS** | |
| B | Primary Street, block sensitive setback required (see Sec. 13.1.2.3) | yes |
| B | Primary Street, where block sensitive setback does not apply (min) | 20' |
| C | Side Street (min) | 5' |
| D | Side Interior (min) | 5' |
| E | Rear, alley/no alley (min) | 12'/20' |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| | Surface Parking Screening | See Article 10, Division 10.5 |
| | Vehicle Access | Access determined at Site Development Plan |

| | DESIGN ELEMENTS | E-MU-2.5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA |
| | Street facing garage door width per Primary Structure (max) | 20' |
| | Upper Story Stepback, for any portion of building with Low-Slope Roof, above 25': Primary Street (min) | 10' |
| | Rooftop and/or Second Story Decks | See Section 4.3.5.2 |
| | **STREET LEVEL ACTIVATION** | |
| G | Transparency, Primary Street (min) | 40% |
| H | Transparency, Side Street (min) | 25% |
| I | Pedestrian Access, Primary Street | Entrance |
| | **USES** | E-MU-2.5 |
| | | Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Division 4.4 Uses and Parking |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## K. Drive Thru Services

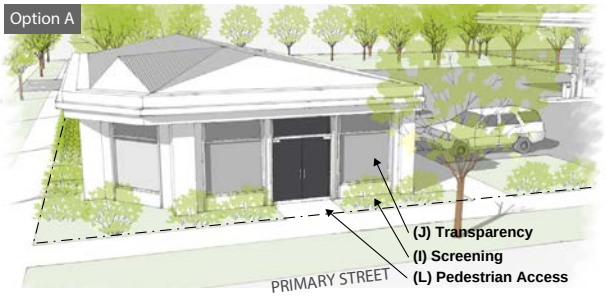
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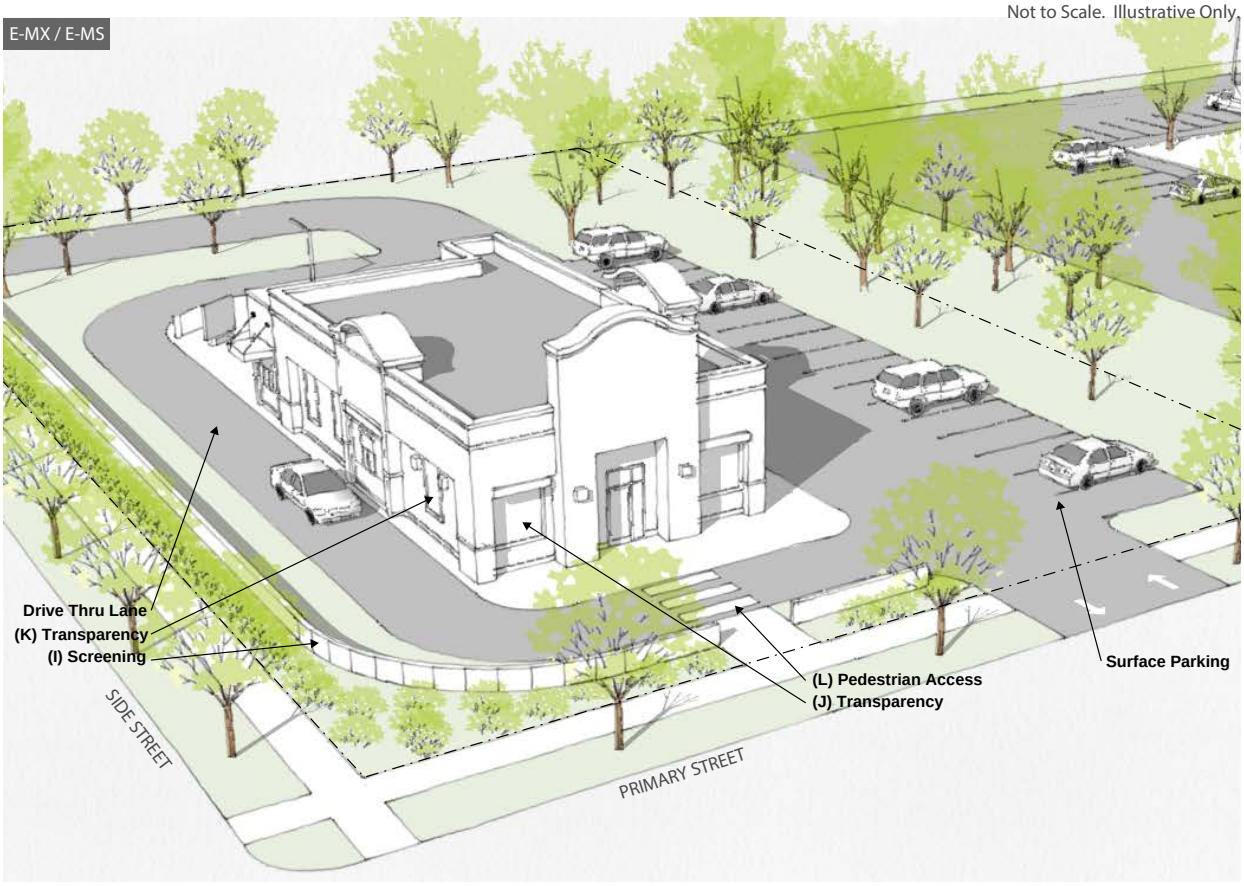



## DRIVE THRU SERVICES

| | APPLICABILITY | All E-CC, E-MX, E-MS | | |
|---|---|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform | | |
| | **HEIGHT** | **E-CC-3, -3x** | **E-MX-2 -2A<br>E-MS-2** | **E-MX-3, 3A<br>E-MS-3, -5** |
| A | Stories (max) | 3 | 2 | 3 |
| A | Feet (max) | 45′ | 30′ | 45′ |
| | **SITING** | **E-CC-3, -3x** | **E-MS-2, -3, -5<br>E-MX-2A, -3A<br>Option A** | **E-MX-2, -3<br>E-MX-2A, 3A**<br>Option B** |
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max)* | na | 50% 0′/15′ | na |
| C | Side Street (min % within min/max)* | na | 50% 0′/15′ | na |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| G | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Allowed/Allowed | Not Allowed/Not Allowed | Allowed/Allowed |
| | **DESIGN ELEMENTS** | **E-CC-3, -3x** | **E-MS-2, -3, -5<br>E-MX -2A, -3A<br>Option A** | **E-MX-2, -3<br>E-MX-2A, 3A**<br>Option B** |
| | **BUILDING CONFIGURATION** | | | |
| H | *Canopy | na | Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To. | na |
| I | Screening Required | See Article 10 | Garden Wall required within 0′/15′ for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0′/15′, following the standards of Section 10.5.4.4 | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | 15′/25′ | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 40% | 40%<br>E-MS: 60% | 40% |
| K | Transparency, Side Street (min) | 25% | 25% | 25% |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | Entrance | Pedestrian Connection |
| | **USES** | All E-CC; | E-MX-2, -2A, -3, -3A; E-MS-2, -3, -5 | |
| | | All permitted Primary Uses shall be allowed within this building form, provided that the building form includes a minimum of one Automobile Services, Light and/or Primary Use with Accessory Drive Thru Uses, excluding Eating/Drinking Establishments. See Division 4.4 Uses and Required Minimum Parking. | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to Automobile Services, Light and/or Primary Use with Accessory Drive Thru Use, excluding Eating & Drinking Establishments. See Division 4.4 Uses and Required Minimum Parking.<br>**Additionally, in E-MX-2A, 3A Option B is limited to Gasoline Service Station Use Only | |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

### L. Drive Thru Restaurant





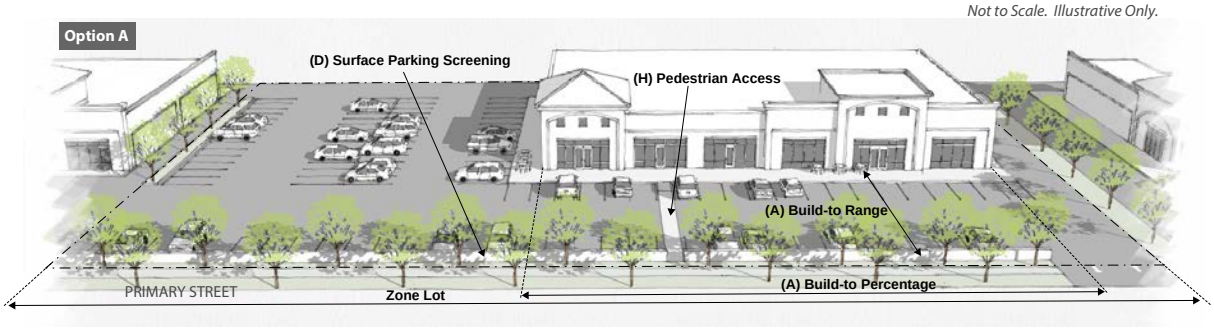

## DRIVE THRU RESTAURANT

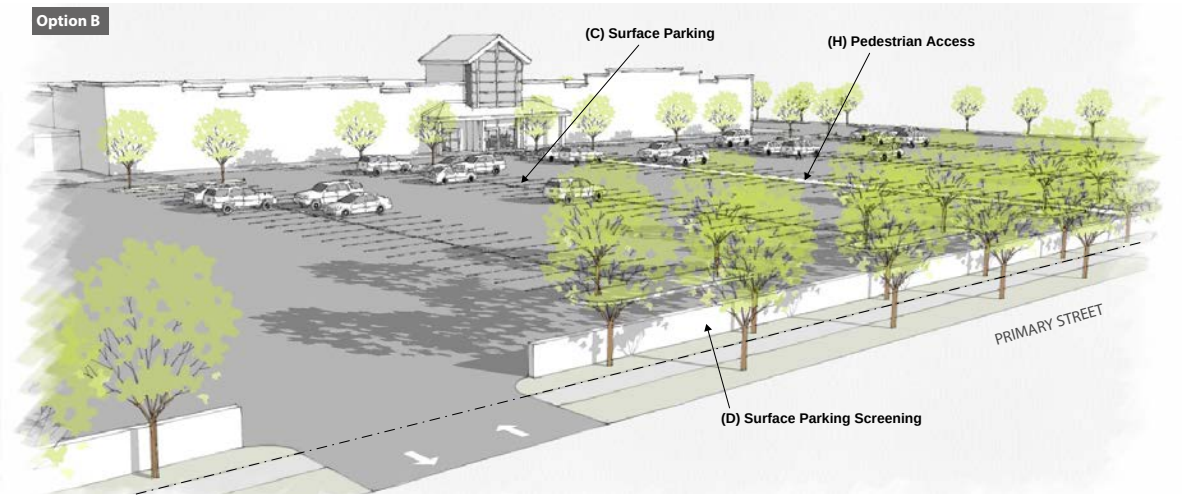
| | APPLICABILITY | All E-CC, E-MX, E-MS | | |
|---|---|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform | | |
| | **HEIGHT** | **E-CC-3, -3x** | **E-MX-2, -2A, E-MS-2** | **E-MX-3, -3A E-MS-3, -5** |
| A | Stories (max) | 3 | 2 | 3 |
| A | Feet (max) | 45′ | 30′ | 45′ |
| | **SITING** | **E-CC-3, -3x** | **E-MX-2 -2A, -3, -3A E-MS-2 -3, -5** | |
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max) | 50% 0′/80′ | 50% 0′/35′ | |
| C | Side Street (min % within min/max) | na | 50% 0′/18′ | |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | |
| E | Side Street (min) | 0′ | 0′ | |
| F | Side Interior (min) | 0′ | 0′ | |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | |
| G | Rear (min) | 0′ | 0′ | |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Allowed/Allowed | Not Allowed/Not Allowed | |
| | Drive Thru Lane between building and Primary Street/Side Street | Allowed/Allowed | Allowed/Allowed | |
| H | Drive Thru Lane Width (max) | na | 12′ | |
| I | Drive Thru Screening | na | Garden Wall, following the standards of Section 10.5.4.4 | |
| | **DESIGN ELEMENTS** | **E-CC-3, -3x** | **E-MX-2, -2A, E-MS-2** | **E-MX-3, -3A E-MS-3, -5** |
| | **BUILDING CONFIGURATION** | | | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | 15′/25′ | na | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 40% | 40%<br>E-MS: 60% | 40%<br>E-MS: 60% |
| K | Transparency, Side Street (min) | 25% | 25% | 25% |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | Entrance and Pedestrian Connection | |
| | **USES** | All E-CC; | | E-MX-2, -2A, -3, -3A; E-MS-2, -3, -5 |
| | | All permitted Primary Uses shall be allowed within this building form, provided that the building form includes a minimum of one Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use. See Division 4.4 Uses and Parking. | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to an Eating & Drinking Establishment Primary Use with Accessory Drive Thru Use Only. See Division 4.4 Uses and Required Minimum Parking. |

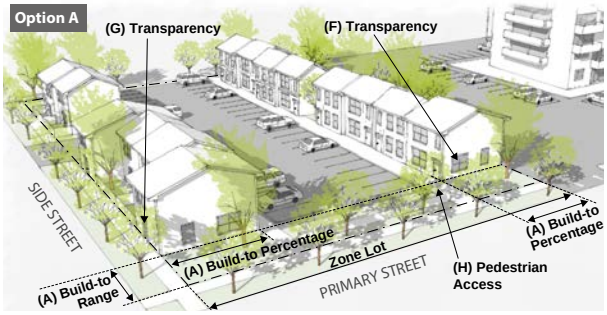
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## M. General (1 of 2)

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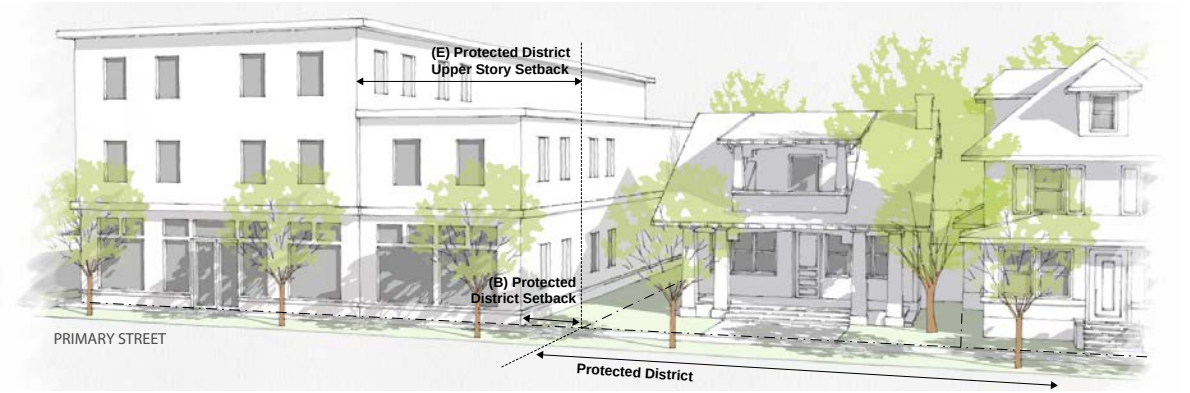








## GENERAL (1 OF 2)

| | HEIGHT | E-CC-3, -3x | |
|---|---|---|---|
| | Stories (max) | 3 | |
| | Feet (max) | 45′ | |
| | Height Exceptions | See Section 4.3.7.1 | |

| | SITING | E-CC-3, -3x Option A | E-CC-3, -3x Option B |
|---|---|---|---|
| | **RESTRICTION** | na | Allowed only if Street Level GFA is greater than 20,000 sf |
| | **REQUIRED BUILD-TO** | | |
| A | Primary Street (min build-to % within min/max range) | 50% 0′/80′ | na |
| | Build-to Exceptions and Alternatives | See Sections 4.3.7.2 and 4.3.6.1 | na |
| | **SETBACKS** | | |
| | Primary Street (min) | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ |
| B | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| | Rear (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | 0′/10′ | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 4.3.7.3 and 4.3.7.4 | |
| | **PARKING** | | |
| C | Surface Parking between building and Primary Street/ Side Street | Allowed/Allowed | |
| D | Surface Parking Screening | See Article 10, Division 10.5 | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 4.3.7.6) | |
| | Vehicle Access, all other permitted uses | Access determined at Site Development Plan | |

| | DESIGN ELEMENTS | E-CC-3, -3x Option A | E-CC-3, -3x Option B |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| E | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| F | Transparency, Primary Street (min) | 40%<br>Residential Only Buildings: 30% | 40%*<br>Residential Only Buildings: 30%* |
| G | Transparency, Side Street (min) | 25% | 25%* |
| | Transparency Alternatives | See Section 4.3.6.2 | |
| H | Pedestrian Access, Primary Street | Pedestrian Connection | |

| USES | E-CC-3, -3x |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Division 4.4 Uses and Parking |

***Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street**

## N. General (2 of 2)

*Not to Scale. Illustrative Only.*



## GENERAL (2 OF 2)

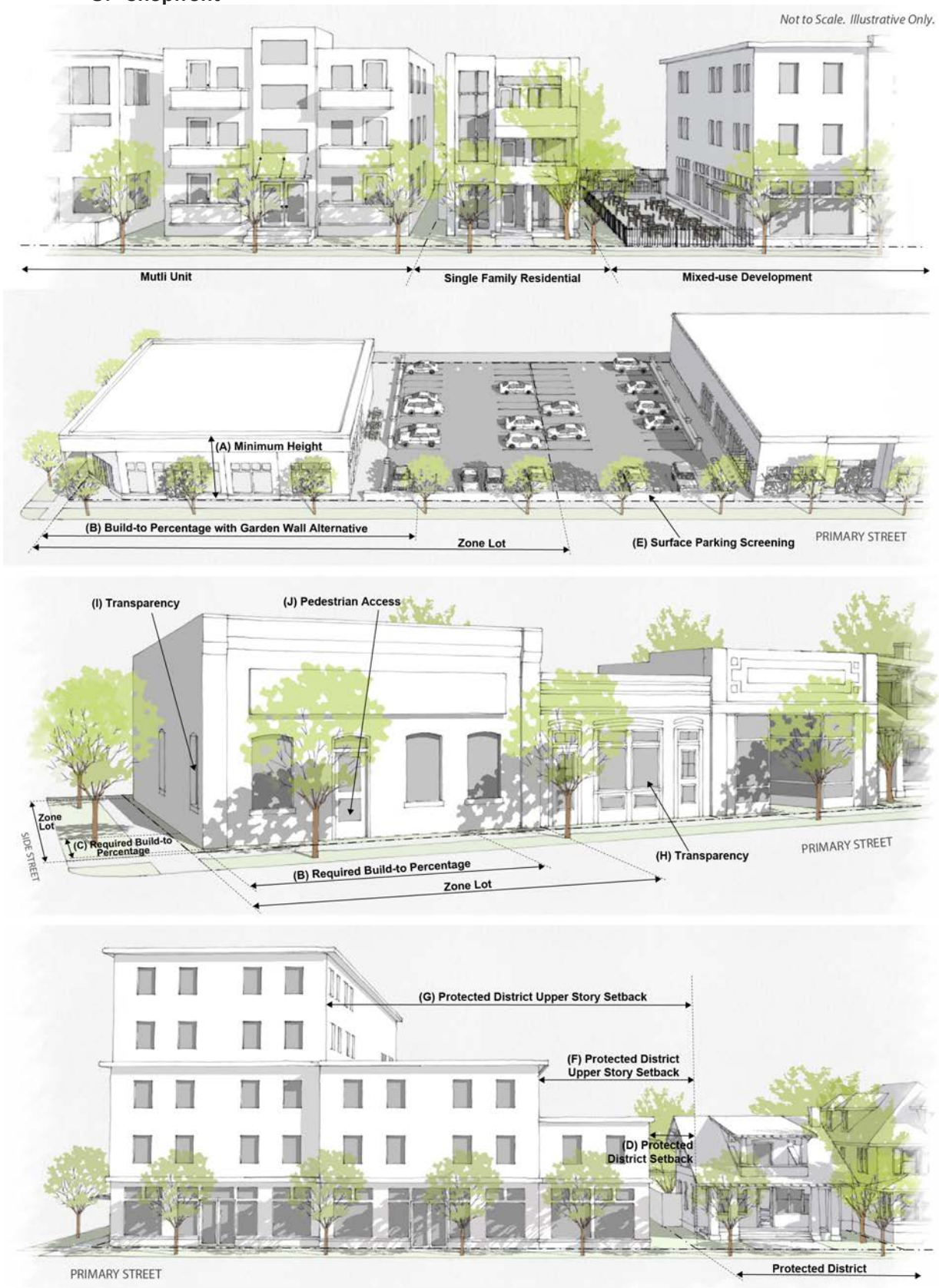
| | HEIGHT | E-MX-2, -2A, -2x | E-MX-3, -3A |
|---|---|---|---|
| | Stories (max) | 2 | 3 |
| | Feet (max) | 30′ | 45′ |

| | SITING | E-MX-2, -2A, -2x<br>E-MX-3, -3A<br>Option A | E-MX-2, -2A, -2x<br>E-MX-3, -3A<br>Option B | E-MX-2, -2x -3<br>Option C |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| A | Primary Street (min build-to % within min/max range) | 70% 0′/15′ | 70% 0′/15′ | 70% 0′/80′ |
| B | Side Street (min build-to % within min/max range) | na | na | 25% 0′/15′ |
| | **SETBACKS** | | | |
| | Primary Street (min) | 0′ | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ | 0′ |
| C | Side Interior, adjacent to Protected District (min) | E-MX-2x: 5′<br>10′ | 10′ | 10′ |
| | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | E-MX-2x, E-MS-2x: 12′/20′<br>All Other Zone Districts: 0′/10′ | | |
| | **PARKING** | | | |
| D | Surface Parking between building and Primary Street/ Side Street | Not Allowed/ Allowed | Not Allowed/ Allowed | Allowed/ Not Allowed |
| E | Surface Parking Screening | See Article 10, Division 10.5 | | |
| | Vehicle Access | Access determined at Site Development Plan | | |

| | DESIGN ELEMENTS | E-MX-2, -2A, -2x<br>E-MX-3, -3A<br>Option A | E-MX-2, -2A, -2x<br>E-MX-3, -3A<br>Option B | E-MX-2, -2x -3<br>Option C |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | |
| F | Overall Structure Length, Primary Street (max) | na | 150′ | na |
| G | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min) | MX-3, -3A Only: 15′/25′ | MX-3, -3A Only: 15′/25′ | MX-3 Only: 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| H | Transparency, Primary Street (min) | 40% | 40% | 60% |
| I | Transparency, Side Street (min) | 25% | 25% | 25% |
| J | Pedestrian Access, Primary Street | Entrance | Entrance or Pedestrian Connection | Pedestrian Connection |
| | **USES** | E-MX-2x, -2A, -2, -3, -3A | | |
| | | (1) All permitted Primary Uses shall be allowed within this building form See Division 4.4 Uses and Parking; and (2) 40% of the street-facing portions of building façade located within 80′ of the Primary Street shall be occupied by Street Level active uses as described in Section 4.3.5.4. | | |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## O. Shopfront


Not to Scale. Illustrative Only.
Mutli Unit
Single Family Residential
Mixed-use Development
(A) Minimum Height
(B) Build-to Percentage with Garden Wall Alternative
Zone Lot
(E) Surface Parking Screening
PRIMARY STREET
(I) Transparency
(J) Pedestrian Access
Zone Lot
(C) Required Build-to Percentage
SIDE STREET
(B) Required Build-to Percentage
Zone Lot
(H) Transparency
PRIMARY STREET
(G) Protected District Upper Story Setback
(F) Protected District Upper Story Setback
(D) Protected District Setback
PRIMARY STREET
Protected District

## SHOPFRONT

| | HEIGHT | E-RX-3 | E-RX-5 | E-MS-2x E-MS-2 E-MX-2x E-MX-2A E-MX-2 | E-MS-3 E-MX-3A E-MX-3 | E-MS-5 |
|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 5 | 2 | 3 | 5 |
| A | Feet (min/max) | na/45′ | na/70′ | na/30′ | na/45′ | 24′/70′ |

| | SITING | E-RX-3 | E-RX-5 | All E-MS and E-MX districts |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min build-to % within min/max range) | 70% 0′/15′ | 70% 0′/15′ | 75% 0′/5′ Residential Only Buildings: 0′/10′ |
| C | Side Street (min build-to % within min/max range) | na | na | 25% 0′/5′ Residential Only Buildings: 0′/10′ |
| | **SETBACKS** | | | |
| | Primary Street (min) | 0′ | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ | 0′ |
| D | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | E-MS-2x: 5′<br>10′ |
| | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | E-MS-2x, E-MX-2x: 12′/20′<br>All Other Zone Districts: 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed /Not Allowed | | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | |

| | DESIGN ELEMENTS | E-RX-3 | E-RX-5 | E-MS-2x E-MS-2 E-MX-2x E-MX-2A E-MX-2 | E-MS-3 E-MX-3A E-MX-3 | E-MS-5 |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | |
| F | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | na | 15′/25′ | 20′/25′ |
| G | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min) | na | 35′/40′ | na | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| H | Transparency, Primary Street (min) | 60%<br>Residential Only Buildings: 40% | | 60%<br>Residential Only Buildings: 40% | | |
| I | Transparency, Side Street (min) | 25% | | 25% | | |
| J | Pedestrian Access, Primary Street | Entrance | | | | |
| | **USES** | **All E-RX Districts** | | **All E-MS and E-MX Districts** | | |
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | na | | 100% | | |
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max | | All permitted Primary Uses shall be allowed within this building form. See Division 4.4 Uses and Parking | | |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 4.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 4.3.4.1 Applicability

All detached accessory structures in all the Urban Edge Neighborhood Context zone districts

## 4.3.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 4.3.4.

**6. Detached Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 4.3.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 4.3.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 4.3.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

**1. Building Coverage**

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

**2. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

### 4.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Urban Edge (E-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Single Unit (SU) | E-SU-A, -B, -D, -G | no max* | | ■ | ■ | |
| | E-SU-D1, -G1 | no max* | ■ | ■ | ■ | |
| | E-SU-Dx | no max* | | ■ | ■ | |
| | E-SU-D1x | no max* | ■ | ■ | ■ | |
| Two Unit (TU) | E-TU-B, -C | no max* | ■ | ■ | ■ | |
| Row House (RH) | E-RH-2.5 | no max* | ■ | ■ | ■ | |
| Multi Unit (MU) | E-MU-2.5 | no max* | ■ | ■ | ■ | |
| Residential Mixed Use (RX) | E-RX-3, -5 | no max* | | | | ■ |
| Commercial Corridor (CC) | E-CC-3, -3x | no max | | | | ■ |
| Mixed Use (MX) | E-MX-2x | no max | | | | ■ |
| | E-MX-2, -2A, 3, 3A | no max | | | | ■ |
| Main Street (MS) | E-MS-2x | no max | | | | ■ |
| | E-MS-2, -3, -5 | no max | | | | ■ |

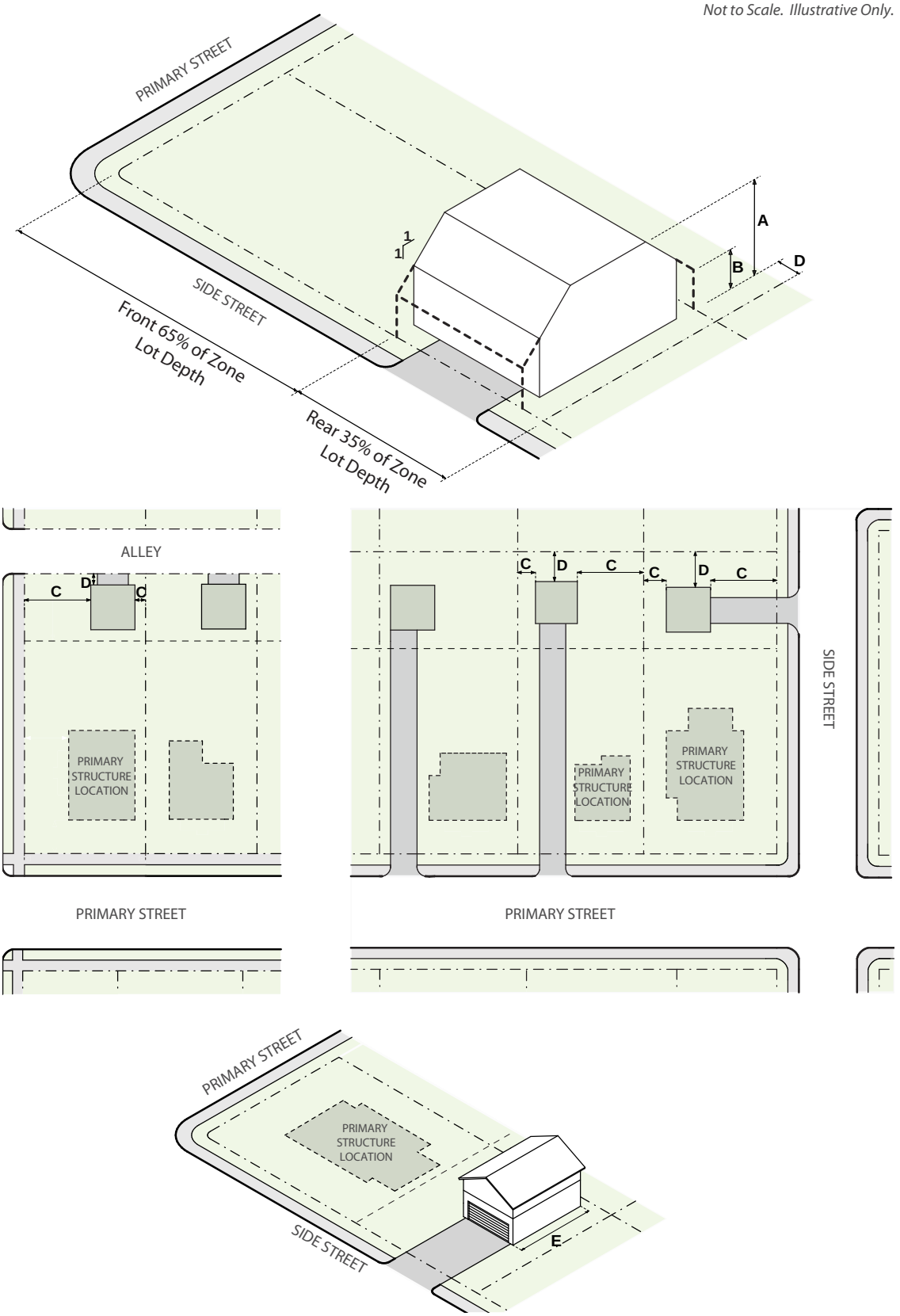
■ = Allowed ◘ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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## 4.3.4.5 District Specific Standards

### A. Detached Accessory Dwelling Unit

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY DWELLING UNIT

| | HEIGHT | E-SU-D1 | E-SU-D1x | E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| A | Feet (max) | 24′ | 24′ | 24′ | 24′ | 24′ | 24′ |
| B | Bulk Plane Vertical Height at Side interior and side street zone lot line | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Bulk Plane Slope from Side interior and side street zone lot line | 45° | 45° | 45° | 45° | 45° | 45° |

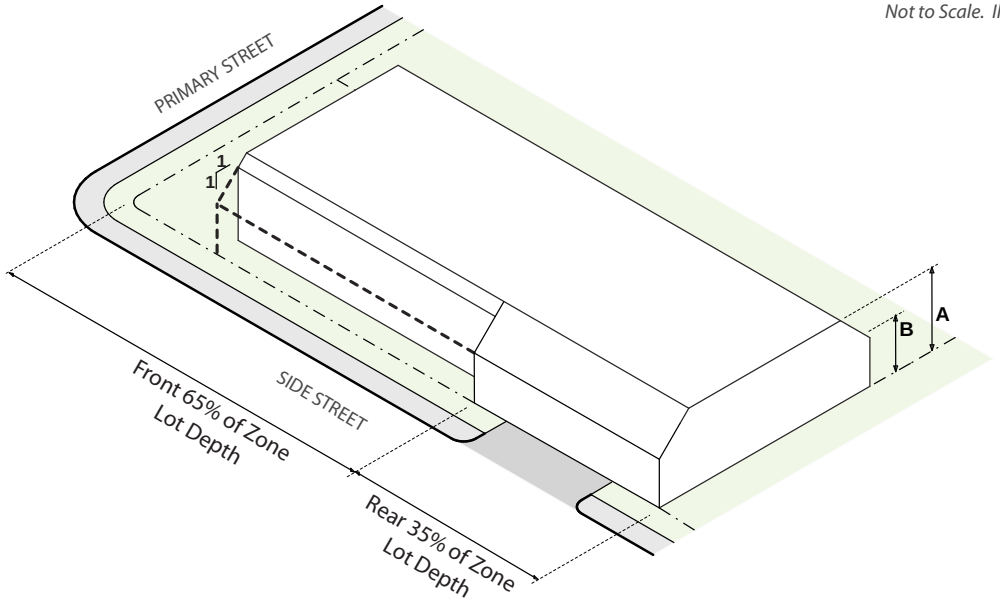
| | SITING | E-SU-D1 | E-SU-D1x | E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 6,000 sf | 6,000 sf | 9,000 sf | 4,500 sf | 5,500 sf | 4,500 sf |
| | Exemption from Maximum Building Coverage (Lesser of) | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking. | | | | | |
| | Additional Standards | See Section 4.3.4.3 | | | | | |
| | **SETBACKS** | | | | | | |
| | Location | Located in the rear 35% of the zone lot depth | | | | | |
| C | Side Interior and Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | | If exceeding one story or 17′ must be located adjoining the southern most side setback line | | | | | |
| D | Rear (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | **PARKING** | | | | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>see Sec. 4.3.7.6 for exceptions | | | | | |

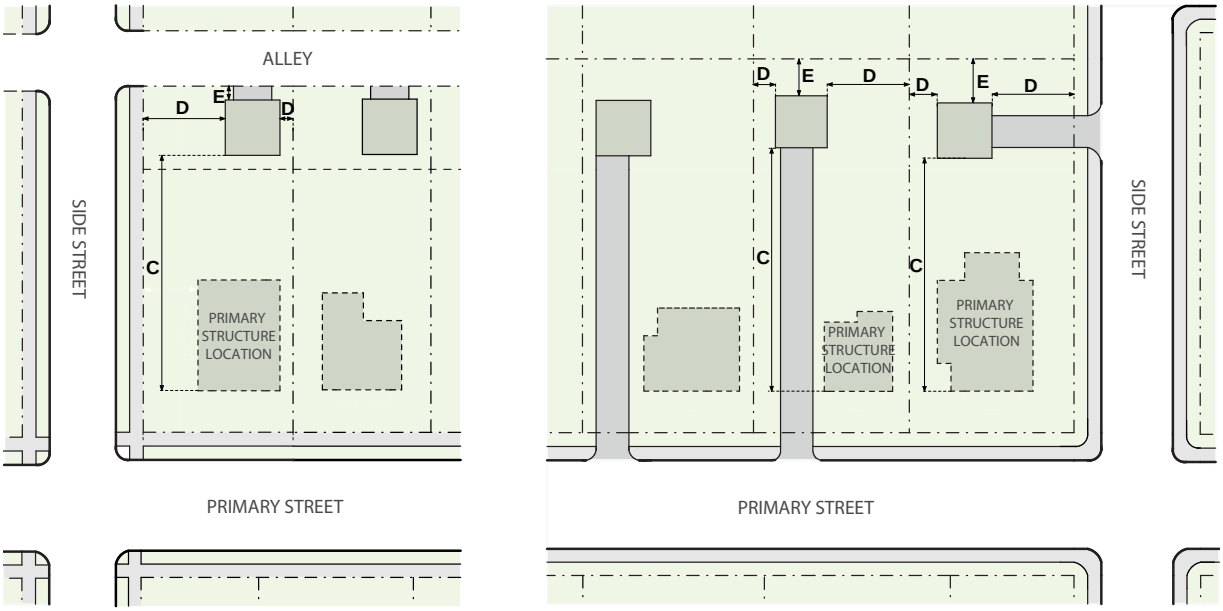
| | DESIGN ELEMENTS | E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size | | | E-TU-B, E-TU-C, E-RH-2.5, E-MU-2.5 |
|---|---|---|---|---|---|
| | | 6,000 sf or Less | Greater than 6,000 sf and up to 7,000 sf | Greater than 7,000 sf | |
| | **BUILDING CONFIGURATION** | | | | |
| | Building Footprint (max) | 650 sf | 864 sf | 1,000 sf | 1,000 sf |
| | Habitable Space (max) | 650 sf | 864 sf | 1,000 sf | na |
| E | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ |
| | Rooftop and/or Second Story Decks | Not allowed - See Section 4.3.5.2 | | | |
| | **USES** | **E-SU-D1, -D1x; E-SU-G1; E-TU-B, -C; E-RH-2.5; E-MU-2.5** | | | |
| | | Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted.<br>See Division 4.4 for permitted Accessory Uses | | | |

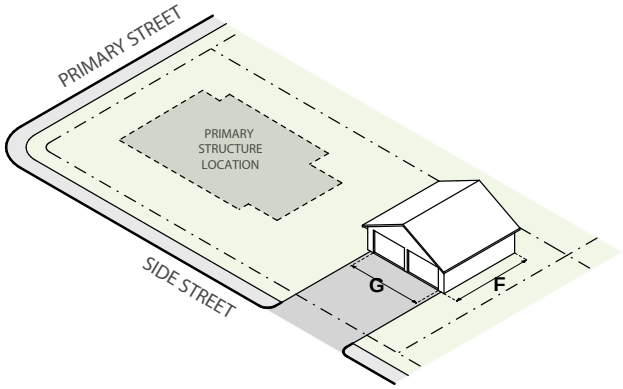
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Detached Garage

*Not to Scale. Illustrative Only.*



## DETACHED GARAGE

| | HEIGHT | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| A | Feet (max) | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | | | |
| | Exemption from Maximum Building Coverage (Lesser of) | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 sf. To qualify, the detached garage form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the garage form shall be used for vehicle parking. | | | | | | | |
| | Additional Standards | See Sections 4.3.4.3 | | | | | | | |
| | **SETBACKS** | | | | | | | | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ | | | | | | | |
| D | Side Street (min) | 5′ | | | | | | | |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot* | 0′ | | | | | | | |
| D | Side Interior (min), for structure not entirely in rear 35% of zone lot | 5′ | | | | | | | |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ | | | | | | | |
| E | Rear, no alley (min) | 5′ | | | | | | | |
| E | Rear, where garage doors face alley (min) | 5′ | | | | | | | |
| E | Rear, where garage doors do not face alley (min) | 0′ | | | | | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>see Sec. 4.3.7.6 for exceptions | | | | | | | |

| | DESIGN ELEMENTS | E-SU-A | E-SU-B | E-SU-D<br>E-SU-D1 | E-SU-Dx<br>E-SU-D1x | E-SU-G<br>E-SU-G1 | E-TU-B | E-TU-C | E-RH-2.5<br>E-MU-2.5 |
|---|---|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | | | |
| | Building Footprint (max) | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 864 sf** per unit | 864 sf** per unit | 864 sf per unit |
| F | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ | 36′ | 36′ per unit | 36′ per unit | no max |
| G | Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| G | Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 28′ | 28′ | 28′ | 28′ | 28′ | 28′ | 28′ | no max |
| | **USES** | All E-SU, -TU, -RH, -MU | | | | | | | |
| | | Accessory Uses Only, excluding accessory dwelling unit where permitted.<br>See Division 4.4 for permitted Accessory Uses | | | | | | | |

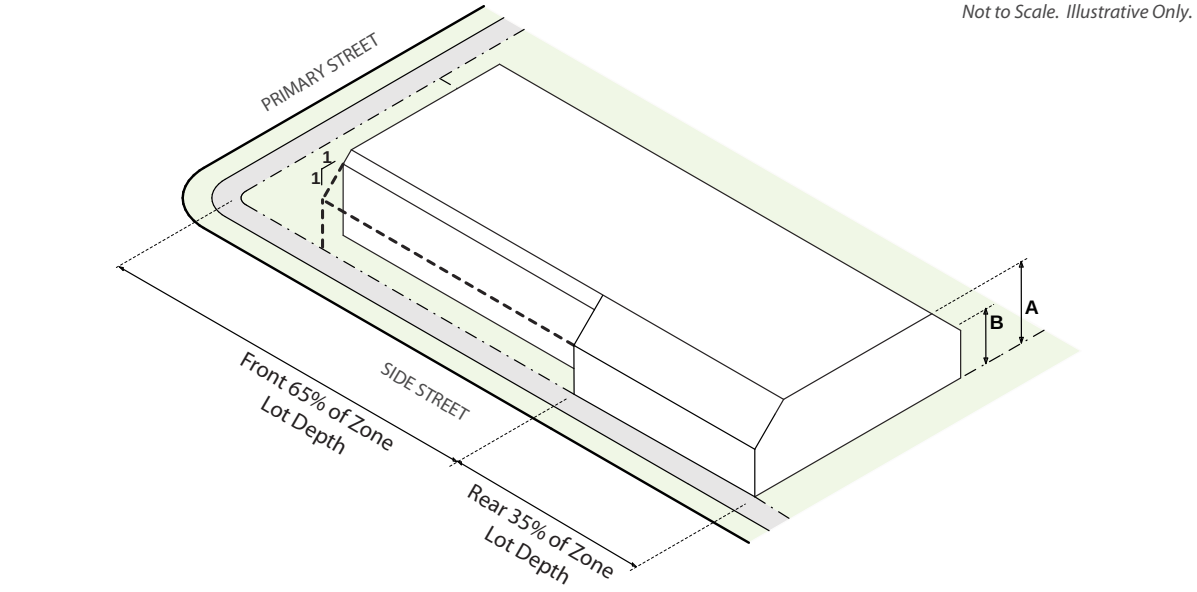
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

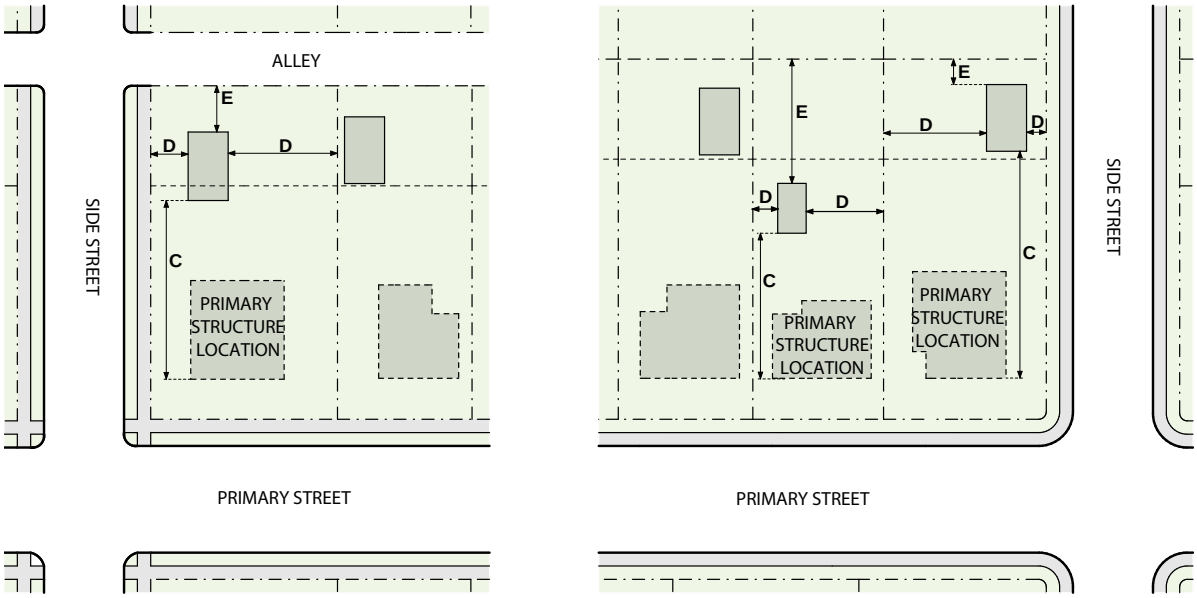
***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

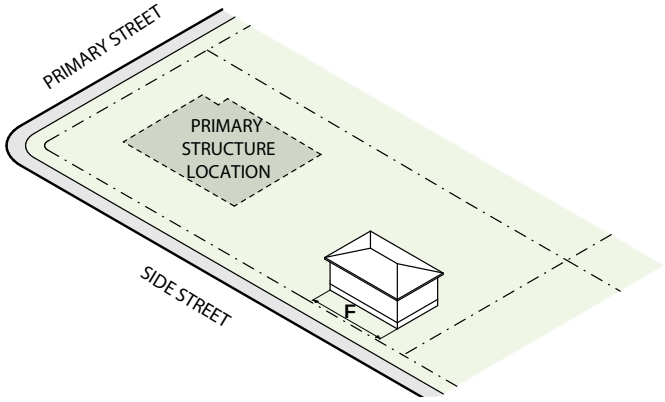
****When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 sf**

## C. Other Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## OTHER DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All E-SU, -TU, -RH, -MU |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 15′ |
| B | Bulk Plane Vertical Height at Side interior and side street zone lot line | 10′ |
| | Bulk Plane Slope from Side interior and side street zone lot line | 45° |

| | SITING | All E-SU, -TU, -RH, -MU |
|---|---|---|
| | Additional Standards | See Section 4.3.4.3 |
| | **SETBACKS** | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| D | Side Street (min) | 5′ |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot* | 0′ |
| | Side Interior (min), for structure not entirely in the rear 35% of zone lot | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ |
| E | Rear, no alley (min) | 5′ |
| | Rear, alley, where doors face alley (min) | 5′ |
| | Rear, alley, where doors do not face alley (min) | 0′ |

| | DESIGN ELEMENTS | All E-SU, -TU, -RH, -MU |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Building Footprint (max) | 1,000 sf |
| F | Overall Structure Length (max) | 36′ |

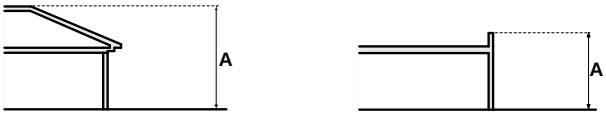
| USES | All E-SU, -TU, -RH, -MU |
|---|---|
| | Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 4.4 for permitted Accessory Uses |

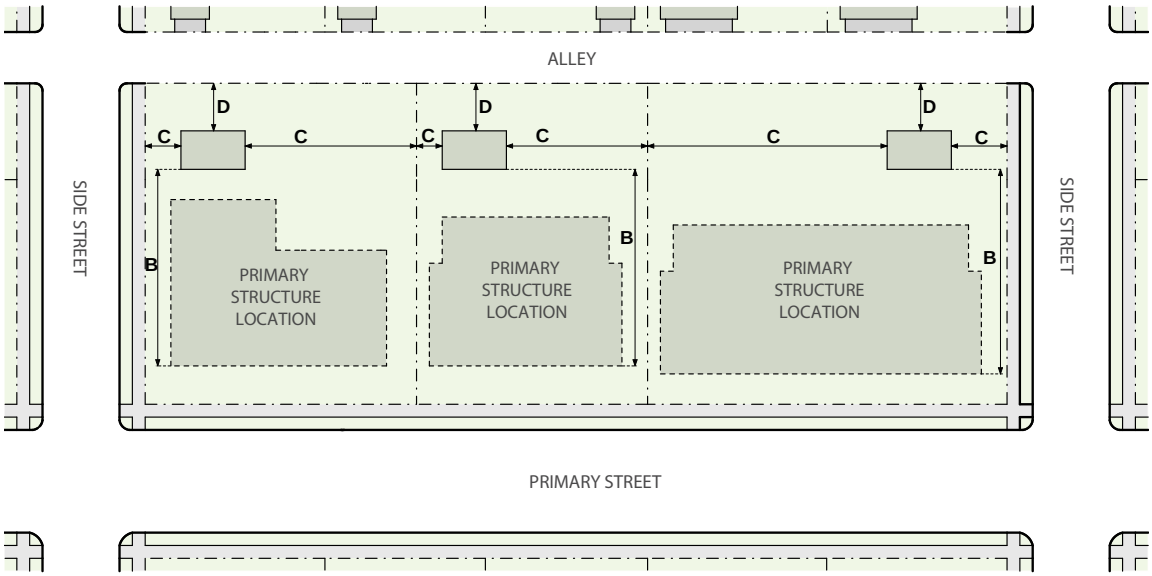
**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

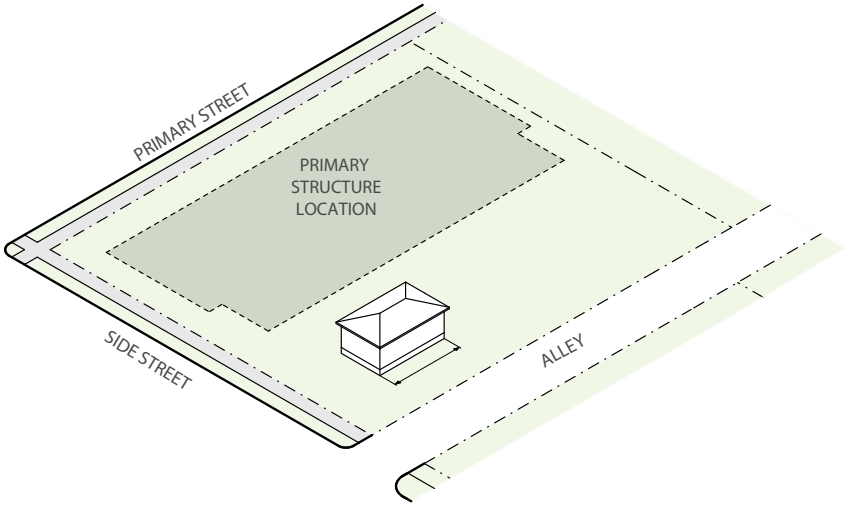
***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

## D. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All E-CC, -MX, -RX, -MS |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | All E-CC, -MX, -RX, -MS |
|---|---|---|
| | Additional Standards | See Section 4.3.4.3 |
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Interior and Side Street (min) | 5′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ |
| | Rear, alley, where garage doors do not face alley (min) | 0′ |

| DESIGN ELEMENTS | All E-CC, -MX, -RX, -MS |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to structures used for the parking of vehicles See Section 4.3.4.3 |

| USES | All E-CC, -MX, -RX, -MS |
|---|---|
| | Accessory Uses Only |

**See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 4.3.5 SUPPLEMENTAL DESIGN STANDARDS

## 4.3.5.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

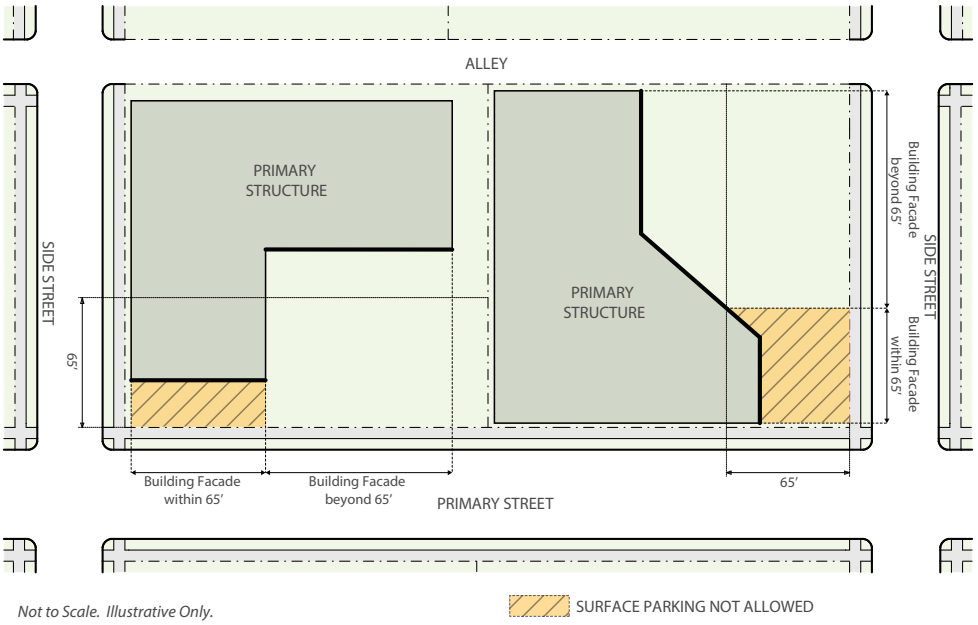
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

### B. Applicability

This Section 4.3.5.1 applies to the Shopfront building form in the E-MS and E-RX zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.




## 4.3.5.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards in low-scale residential neighborhoods.

### B. Applicability

1. All the E-SU, E-TU, E-RH, and E-MU-2.5 zone districts; and
2. All the E-MX, E-RX, and E-MS zone districts in the Town House and Garden Court building form when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

**Supplemental Design Standard**

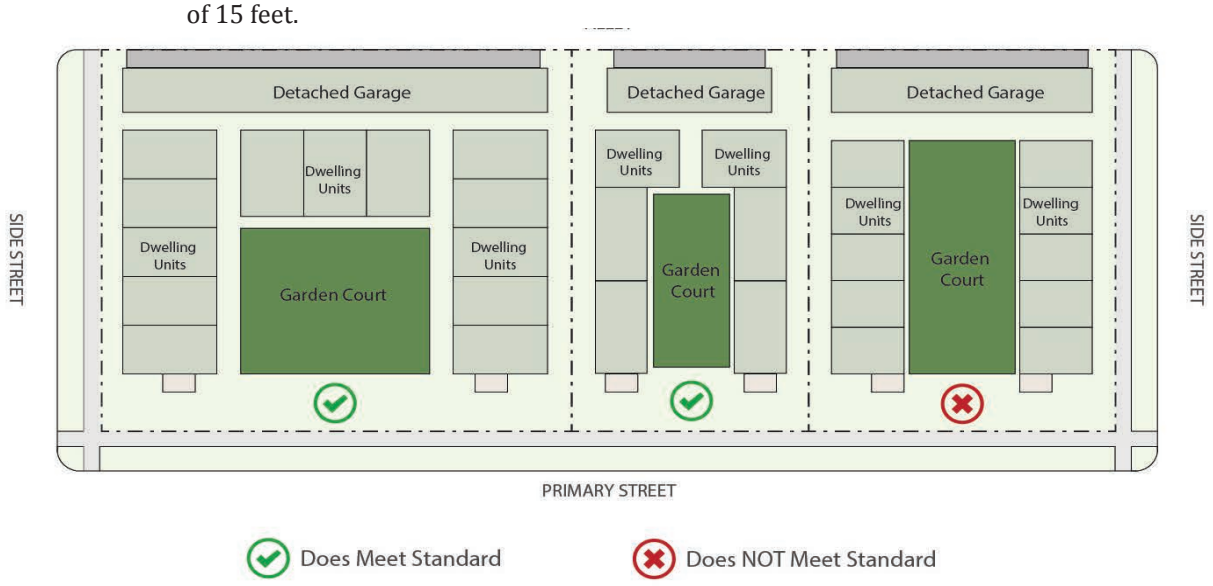
3. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the zone lot depth.
4. The Zoning Administrator may prohibit other similar structures in the rear 35% of the zone lot depth, including detached or freestanding structures, but excluding the detached

accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 4.3.5.3 Garden Court

A. The Garden Court shall include all of the following characteristics:

1. Located at natural grade;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. A minimum of 50% of the required Garden Court area shall be landscaped with live planting material, according to Section 10.5.4.6 Landscaping Material Standards;
4. Open to the sky, except one single-story Porch, Canopy, or shading device per Dwelling Unit associated to a Entrance may encroach no more than 5 feet in depth into the Garden Court; and
5. Bounded on not less than 3 sides with related Dwelling Unit facades on the same Zone Lot.
   a. For purposes of this section, "related" shall mean either connected building facades, or multiple building facades with a maximum separation between building facades of 15 feet.




B. The Garden Court area may be used for any of the following:

1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or
2. Public or private landscaped area; may also include entries.

C. Vehicular access is not permitted through the Garden Court area.

### 4.3.5.4 Street Level Active Uses in the E-MX and E-MS Zone Districts

**A. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**

This Section 4.3.5.4 applies to the Shopfront building form in the E-MS zone districts and the General and Shopfront building forms in the E-MX zone districts.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 4.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

## 4.3.5.5 Dwelling Units Oriented to the Street

**A. Intent**

To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

**B. Applicability**

This Section 4.3.5.5 shall apply to development under the Town House building form in all E-MU, E-RX, E-MX, and E-MS zone districts when required by the building form standards

**Supplemental Design Standard**

1. On an Interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.
2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or Side Street Zone Lot Line.
   **a. All E-RX, E-MX, and E-MS zone districts**
   In all E-RX, E-MX, and E-MS zone district, the following standards shall apply.
   i. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
   ii. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.

iii. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line or Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

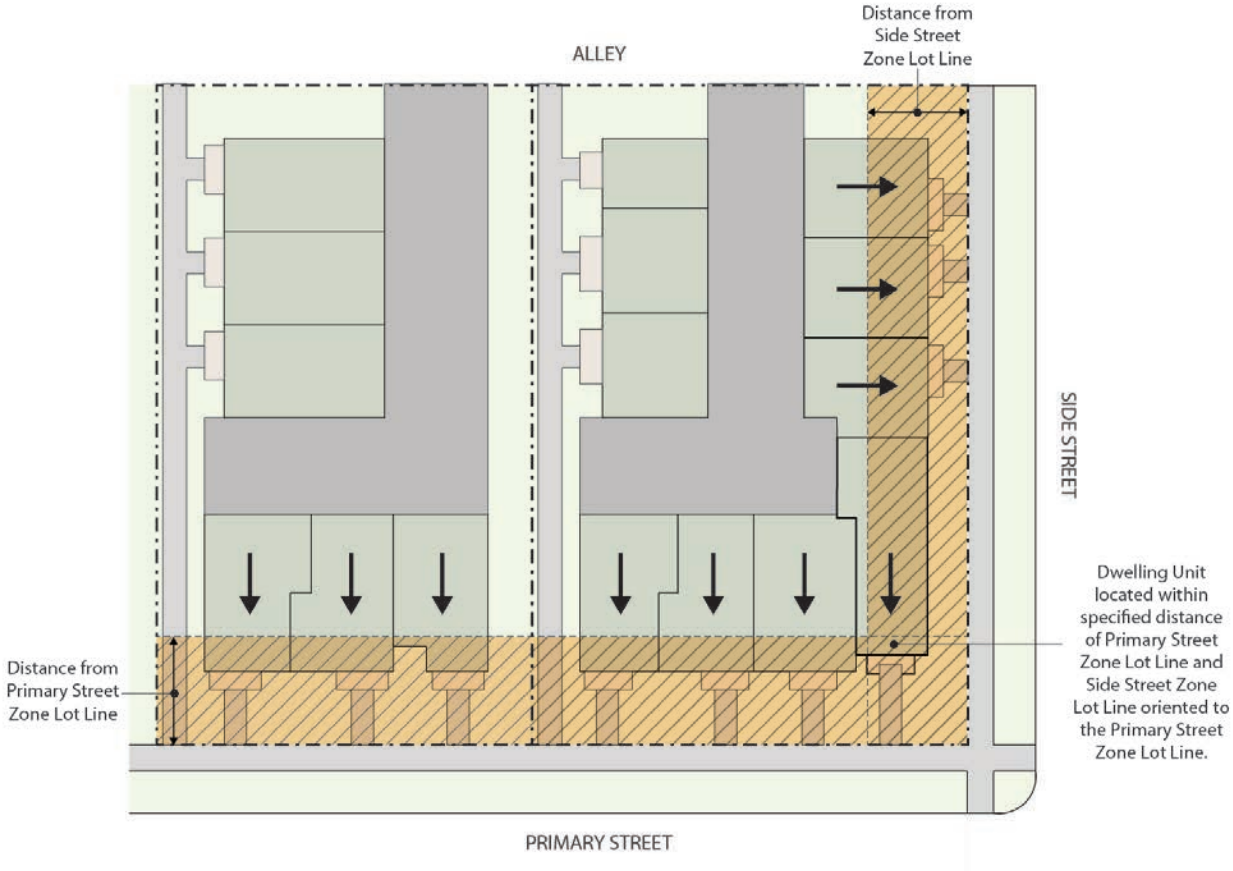
**b. The E-MU-2.5 zone district**

In the E-MU-2.5 zone district, the following standards shall apply.

i. Dwelling Units located within 30 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

ii. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.

iii. Dwelling Units located within 30 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.




**c. All E-MU, E-RX, E-MX, and E-MS zone districts**

In the E-MU, E-RX, E-MX, and E-MS zone districts, a Zone Lot with more than one Primary Street, the following standards shall apply.

i. The Zoning Administrator shall determine the street to which the corner Dwelling Unit shall orient based on an analysis, at a minimum, of:

a) The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;

b) Block and lot shape;

c) The functional street classification of all abutting streets as adopted by the Public Works Department;

d) The future street classification of all abutting streets as adopted in Blueprint Denver; and

e) Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

### 4.3.5.6 Height for Sloped Roofs

**A. Intent**

To allow for design flexibility for sloped roofs and to promote variations within the building form.

**B. Applicability**

This Section 4.3.5.7 shall apply to development under the Town House building form standards in all two and three story E-MX, E-RX, and E-MS zone districts.

**Supplemental Design Standard**

1. For any portion of a primary building's roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be:
   a. 45 feet in 3-story MX, RX, MS zone districts; and
   b. 35 feet in 2-story and MX and MS zone districts.
2. Development of a primary building with a roof having a minimum pitch of 6:12 that takes advantage of the maximum height allowed per this Section 4.3.5.7 may apply one or more of the height exceptions allowed in Section 4.3.7.1, except that such height exceptions shall be measured above the allowed maximum height of:
   a. 38 feet in 3-story MX, RX, MS zone districts, and
   b. 30 feet in 2-story MX and MS zone districts



# SECTION 4.3.6 DESIGN STANDARD ALTERNATIVES

## 4.3.6.1 Required Build-To Alternatives

### A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when alley access is not feasible per Section 4.3.7.6 in the Town House building form.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | BUILDING FORM | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURT-YARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| E-MU<br>E-RX<br>E-MX<br>E-MS | Town House | na | na | na | na | na | na | 30% | 12 feet |
| E-RX | All Others | na | na | 25%* | 30%** | 30%** | 100% | 100% | na |
| E-CC<br>E-MX | All Others | 10'* | na | 25%* | 30%** | 30%** | 100% | 100% | na |
| E-MS | All Others | na | na | 25%* | 30%** | 30%** | 100% | na | na |

***Permitted increase in the maximum depth of the required build-to range.**
****If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

## 4.3.6.2 Transparency Alternatives

### A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| E-MU | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| E-RX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| E-CC | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| E-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| E-MS | Primary Street | 40% | 50% | 60% | 40% | 50% |
| | Side Street | 40% | 50% | 80% | 40% | 50% |

***Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.**

### 4.3.6.3 Pedestrian Access (Entrance) Alternatives

**A. Intent**

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

**B. Allowance**

In E-MX and E-RX zone districts, for all building forms except the Town House building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway

## SECTION 4.3.7 DESIGN STANDARD EXCEPTIONS

### 4.3.7.1 Height Exceptions

**A. Intent**

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

**B. Applicability and Standards:**

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 4.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended

function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All E- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All E- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story E-RX, E-MS Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | All 3-Story or lower E-RX, E-MX, E-MS Zone Districts in the Town House building form | Yes | Yes, from the perimeter of the portion of the building Facing the Primary Street, Side Street, Side Interior or Rear Zone Lot Line.<br><br>No, from the perimeter of the portion of the building that does not face a Zone Lot Line. | 12' | 1 story | Not Allowed | Not Allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | All 3-Story or lower E-RX, E-CC, E-MX, E-MS Zone Districts, all other building forms | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story E-RX, E-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 3-Story or lower E-RX, E-CC, E-MX, E-MS Zone Districts | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story E-RX, E-MS Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All 3-Story or lower E-RX, E-CC, E-MX, E-MS Zone Districts | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story E-RX, E-MS Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All 5-Story E- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All E- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All E- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All E-CC, E-MX, E-MS Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All E- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 4.3.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

**B. Parkways**

**1. Intent**
To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**
Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

**C. E-MU-2.5 Block Sensitive Setback**

**1. Intent**
To maintain an established context or pattern by ensuring the block sensitive setback establishes the build-to range.

**2. Standard**
In the E-MU-2.5 zone districts, when the Primary Street, block sensitive setback is different than the Primary Street required build-to min/max range, the following shall establish the min/max build-to range. In all cases, the minimum build-to percentage shall apply:

a. The minimum in the build-to min/max range shall follow:
   i. The Primary Street, block sensitive setback when greater than the min.
   ii. The build-to min in the min/max range, when the Primary Street, block sensitive setback is less than the min.

b. The maximum in the build-to min/max range shall follow:
   i. The Primary Street, block sensitive setback when greater than the max.
   ii. The build-to max in the min/max range, when the Primary Street, block sensitive setback is less than the max.

### 4.3.7.3 Setback Exceptions

**A. Intent**
To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**B. Standard**
In all E- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or

2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 4.3.7.4 Setback Permitted Encroachments

**A. Intent**
To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**B. Standard**
Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

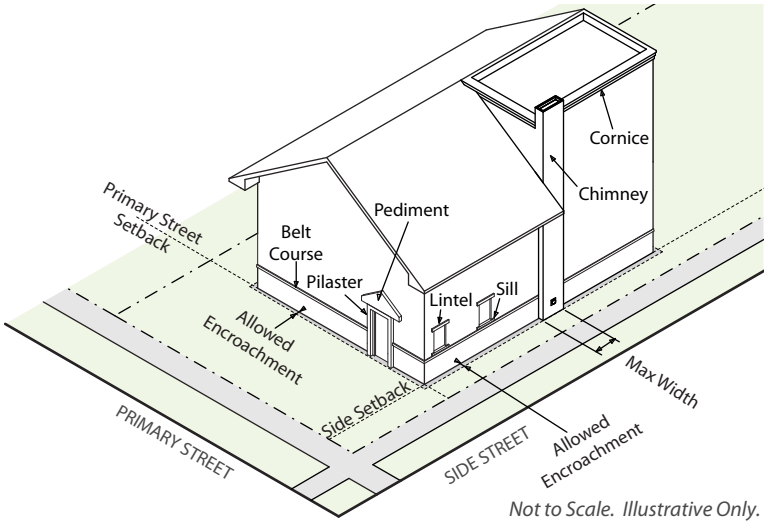
**1. Architectural Elements**
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All E- Zone Districts | All building forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

**Intent:** To allow common, minor decorative elements which are integral to a building.



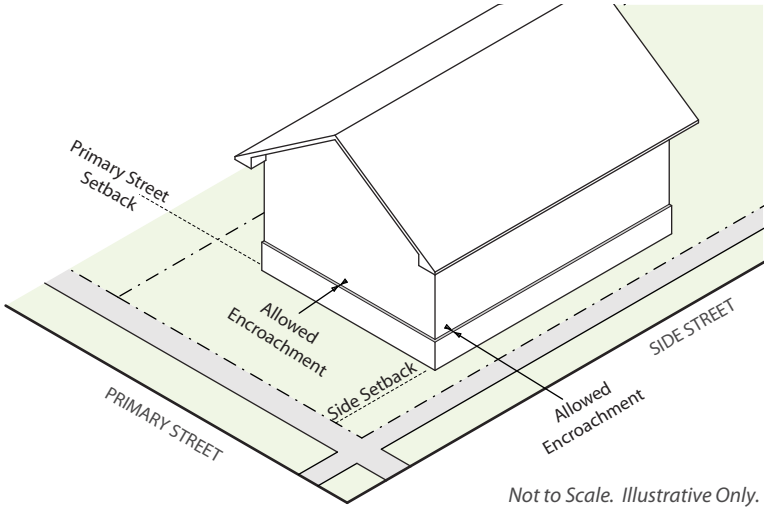
*Illustrative only*




*Not to Scale. Illustrative Only.*

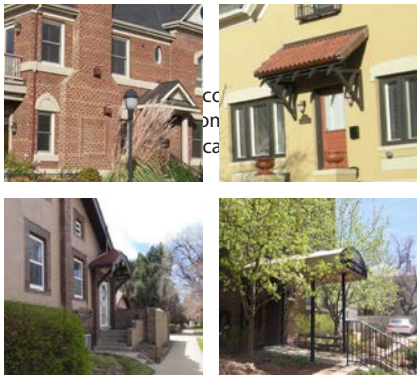
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All E- Zone Districts | All building forms | 6″ | 6″ | 6″ | 6″ |

Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback.

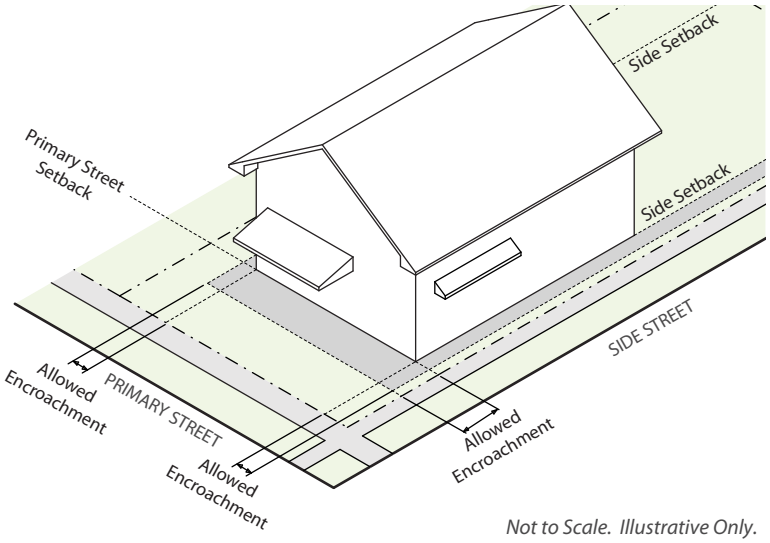



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• Shall be no more than 8' maximum in horizontal width;<br>• Shall be open on three sides;<br>• May include an at-grade landing. | All E-SU, E-TU, E-RH Zone Districts | All building forms | 3' | 3' | 3'; if setback is less than 5': 2' and at no point closer than 2' to the Zone Lot line. | Not allowed |



*Illustrative only*



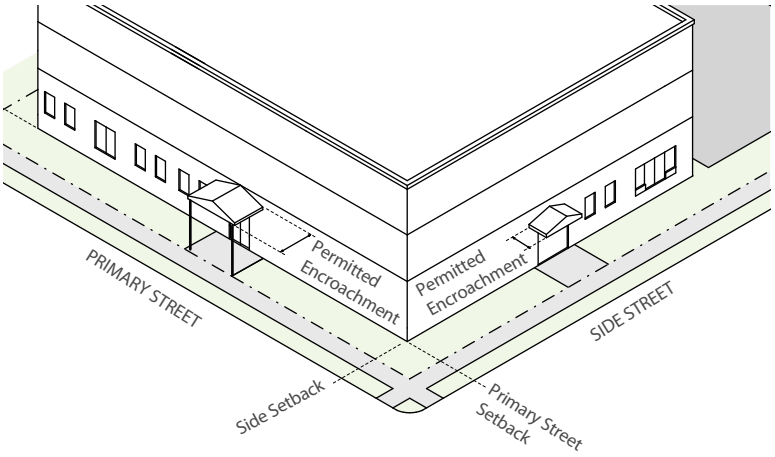

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All E- Zone Districts, except E-SU, E-TU and E-RH | Town House | Any distance | Any distance | 5' and at no point closer than 3' to the Zone Lot line | Not allowed |
| | | All others | Any distance | Any distance | Not allowed | Not allowed |

Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building.



*Illustrative only*

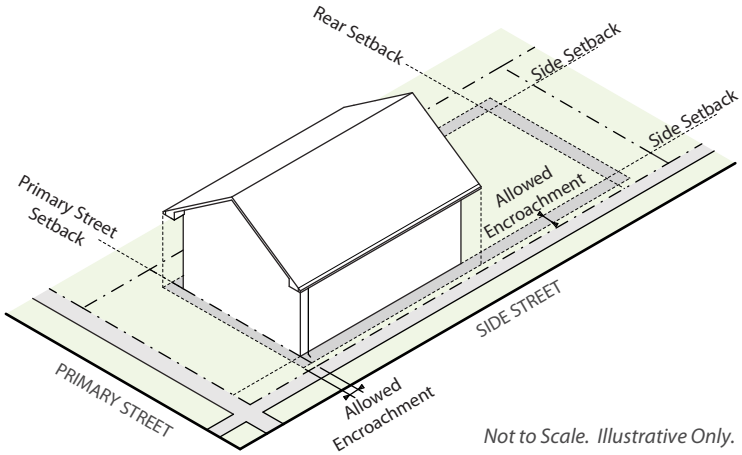



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All E- Zone Districts | All building forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ | 5′ |
| Intent: To allow features of structures intended to repel weather | | | | | | |



*Illustrative only*

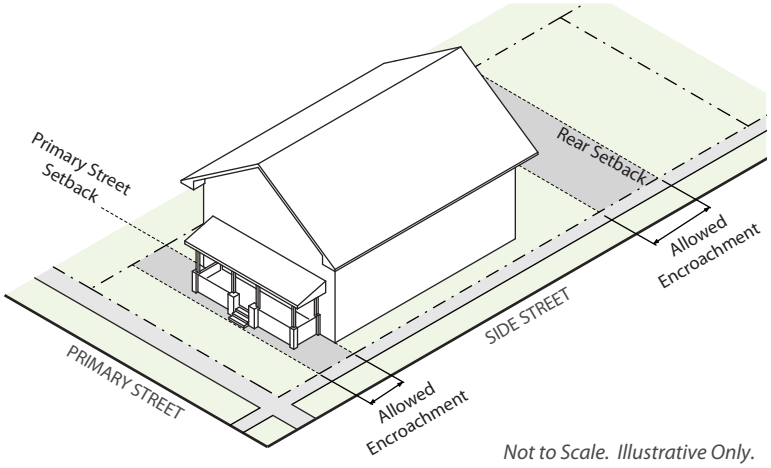



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All E- Zone Districts | Town House | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | 5' and at no point closer than 5' to the Side Interior Zone Lot line, except Side Interior setback encroachment not allowed for multi-Story features and features not at Street Level | 5′ |
| | | All Others | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |
| Intent: To promote elements which provide for street activation and human scale. | | | | | | |



*Illustrative only*



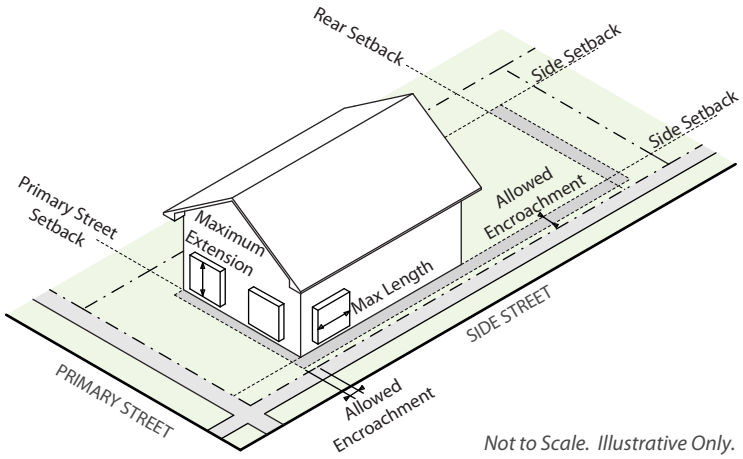

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All E- Zone Districts | Town House | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| | | All others | 1.5′ | 1.5′ | Not allowed | 1.5′ |

Intent: To allow for improved interior daylighting.



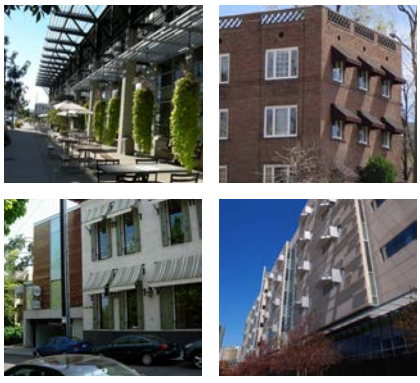
*Illustrative only*



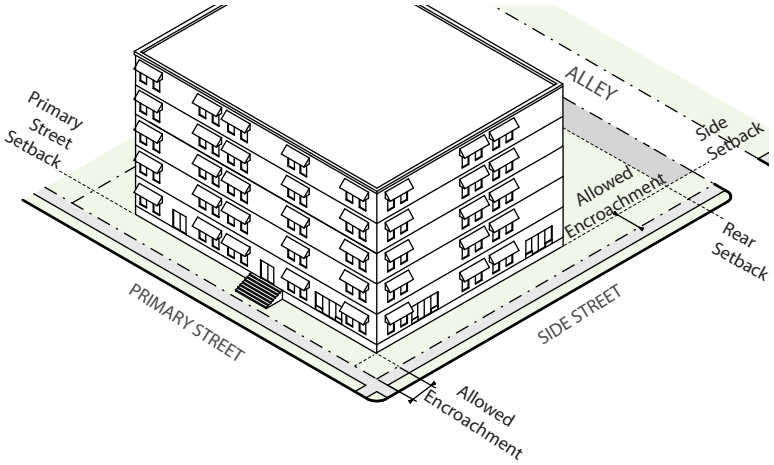

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: building elements, such as awnings, designed and intended to control light entering a building | All E- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To allow for elements either integral or attached to a building which control light entering through windows.



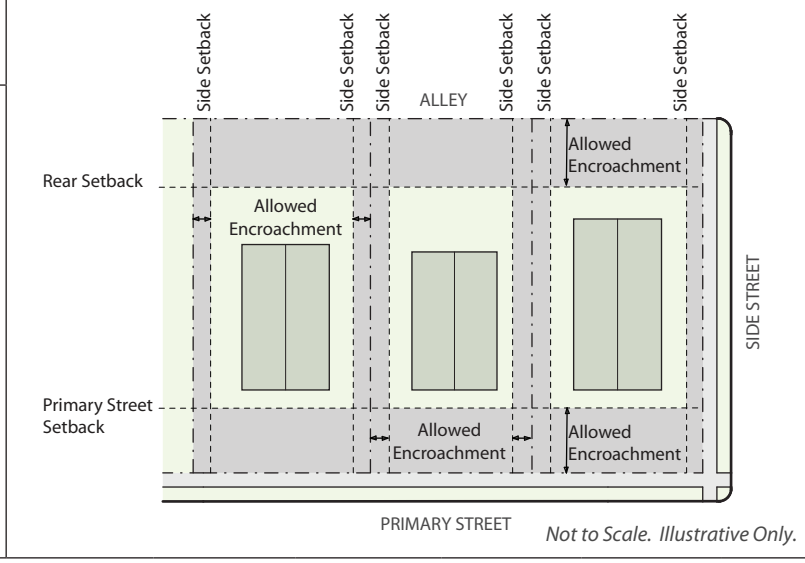
*Illustrative only*

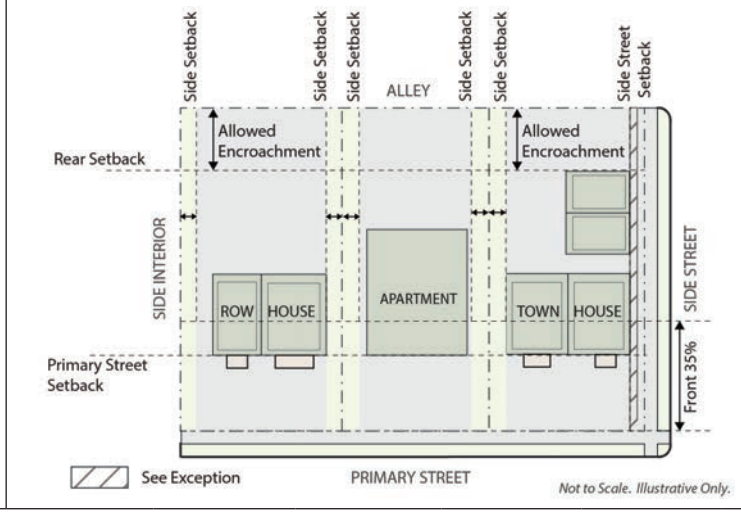



*Not to Scale. Illustrative Only.*

### 2. Site Elements

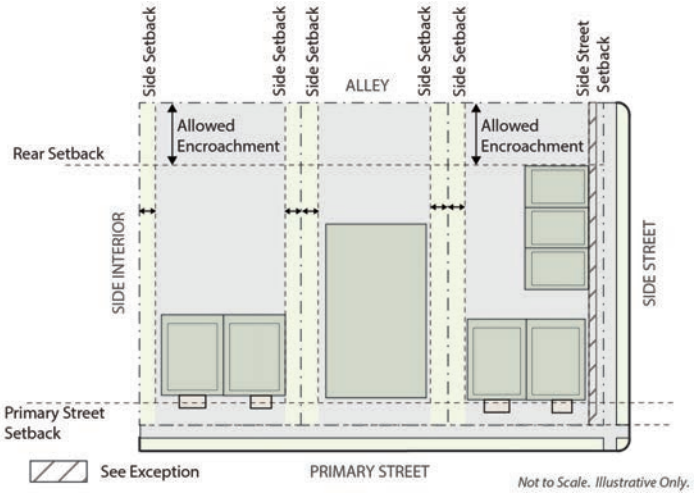
To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |
| | **ZONE DISTRICTS** | **BUILDING FORMS** | **PRIMARY STREET** | **SIDE STREET** | **SIDE INTERIOR** | **REAR** |
| Off-Street Parking Area | All E-SU, E-TU, E-RH , E-MU Zone Districts | Suburban House, Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow off-street parking area where it is not impactful due to the number of required parking spaces. |  *Not to Scale. Illustrative Only.* | | | | | |

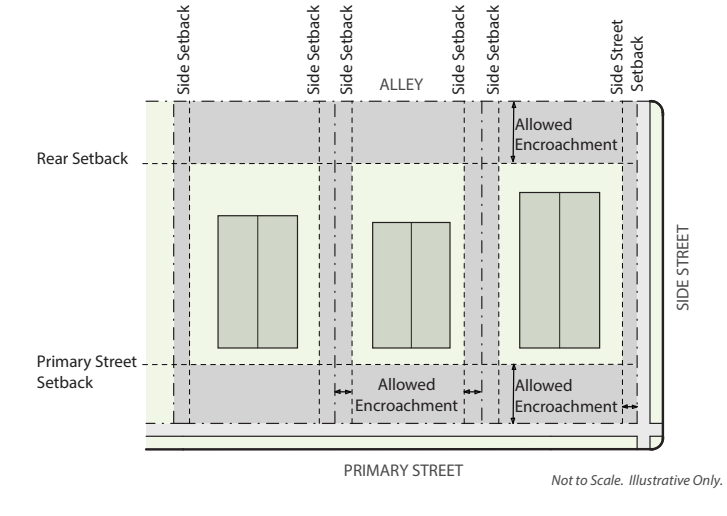
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply for the entire Zone Lot. | All E-RH and E-MU Zone Districts | Row House, Garden Court, and Apartment | Not allowed | Not allowed | Allowed within the rear 35% of the Zone Lot only | Any distance |
| | | Town House | Not allowed | Not allowed* (*See exception below) | In the front 65% of the Zone Lot: 5' and at no point closer than 5' to the Zone Lot line.<br>In the rear 35% of the Zone Lot: Any distance | Any distance |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

*Exception: The minimum 5' of back out space required in Division 10, Section 4 shall be permitted to encroach 2.5' when:

- The encroachment is screened from the Side Street with a Garden Wall and 1 deciduous canopy tree or minimum 5' wide planting strip landscaped with 50% live plant material as described in 10.5.4.6 Landscape Material Standards.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply for the entire Zone Lot. | All E-RX, E-MX, and E-MS Zone Districts | Town House | Not allowed | Not allowed* (*See exception below) | Any distance | Any distance |
| | | All others | Any Distance | Any distance | Any distance | Any distance |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

*Exception: The minimum 5' of back out space required in Division 10, Section 4 shall be permitted to encroach 2.5' when:
- The encroachment is screened from the Side Street with a Garden Wall and 1 deciduous canopy tree or minimum 5' wide planting strip landscaped with 50% live plant material as described in 10.5.4.6 Landscape Material Standards.

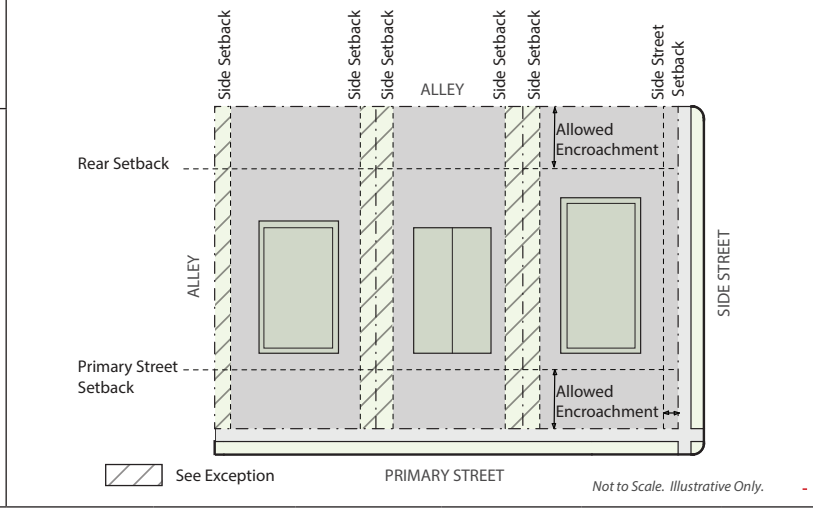
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All E-SU, E-TU, E-RH and E-MU Zone Districts | Suburban House, Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow a Drive or Driveway to access an Off-Street Parking Area. |  | | | | | |
|  <br>*Illustrative only* | | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All E-RH and E-MU Zone Districts | Row House and Apartment | Any distance | Any distance | Not allowed (*see exception below) | Any distance |
| | | Town House | Any distance | Any distance | 5' and at no point closer than 5' to the Zone Lot line (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

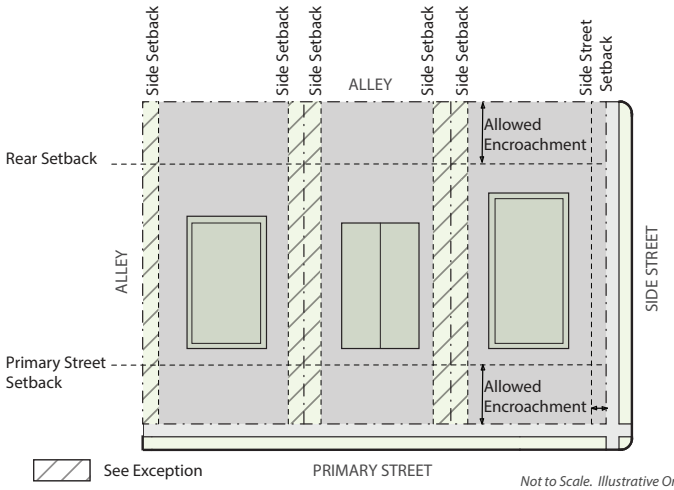
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All E-MX, E-RX, and E-MS Zone Districts | Town House, General and Shopfront | Any distance | Not allowed | Any distance | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*

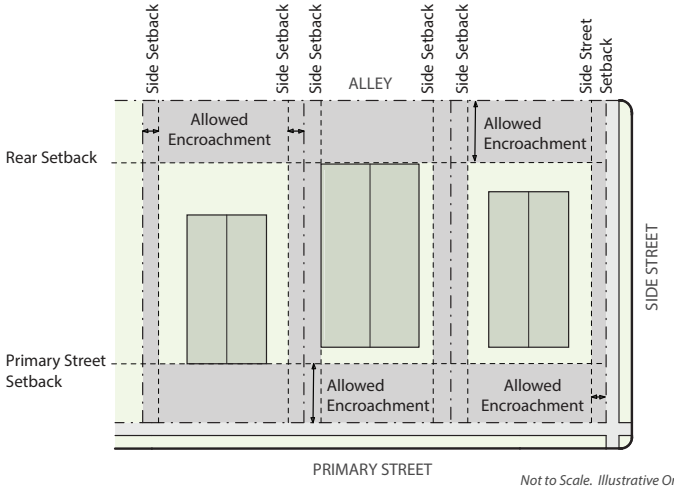



| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All E- Zone Districts | All building forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



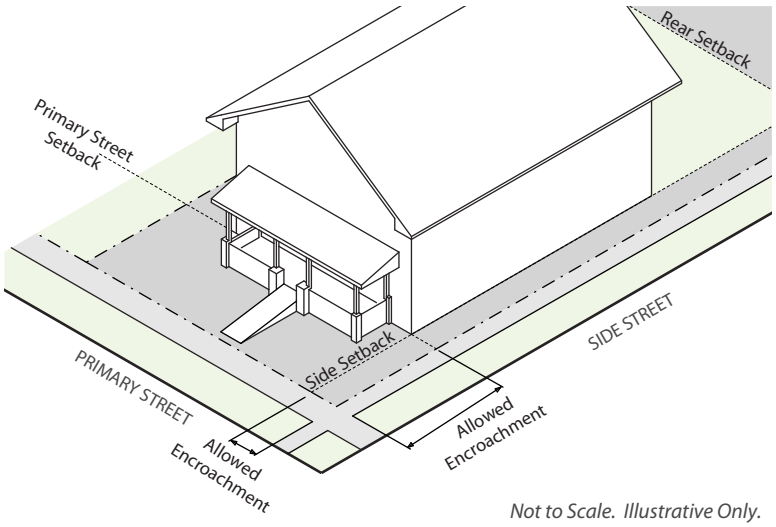
### 3. Service & Utility Elements

To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To provide flexibility in the location of required barrier-free access to existing buildings. | | | | | | |

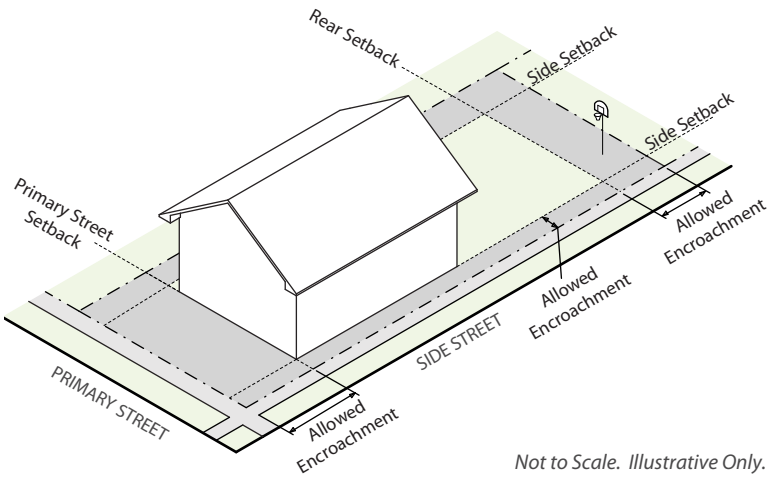


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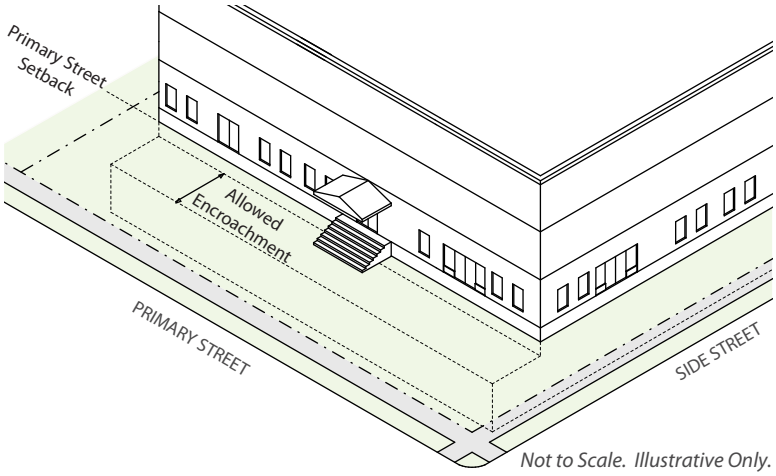


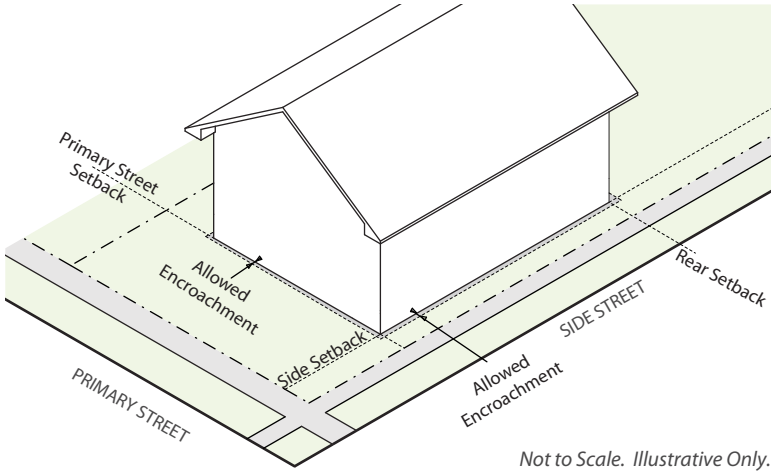

*Not to Scale. Illustrative Only.*

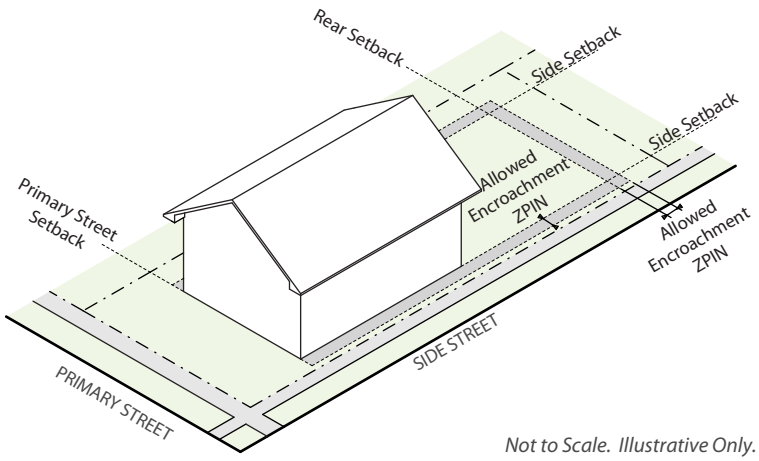
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

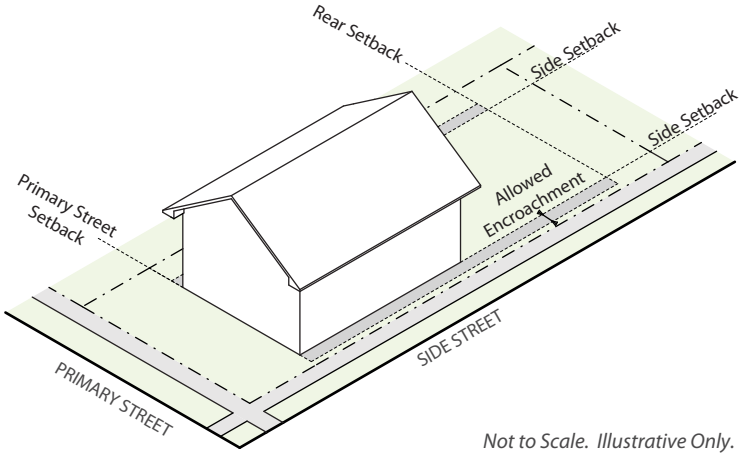



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  Not to Scale. Illustrative Only. | | | | | |

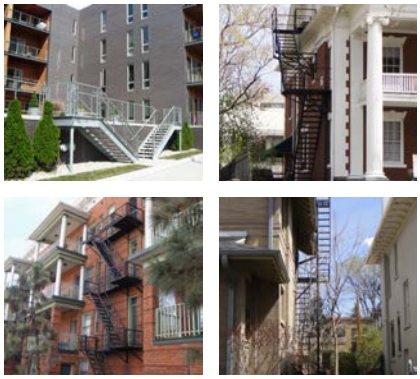
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All E- Zone Districts | All building forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  Not to Scale. Illustrative Only. | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All E- Zone Districts | All building forms | Not allowed | 3′; subject to Zoning Permit Review with Informational Notice | 3′; subject to Zoning Permit Review with Informational Notice | 3′; subject to Zoning Permit Review with Informational Notice |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the DRMC;<br>• Does not exceed 4′ in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

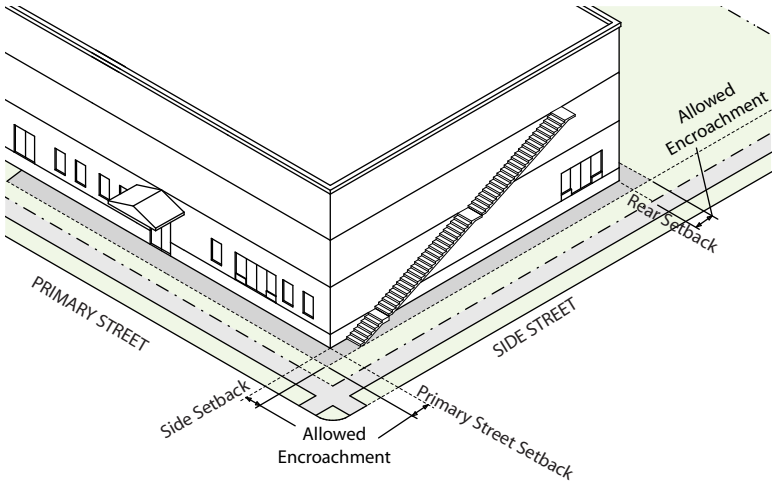
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way,<br>• and not to exceed the noise standards of D.R.M.C. Section 36-6 | All E- Zone Districts | All building forms | Not allowed | 3′ | 3′ | Not allowed |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All E- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



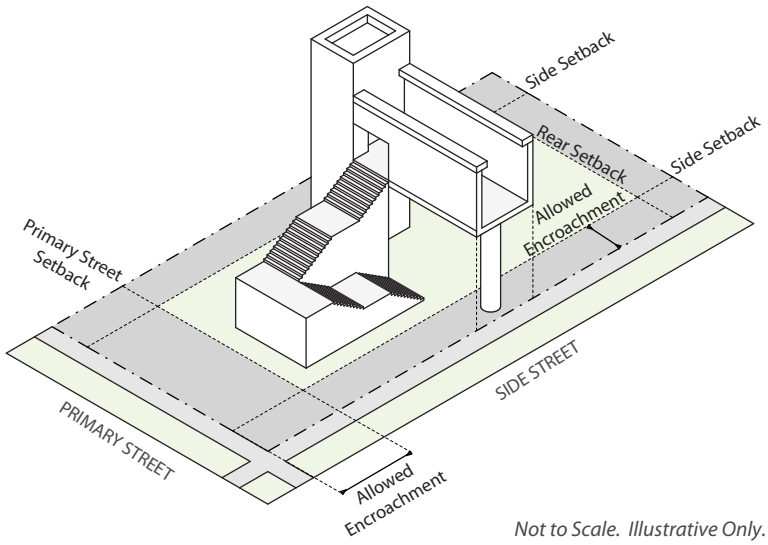

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*

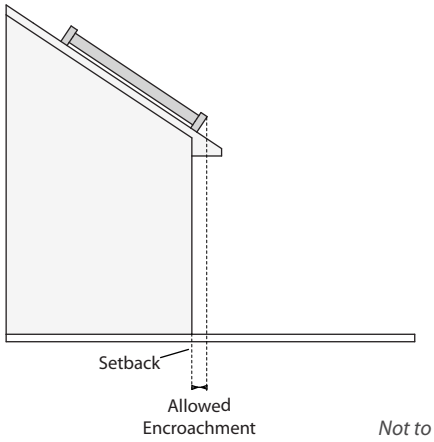



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

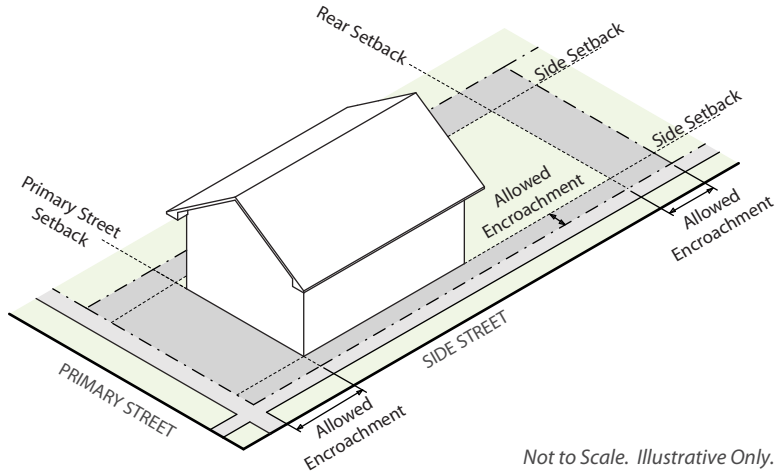


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All E- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

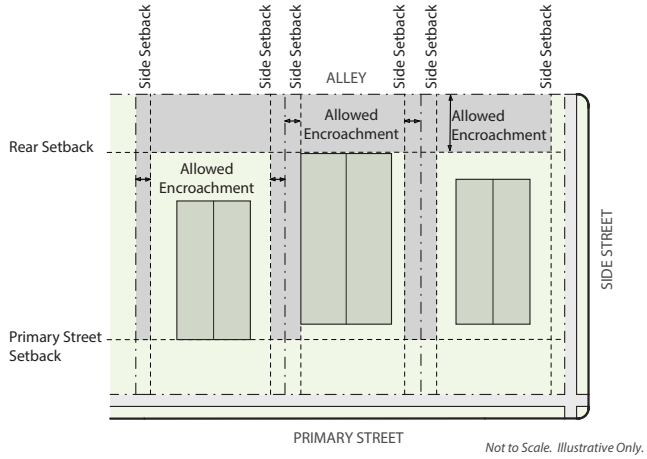



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All E-RH, E-MU, E-RX, E-CC, E-MX, and E-MS Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

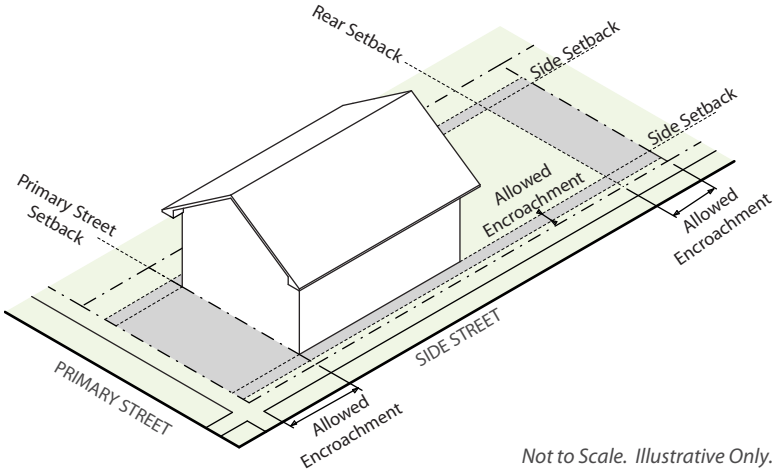



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All E- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*



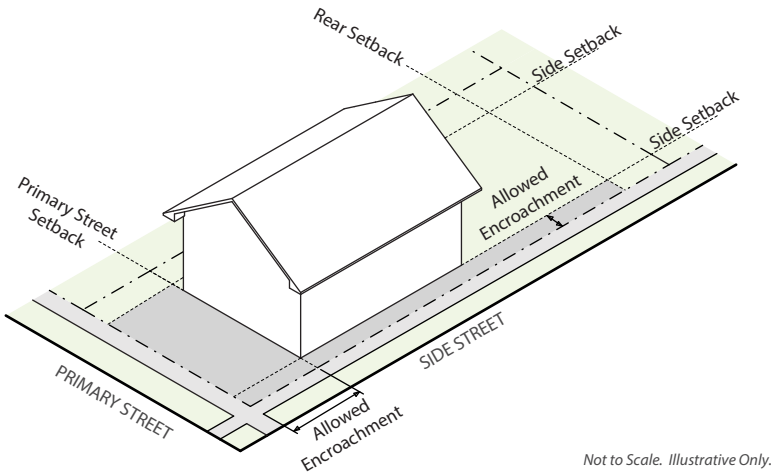

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All E-Zone Districts | All building forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting. | | | | | | |






*Illustrative only*




### 4.3.7.5 Building Coverage Exception

**A. Applicability**

All E- zone districts where a building coverage standard applies.

**B. Front Porch**

**1. Intent**

To promote street activation and human scale.

**2. Standard**

Area on a zone lot occupied by a Front Porch may be excluded from the calculation of building coverage, up to a maximum of 400 square feet for each dwelling unit.

**C. Detached ADU or Detached Garage**

**1. Intent**

To promote openness between buildings located in the front and back of the lot.

**2. Standard**

A portion of the area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage. See applicable building form standards for the applicable zone district for additional limitations on this exception.

**D. Attached Garage**

**1. Intent**

To promote openness between above-grade portions of a primary structure when such portions are connected only by below-grade living space.

**2. Applicability**

This exception from building coverage applies only to a primary structure, where a portion of the primary structure functions similarly to a Detached Garage form otherwise allowed, but the garage portion of the structure is attached entirely by a below-grade Room, as defined in this Code and which is greater than 7 feet in any horizontal dimension. The "attached garage" may also contain a permitted ADU use or other allowed Habitable Space.

**3. Standard**

An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the footprint of the garage portion of the structure ("attached garage"), according to the following:

a. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the at-grade footprint of the garage portion of the structure, up to a maximum credit of 500 sf;

b. The above-grade garage portion of the structure shall be separated by at least 15 feet from any other above-grade portion of the primary structure. See Article 13 for building separation rule of measurement; and

c. At least 80% of the Street Level GFA of the garage portion of the structure shall be used for vehicle parking.

### 4.3.7.6 Vehicle Access From Alley Required - Exceptions

**A. No Alley**

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 4.3.7.6, then vehicular Alley access is required.

# SECTION 4.3.8 REFERENCE TO OTHER DESIGN STANDARDS

## 4.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4

B. Landscaping, Fences, Walls and Screening: Division 10.5

C. Site Grading: Division 10.6

D. Outdoor Lighting: Division 10.7

E. Signs: Division 10.10

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# DIVISION 4.4 USES AND REQUIRED MINIMUM PARKING

## SECTION 4.4.1 APPLICABILITY

4.4.1.1 This Division 4.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Urban Edge Neighborhood Context zone districts.

4.4.1.2 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

4.4.1.3 For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## SECTION 4.4.2 ORGANIZATION

### 4.4.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 4.4.2.2 Primary Use Classifications, Categories & Specific Use Types

**A. Primary Use Classifications**

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

**B. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**C. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## SECTION 4.4.3 EXPLANATION OF TABLE ABBREVIATIONS

### 4.4.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 4.4.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations or standards.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 4.4.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 4.4.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## SECTION 4.4.4 DISTRICT SPECIFIC STANDARDS

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 1/unit<br>• Bicycle: No requirement | L-ZP | 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<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 5 units (80/20) | L-ZP | 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<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 5 units (80/20) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.2.4; §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.2.6; §11.2.7 |
| | Community Corrections Facility | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.2.8 |
| | Residential Care Use, Small or Large<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.2.9 |
| | Rooming and Boarding House<br>• Vehicle - MS only: 2 / 1,000 sf GFA<br>• Vehicle: 4.5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | E-RH-2.5: NP<br>E-MU-2.5: P-ZP | P-ZP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L | L | L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L | L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 5 units (80/20) | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | P-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZPIN | P-ZP | P-ZP | P-ZP | § 11.3.4 |
| | Postal Facility, Neighborhood<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/ 20,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 20,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.3.5 |
| | Hospital | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Education | Elementary or Secondary School<br>• Vehicle- High School: 2/1,000 sf GFA<br>• Bicycle - High School: 1/ 20,000 sf GFA (0/100)<br>• Vehicle- All Others: 1/1,000 sf GFA<br>• Bicycle-All Others: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.8 |
| Education | University or College<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | §11.3.8 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 sf GFA<br>• 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 | P-ZP | § 11.3.10 |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others - MS only: 2/1,000 sf GFA<br>• Vehicle - All Others: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | L-ZPIN | L-ZP | P-ZP | P-ZP | § 11.4.2 |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZPSE | L-ZP | NP | L-ZPSE | L-ZPSE | L-ZPSE | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | L-ZPIN | L-ZPIN | L-ZPIN | Not Applicable | | | | | | | §11.4.6 |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | NP | L-ZP | L-ZP | NP | P-ZP | P-ZP | NP | NP | NP | NP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 4.5/ 1,000 sf GFA<br>• Bicycle: 1/5,000 sf GFA (0/100) | NP | NP | NP | P-ZP | P-ZP | P-ZP | L-ZPSE | L-ZP | P-ZP | P-ZP | § 11.4.9 |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/ 20,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| Lodging Accommodations | Lodging Accommodations, All Others<br>• Vehicle: 1/ guest room or unit<br>• Bicycle: 1/ 20,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | NP | NP | P-ZP | P-ZP | |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 2/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.4.10 |
| | Office, All Others<br>• Vehicle: 2/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZPIN | L-ZP | L-ZP | L-ZP | §11.4.11; §11.4.12 |
| | Animal Sales and Services, All Others | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Food Sales or Market<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | L-ZP | P-ZP | P-ZP | L-ZP | L-ZP | P-ZP | P-ZP | §11.4.11; §11.4.14 |
| | Pawn Shop | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | NP | L-ZP | L-ZPIN | L-ZPIN | L-ZPIN | NP | §11.4.11; §11.4.16 |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | NP | NP | P-ZP | NP | NP | NP | P-ZP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | L-ZP/L-ZPIN | L-ZP | P-ZP | P-ZP | §11.4.11 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | P-ZP | NP | L-ZP | P-ZP | P-ZP | § 11.4.17 |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | NP | L-ZPSE | L-ZP | L-ZP | §11.4.18; §11.4.19 |
| | Automobile Services, Heavy<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP/ ZPSE | NP | NP | NP | L-ZP/ ZPSE | §11.4.18; §11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | NP | L-ZP | NP | NP | L-ZP | L-ZP | § 11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | P-ZPSE | NP | NP | NP | NP | |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | E-MS-3: L-ZP/ ZPSE; E-MS-5 P-ZP | § 11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | § 11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | § 11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.5.2 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | § 11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZPIN | L-ZPIN | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | § 11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | § 11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZPIN | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP/ ZPSE | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | § 11.5.13 |
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZP | L-ZP | L-ZPIN | L-ZPIN | L-ZP | L-ZP | § 11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.5.16 |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Waste Related Services | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | P-ZP | NP | NP | L-ZP | NP | § 11.5.23 |
| | Vehicle Storage, Commercial*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZPIN | NP | NP | NP | NP | § 11.5.24 |
| | Wholesale Trade or Storage, General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | P-ZPIN | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | NP | NP | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | § 11.5.26 |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden, Urban* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.5 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | | | § 11.7 |
| | Accessory Dwelling Unit | E-SU-D1, -D1x, -G1 only: L-ZP<br>All other: NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7, § 11.8.2 |
| | Domestic Employee | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.3 |
| | Garden* | L | L | L | L | L | L | L | L | L | L | § 11.7, § 11.8.4 |
| | Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | § 11.7; § 11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | L | L | L | L | L | § 11.7; § 10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | L | L | L | L | L | § 11.7; § 11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | NP | NP | L-ZP | Not Applicable - See Permitted Primary Uses | | | | | | § 11.7; § 11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | NP | § 11.7; § 11.8.9 |
| | Short-term Rental | L | L | L | L | L | L | L | L | L | L | § 11.7; § 11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | L | L | L | L | L | § 11.7; § 10.9 |
| | Wind Energy Conversion Systems* | L-ZP/ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | Not Applicable - See Permitted Primary Uses | | | | | | § 11.7, § 11.5.13 |
| | Yard or Garage Sales* | L | L | L | L | L | L | L | L | L | L | § 11.7; § 11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | | | |
| Home Occupations<br><br>(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.9; §11.9.4 |
| | Unlisted Home Occupations | L-ZPIN - Applicable to all Zone Districts | | | | | | | | | | § 11.9; § 11.9.5 |

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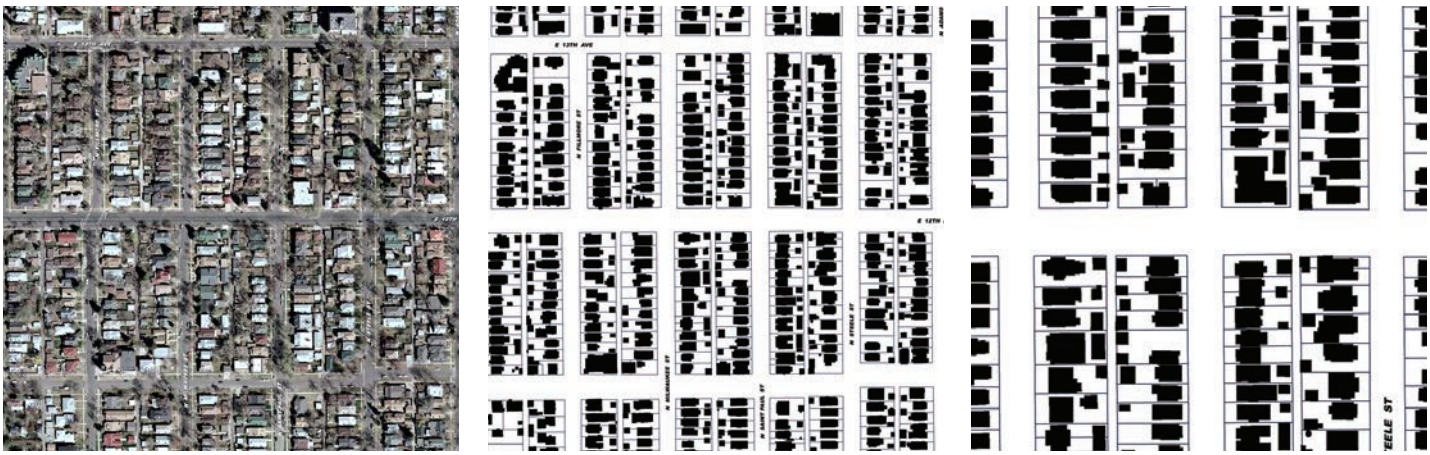
| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION | | | | | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | | | § 11.7; § 11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | NP | NP | NP | Not Applicable - See Permitted Primary Uses | L | Not Applicable - See Permitted Primary Uses | NP | NP | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | § 11.7; § 11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | Not Applicable - See Permitted Primary Uses | | | | | | | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services | NP | NP | NP | L-ZP | L-ZP | L-ZP | NP | NP | L-ZP | NP | § 11.7; § 11.10.5 |
| | College accessory to a Place for Religious Assembly | L | L | L | Not Applicable - See Permitted Primary Uses | | | L | Not Applicable - See Permitted Primary Uses | | | § 11.7; § 11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | NP | NP | L | L | L | NP | NP | L | L | § 11.7; § 11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses* | NP | NP | NP | NP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | L | L | L | Not Applicable - See Permitted Primary Uses | Not Applicable | | | | | | §11.4.6 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | E-SU-A<br>E-SU-B<br>E-SU-D<br>E-SU-D1<br>E-SU-Dx<br>E-SU-D1x<br>E-SU-G<br>E-SU-G1 | E-TU-B<br>E-TU-C | E-RH-2.5<br>E-MU-2.5 | E-RX-3<br>E-RX-5 | E-CC-3x | E-CC-3 | E-MX-2x<br>E-MS-2x | E-MX-2A<br>E-MX-2<br>E-MS-2 | E-MX-3A<br>E-MX-3 | E-MS-3<br>E-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | NP | NP | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | NP | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Storage, Limited* | NP | NP | NP | L-ZP | L-ZP | L-ZP | NP | NP | L-ZP | L-ZP | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | NP | NP | NP | L | L | L | L | L | L | L | §11.7; §11.10.18 |
| **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 | | | | | | § 11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | 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 | § 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 | § 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 | § 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 | § 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 | § 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 | § 11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Retail Sales* | 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 | L-ZPIN | L-ZP | L-ZP | L-ZP/ ZPIN | L-ZP/ ZPIN | 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 | § 11.11.13 |
| | Retail Food Establishment, Mobile* | NP | NP | NP | L-ZP | L-ZP | L-ZP | NP | 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 | § 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 | § 11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | NP | NP | NP | NP | NP | NP | |

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# ARTICLE 5. URBAN (U-) NEIGHBORHOOD CONTEXT



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# DIVISION 5.1 NEIGHBORHOOD CONTEXT DESCRIPTION








## SECTION 5.1.1 GENERAL CHARACTER

The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically the Urban House building form. Multi-unit building forms typically include the Row House building form embedded with other residential form types. Commercial buildings are typically the Shop front and General building forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.

## SECTION 5.1.2 STREET, BLOCK AND ACCESS PATTERNS

The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

## SECTION 5.1.3 BUILDING PLACEMENT AND LOCATION

Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

## SECTION 5.1.4 BUILDING HEIGHT

The Urban Neighborhood Context is characterized by low scale buildings except for some mid- rise commercial and mixed use structures, particularly at nodes or along arterial streets.

## SECTION 5.1.5 MOBILITY

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

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# DIVISION 5.2 DISTRICTS (U-SU-, U-TU-, U-RH-, U-MX-, U-RX-, U-MS)

## SECTION 5.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Urban Neighborhood Context and are applied to property as set forth on the Official Map.

| **Urban Neighborhood Context** | |
|---|---|
| U-SU-A | Single Unit A |
| U-SU-A1 | Single Unit A1 |
| U-SU-A2 | Single Unit A2 |
| U-SU-B | Single Unit B |
| U-SU-B1 | Single Unit B1 |
| U-SU-B2 | Single Unit B2 |
| U-SU-C | Single Unit C |
| U-SU-C1 | Single Unit C1 |
| U-SU-C2 | Single Unit C2 |
| U-SU-E | Single Unit E |
| U-SU-E1 | Single Unit E1 |
| U-SU-H | Single Unit H |
| U-SU-H1 | Single Unit H1 |
| U-TU-B | Two Unit B |
| U-TU-B2 | Two Unit B2 |
| U-TU-C | Two Unit C |
| U-RH-2.5 | Row House 2.5 |
| U-RH-3A | Row House 3A |
| U-MX-2 | Mixed Use 2 |
| U-MX-2x | Mixed Use 2x |
| U-MX-3 | Mixed Use 3 |
| U-RX-3 | Residential Mixed Use 3 |
| U-RX-5 | Residential Mixed Use 5 |
| U-MS-2 | Main Street 2 |
| U-MS-2x | Main Street 2x |
| U-MS-3 | Main Street 3 |
| U-MS-5 | Main Street 5 |

## SECTION 5.2.2 RESIDENTIAL DISTRICTS (U-SU-A, -A1, -A2, -B, -B1, -B2, -C -C1, -C2, -E, -E1, -H, -H1, U-TU-B, -B2, -C, U-RH-2.5, -3A)

### 5.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts

promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as an urban house building form.

C. These standards recognize common residential characteristics within the Urban Neighborhood Context but accommodate variation by providing eleven Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

### 5.2.2.2 Specific Intent

**A. Single Unit A (U-SU-A)**
U-SU-A is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context.

**B. Single Unit A1 (U-SU-A1)**
U-SU-A1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.

**C. Single Unit A2 (U-SU-A2)**
U-SU-A2 is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots only. Blocks typically have a pattern of 25 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A.

**D. Single Unit B (U-SU-B)**
U-SU-B is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots.

**E. Single Unit B1 (U-SU-B1)**
U-SU-B1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.

**F. Single Unit B2 (U-SU-B2)**
U-SU-B2 is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B.

**G. Single Unit C (U-SU-C)**
U-SU-C is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots.

**H. Single Unit C1 (U-SU-C1)**
U-SU-C1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard.

**I. Single Unit C2 (U-SU-C2)**
U-SU-C2 is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C.

**J. Single Unit E (U-SU-E)**
U-SU-E is a single unit district allowing urban houses with a minimum zone lot area of 7,000 square feet.

**K. Single Unit E1 (U-SU-E1)**
U-SU-E1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 7,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-E but allowing a detached accessory dwelling unit building form in the rear yard.

**L. Single Unit H (U-SU-H)**
U-SU-H is a single unit district allowing urban houses with a minimum zone lot area of 10,000 square feet. This district requires the largest setbacks and lowest building coverage (more unobstructed open space) in the Urban Neighborhood Context.

**M. Single Unit H1 (U-SU-H1)**
U-SU-H1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 10,000 square feet. Setbacks and building coverage standards accommodate front and side yards similar to U-SU-H but allowing a detached accessory dwelling unit building form in the rear yard.

**N. Two Unit B (U-TU-B)**
U-TU-B allows up to two units on a minimum zone lot area of 4,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

**O. Two Unit B2 (U-TU-B2)**
U-TU-B2 allows up to two units on a minimum zone lot area of 4,500 square feet with additional units allowed on corner lots subject to location restrictions. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms. Row houses are also allowed on certain corner lots.

**P. Two Unit C (U-TU-C)**
U-TU-C allows up to two units on a minimum zone lot area of 5,500 square feet. Urban houses are also allowed on certain smaller Zone Lots. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

**Q. Row House 2.5 (U-RH-2.5)**
U-RH-2.5 is a multi unit district that allows up to a two and a half story row house building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.

**R. Row House 3A (U-RH-3A)**
U-RH-3A is a multi unit district that allows up to a two and a half story rowhouse building form. Apartments are allowed up to three stories, on certain corner lots. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.

## SECTION 5.2.3 MIXED USE DISTRICTS (U-MX-2, -2X, -3)

### 5.2.3.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.

E. In the Urban Neighborhood Context, the Mixed Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less than the percentage for the Main Street districts.

### 5.2.3.2 Specific Intent

**A. Mixed Use – 2 (U-MX-2)**
U-MX-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired.

**B. Mixed Use - 2x (U-MX-2x)**
U-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**C. Mixed Use – 3 (U-MX-3)**
U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

## SECTION 5.2.4 RESIDENTIAL MIXED USE DISTRICTS (U-RX-3, -5)

### 5.2.4.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential

use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

### 5.2.4.2 Specific Intent

**A. Residential Mixed Use – 3 (U-RX-3)**
U-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

**B. Residential Mixed Use – 5 (U-RX-5)**
U-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired.

## SECTION 5.2.5 MAIN STREET DISTRICTS (U-MS-2, -2X, -3, -5)

### 5.2.5.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

### 5.2.5.2 Specific Intent

**A. Main Street 2 (U-MS-2)**
U-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. The U-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located within a residential neighborhood.

**B. Main Street 2x (U-MS-2x)**
U-MS-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**C. Main Street 3 (U-MS-3)**
U-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

**D. Main Street 5 (U-MS-5)**
U-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 5 stories is desired. A minimum building height of 24 feet applies.

# DIVISION 5.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 5.3.1 GENERAL INTENT

The Intent of this Division 5.3 Design Standards are to:

5.3.1.1 Implement the Denver Comprehensive Plan.

5.3.1.2 Implement the zone district's Intent and Purpose

5.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

5.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.

5.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

5.3.1.6 Give prominence to the pedestrian realm as a defining element of neighborhood character.

5.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

5.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

5.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

5.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

5.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

5.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

## SECTION 5.3.2 BUILDING FORM INTENT

### 5.3.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

### 5.3.2.2 Siting

#### A. Required Build-To

1. Provide a consistent street edge to enhance character of the urban context.

2. Define streets to promote pedestrian activity and sense of place.

3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

**B. Setbacks**

1. Site buildings to be consistent with intended character and functional requirements of the urban context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize building siting to create positive transitions between districts.

**C. Parking Location**

1. Minimize the visual impacts of parking areas on streets and adjoining property.
2. Minimize conflicts between pedestrian and vehicles.

### 5.3.2.3 Design Elements

**A. Configuration**

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Street and urban street corridors.
4. Arrange building heights, and architectural scaling devices to provide transitions to adjoining areas.

**B. Transparency**

1. Maximize transparency of windows at Street Level to activate the street.
2. Utilize doors and windows to establish scale, variation and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

**C. Entrances**

1. Give prominence to the pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and active uses from the street. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
3. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
4. Create visually interesting and human-scaled facades

### 5.3.2.4 Specific building form Intent

**A. Residential Zone Districts**

**1. Urban House**

Establish standards for Single Unit Dwelling development. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**2. Duplex**
Establish standards for Two Unit Dwelling development within a single primary structure, allowing side-by-side and up-down configurations. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

**3. Tandem House**
Establish standards for two dwelling units on a single zone lot, but occurring in two primary structures with a single unit in each structure.

**4. Row House**
Establish standards for buildings containing Side-by-Side Dwelling Units to require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street. Accommodates Multi-Unit Dwelling development.

**5. Town House**
Establish standards for buildings containing Side-by-Side Dwelling Units that requires Dwelling Units located near the street to be Oriented to the Street. Compared to the Row House building form, additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street. Accommodates Two Unit and Multi-Unit Dwelling development.

**6. Apartment**
Establish standards for Multi-Unit Dwelling development that allows a variety of Dwelling Unit configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. The building form requires a minimum of one entrance at the street, in addition to transparency and other design elements. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

## B. Commercial Mixed Use Zone Districts

**1. Drive Thru Services**
To allow more flexible design standards to accommodate unique circumstances of automobile service uses and primary uses with an accessory drive-thru lane.

a. U-MX Option B: Limited to Gasoline Service Station, eliminate the build-to requirement, allow parking between the building and the street, and require a garden wall along street frontages.

b. U-MX Option A: Allow a reduced build-to percentage and an increased build-to range.

c. U-MS: Allow a reduced build-to percentage, an increased build-to range, and a garden wall and canopy combination to meet a portion of the build-to. Require a garden wall along street frontages.

**2. Drive Thru Restaurant**
To allow more flexible design standards to accommodate unique circumstances of eating/drinking establishments with an accessory drive-thru lane.

a. U-MX: Allow a reduced build-to percentage and allow a drive-thru lane to be located between the building and any street.

b. U-MS: For corner lots only, allow a reduced build-to percentage on the Primary Street when the build-to percentage is increased along the Side Street.

**3. General**
Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. All uses are allowed.

### 4. Shopfront

Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. Compared to the General building form, the Shopfront building form has increased standards for design elements such as transparency, active use and build-to. All uses are allowed.

# SECTION 5.3.3 PRIMARY BUILDING FORM STANDARDS

## 5.3.3.1 Applicability

All development, except detached accessory structures, in all the Urban Neighborhood Context zone districts

## 5.3.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted building form in the applicable zone district.

## 5.3.3.3 District Specific Standards:

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

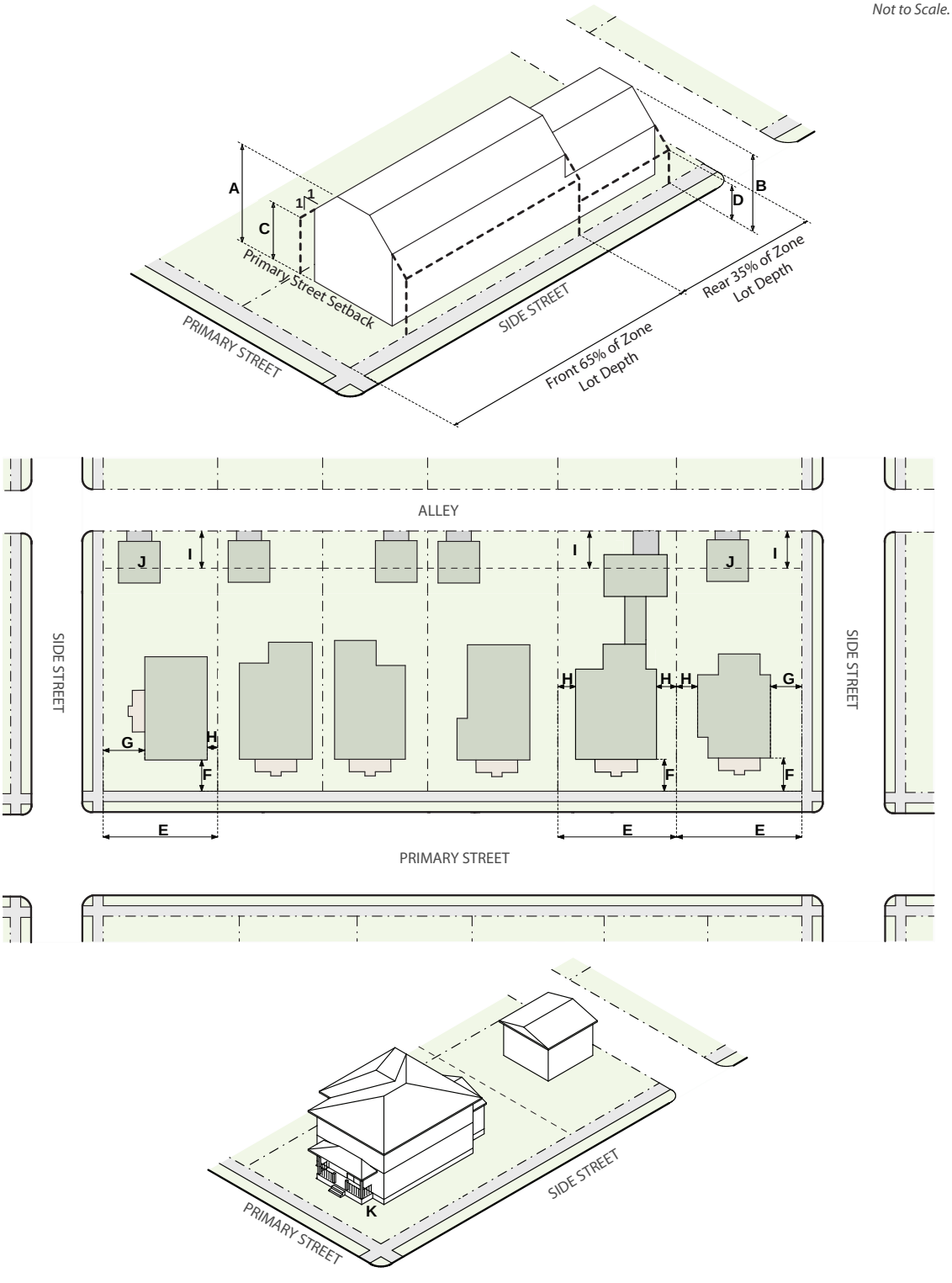
| Urban (U-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurant | General | Shopfront |
| **Max Number of Primary Structures per Zone Lot** | | **1*** | **1*** | **1*** | **2** | **No Maximum** | | | | | | | |
| RESIDENTIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Single Unit (SU) | U-SU-A, -B, -C, -E, -H | | ■ | | | | | | | | | | |
| | U-SU-A1, B1, C1, E1, H1 | | ■ | | | | | | | | | | |
| | U-SU-A2, -B2, -C2 | | ■ | □ | □ | | | | | | | | |
| Two Unit (TU) | U-TU-B , -C | | ■ | ■ | ■ | | | | | | | | |
| | U-TU-B2 | | ■ | ■ | ■ | □ | | | | | | | |
| Row House (RH) | U-RH-2.5 | | ■ | ■ | ■ | ■ | | | | | | | |
| | U-RH-3A | | ■ | ■ | ■ | ■ | | | □ | | | | |
| COMMERCIAL MIXED USE ZONE DISTRICTS | | | | | | | | | | | | | |
| Residential Mixed Use (RX) | U-RX-3, -5 | | | | | | | ■ | | | | | ■ |
| Mixed Use (MX) | U-MX-2x | | | | | | | ■ | | | | ■ | ■ |
| | U-MX-2, -3 | | | | | | | ■ | | □ | □ | ■ | ■ |
| Main Street (MS) | U-MS-2x | | | | | | | ■ | | | | | ■ |
| | U-MS-2, -3, -5 | | | | | | | ■ | | □ | □ | | ■ |

■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

## 5.3.3.4 District Specific Standards

### A. Urban House

*Not to Scale. Illustrative Only.*



# URBAN HOUSE

| | HEIGHT | U-SU-A, A1, A2 U-TU-B, B2 | U-SU-B, B1, B2 U-TU-C | U-SU-C U-SU-C1 U-SU-C2 | U-SU-E U-SU-E1 | U-SU-H U-SU-H1 | U-RH-2.5 U-RH-3A |
|---|---|---|---|---|---|---|---|
| | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 3/1 | 2.5/1 |
| A/B | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | | | | |
| | Feet, rear 35% of zone lot depth, permitted height increase | 1' for every 3' increase in side setback up to a maximum height of 19' | | | | | |
| C/D | Bulk Plane Vertical Height at Side Interior and Side Street zone lot line in front 65% / rear 35% of Zone Lot Depth | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side Interior and Side Street zone lot line | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | U-SU-A, A1, A2 U-TU-B, B2 | U-SU-B, B1, B2 U-TU-C | U-SU-C, C1, C2 | U-SU-E, E1 | U-SU-H, H1 | U-RH-2.5 U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 4,500 sf | 5,500 sf | 7,000 sf | 10,000 sf | 3,000 sf |
| E | Zone Lot Width (min) | 25' | 35' | 50' | 50' | 75' | 25' |

| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All U-SU, TU, RH Districts 30' or Less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
|---|---|---|---|---|---|
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 7.5' |
| H | Side Interior (min) | 3' | 3' min one side/ 10' min combined | 5' | 10' |
| I | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 2 Spaces and 320 sf | 2 Spaces and 320 sf | 33% | 33% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 5.3.7.6) | | | |
| J | **DETACHED ACCESSORY STRUCTURES** | see Sec. 5.3.4 | | | |

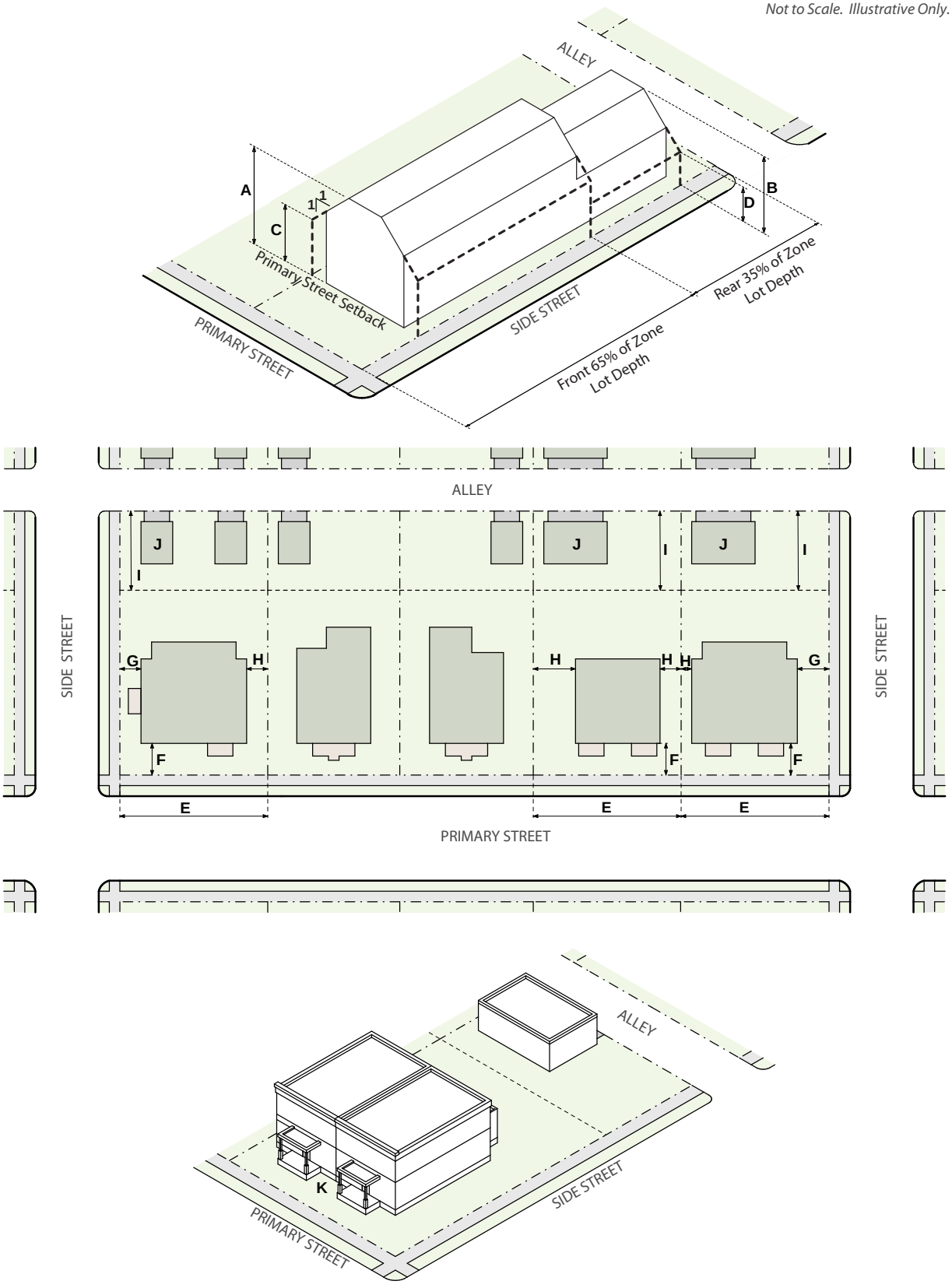
| | DESIGN ELEMENTS | U-SU-A, A1, A2 U-TU-B, B2 | U-SU-B, B1, B2 U-TU-C | U-SU-C U-SU-C1 U-SU-C2 | U-SU-E U-SU-E1 | U-SU-H U-SU-H1 | U-RH-2.5 U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | | | | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater | | | | | |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 | | | | | |
| | Upper Story Stepback, for any portion of building with Low-slope Roof, above 25': Primary Street (min) | 10' | 10' | 10' | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| K | Pedestrian Access, Primary Street | Entry Feature | | | | | |

| USES | All U-SU, TU and RH Zone Districts |
|---|---|
| | Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 5.4 Uses and Parking |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Duplex

*Not to Scale. Illustrative Only.*



# DUPLEX

| | HEIGHT | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 | 2.5/1 |
| A/B | Feet, front 65% / rear 35% of lot depth (max) | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' | 30'/17' |
| | Feet, front 65% of zone lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | | | | |
| | Feet, rear 35% of zone lot depth, permitted height increase | 1' for every 3' increase in side setback up to a maximum height of 19' | | | | | |
| C/D | Bulk Plane Vertical Height at Side interior and Side street zone lot line in front 65% / rear 35% of zone lot depth | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side interior and Side Street zone lot line | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 4,500 sf | 5,500 sf | 4,500 sf | 5,500 sf | 4,500 sf |
| E | Zone Lot Width (min) | 25' | 35' | 50' | 35' | 50' | 35' |

| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts<br>30' or Less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
|---|---|---|---|---|---|
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 5' |
| H | Side Interior (min) | 3' | 3' min one side/<br>10' min combined | 5' | 10' |
| I | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 50% | 50% | 33% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Section 5.3.7.6) | | | |
| J | **DETACHED ACCESSORY STRUCTURES** | See Sec. 5.3.4 | | | |

| | DESIGN ELEMENTS | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form standards Side Street, Side Interior and Rear setbacks | | | | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max) | 35% of the entire width of the Primary Street facing facade of the dwelling primary structure or 16', whichever is greater | | | | | |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 | | | | | |
| | Upper Story Stepback, for any portion of building with Low-slope Roof, above 25': Primary Street (min) | 10' | 10' | 10' | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| K | Pedestrian Access, Primary Street | Entry Feature | | | | | |

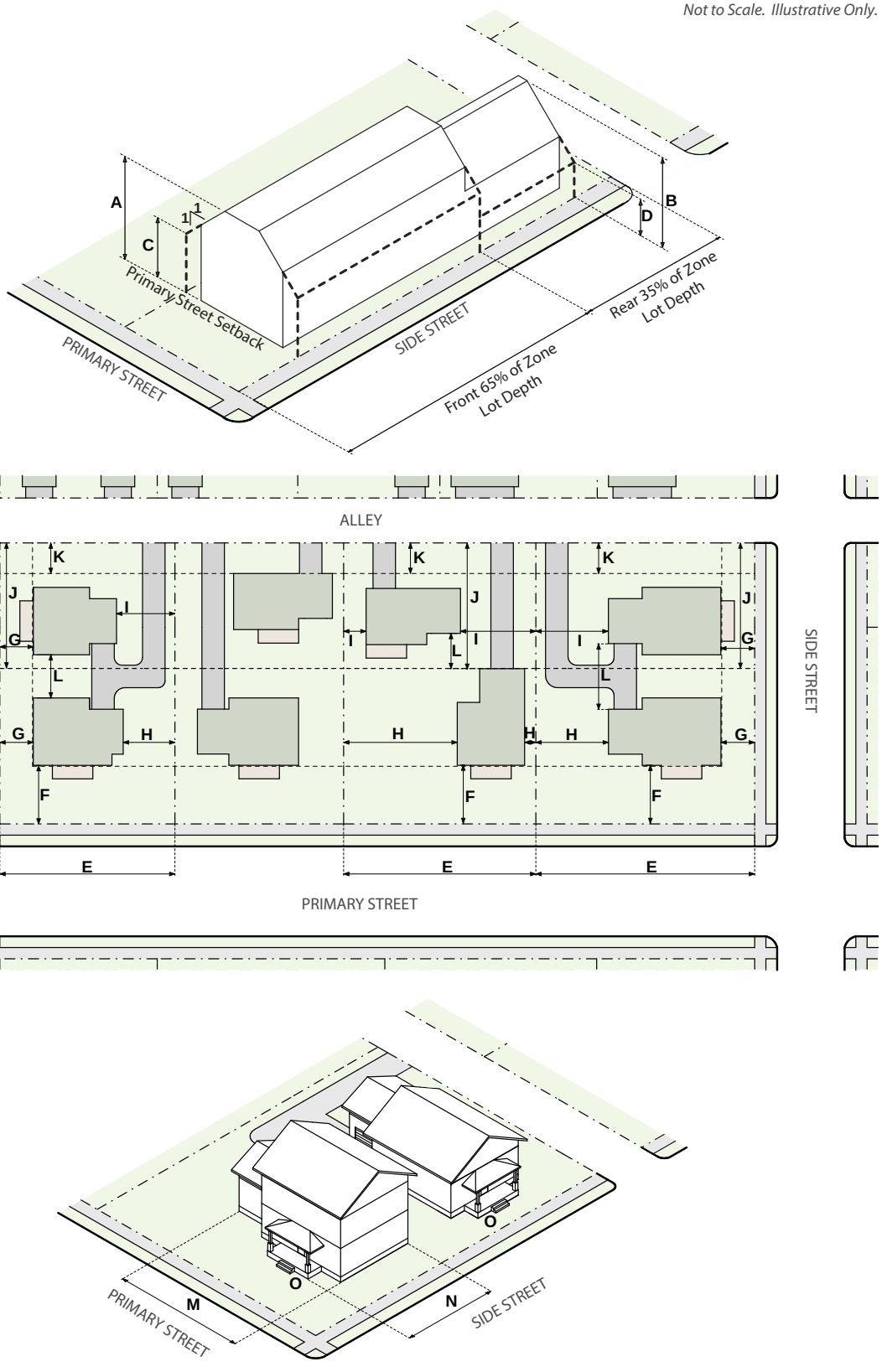
| USES | U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts |
|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 5.4 Uses and Parking |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.**

## C. Tandem House

*Not to Scale. Illustrative Only.*



# TANDEM HOUSE

| | HEIGHT | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 | 2.5 |
| A/B | Feet, front 65% / rear 35% of zone lot depth (max) | 30'/24' | 30'/24' | 30'/24' | 30'/24' | 30'/24' | 30'/24' |
| | Feet, front 65% of lot depth, permitted height increase | 1' for every 5' increase in lot width over 50' up to a maximum height of 35' | | | | | |
| C/D | Bulk Plane Vertical Height at Side interior and Side street zone lot line in front 65% of lot / rear 35% of zone lot depth | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' | 17'/10' |
| | Bulk Plane Slope from Side interior and Side Street zone lot line | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 4,500 sf | 5,500 sf | 4,500 sf | 5,500 sf | 4,500 sf |
| E | Zone Lot Width (min) | 25' | 35' | 50' | 35' | 50' | 35' |
| | Number of Primary Structures per Zone Lot (max) | 2 | 2 | 2 | 2 | 2 | 2 |

| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All U-SU, TU, RH Districts<br>30' or Less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
|---|---|---|---|---|---|
| F | Primary Street, block sensitive setback required | yes | yes | yes | yes |
| F | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| G | Side Street (min) | 3' | 5' | 5' | 5' |
| H | Side Interior, for Primary Structure #1 (min one side/min combined) | 3'/6' | 5'/10' | 5'/10' | 5'/15' |
| I | Side Interior, for Primary Structure #2 (min one side/min combined)** | 3'/6' | 5'/10' | 5'/10' | 5'/15' |
| J | Rear, for Primary Structure #1, as a % of lot depth (min) | 50% | 50% | 50% | 50% |
| K | Rear, for Primary Structure #2 (min) | 5' | 5' | 5' | 5' |
| L | Minimum Separation Between Primary Structures (min) | 6' | 6' | 6' | 6' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 37.5% | 37.5% | 37.5% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 50% | 50% | 50% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Section 5.3.7.6) | | | |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 5.3.4 | | | |

| | DESIGN ELEMENTS | U-SU-A2* | U-SU-B2* | U-SU-C2* | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| M | Overall Structure Width (max) | 36' | 36' | 36' | 36' | 36' | 36' |
| N | Overall Structure Length (max) | 42' | 42' | 42' | 42' | 42' | 42' |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | | | | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater | | | | | |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 | | | | | |
| | Upper Story Stepback, for any portion of building with Low-slope Roof, above 25': Primary Street (min), for Structure #1 and for Structure #2 in first 50% of lot Depth | 10' | 10' | 10' | 10' | 10' | 10' |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| O | Pedestrian Access, Primary Street | Primary Structure #1: Entry Feature<br>Primary Structure #2: No Requirement | | | | | |

| USES | U-SU-A2*, -B2*, -C2*; All U-TU, RH Districts |
|---|---|
| | Primary Uses shall be limited to Single Unit Dwelling per primary structure. See Division 5.4 Uses and Parking |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.**

****Must be offset to be visible from the street if to the rear of Primary Structure #1 (side setbacks may be reversed from Primary Structure #1)**

## D. Row House


Not to Scale. Illustrative Only.
(A) Height
(B) Side Wall Height
(J) Pedestrian Access
PRIMARY STREET
(F) Side Interior Setback
(I) Upper Story Stepack
(H) Dwelling Unit Oriented to the Street
(G) Detached Accessory Structures
ALLEY
Rear 35% Zone Lot Depth
SIDE STREET
Front 65% Zone Lot Depth
PRIMARY STREET
(E) Side Street Setback
(C) Upper Story Stepback
(E) Primary Street Setback
(D) Zone Lot Width
PRIMARY STREET

## ROW HOUSE

| | HEIGHT | U-TU-B2* | U-RH-2.5 | U-RH-3A |
|---|---|---|---|---|
| A | Stories, front 65% / rear 35% of zone lot depth (max) | 2.5/2.5 | 2.5/1 | 2.5/1 |
| A | Feet, front 65% / rear 35% of zone lot depth (max) | 35'/35' | 35'/19' | 35'/19' |
| B | Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' | 25' | 25' |
| C | Upper Story Setback, for Low-slope Roof, Above 25': Side, Interior and Side Street (min) | 15' | 15' | 15' |

| | SITING | U-TU-B2* | U-RH-2.5 | U-RH-3A |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min/max) | 6,000 sf / 9,375 sf | 6,000 sf / na | 6,000 sf / na |
| D | Zone Lot Width (min) | 50' | 50' | 50' |
| | Dwelling Units per Primary Residential Structure (max) | na | 10 | 10 |
| | **SETBACKS** | | | |
| E | Primary Street, block sensitive setback required | yes | yes | yes |
| E | Primary Street where block sensitive setback does not apply (min) | 20' | 20' | 20' |
| E | Side Street (min) | 5' | 5' | 5' |
| F | Side Interior (min) | 5' | 5' | 5' |
| | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | | |
| | Vehicle Access | From Alley; or From street when no Alley present | | |
| G | **DETACHED ACCESSORY STRUCTURES** | See Sec. 5.3.4 | | |

| | DESIGN ELEMENTS | U-TU-B2* | U-RH-2.5 | U-RH-3A |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| H | Dwelling Units Oriented to the Street | All Dwelling Units shall be Oriented to the Street | | |
| | Dwelling Unit Configuration | Structure shall only contain Side-by-Side Dwelling Units | | |
| I | Upper Story Stepback, for any portion of building with Low-slope Roof, Above 25': Primary Street (min) | 10' | 10' | 10' |
| | Street facing attached garage door width per Primary Structure (max) | 20' | 20' | 20' |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | | |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 | | |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Pedestrian Access | Each unit shall have a street-facing Entrance | | |
| | **USES** | U-TU-B2*, U-RH-2.5 and U-RH-3A | | |
| | | Primary Uses shall be limited to Multi Unit Dwelling (3+). See Division 5.4 Uses and Parking | | |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.**

### E. Town House


Not to Scale. Illustrative Only.
(A) Height
ALLEY
SIDE STREET
PRIMARY STREET
(C) Primary Street Setback
(G) Dwelling Units Oriented to the Street
(D) Side Street Setback
(G) Dwelling Units Oriented to the Street
(G) Dwelling Unit Oriented to the Street
PRIMARY STREET
(J) Pedestrian Access
(I) Transparency
(E) Side Interior
(H) Upper Story Setback
Protected District
(F) Side Interior
(B) Build-To
PRIMARY STREET

## TOWN HOUSE

| | HEIGHT | U-RX-3 | U-RX-5 | U-MX-2 U-MX-2x | U-MX-3 | U-MS-2 U-MS-2x | U-MS-3 | U-MS-5 |
|---|---|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 2 | 3 | 2 | 3 | 5 |
| A | Feet (min/max) | na/38' | na/70' | na/30' | na/38' | na/30' | na/38' | 24'/70' |

| | SITING | U-RX-3 | U-RX-5 | U-MX-2 U-MX-2x | U-MX-3 | U-MS-2 U-MS-2x | U-MS-3 | U-MS-5 |
|---|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | | |
| B | Primary Street (min build-to % within min/max range) | 70% 10'/15' | 70% 10'/15' | 70% 10'/15' | 70% 10'/15' | 75% 10'/15' | 75% 10'/15' | 75% 10'/15' |
| | Side Street (min build-to % within min/max range) | na | na | na | na | 25% 7.5'/15' | 25% 7.5'/15' | 25% 7.5'/15' |
| | **SETBACKS** | | | | | | | |
| C | Primary Street (min) | 10' | 10' | 10' | 10' | 10' | 10' | 10' |
| D | Side Street (min) | 7.5' | 7.5' | 7.5' | 7.5' | 7.5' | 7.5' | 7.5' |
| E | Side Interior (min) | 5' | 5' | 5' | 5' | 5' | 5' | 5' |
| F | Side Interior, adjacent to Protected District (min) | U-MX-2x and U-MS-2x: 5' All other Zone Districts: 10' | | | | | | |
| | Rear (min) | 0' | 0' | 0' | 0' | 0' | 0' | 0' |
| | Rear, adjacent to Protected District , alley/no alley (min) | U-MX-2x and U-MS-2x: 12'/20' All other Zone Districts: 0'/10' | | | | | | |
| | **PARKING** | | | | | | | |
| | Surface Parking between building and Primary Street/Side Street | RX and MX: Not Allowed/Allowed | | | | MS: Not Allowed/Not Allowed | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | | | | | | |

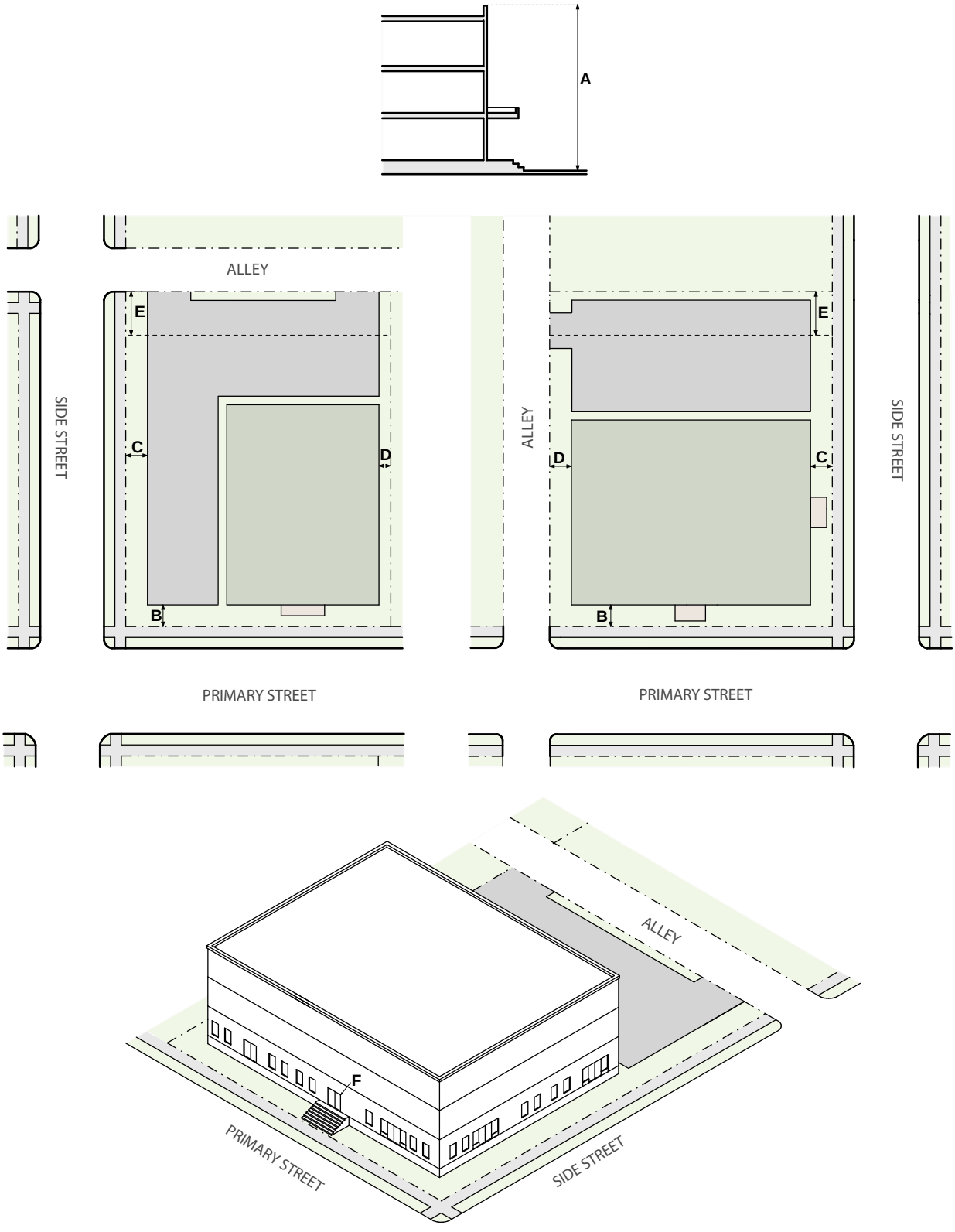
| | DESIGN ELEMENTS | U-RX-3 | U-RX-5 | U-MX-2 U-MX-2x | U-MX-3 | U-MS-2 U-MS-2x | U-MS-3 | U-MS-5 |
|---|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | | |
| G | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 20' of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. | | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | | | | | | |
| H | Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15'/25' | 20'/25' | na | 15'/25' | na | 15'/25' | 20'/25' |
| | Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35'/40' | na | 15'/25' | na | na | 35'/40' |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 | | | | | | |
| | **STREET LEVEL ACTIVATION** | | | | | | | |
| I | Transparency, Primary Street (min) | 40% | | | | | | |
| | Transparency, Side Street (min) | 25% | | | | | | |
| J | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature | | | | | | |

| USES | All U-RX Zone Districts | All U-MX Zone Districts | All U-MS Zone Districts |
|---|---|---|---|
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | na | 40% | 100% |
| Permitted Primary Uses | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 6.4 Uses and Parking | | |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## F. Apartment

*Not to Scale. Illustrative Only.*



## APARTMENT

| | HEIGHT | U-RH-3A* |
|---|---|---|
| A | Stories (max) | 3 |
| A | Feet (max) | 38′ |

| | SITING | U-RH-3A* |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min/max) | 6,000 sf / 16,000 sf |
| | Zone Lot Width (min) | 50′ |
| | **SETBACKS** | |
| B | Primary Street, block sensitive setback required | yes |
| B | Primary Street, where block sensitive setback does not apply (min) | 20′ |
| C | Side Street (min) | 10′ |
| D | Side Interior (min) | 5′ |
| E | Rear, alley/no alley (min) | 12′/20′ |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | U-RH-3A* |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA |
| | Street facing garage door width per Primary Structure (max) | 20′ |
| | Rooftop and/or Second Story Decks | See Section 5.3.5.2 |
| | **STREET LEVEL ACTIVATION** | |
| | Transparency, Primary Street (min) | 40% |
| | Transparency, Side Street (min) | 25% |
| F | Pedestrian Access, Primary Street or Side Street | Entrance |

| | USES | U-RH-3A* |
|---|---|---|
| | | Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Division 5.4 Uses and Parking |

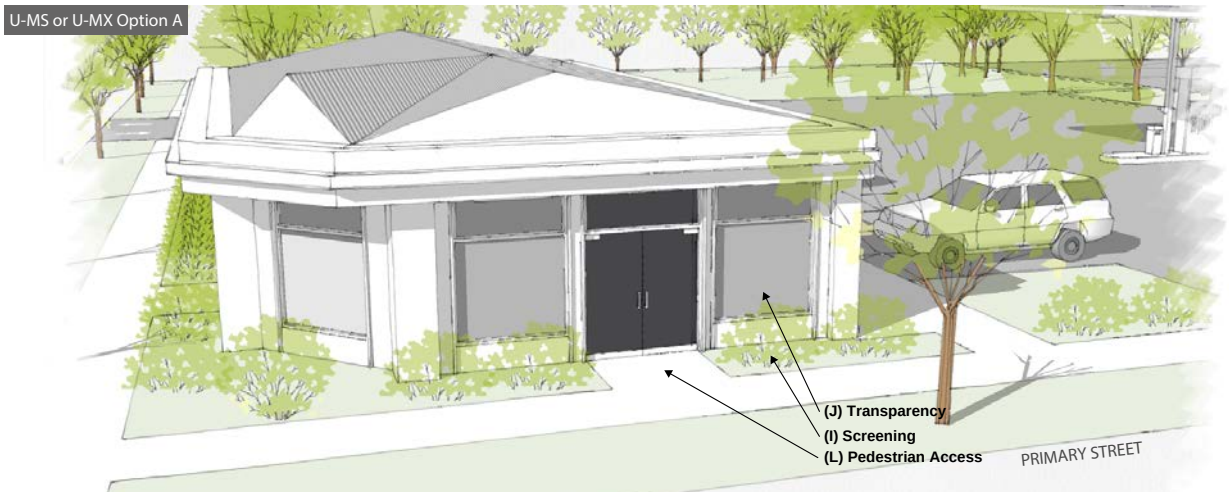
**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.**

## G. Drive Thru Services

Not to Scale. Illustrative Only.



## DRIVE THRU SERVICES

| | APPLICABILITY | All U-MS, U-MX |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | U-MX-2<br>U-MS -2 | U-MX-3<br>U-MS-3, -5 |
|---|---|---|---|
| A | Stories (max) | 2 | 3 |
| A | Feet (max) | 30′ | 45′ |

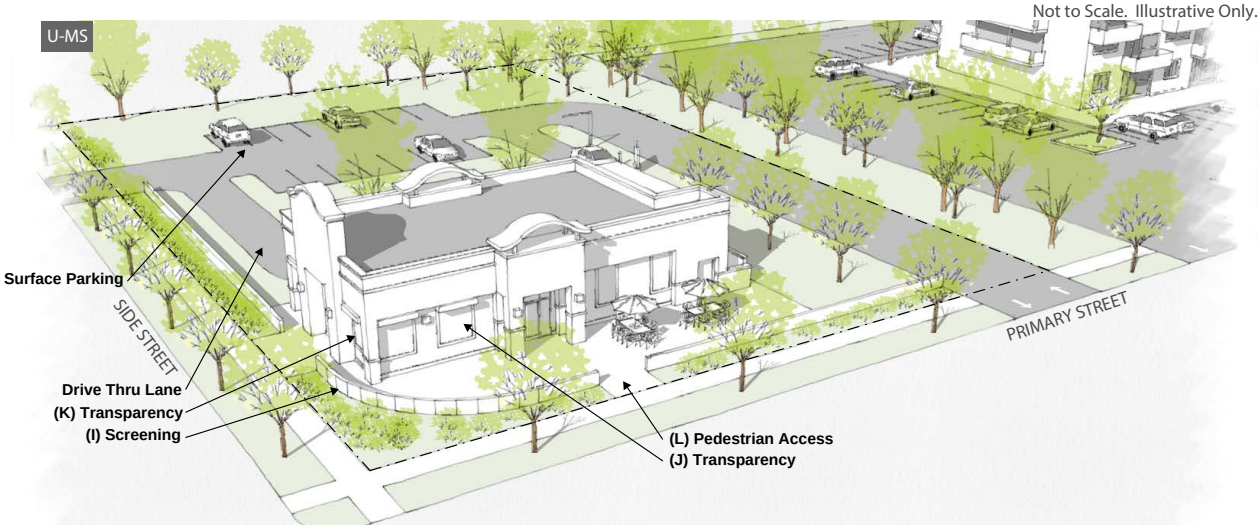
| | SITING | U-MS-2, -3, -5 | U-MX-2, -3<br>Option A | U-MX-2, -3<br>Option B** |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max)* | 50% 0′/15′ | 50% 0′/15′ | na |
| C | Side Street (min % within min/max)* | 50% 0′/15′ | 50% 0′/15′ | na |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| G | Rear, alley and no alley (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | Not Allowed/Allowed | Allowed/Allowed |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | |

| | DESIGN ELEMENTS | U-MS-2, -3, -5 | U-MX-2, -3<br>Option A | U-MX-2, -3<br>Option B** |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| H | *Canopy | Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To | Building shall be used to meet a portion of the Primary or Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To | na |
| I | Screening Required | Garden Wall required within 0′/15′ for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0′/15′, following the standards of Article 10, Section 10.5.4.4 | | |
| | Upper Story Setback Above 27′ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | U-MS-3, -5 Only: 15′/25′ | U-MX-3 Only: 15′/25′ | U-MX-3 Only: 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 60% | 40% | 40% |
| K | Transparency, Side Street (min) | 25% | 25% | 25% |
| L | Pedestrian Access, Primary Street | Entrance | Entrance | Pedestrian Connection |
| | USES | U-MS-2, -3, -5; U-MX-2, -3** | | |

For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to an Automobile Services, Light Primary Use with Accessory Drive Thru Use, excluding Eating & Drinking Establishments. See Division 5.4 Uses and Required Minimum Parking
**Additionally, in U-MX-2, 3 Option B is limited to Gasoline Service Station Use Only

## H. Drive Thru Restaurant

Not to Scale. Illustrative Only.









## DRIVE THRU RESTAURANT

| | APPLICABILITY | All U-MS, U-MX |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | U-MX-2<br>U-MS -2 | U-MX-3<br>U-MS-3, -5 |
|---|---|---|---|
| A | Stories (max) | 2 | 3 |
| A | Feet (max) | 30′ | 45′ |

| | SITING | U-MS-2, -3, -5 | U-MX-2, -3 |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| B | Primary Street (min % within min/max) | Corner Lots: 50% 0′/5′<br>All other: 75% 0′/5′ | Corner Lots: 50% 0′/35′<br>All other: 70% 0′/35′ |
| C | Side Street (min % within min/max) | 50% 0′/5′ | 50% 0′/18′ |
| | **SETBACKS** | | |
| D | Primary Street (min) | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| G | Rear, alley and no alley (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | 0′/10′ | 0′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | Not Allowed/Not Allowed |
| | Drive Thru Lane between building and Primary Street/Side Street | Not Allowed/Not Allowed | Allowed/Allowed |
| H | Drive Thru Lane Width (max) | n/a | 12′ |
| I | Drive Thru Lane Screening Required | n/a | Garden Wall, following the standards of Article 10, Section 10.5.4.4 |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

| | DESIGN ELEMENTS | U-MS-2, -3, -5 | U-MX-2, -3 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Upper Story Setback Above 27′ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| J | Transparency, Primary Street (min) | 60% | 40% |
| K | Transparency, Side Street (min) | 25% | 25% |
| L | Pedestrian Access, Primary Street | Entrance | Entrance and Pedestrian Connection |

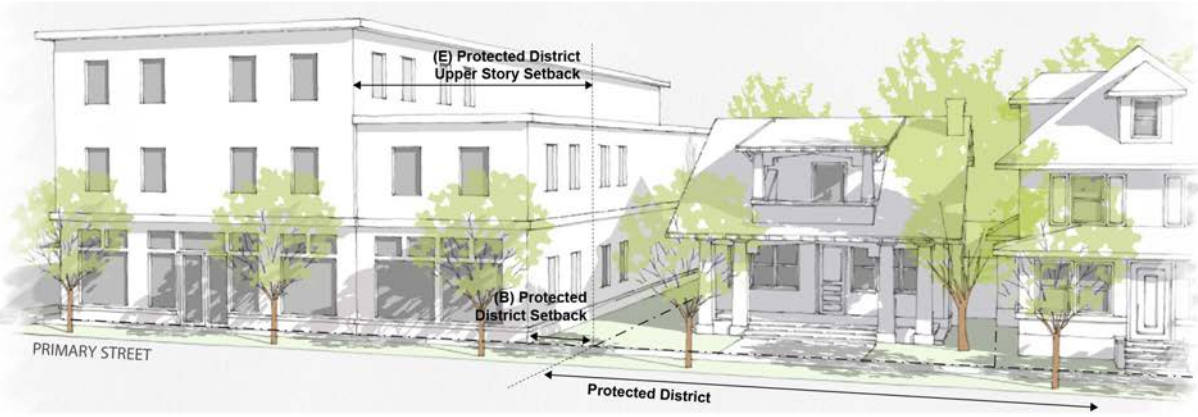
| | USES | U-MS-2, -3, -5; U-MX-2, -3 |
|---|---|---|
| | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to an Eating & Drinking Establishment Primary Use with Accessory Drive Thru Use Only. See Division 5.4 Uses and Required Minimum Parking |

## I. General


Not to Scale. Illustrative Only.
Multi Unit
Single Family Residential
Single Family Residential
Mixed-use Development


(C) Surface Parking
(H) Pedestrian Access
(F) Transparency
(G) Transparency
SIDE STREET
(A) Build-to Range
PRIMARY STREET
(D) Surface Parking Screening


(D) Surface Parking Screening
(H) Pedestrian Access
ALLEY
(A) Build-to Percentage
Zone Lot
PRIMARY STREET
(F) Transparency


(E) Protected District Upper Story Setback
(B) Protected District Setback
PRIMARY STREET
Protected District

## GENERAL

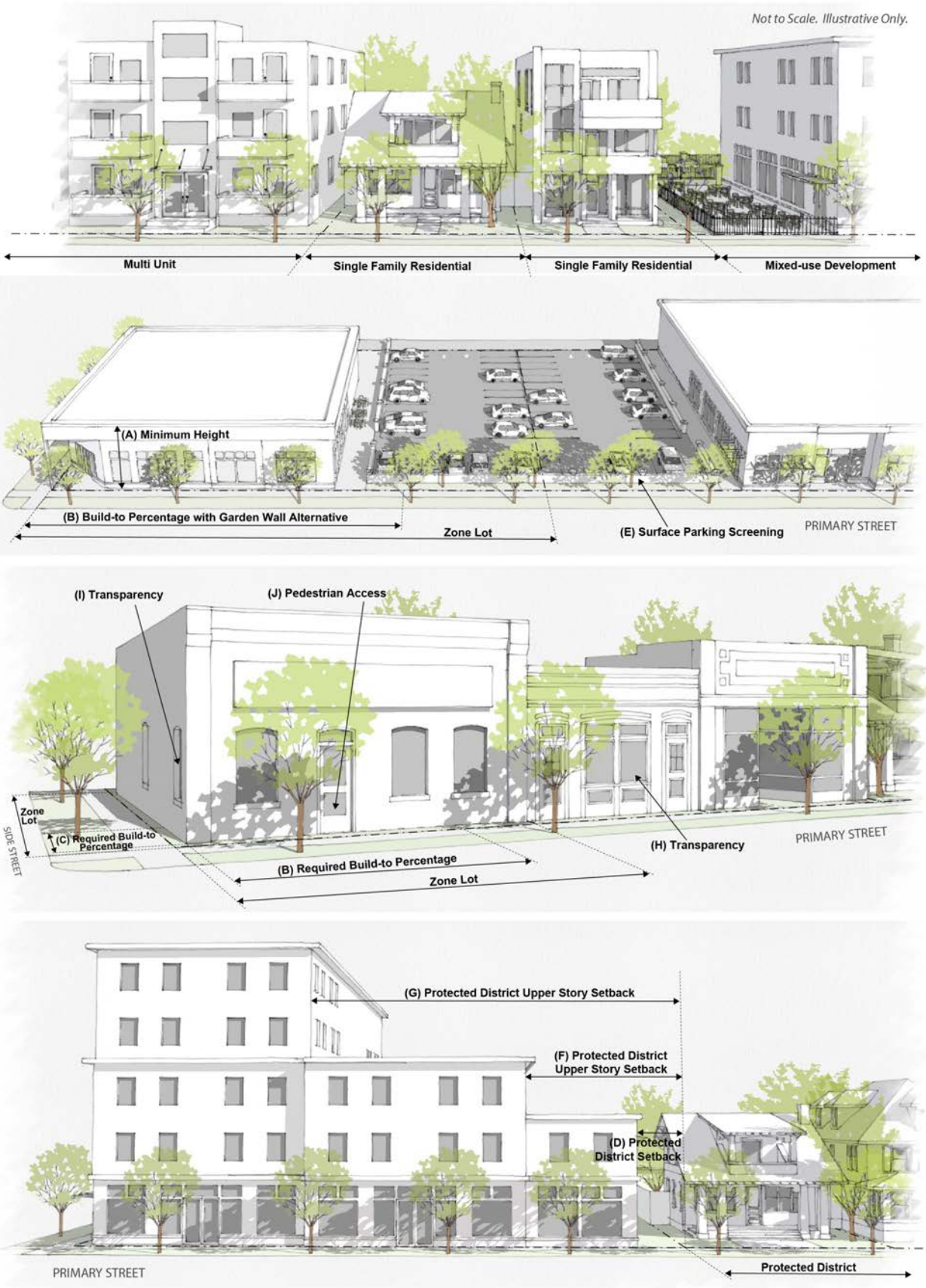
| | HEIGHT | U-MX-2, -2x | U-MX-3 |
|---|---|---|---|
| | Stories (max) | 2 | 3 |
| | Feet (max) | 30′ | 45′ |

| | SITING | U-MX-2, -2x | U-MX-3 |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| A | Primary Street (min build-to % within min/max range) | 70% 0′/15′ | 70% 0′/15′ |
| | Side Street (min build-to % within min/max range) | na | na |
| | **SETBACKS** | | |
| | Primary Street (min) | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ |
| B | Side Interior, adjacent to Protected District (min) | U-MX-2x: 5′<br>10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | U-MX-2x: 12'/20'<br>All Other Zone Districts: 0'/10′ | 0′/10′ |
| | **PARKING** | | |
| C | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | |
| D | Surface Parking Screening | See Article 10, Division 10.5 | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

| | DESIGN ELEMENTS | U-MX-2, -2x | U-MX-3 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | |
| E | Upper Story Setback Above 27′ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| F | Transparency, Primary Street (min) | 40% | 40% |
| G | Transparency, Side Street (min) | 25% | 25% |
| | Transparency Alternatives | See Section 5.3.6.2 | |
| H | Pedestrian Access, Primary Street | Entrance | |
| | **USES** | All U-MX | |
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 40% | |
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form. See Division 5.4 Uses and Parking. | |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## J. Shopfront


Not to Scale. Illustrative Only.
Multi Unit
Single Family Residential
Single Family Residential
Mixed-use Development
(A) Minimum Height
(B) Build-to Percentage with Garden Wall Alternative
Zone Lot
(E) Surface Parking Screening
PRIMARY STREET
(I) Transparency
(J) Pedestrian Access
Zone Lot
(C) Required Build-to Percentage
SIDE STREET
(B) Required Build-to Percentage
Zone Lot
(H) Transparency
PRIMARY STREET
(G) Protected District Upper Story Setback
(F) Protected District Upper Story Setback
(D) Protected District Setback
PRIMARY STREET
Protected District

# SHOPFRONT

| | HEIGHT | U-RX-3 | U-RX-5 | U-MS-2<br>U-MS-2x<br>U-MX-2<br>U-MX-2x | U-MS-3<br>U-MX-3 | U-MS-5 |
|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 5 | 2 | 3 | 5 |
| A | Feet (min/max) | na/45′ | na/70′ | na/30′ | na/45′ | 24′/70′ |

| | SITING | U-RX-3 | U-RX-5 | U-MS-2<br>U-MS-2x<br>U-MX-2<br>U-MX-2x | U-MS-3<br>U-MX-3 | U-MS-5 |
|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | |
| B | Primary Street (min build-to % within min/max range) | 70% 0′/15′ | 70% 0′/15′ | 75%<br>0′/5′ Residential Only Buildings: 0′/10′ | | |
| C | Side Street (min build-to % within min/max range) | na | na | 25%<br>0′/5′ Residential Only Buildings: 0′/10′ | | |
| | **SETBACKS** | | | | | |
| | Primary Street (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| D | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | U-MS-2x, U-MX-2x: 5′<br>All Other Zone Districts:10′ | 10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District , alley/no alley (min) | 0′/10′ | 0′/10′ | U-MS-2x, U-MX-2x: 12'/20'<br>All Other Zone Districts: 0'/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | | MS: Not Allowed/Not Allowed | | |
| E | Surface Parking Screening | See Article 10, Division 10.5 | | | | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | | | |

| | DESIGN ELEMENTS | U-RX-3 | U-RX-5 | U-MS-2<br>U-MS-2x<br>U-MX-2<br>U-MX-2x | U-MS-3<br>U-MX-3 | U-MS-5 |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | |
| F | Upper Story Setback Above 27′ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | na | 15′/25′ | 20′/25′ |
| G | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | na | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| H | Transparency, Primary Street (min) | 60%<br>Residential Only Buildings: 40% | | | | |
| I | Transparency, Side Street (min) | 25% | | | | |
| J | Pedestrian Access, Primary Street | Entrance | | | | |

| USES | All U-RX Zone Districts | All U-MS and U-MX Zone Districts |
|---|---|---|
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | na | 100% |
| | All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max. See Division 5.4 Uses and Parking | All permitted Primary Uses shall be allowed within this building form. See Division 5.4 Uses and Parking |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 5.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 5.3.4.1 Applicability

All detached accessory structures in all the Urban Neighborhood Context zone districts

## 5.3.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 5.3.4.

**6. Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 5.3.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 5.3.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 5.3.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

**1. Building Coverage**

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

**2. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

### 5.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Urban (U-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Single Unit (SU) | U-SU-A, -B, -C, -E, -H | no max* | | ■ | ■ | |
| | U-SU-A1, B1, C1, E1, H1 | no max* | ■ | ■ | ■ | |
| | U-SU-A2, -B2, -C2 | no max* | □ | ■ | ■ | |
| Two Unit (TU) | U-TU-B , -C | no max* | ■ | ■ | ■ | |
| | U-TU-B2 | no max* | ■ | ■ | ■ | |
| Row House (RH) | U-RH-2.5 | no max* | ■ | ■ | ■ | |
| | U-RH-3A | no max* | ■ | ■ | ■ | |
| Residential Mixed Use (RX) | U-RX-3, -5 | no max | | | | ■ |
| Mixed Use (MX) | U-MX-2x | no max | | | | ■ |
| | U-MX-2, -3 | no max | | | | ■ |
| Main Street (MS) | U-MS-2x | no max | | | | ■ |
| | U-MS-2, -3, -5 | no max | | | | ■ |

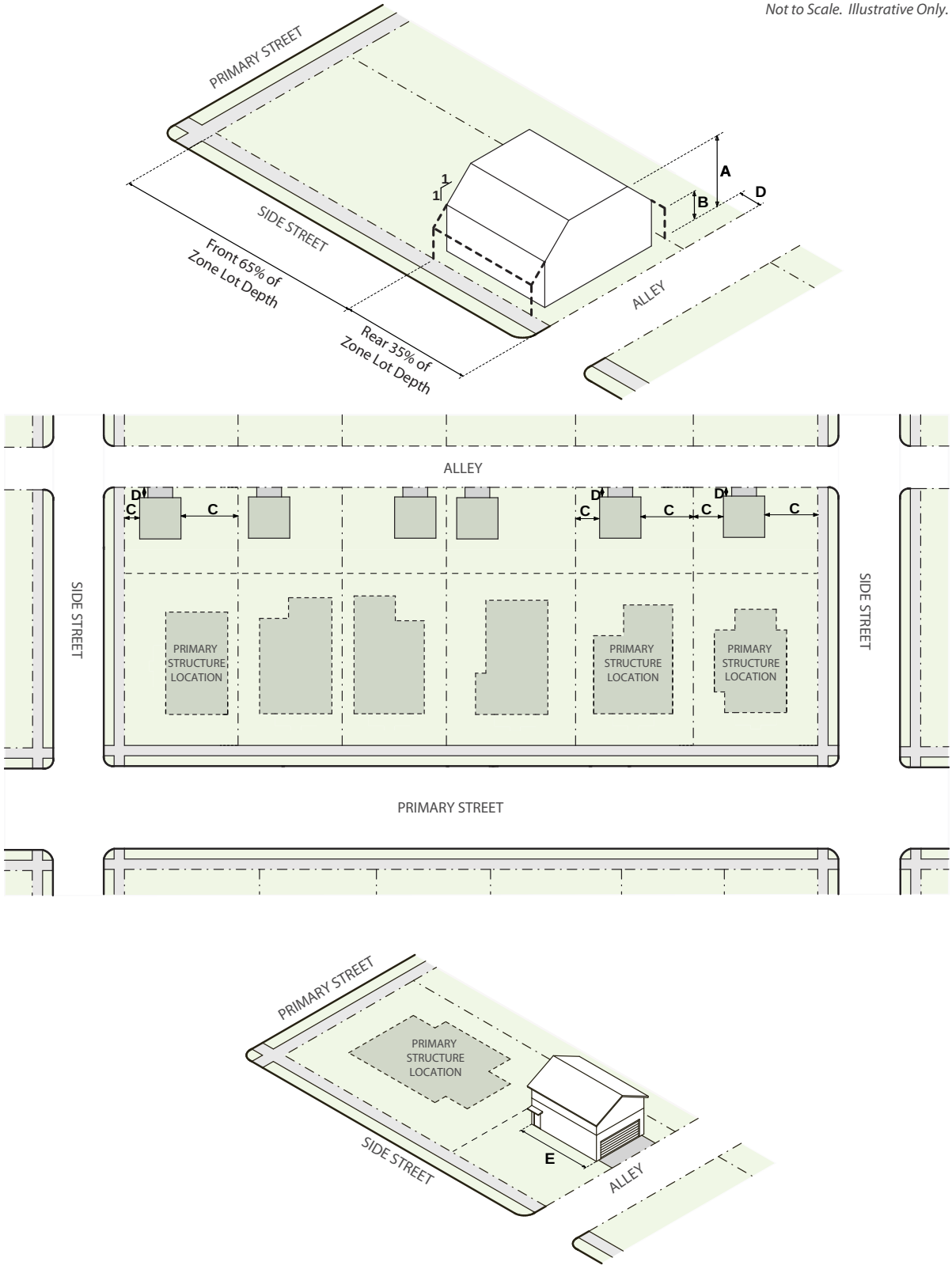
■ = Allowed □ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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## 5.3.4.5 District Specific Standards

### A. Detached Accessory Dwelling Unit

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY DWELLING UNIT

| | HEIGHT | U-SU-A1<br>U-SU-A2* | U-TU-B, U-TU-B2<br>U-SU-B1<br>U-SU-B2* | U-TU-C<br>U-SU-C1<br>U-SU-C2* | U-SU-E1 | U-SU-H1 | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 | 1.5 |
| A | Feet (max) | 24′ | 24′ | 24′ | 24′ | 24′ | 24′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | U-SU-A1<br>U-SU-A2* | U-TU-B, U-TU-B2<br>U-SU-B1<br>U-SU-B2* | U-TU-C<br>U-SU-C1<br>U-SU-C2* | U-SU-E1 | U-SU-H1 | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 3,000 sf | 4,500 sf | 5,500 sf | 7,000 sf | 10,000 sf | 3,000 sf |
| | Exemption from Maximum Building Coverage (Lesser of) | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf | 50%/<br>500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking. | | | | | |
| | Additional Standards | See Sections 5.3.4.3 | | | | | |
| | **SETBACKS** | | | | | | |
| | Location | Located in the rear 35% of the zone lot depth | | | | | |
| C | Side Interior and Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | Lots 30′ wide or less: 3′<br>All Others: 5′ |
| | | If exceeding one story or 17′ shall be located adjoining the southern most side setback line | | | | | |
| D | Rear (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | **PARKING** | | | | | | |
| | Parking Access | From Alley; or Street access allowed when no Alley present (see Sec. 5.3.7.6 for exceptions) | | | | | |

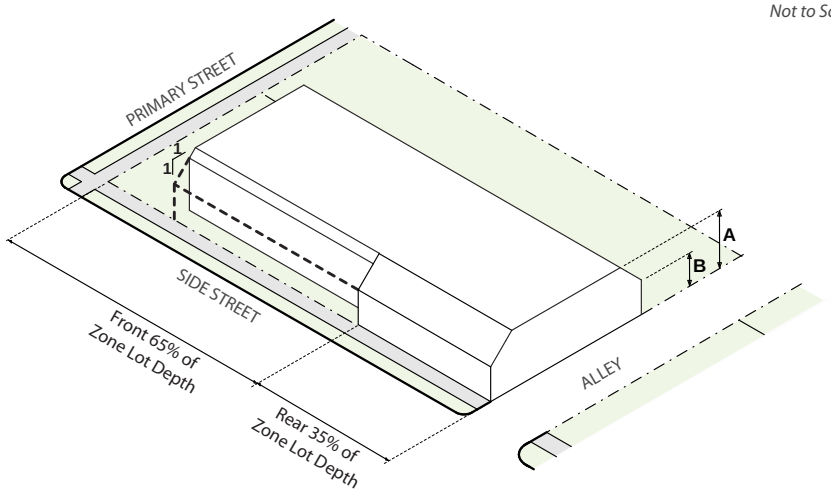
| | DESIGN ELEMENTS | U-SU-A1, -B1, -C1, -E1, -H1, U-SU-A2*, -B2*, -C2* By Zone Lot Size | | | U-TU-B, -B2, -C, U-RH-2.5 U-RH-3A |
|---|---|---|---|---|---|
| | | 6,000 sf or Less | Greater than 6,000 sf and up to 7,000 sf | Greater than 7,000 sf | |
| | **BUILDING CONFIGURATION** | | | | |
| | Building Footprint (max) | 650 sf | 864 sf | 1,000 sf | 1,000 sf |
| | Habitable Space (max) | 650 sf | 864 sf | 1,000 sf | na |
| E | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ |
| | Rooftop and/or Second Story Decks | Not allowed - See Section 5.3.5.2 | | | |
| | **USES** | All U-SU, TU, RH | | | |
| | | Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted.<br>See Division 5.4 for permitted Accessory Uses | | | |

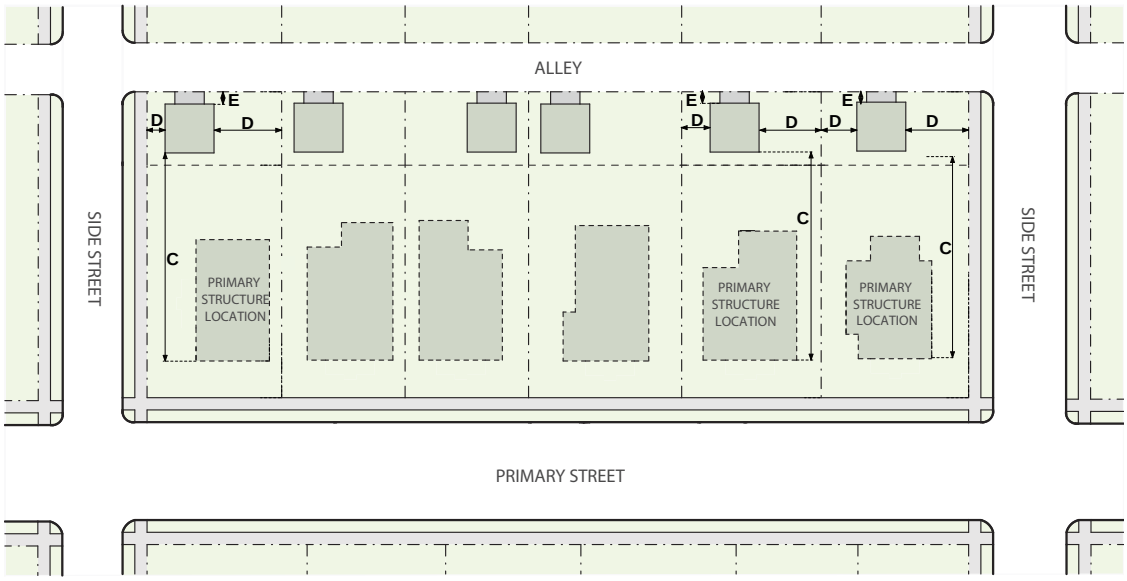
**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

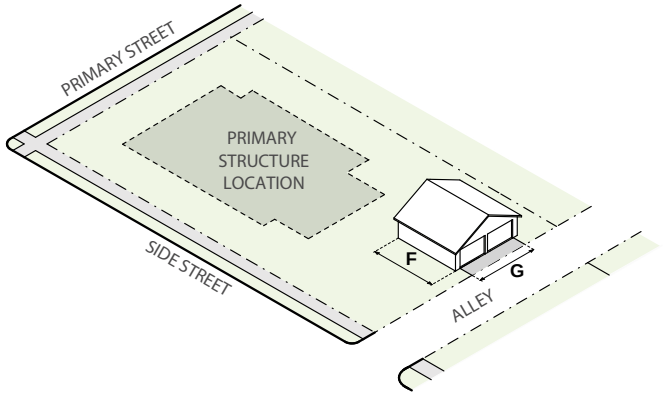
***Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.**

## B. Detached Garage

*Not to Scale. Illustrative Only.*



## DETACHED GARAGE

| | HEIGHT | U-SU-A<br>U-SU-A1<br>U-SU-A2 | U-SU-B<br>U-SU-B1<br>U-SU-B2 | U-SU-C<br>U-SU-C1<br>U-SU-C2 | U-SU-E<br>U-SU-E1 | U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|---|---|
| A | Stories (max) | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| A | Feet (max) | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ | 17′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° | 45° | 45° | 45° | 45° | 45° | 45° | 45° |

| | SITING | All U-SU, -TU, -RH |
|---|---|---|
| | **ZONE LOT** | |
| | Exemption from Maximum Building Coverage (Lesser of) | 50%/<br>500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 sf. To qualify, the detached garage form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the garage form shall be used for vehicle parking. |
| | Additional Standards | See Sections 5.3.4.3 |
| | **SETBACKS** | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| D | Side Street (min) | 5′ |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot * | 0′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ |
| E | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ |
| | Rear, alley, where garage doors do not face alley* (min) | 0′ |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>See Sec. 5.3.7.6 for exceptions |

| | DESIGN ELEMENTS | U-SU-A<br>U-SU-A1<br>U-SU-A2 | U-SU-B<br>U-SU-B1<br>U-SU-B2 | U-SU-C<br>U-SU-C1<br>U-SU-C2 | U-SU-E<br>U-SU-E1 | U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2 | U-TU-C | U-RH-2.5<br>U-RH-3A |
|---|---|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | | | |
| | Building Footprint (max) | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 1,000 sf | 864 sf** per unit** | 864 sf** per unit** | 864 sf per unit** |
| F | Overall Structure Length (max) | 36′ | 36′ | 36′ | 36′ | 36′ | 36′ per unit | 36′ per unit | no max |
| | Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| G | Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 28′ | 28′ | 28′ | 28′ | 28′ | 28′ | 28′ | no max |
| | **USES** | All U-SU, TU, RH | | | | | | | |
| | | Accessory Uses Only, excluding accessory dwelling unit where permitted.<br>See Division 5.4 for permitted Accessory Uses | | | | | | | |

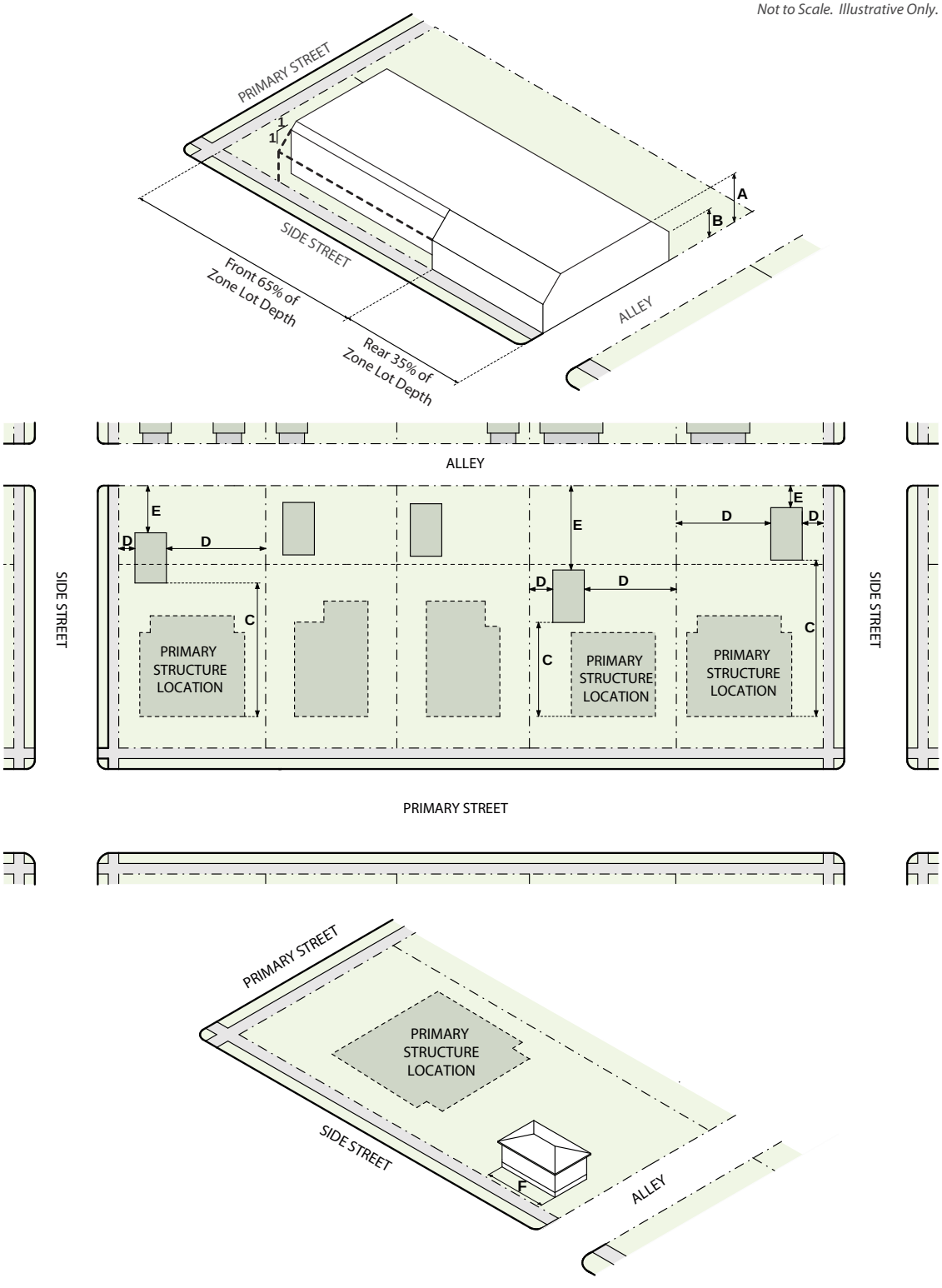
**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

****When used with the Urban House building form, the permitted building footprint for a detached garage may be increased to 1,000 sf**

## C. Other Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## OTHER DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All U-SU, -TU, -RH |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 15′ |
| B | Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line | 10′ |
| | Bulk Plane Slope from Side Interior and Side Street Zone Lot Line | 45° |

| | SITING | All U-SU, -TU, -RH |
|---|---|---|
| | Additional Standards | See Sections 5.3.4.3 |
| | **SETBACKS** | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| D | Side Street (min) | 5′ |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot* | 0′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ |
| E | Rear, no alley (min) | 5′ |
| | Rear, alley, where doors face alley (min) | 5′ |
| | Rear, alley, where doors do not face alley (min)* | 0′ |

| DESIGN ELEMENTS | All U-SU, -TU, -RH |
|---|---|
| **BUILDING CONFIGURATION** | |
| Building Footprint (max) | 1,000 sf |
| Overall Structure Length (max) | 36′ |

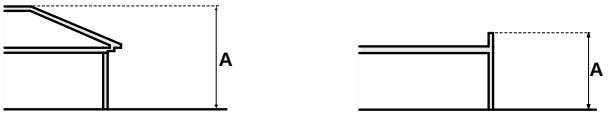
| USES | All U-SU, TU, RH |
|---|---|
| | Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 5.4 for permitted Accessory Uses |

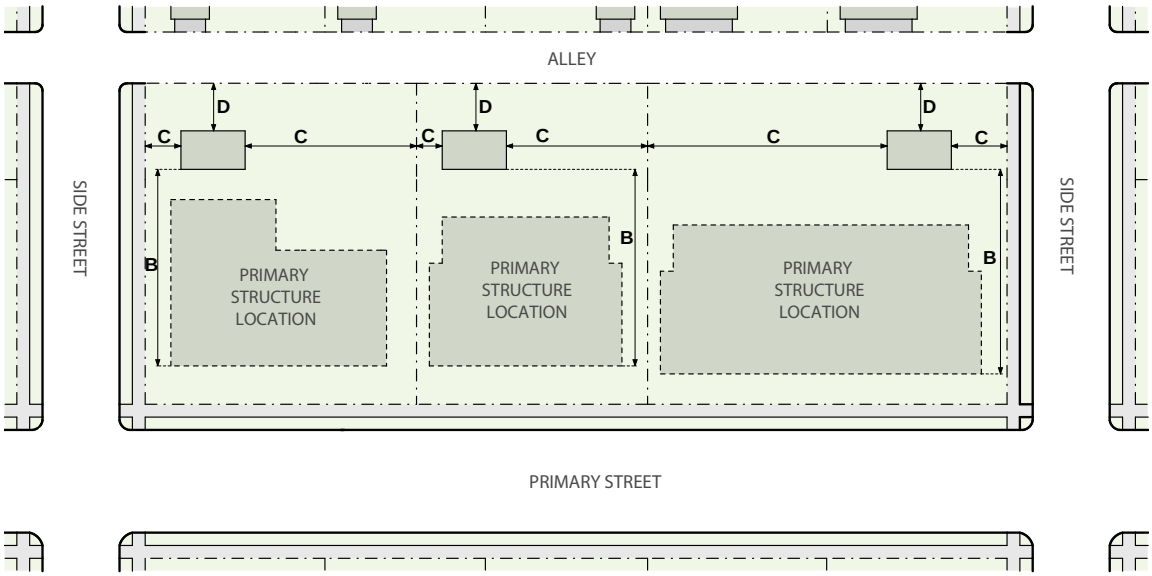
**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

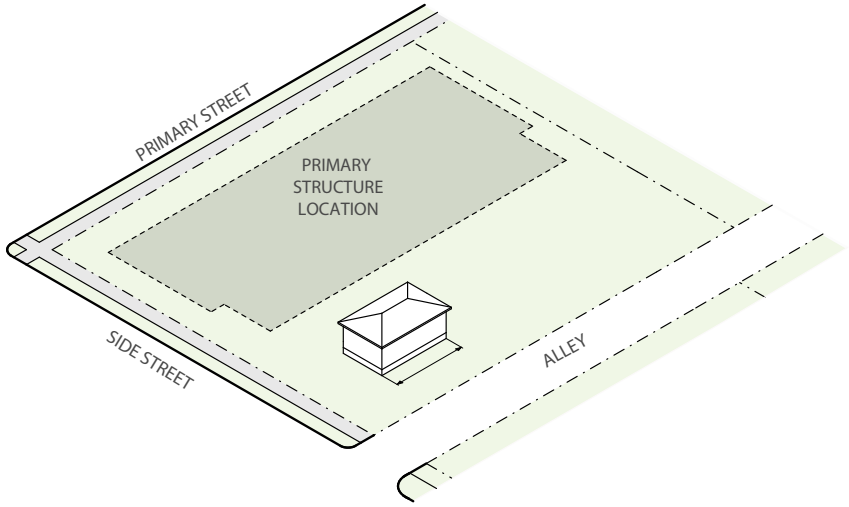
***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

## D. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All U-RX, -MX, -MS |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | All U-RX, -MX, -MS |
|---|---|---|
| | Additional Standards | See Sections 5.3.4.3 |
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Interior and Side Street (min) | 5′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′<br>See Section 10.4.6 Vehicle Parking Design for standards that may be more restrictive |
| | Rear, alley, where garage doors do not face alley (min) | 0′ |

| DESIGN ELEMENTS | All U-RX, -MX, -MS |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot,; provided this restriction shall not apply to the parking of vehicles<br>See Section 5.3.4.3 |

| USES | All U-RX, -MX, -MS |
|---|---|
| | Accessory Uses Only<br>See Division 5.4 Uses and Parking |

**See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 5.3.5 SUPPLEMENTAL DESIGN STANDARDS

## 5.3.5.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

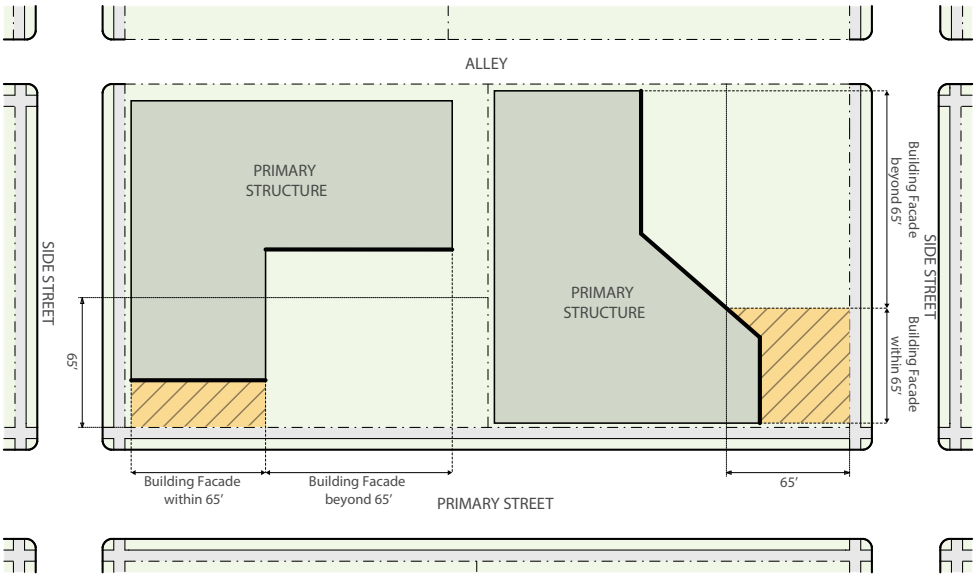
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

### B. Applicability

This Section 5.3.5.1 applies to the Shopfront building form in the U-MS and U-RX zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.




*Not to Scale. Illustrative Only.*

## 5.3.5.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards in low-scale residential neighborhoods.

### B. Applicability

1. All the U-SU, U-TU, and U-RH zone districts;
2. All U-RX, U-MX, and U-MS zone districts in the Town House building form when the Zone Lot is adjacent to a to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

### C. Supplemental Design Standard

1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the zone lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the zone lot depth, including detached or freestanding structures but excluding the detached

accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 5.3.5.3 Street Level Active Uses in the U-MX and U-MS Zone Districts

**A. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**

This Section 5.3.5.3 applies to the General and Shopfront building forms in the U-MX zone districts and the Shopfront building form in the U-MS zone districts.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 5.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

### 5.3.5.4 Dwelling Units Oriented to the Street

**A. Intent**

To ensure that buildings containing Side-by-side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

**B. Applicability**

This Section 5.3.5.4 shall apply to development under the Town House building form in all U-RX, U-MX, and U-MS zone districts when required by the building form standards.

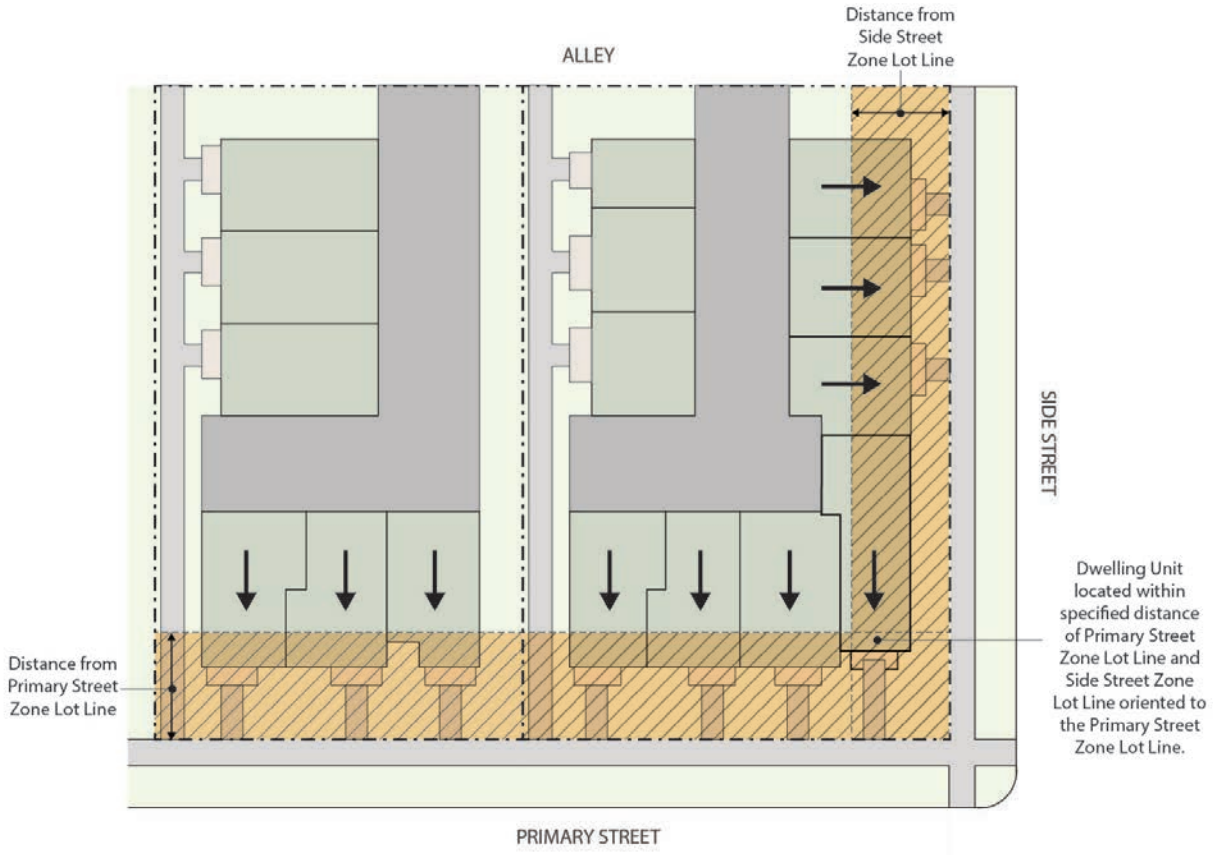
**Supplemental Design Standard**

1. On an Interior Zone Lot, Dwelling Units must be oriented to the to the Primary Street Zone Lot Line.
2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or Side Street Zone Lot Line.

a. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

b. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.

c. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.




d. On a Zone Lot with more than one Primary Street, the Zoning Administrator shall determine the street to which the corner Dwelling Unit shall orient based on an analysis, at a minimum, of:

i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject Zone Lot;

ii. Block and lot shape;

iii. The functional street classification of all abutting streets as adopted by the Public Works Department;

iv. The future street classification of all abutting streets as adopted in Blueprint Denver; and

v. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

### 5.3.5.5 Height for Sloped Roofs

#### A. Intent

To allow for design flexibility for sloped roofs to promote variations within the building form.

**B. Applicability**

This Section 5.3.5.5 shall apply to development under the Town House building form standards in all U-RX, U-MX, and U-MS zone districts.

**Supplemental Design Standard**

1. For any portion of a primary building the roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be:
   a. 45-feet in 3-story RX, MX, and MS zone districts, and
   b. 35-feet in 2-story MX and MS zone districts.
2. Development of a primary building with a roof with a minimum pitch of 6:12 that takes advantage of the maximum height allowed per this Section 5.3.5.5 may apply one or more height exceptions allowed in DZC section 5.3.7.1, except that such height exceptions shall be measured from an allowed maximum of height of:
   a. 38 feet in 3-story RX, MS, and MS zone districts, and
   b. 30 feet in 2-story MX and MS zone districts




## SECTION 5.3.6 DESIGN STANDARD ALTERNATIVES

### 5.3.6.1 Required Build-To Alternatives

**A. Intent**

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when alley access is not feasible per Section 5.3.7.6 in the Town House building form.

**B. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as de-

scribed in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | BUILD-ING FORM | PERMANENT OUTDOOR PATIO SEAT-ING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURT-YARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| U-RX<br>U-MX<br>U-MS | Town House | na | na | na | na | na | na | 30% | 12 feet |
| U-RX<br>U-MX | All Others | na | na | 25%* | 30%* | 30%* | 100% | 100% | na |
| U-MS | All Others | na | na | 25%* | 30%* | 30%* | 100% | na | na |

***If used in combination, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

### 5.3.6.2 Transparency Alternatives

#### A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

#### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MA-CHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EAT-ING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| U-RX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| U-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| U-MS | Primary Street | 40% | 50% | 60% | 40% | 50% |
| | Side Street | 40% | 50% | 80% | 40% | 50% |

***Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.**

### 5.3.6.3 Pedestrian Access (Entrance) Alternatives

**A. Intent**

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

**B. Allowance**

In U-MX and U-RX zone districts, for all building forms except the Town House building forms, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway

## SECTION 5.3.7 DESIGN STANDARD EXCEPTIONS

### 5.3.7.1 Height Exceptions

**A. Intent**

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

**B. Applicability and Standards**

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 5.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.
3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.
5. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All U- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All U- Zone Districts | No | No | 28' | Not applicable | Any distance | Any distance |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Unoccupied cooling towers and enclosures for tanks | All 5-Story U-RX, U-MS Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | All 3-Story or lower U-RX, U-MX, U-MS Zone Districts in the Town House building form | Yes | Yes, from the perimeter of the portion of the building Facing the Primary Street, Side Street, Side Interior or Rear Zone Lot Line.<br><br>No, from the perimeter of the portion of the building that does not face a Zone Lot Line. | 12' | 1 story | Not Allowed | Not Allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 3-Story or lower U-RX, U-MX, U-MS Zone Districts, , all other building forms | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story U-RX, U-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 3-Story or lower U-RX, U-MX, U-MS Zone Districts | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story U-RX, U-MS Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All 3-Story or lower U-RX, U-MX, U-MS Zone Districts | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story U-RX, U-MS Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Parapet Wall and/or Safety Railing | All 5-Story U- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All U- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All U- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All U-MX, U-MS Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All U- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 5.3.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

#### B. Parkways

**1. Intent**

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

### 5.3.7.3 Setback Exceptions

#### A. Intent

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

#### B. Standard

In all U- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 5.3.7.4 Setback Permitted Encroachments

**A. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**B. Standard**

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

**1. Architectural Elements**

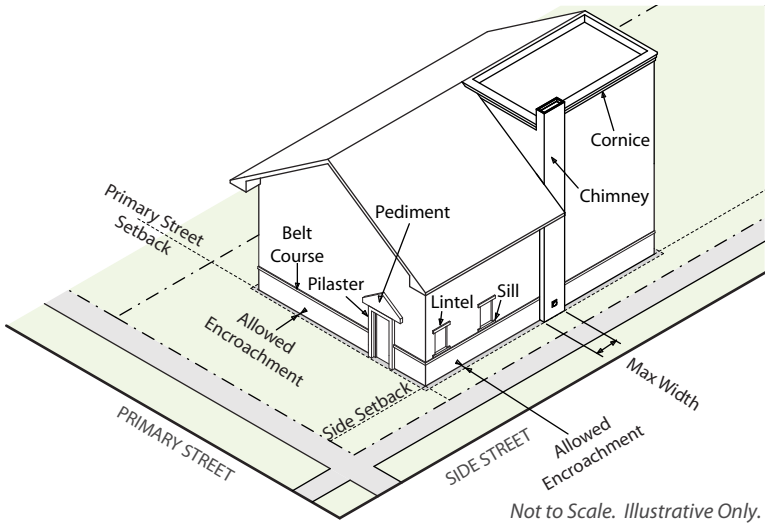
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6' in width | All U- Zone Districts | All building forms | 1.5' Cornices only: 3' | 1.5' Cornices only: 3' | 1.5' Cornices only: 3'; if setback is less than 5': 2' | 1.5' Cornices only: 5' |

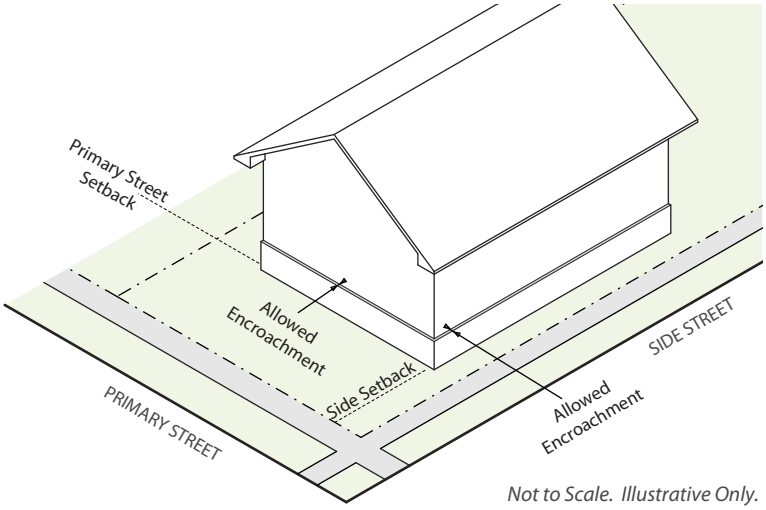
Intent: To allow common, minor decorative elements which are integral to a building.

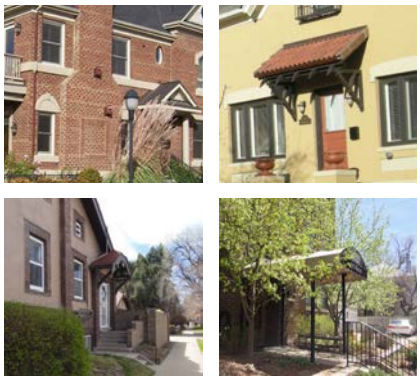
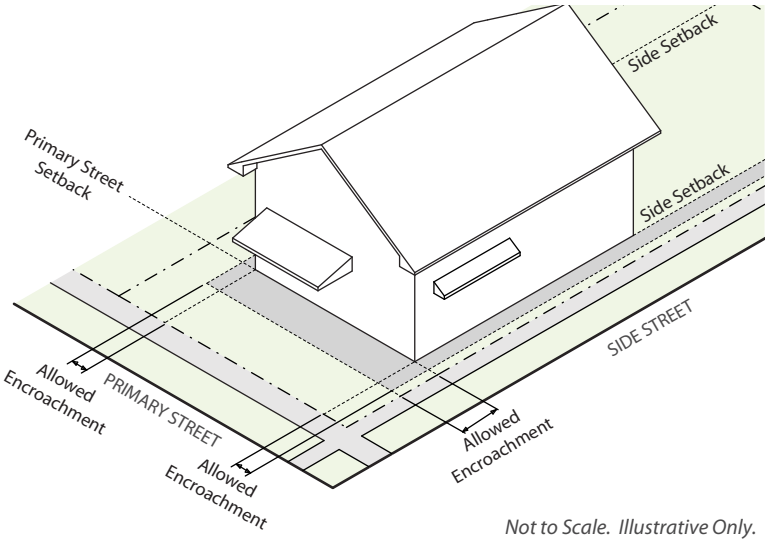


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All U- Zone Districts | All building forms | 6″ | 6″ | 6″ | 6″ |
| Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback. |  *Not to Scale. Illustrative Only.* | | | | | |

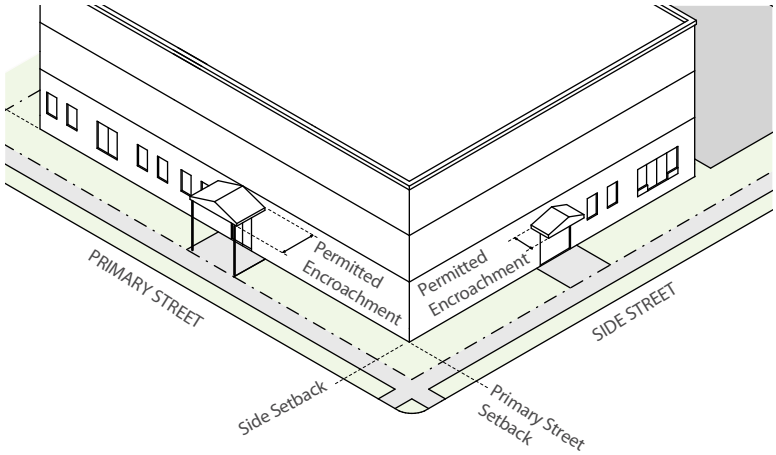
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• Shall be no more than 8′ maximum in horizontal width;<br>• Shall be open on three sides;<br>• May include an at-grade landing. | All U-SU, U-TU, U-RH Zone Districts | All building forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ and at no point closer than 2′ to a Zone Lot line. | Not allowed |
| **Intent:** To provide for covering over an entrance to protect from weather. Unlike the Porch encroachment, canopy is allowed in Side Interior. |  *Illustrative only* | |  *Not to Scale. Illustrative Only.* | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All U- Zone Districts, except U-SU, U-TU and U-RH | Town House | Any distance | Any distance | 3' | Not allowed |
| | | All others | Any distance | Any distance | Not allowed | Not allowed |

Intent: Provide protection from the weather for pedestrians entering the building and define pedestrian entrances to the building.



*Illustrative only*



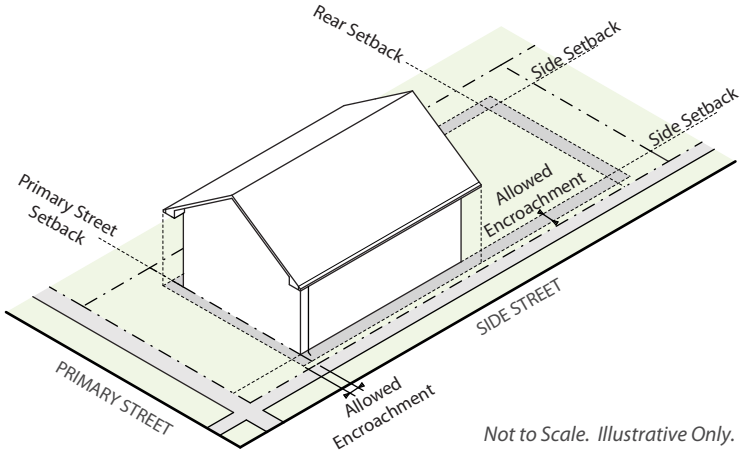

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All U- Zone Districts | All building forms | 3' | 3' | 3'; if setback is less than 5': 2' | 5' |

Intent: To allow features of structures intended to repel weather



*Illustrative only*



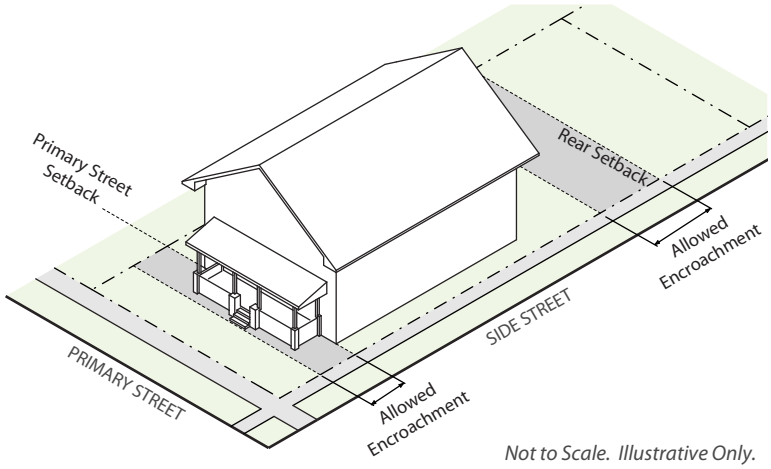

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All U- Zone Districts | All building forms | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |

Intent: To promote elements which provide for street activation and human scale.



*Illustrative only*



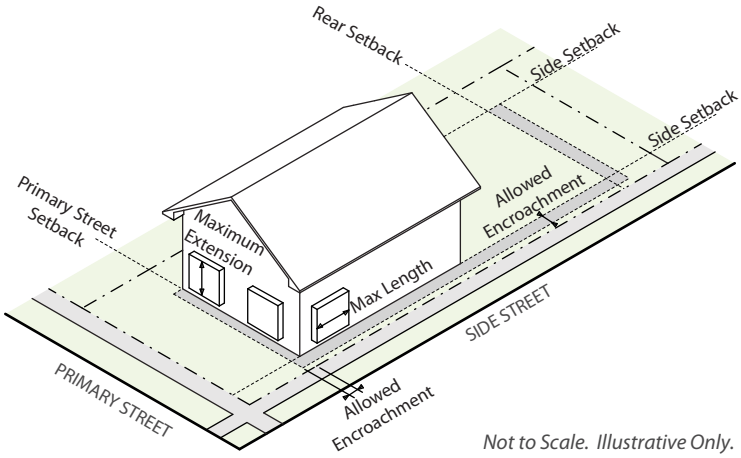

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All U- Zone Districts | Town House | 1.5′ | 1.5′ | 1.5' | 1.5′ |
| | | All others | 1.5' | 1.5' | Not allowed | 1.5' |

Intent: To allow for improved interior day lighting.



*Illustrative only*

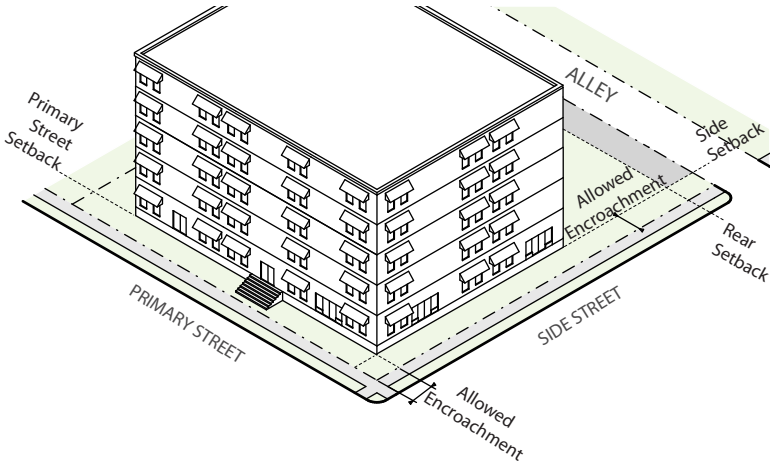



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: Building elements, such as awnings, designed and intended to control light entering a building | All U- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |
| Intent: To allow for elements either integral or attached to a building which control light entering through windows. | | | | | | |



*Illustrative only*



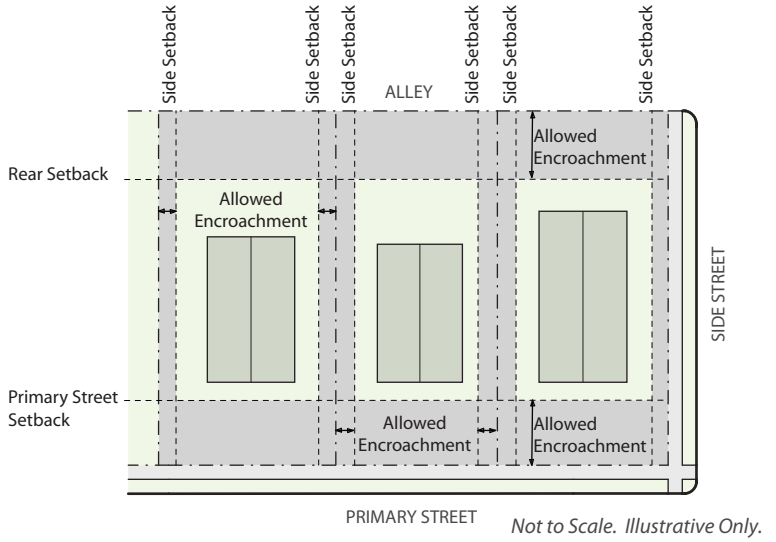

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### 2. Site Elements

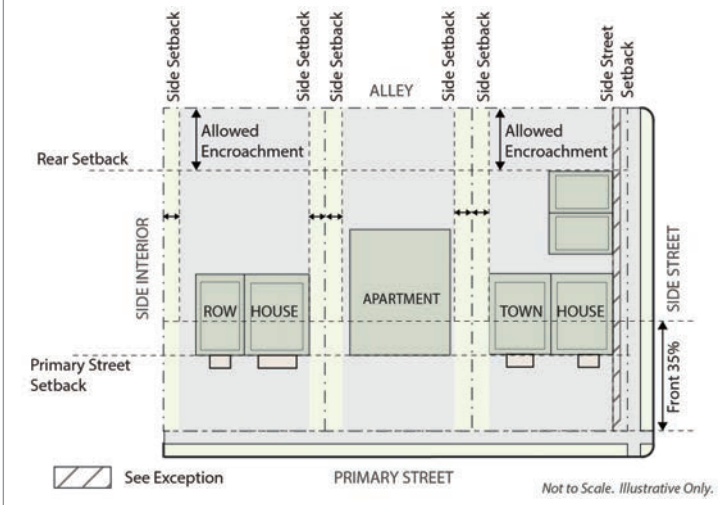
To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

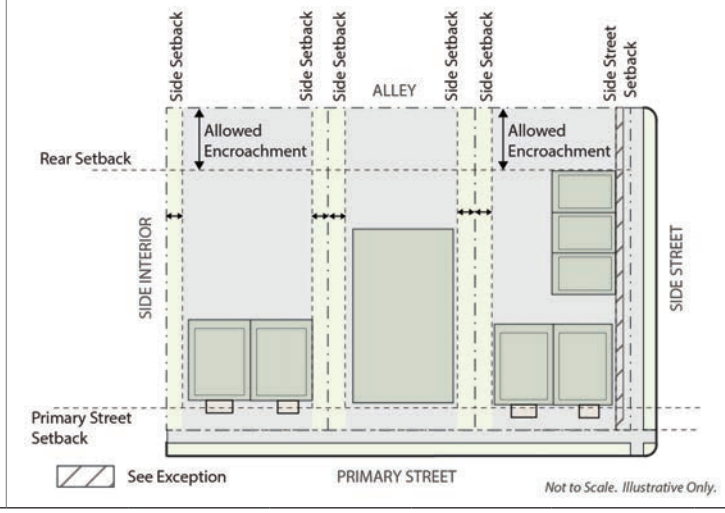
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area | All U-SU, U-TU, U-RH Zone Districts | Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow off-street parking area where it is not impactful due to the number of required parking spaces. | | | | | | |




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area | All U-TU and U-RH Zone Districts | Row House and Apartment | Not allowed | Not allowed | Allowed within the rear 35% of the Zone Lot only | Any distance |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply for the entire Zone Lot. | All U-RX, U-MX, and U-MS Zone Districts | Town House | Any distance | Not allowed* (*see exception below) | Any distance | Any distance |
| | | General and Shopfront | Any distance | Any distance | Any distance | Any distance |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

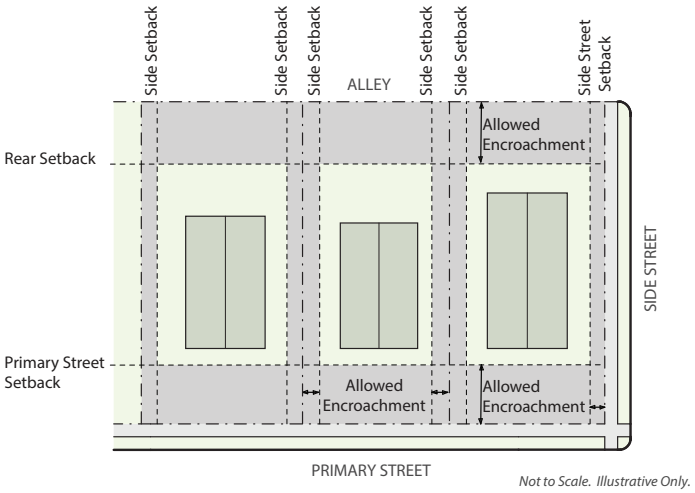
*Exception: The minimum 5' of back out space required in Division 10, Section 4 shall be permitted to encroach 2.5' when:
- The encroachment is screened from the Side Street with a Garden Wall and 1 deciduous canopy tree or minimum 5' wide planting strip landscaped with 50% live plant material as described in 10.5.4.6 Landscape Material Standards.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All U-SU, U-TU and U-RH Zone Districts | Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area.



*Illustrative only*

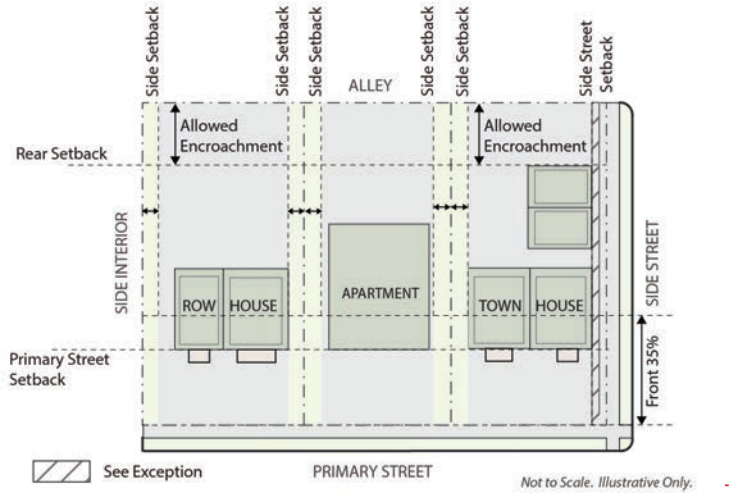



| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply for the Entire Zone Lot. | All U-TU and U-RH Zone Districts | Row House and Apartment | Any distance | Any distance | Not allowed (*see exception below) | Any distance |
| | | Town House | Any distance | Any distance | 5' and at no point closer than 5' to the Zone Lot line (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*



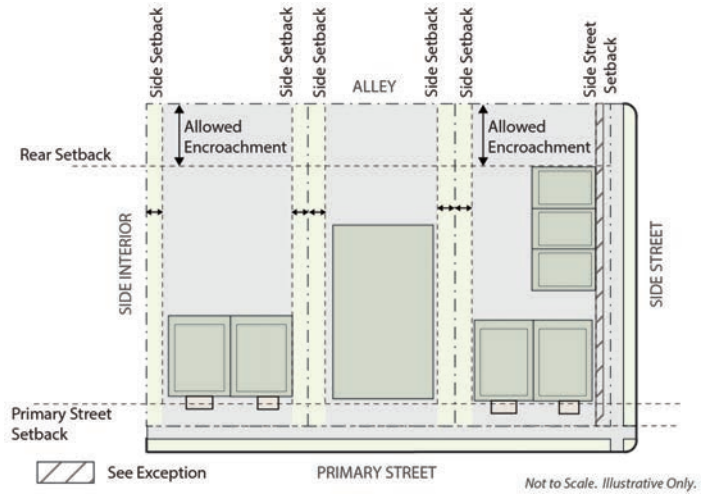

*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All U-RX, U-MX, and U-MS Zone Districts | Town House, General and Shopfront | Any distance | Any distance | Not allowed (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

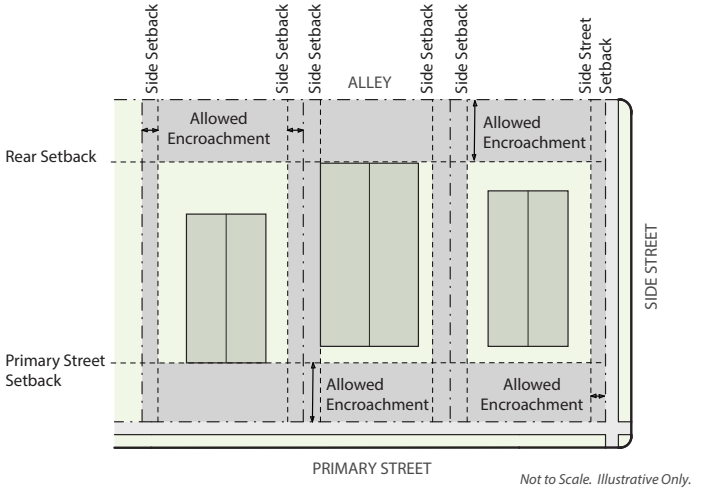
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All U- Zone Districts | All building forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



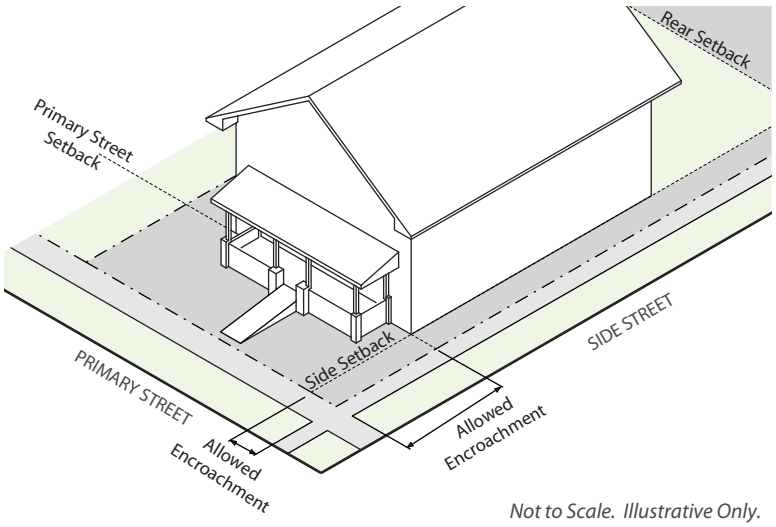
### 3. Service & Utility Elements

To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To provide flexibility in the location of required barrier-free access to existing buildings. | | | | | | |

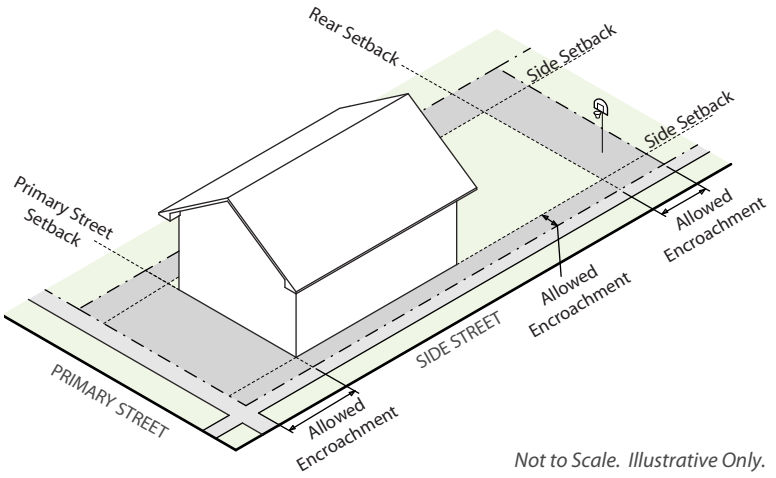


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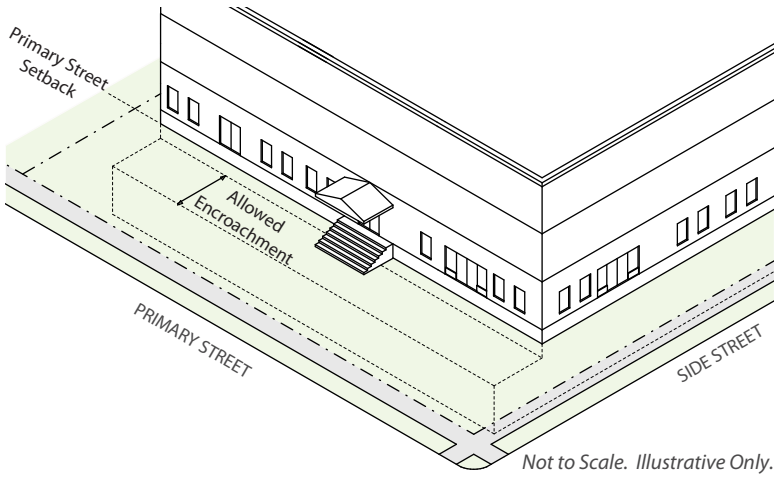


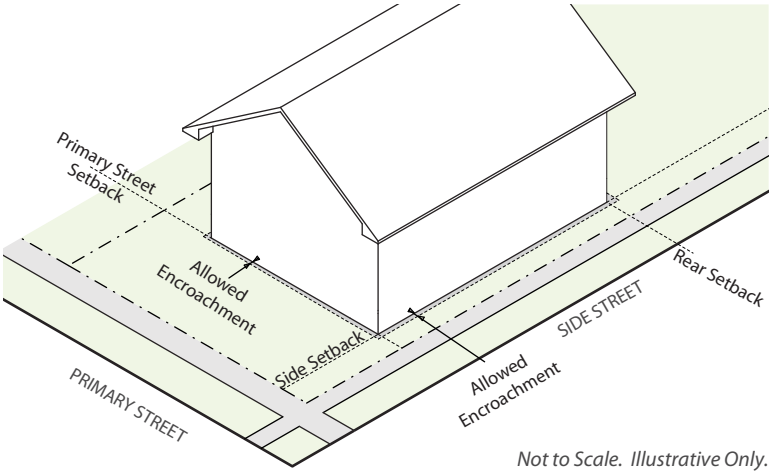

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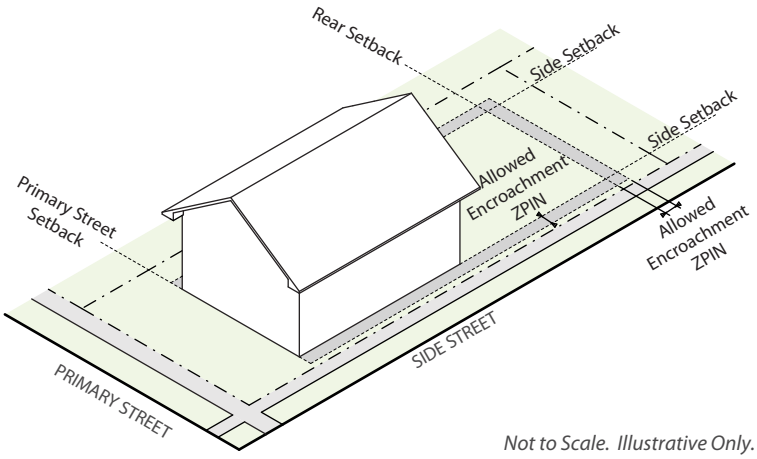
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

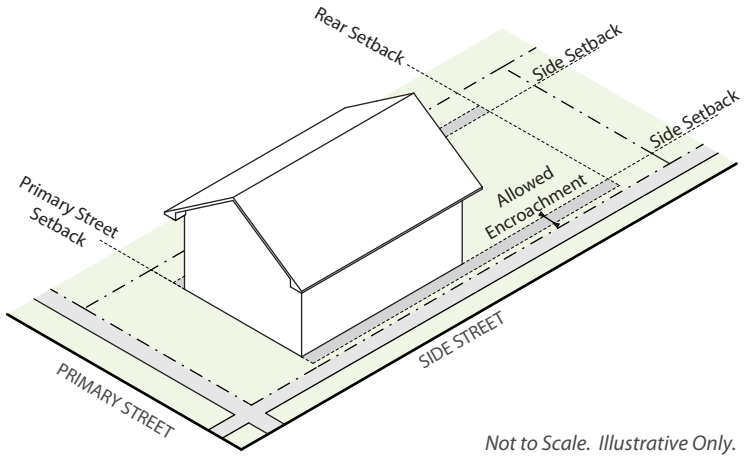



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  *Not to Scale. Illustrative Only.* | | | | | |

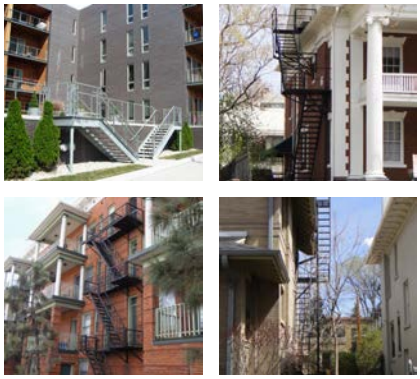
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All U- Zone Districts | All building forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All U- Zone Districts | All building forms | Not allowed | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the D.R.M.C.;<br>• Does not exceed 4' in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

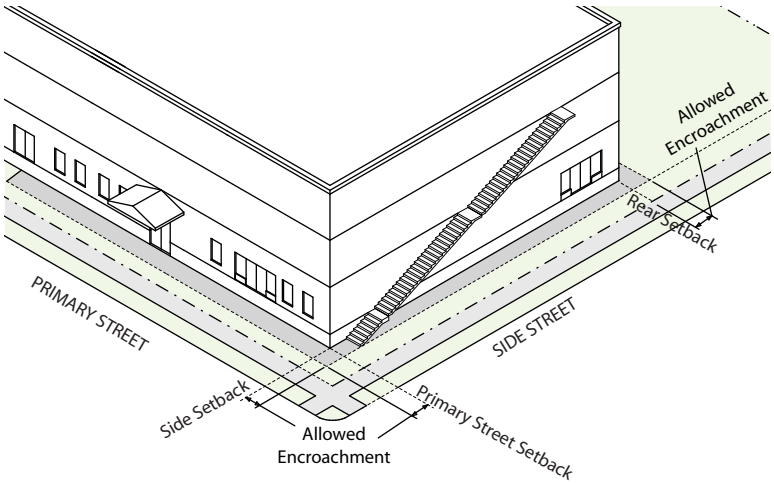
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All U- Zone Districts | All building forms | Not allowed | 3' | 3' | Not allowed |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All U- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



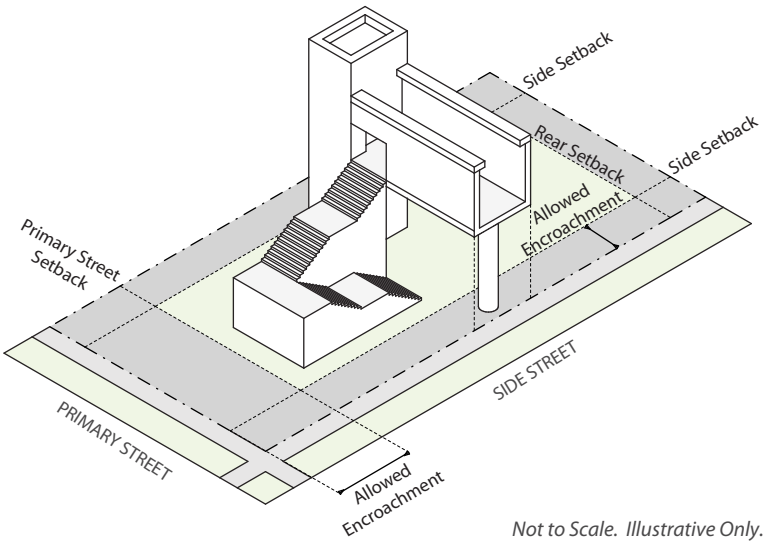

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*

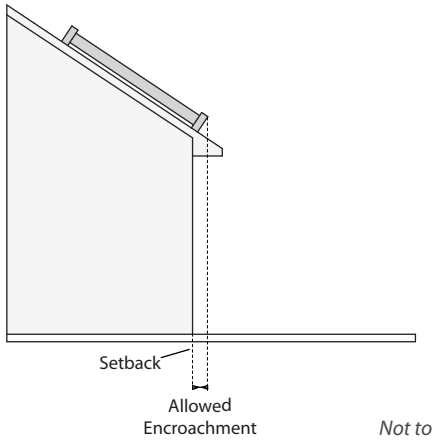



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

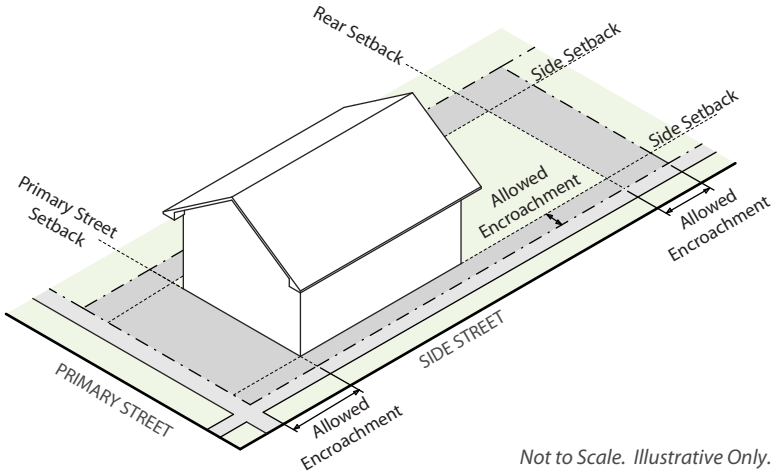


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All U- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

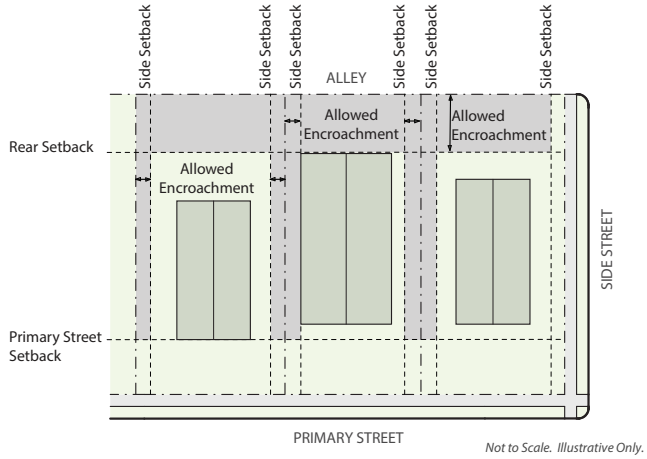



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All U-RH, U-RX, U-MX, and U-MS Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

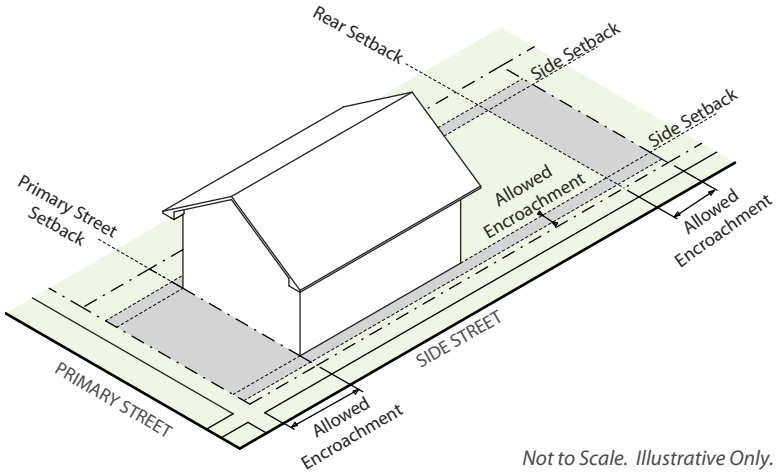



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All U- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*



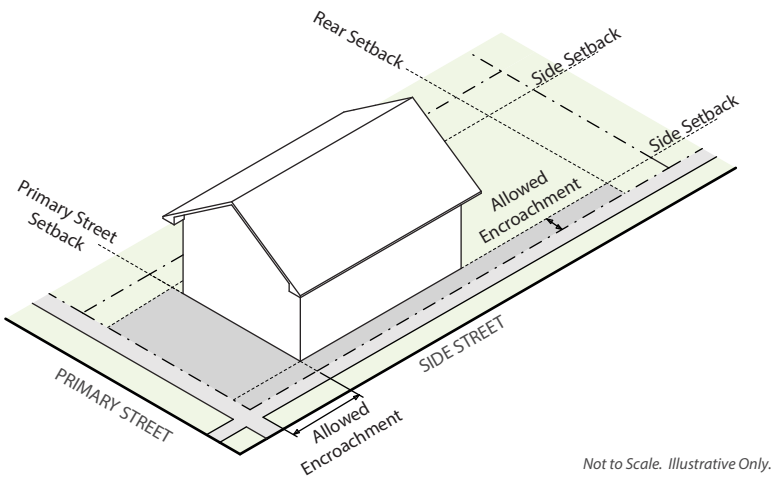

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All U-Zone Districts | All building forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting. | | | | | | |






*Illustrative only*




### 5.3.7.5 Building Coverage Exception

**A. Applicability**
All U- zone districts where a building coverage standard applies.

**B. Front Porch**

**1. Intent**
To promote street activation and human scale.

**2. Standard**
Area on a zone lot occupied by a Front Porch may be excluded from the calculation of building coverage, up to a maximum of 400 square feet for each dwelling unit.

**C. Detached Accessory Dwelling Unit or Detached Garage**

**1. Intent**
To promote openness between buildings located in the front and back of the lot.

**2. Standard**
A portion of the area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage. See applicable building form standards for the applicable zone district for additional limitations on this exception.

**D. Attached Garage**

**1. Intent**
To promote openness between above-grade portions of a primary structure when such portions are connected only by below-grade living space.

**2. Applicability**
This exception from building coverage applies only to a primary structure, where a portion of the primary structure functions similarly to a Detached Garage form otherwise

allowed, but the garage portion of the structure is attached entirely by a below-grade Room, as defined in this Code and which is greater than 7 feet in any horizontal dimension. The "attached garage" may also contain a permitted ADU use or other allowed Habitable Space.

**3. Standard**

An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the footprint of the garage portion of the structure ("attached garage"), according to the following:

a. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the at-grade footprint of the garage portion of the structure, up to a maximum credit of 500 sf;

b. The above-grade garage portion of the structure shall be separated by at least 15 feet from any other above-grade portion of the primary structure. See Article 13 for building separation rule of measurement; and

c. At least 80% of the Street Level GFA of the garage portion of the structure shall be used for vehicle parking.

### 5.3.7.6 Vehicle Access From Alley Required - Exceptions

**A. No Alley**

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 5.3.7.6, then vehicular Alley access is required.

## SECTION 5.3.8 REFERENCE TO OTHER DESIGN STANDARDS

### 5.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4

B. Landscaping, Fences, Walls and Screening: Division 10.5

C. Site Grading Standards: Division 10.6

D. Outdoor Lighting: Division 10.7

E. Signs: Division 10.10

# DIVISION 5.4 USES AND REQUIRED MINIMUM PARKING

## SECTION 5.4.1 APPLICABILITY

5.4.1.1 This Division 5.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Urban Neighborhood Context zone districts.

5.4.1.2 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

5.4.1.3 For number of primary and accessory uses allowed per zone lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## SECTION 5.4.2 ORGANIZATION

### 5.4.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 5.4.2.2 Primary Use Classifications, Categories & Specific Use Types

**A. Primary Use Classifications**

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

**B. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**C. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## SECTION 5.4.3 EXPLANATION OF TABLE ABBREVIATIONS

### 5.4.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 5.4.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 5.4.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 5.4.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## SECTION 5.4.4 DISTRICT SPECIFIC STANDARDS

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 1/unit<br>• Bicycle: No requirement | 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<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | 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<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.2.4 ; §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.2.6; §11.2.7 |
| | Community Corrections Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.2.8 |
| | Residential Care Use, Small or Large<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.2.9 |
| | Rooming and Boarding House<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 4.5/ 1,000 sf GFA<br>• Bicycle: No Requirement | NP | NP | NP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L | L | L | L-ZPIN/L | L | L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | NP | NP | NP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | P-ZPIN | P-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZP | § 11.3.4 |
| | Postal Facility, Neighborhood<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (20/80) | NP | NP | NP | P-ZP | NP | NP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.3.5 |
| | Hospital | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Education | Elementary or Secondary School<br>• Vehicle- High School: 2/1,000 sf GFA<br>• Bicycle - High School: 1/ 10,000 sf GFA (0/100)<br>• Vehicle- All Others: 1/1,000 sf GFA<br>• Bicycle-All Others: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | University or College<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | L-ZP | NP | L-ZP | L-ZP | L-ZP | § 11.3.8; § 11.3.9 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | § 11.3.10. |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |

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|---|---|---|---|---|---|---|---|---|---|---|
| Arts, Recreation and Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others - MS only: 2/1,000 sf GFA<br>• Vehicle - All Others: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | P-ZP | L-ZPIN | L-ZP | P-ZP | P-ZP | § 11.4.2 |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle - MS only: 2/1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | L-ZPSE | NP | L-ZPSE | L-ZPSE | L-ZPSE | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | NP | NP | NP | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | L-ZPIN | L-ZPIN | L-ZPIN | Not Applicable | | | | | §11.4.6 |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | NP | NP | NP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | NP | L-ZP | L-ZP | NP | NP | NP | NP | NP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• Vehicle: 4.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/5,000 sf GFA (0/100) | NP | NP | NP | P-ZP | L-ZPSE | L-ZP | P-ZP | P-ZP | § 11.4.9 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/ 10,000 sf GFA (60/40) | NP | NP | NP | P-ZP | NP | P-ZP | P-ZP | P-ZP | |
| | Lodging Accommodations, All Others<br>• Vehicle: 1/ guest room or unit<br>• Bicycle: 1/ 10,000 sf GFA (60/40) | NP | NP | NP | P-ZP | NP | NP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 2/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (60/40) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.4.10 |
| | Office, All Others<br>• Vehicle: 2/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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|---|---|---|---|---|---|---|---|---|---|---|
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | L-ZP | L-ZPIN | L-ZP | L-ZP | L-ZP | §11.4.12; §11.4.11 |
| | Animal Sales and Services, All Others | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Food Sales or Market<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA(20/80) | NP | NP | NP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | §11.4.14; §11.4.11 |
| | Pawn Shop<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA(20/80) | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZPIN | L-ZPIN | L-ZPIN | L-ZP | §11.4.16; §11.4.11 |
| | Retail Sales, Service & Repair - Firearms Sales | NP | NP | NP | NP | NP | NP | NP | P-ZP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• MS only: 2/1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | P-ZP | L-ZP/L-ZPIN | L-ZP | P-ZP | P-ZP | §11.4.11 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | P -ZP | P-ZP | §11.4.17 |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZPSE | L-ZP | L-ZP | §11.4.18; §11.4.19 |
| | Automobile Services, Heavy<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | NP | L-ZP/ZPSE | §11.4.18 §11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | NP | NP | L-ZP | L-ZP | §11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | NP | NP | NP | NP | NP | NP | NP | NP | |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP/ZPSE | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | U-MS-3: L-ZP/ZPSE U-MS-5: P-ZP | §11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.5.2 |

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|---|---|---|---|---|---|---|---|---|---|---|
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP | L-ZP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZPIN | L-ZPIN | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services | NP | NP | NP | NP | NP | NP | L-ZP | L-ZP | §11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP | L-ZP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZPIN | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ZPSE | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirement | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.5.13 |
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZP | L-ZP | §11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.5.16 |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | NP | NP | NP | NP | |

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|---|---|---|---|---|---|---|---|---|---|---|
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.5.23 |
| | Vehicle Storage, Commercial* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, General | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | §11.5.26 |
| AGRICULTURE PRIMARY USE CLASSIFICATION | | | | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.5 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | §11.7 |
| | Accessory Dwelling Unit | U-SU-A1, -A2, -B1, -B2, -C1, -C2, -E1, -H1 only: L-ZP<br><br>All others: NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.8.2 |
| | Domestic Employee | L | L | L | L | L | L | L | L | §11.7; §11.8.3 |
| | Garden* | L | L | L | L | L | L | L | L | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | L | L | L | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | L | L | L | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | NP | NP | L-ZP | Not Applicable - See Permitted Primary Uses | | | | §11.7; §11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.8.9 |
| | Short-term Rental | L | L | L | L | L | L | L | L | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | L | L | L | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | Not Applicable - See Permitted Primary Uses | | | | §11.7; §11.5.8 |
| | Yard and/or Garage Sales* | L | L | L | L | L | L | L | L | §11.7; §11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Home Occupations<br><br>(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4 |
| | Unlisted Home Occupations | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.5 |

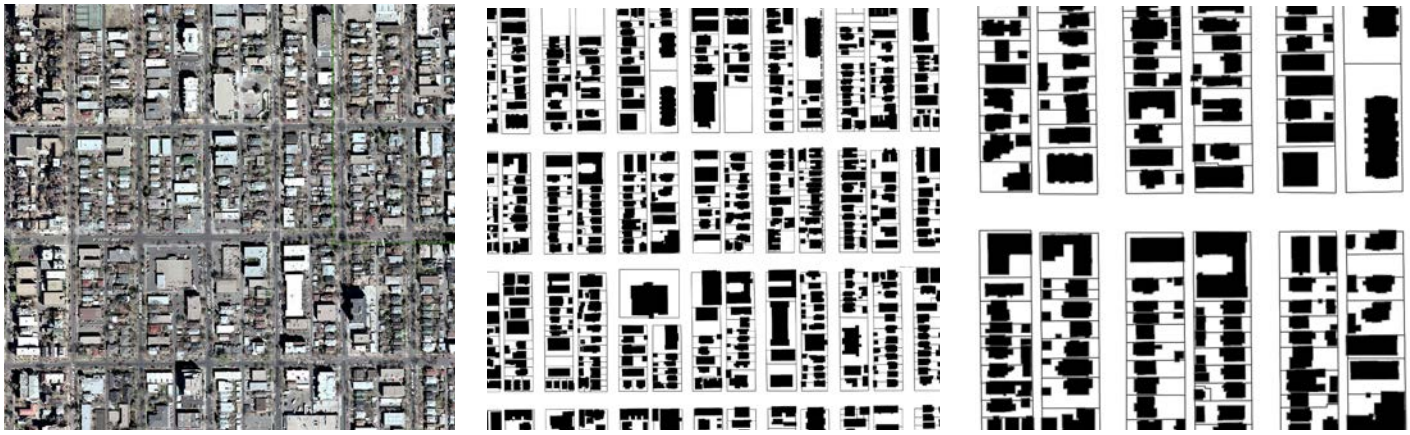
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ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | NP | NP | NP | Not Applicable - See permitted Primary Uses | NP | NP | Not Applicable - See permitted Primary Uses | Not Applicable - See Permitted Primary Uses | §11.7; §11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | Not Applicable - See permitted Primary Uses | L | L | L | L | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services | NP | NP | NP | L-ZP | NP | NP | L-ZP | NP | §11.7 §11.10.5 |
| | College Accessory to a Place for Religious Assembly | L | L | L | Not Applicable - See permitted Primary Uses | L | Not Applicable - See permitted Primary Uses | | | §11.7 §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | NP | NP | L | NP | NP | L | L | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | NP | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; §11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | L | L | L | Not Applicable - See permitted Primary Uses | Not Applicable | | | | §11.7; §11.4.3 |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | NP | NP | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | §11.7; §11.10.13 |

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ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | U-SU-A<br>U-SU-A1<br>U-SU-A2<br>U-SU-B<br>U-SU-B1<br>U-SU-B2<br>U-SU-C<br>U-SU-C1<br>U-SU-C2<br>U-SU-E<br>U-SU-E1<br>U-SU-H<br>U-SU-H1 | U-TU-B<br>U-TU-B2<br>U-TU-C | U-RH-2.5<br>U-RH-3A | U-RX-3<br>U-RX-5 | U-MX-2x<br>U-MS-2x | U-MX-2<br>U-MS-2 | U-MX-3 | U-MS-3<br>U-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | NP | NP | NP | L-ZPIN/ZPSE | NP | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | NP | NP | L-ZP/ZPSE | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Storage, Limited* | NP | NP | NP | NP | L | L | L | L | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | NP | NP | NP | L | L | L | L | L | §11.7; §11.10.18 |
| **TEMPORARY USE CLASSIFICATION** | | | | | | | | | | |
| Temporary Uses<br><br>(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 | | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Bazaar, Carnival, Circus or Special Event* | 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 | §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 | §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 | §11.11.7 |
| | Health Care Center | L-ZP | L-ZP | L-ZP | L-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 | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Retail Sales* | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.11.11 |
| | Outdoor Sales, Seasonal* | NP | NP | NP | L-ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | 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 | §11.11.13 |
| | Retail Food Establishment, Mobile* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Temporary Construction Office | 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 | §11.11.16 |
| | Temporary Tiny Home Villages | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | NP | NP | NP | NP | |

# ARTICLE 6. GENERAL URBAN (G-) NEIGHBORHOOD CONTEXT



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## ARTICLE 6. GENERAL URBAN (G-) NEIGHBORHOOD CONTEXT


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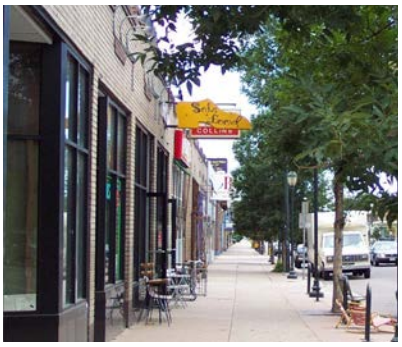
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# DIVISION 6.1 NEIGHBORHOOD CONTEXT DESCRIPTION








## SECTION 6.1.1 GENERAL CHARACTER

The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential building forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.

## SECTION 6.1.2 STREET, BLOCK AND ACCESS PATTERNS

The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

## SECTION 6.1.3 BUILDING PLACEMENT AND LOCATION

Residential buildings typically have consistent, shallow to moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

## SECTION 6.1.4 BUILDING HEIGHT

The General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

## SECTION 6.1.5 MOBILITY

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

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# DIVISION 6.2 DISTRICTS (G-RH-, G-MU-, G-RO-, G-MX-, G-RX-, G-MS-)

## SECTION 6.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the General Urban Neighborhood Context and are applied to property as set forth on the Official Map.

**General Urban Neighborhood Context**

| | |
|---|---|
| G-RH-3 | Row House 3 |
| G-MU-3 | Multi Unit 3 |
| G-MU-5 | Multi Unit 5 |
| G-MU-8 | Multi Unit 8 |
| G-MU-12 | Multi Unit 12 |
| G-MU-20 | Multi Unit 20 |
| G-RO-3 | Residential Office 3 |
| G-RO-5 | Residential Office 5 |
| G-MX-3 | Mixed Use 3 |
| G-RX-3 | Residential Mixed Use 3 |
| G-RX-5 | Residential Mixed Use 5 |
| G-MS-3 | Main Street 3 |
| G-MS-5 | Main Street 5 |

## SECTION 6.2.2 RESIDENTIAL DISTRICTS (G-RH-3, G-MU-3 TO -20, G-RO-3, G-RO-5)

### 6.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.

B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, row house, garden court, and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.

C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.

D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods.

### 6.2.2.2 Specific Intent

**A. Row House 3 (G-RH-3)**

G-RH-3 is a multi unit district allowing urban house, duplex, and row house building forms. Row houses are not taller than three stories.

**B. Multi-Unit 3 (G-MU-3)**
G-MU-3 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of three stories.

**C. Multi-Unit 5 (G-MU-5)**
G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

**D. Multi-Unit 8 (G-MU-8)**
G-MU-8 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of eight stories.

**E. Multi-Unit 12 (G-MU-12)**
G-MU-12 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of twelve stories.

**F. Multi-Unit 20 (G-MU-20)**
G-MU-20 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of twenty stories.

**G. Residential Office 3 (G-RO-3)**
G-RO-3 is a multi unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of three stories.

**H. Residential Office - 5 (G-RO-5)**
G-RO-5 is a multi unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

## SECTION 6.2.3 MIXED USE DISTRICTS (G-MX-3)

### 6.2.3.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

E. In the General Urban Neighborhood Context, the Mixed Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; however, the front setback range is slightly deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less) than the percentage for the Main Street districts. The maximum building coverage is the same as the maximum building coverage for the Main Street districts.

### 6.2.3.2 Specific Intent

**A. Mixed Use – 3 (G-MX-3)**
G-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

## SECTION 6.2.4 RESIDENTIAL MIXED USE DISTRICTS (G-RX-3, -5)

### 6.2.4.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

### 6.2.4.2 Specific Intent

**A. Residential Mixed Use 3 (G-RX-3)**
G-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

**B. Residential Mixed Use 5 (G-RX-5)**
G-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

## SECTION 6.2.5 MAIN STREET DISTRICTS (G-MS-3, -5)

### 6.2.5.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver)

or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the General Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

### 6.2.5.2 Specific Intent

**A. Main Street 3 (G-MS-3)**
G-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

**B. Main Street 5 (G-MS-5)**
G-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.

# DIVISION 6.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 6.3.1 GENERAL INTENT

The Intent of this Division 6.3 Design Standards are to:

6.3.1.1 Implement the Denver Comprehensive Plan.

6.3.1.2 Implement the zone district's Intent and Purpose

6.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

6.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.

6.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

6.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.

6.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

6.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

6.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

6.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

6.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

6.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

## SECTION 6.3.2 BUILDING FORM INTENT

The intent of the Building Form Design Standards are to:

### 6.3.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

### 6.3.2.2 Siting

#### A. Required Build-To

1. Provide a consistent street edge to enhance character of the context.

2. Define streets to promote pedestrian activity and sense of place.

3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

**B. Setbacks**

1. Site buildings to be consistent with the intended character and functional requirements of the urban context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize buildings to create positive transitions between districts.

**C. Parking Location**

1. Minimize the visual impacts of parking areas on streets and adjoining property.
2. Minimize conflicts between pedestrian and vehicles.

### 6.3.2.3 Design Elements

**A. Configuration**

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Main Street setback: Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Streets and other urban street corridors..
4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

**B. Transparency**

1. Maximize transparency of windows at Street Level to activate the street.
2. Utilize doors and windows to establish scale, variation,and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

**C. Entrances**

1. Give prominence to pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and active uses from the street.
3. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
5. Create visually interesting and human-scaled facades.

### 6.3.2.4 Specific Building Form Intent

#### A. Residential Zone Districts

**1. Urban House**
Establish standards for development on small zone lots, typically Single Unit Dwellings, but may be other uses permitted within the zone district.

**2. Duplex**
Establish standards for development on small zone lots, typically Two Unit Dwellings, but may be other uses permitted within the zone district.

**3. Row House**
Establish standards for buildings containing Side-by-Side Dwelling Units to require each Dwelling Unit to Orient to the Street and have a street-facing entrance. No Dwelling Units are located behind the Dwelling Units Oriented to the Street. Accommodates Multi-Unit Dwelling development.

**4. Garden Court**
Establish standards for Multi Unit Dwelling development where dwelling entrances may be oriented around a common, central Garden Court with landscaping, rather than exclusively orienting toward the street, as Row House requires. Off-Street Parking Areas are restricted in the front of the Zone Lot. Accommodates Two Unit and Multi-Unit Dwelling development.

**5. Town House**
Establish standards for buildings containing Side-by-Side Dwelling Units to require Dwelling Units located near the street to be Oriented to the Street. Compared to the Row House building form, additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street. Accommodates Two Unit and Multi-Unit Dwelling development.

**6. Apartment**
Establish standards for Multi-Unit Dwelling development that allows a variety of Dwelling Unit configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. The building form requires a minimum of one entrance at the street, in addition to transparency and other design elements. Also accommodates, where permitted, appropriately scaled Group Living, Civic, and Nonresidential development.

#### B. Commercial Mixed Use Zone Districts

**1. Drive Thru Services**
To allow more flexible design standards to accommodate unique circumstances of automobile service uses and primary uses with an accessory drive-thru lane. Specifically, allow a reduced build-to percentage and an increased build-to range, allow a canopy and garden wall combination to meet a portion of the build-to requirement, and require a garden wall along street frontages.

**2. Drive Thru Restaurant**
Restricted to eating and drinking establishment with an accessory drive-thru lane.

a. MX: Allow a reduced build-to percentage, an increased range, and a drive-thru lane to be located between the building and any street.

b. MS: For corner lots only, allow a reduced build-to percentage along the Primary Street, when the build-to percentage is increased along the Side Street.

**3. General**
Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configu-

rations, but does not allow structures containing mostly Side-by-Side Dwelling Units. All uses are allowed.

**4. Shopfront**

Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. Compared to the General building form, the Shopfront building form has increased standards for design elements such as transparency, active use and build-to. All uses are allowed.

# SECTION 6.3.3 PRIMARY BUILDING FORM STANDARDS

## 6.3.3.1 Applicability

All development, except detached accessory structures, in all the General Urban Neighborhood Context zone districts

## 6.3.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted building form in the applicable zone district.

## 6.3.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

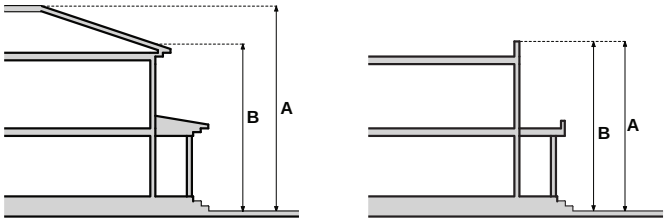
| General Urban (G-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurant | General | Shopfront |
| **Max Number of Primary Structures Per Zone Lot** | | **1*** | **1*** | **1*** | **2** | **No Maximum** | | | | | | | |
| RESIDENTIAL ZONE DISTRICTS | | | | | | | | | | | | | |
| Row House (RH) | G-RH-3 | | ■ | ■ | | ■ | | | | | | | |
| Multi Unit (MU) | G-MU-3, -5 | | ■ | ■ | | | ■ | ■ | ■ | | | | |
| | G-MU-8, -12, -20 | | ■ | ■ | | | | ■ | ■ | | | | |
| Residential Office (RO) | G-RO-3, -5 | | ■ | ■ | | | | ■ | ■ | | | | |
| COMMERCIAL MIXED USE ZONE DISTRICTS | | | | | | | | | | | | | |
| Residential Mixed Use (RX) | G-RX-3, -5 | | | | | | | ■ | | | | | ■ |
| Mixed Use (MX) | G-MX-3 | | | | | | | ■ | | □ | □ | ■ | ■ |
| Main Street (MS) | G-MS-3, -5 | | | | | | | ■ | | □ | □ | | ■ |

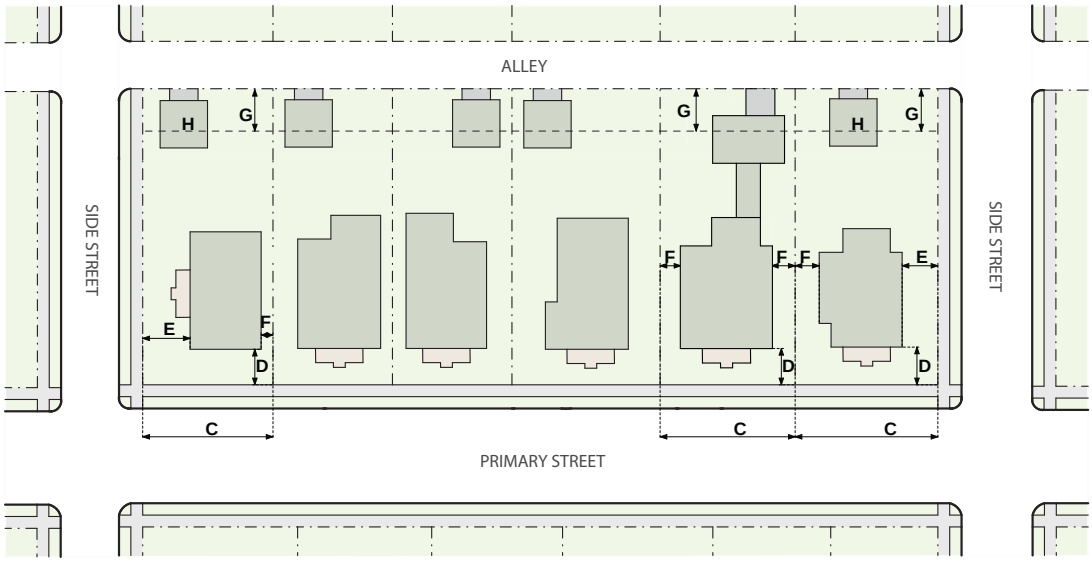
■ = Allowed □ = Allowed subject to geographic limitations *See Section 1.2.3.5 for exceptions

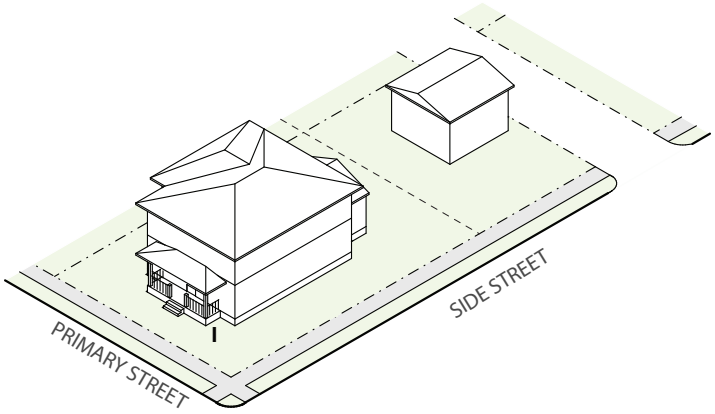
## 6.3.3.4 District Specific Standards

### A. Urban House

*Not to Scale. Illustrative Only.*



## URBAN HOUSE

| | HEIGHT | G-RH-3 | G-MU-3<br>G-RO-3 | G-MU-5<br>G-RO-5 | G-MU-8,<br>-12, -20 |
|---|---|---|---|---|---|
| A | Stories (max) | see below | 3 | 3 | 3 |
| A | Feet (max) | see below | 30'* | 30'* | 30'* |
| | Stories, front 80% / rear 20% of zone lot depth (max) | 3/1 | na | na | na |
| | Feet, front 80% / rear 20% of zone lot depth (max) | 30'*/19' | na | na | na |
| B | Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' | na | na | na |
| | Upper Story Setback, for Low-slope Roof, Above 25', Side Interior and Side Street (min) | 15' | na | na | na |

***1' for every 5' increase in lot width over 50' up to a maximum height of 35'**

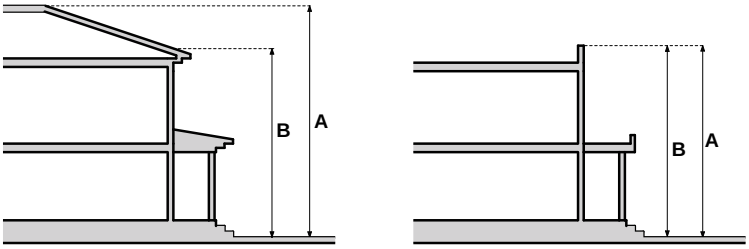
| | SITING | G-RH-3 | G-MU-3<br>G-RO-3 | G-MU-5<br>G-RO-5 | G-MU-8,<br>-12, -20 |
|---|---|---|---|---|---|
| | **ZONE LOT** | | | | |
| | Zone Lot Size (min) | 3,000 sf | 3,000 sf | 3,000 sf | 3,000 sf |
| C | Zone Lot Width (min) | 25' | 25' | 25' | 25' |
| | Primary Street, block sensitive setback required | yes | yes | na | na |
| | | All G-RH, -MU, -RO | | | |
| | **SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH** | **30' or Less** | **Greater than 30' and up to 40'** | **Greater than 40' and less than 75'** | **75' or Greater** |
| D | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| E | Side Street (min) | 3' | 5' | 5' | 5' |
| F | Side Interior (min) | 3' | 3' min one side/10' min combined | 5' | 7.5' |
| G | Rear, alley/no alley | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 50% | 50% | 50% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback/Overall (max) | 2 Spaces and 320 sf | 2 Spaces and 320 sf | 33% | 33% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 6.3.7.6) | | | |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 6.3.4 | | | |

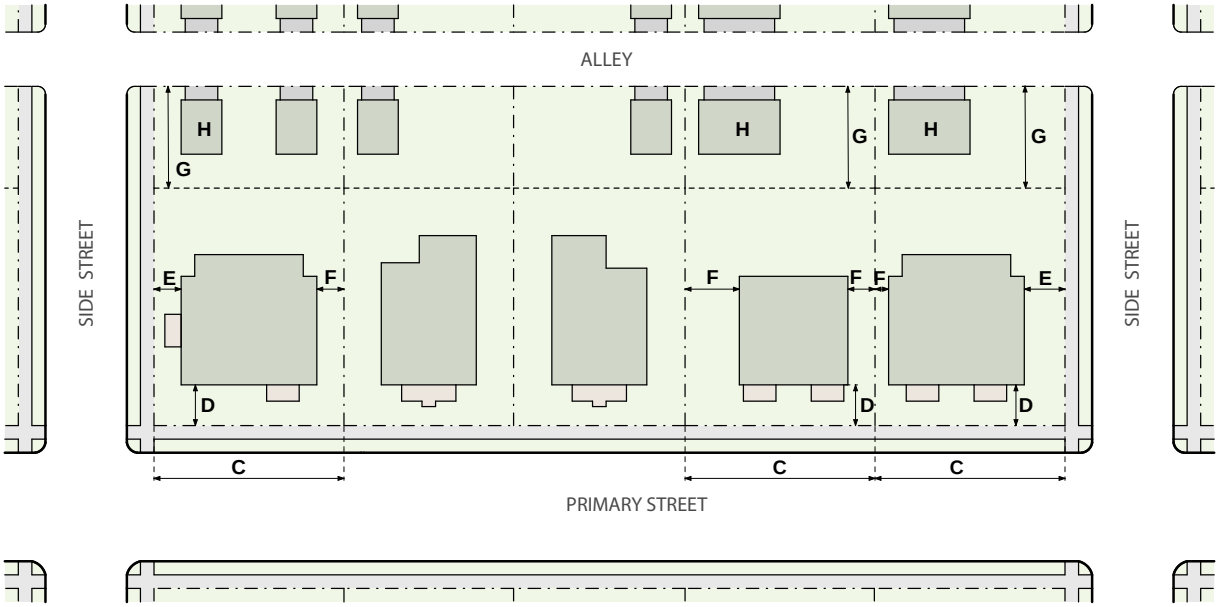
| | DESIGN ELEMENTS | All G-RH, -MU, -RO |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater |
| | **STREET LEVEL ACTIVATION** | |
| I | Pedestrian Access, Primary Street | Entry Feature |
| | **USES** | **All G-RH, -MU, -RO** |
| | | For Primary Structures constructed on or before April 27, 2017, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after April 27, 2017, Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 6.4 Uses and Parking |

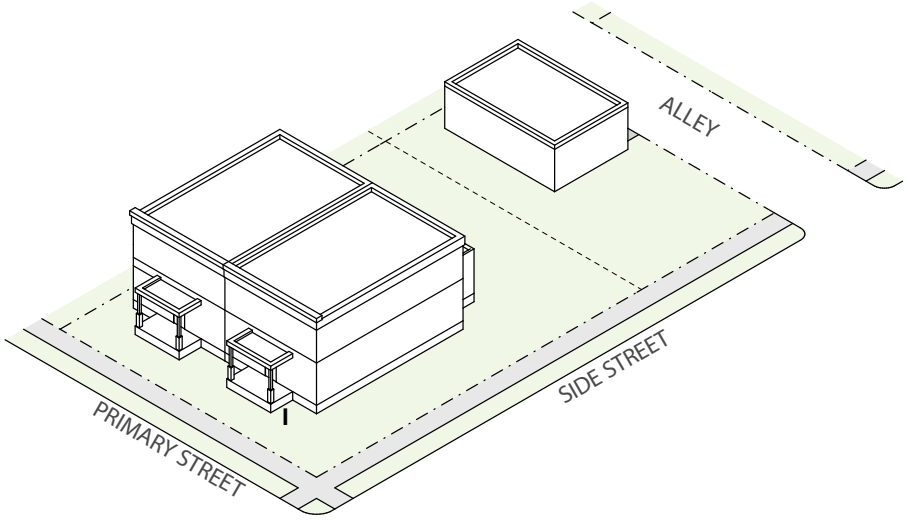
**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Duplex

*Not to Scale. Illustrative Only.*



## DUPLEX

| | HEIGHT | G-RH-3 | G-MU-3 G-RO-3 | G-MU-5 G-RO-5 | G-MU-8, -12, -20 |
|---|---|---|---|---|---|
| A | Stories (max) | see below | 3 | 3 | 3 |
| A | Feet (max) | see below | 30'* | 30'* | 30'* |
| | Stories, front 80% / rear 20% of zone lot depth (max) | 3/1 | na | na | na |
| | Feet, front 80% / rear 20% of zone lot depth (max) | 30'*/19' | na | na | na |
| B | Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' | na | na | na |
| | Upper Story Setback, for Low-slope Roof, Above 25': Side Street and Side Interior (min) | 15' | na | na | na |

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

| | SITING | G-RH-3 | G-MU-3 G-RO-3 | G-MU-5 G-RO-5 | G-MU-8, -12, -20 |
|---|---|---|---|---|---|
| | **ZONE LOT** | | | | |
| | Zone Lot Size (min) | 3,000 sf | 3,000 sf | 3,000 sf | 3,000 sf |
| C | Zone Lot Width (min) | 25' | 25' | 25' | 25' |
| | Primary Street, block sensitive setback required | yes | yes | na | na |

| | SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH | All G-RH, -MU, -RO | | | |
|---|---|---|---|---|---|
| | | 30' or Less | Greater than 30' and up to 40' | Greater than 40' and less than 75' | 75' or Greater |
| D | Primary Street, where block sensitive setback does not apply (min) | 20' | 20' | 20' | 20' |
| E | Side Street (min) | 3' | 5' | 5' | 5' |
| F | Side Interior (min) | 3' | 3' min one side/10' min combined | 5' | 7.5' |
| G | Rear, alley/no alley (min) | 12'/20' | 12'/20' | 12'/20' | 12'/20' |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 50% | 50% | 50% | 50% |
| | **PARKING BY ZONE LOT WIDTH** | | | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 50% | 50% | 50% | 50% |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 6.3.7.6) | | | |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 6.3.4 | | | |

| DESIGN ELEMENTS | All G-RH, -MU, -RO Districts |
|---|---|
| **BUILDING CONFIGURATION** | |
| Attached Garage Allowed | (1) Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks |
| Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16', whichever is greater |
| **STREET LEVEL ACTIVATION** | |
| I Pedestrian Access, Primary Street | Entry Feature |
| **USES** | **All G-RH, -MU, -RO Districts** |
| | For Primary Structures constructed on or before April 27, 2017, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after April 27, 2017, Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. See Division 6.4 Uses and Parking |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

### C. Row House


Not to Scale. Illustrative Only.
(A) Height
(C) Upper Story Stepback
(A) Height
ALLEY
Rear 20% of Zone Lot Depth
SIDE STREET
Front 80% of Zone Lot Depth
PRIMARY STREET
(J) Pedestrian Access
(H) Dwelling Unit Oriented to the Street
(I) Street Facing Garage Door Width
SIDE STREET
(E) Primary Street Setback
PRIMARY STREET
(F) Side Street Setback
(B) Side Wall Height
(D) Zone Lot Width
PRIMARY STREET
(G) Side Interior Setback

## ROW HOUSE

| | HEIGHT | G-RH-3 |
|---|---|---|
| A | Stories (max) | see below |
| A | Feet (max) | see below |
| | Stories, front 80% / rear 20% of Zone Lot depth (max) | 3/1 |
| A | Feet, front 80% / rear 20% of Zone Lot depth (max) | 30'*/19' |
| B | Side Wall Height, for Pitched Roof, within 15' of Side Interior and Side Street (max) | 25' |
| C | Upper Story Setback, for Low-slope Roof, Above 25': Side Street and Side Interior (min) | 15' |

***1' for every 5' increase in Zone Lot width over 50' up to a maximum height of 35'**

| | SITING | G-RH-3 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 6,000 sf |
| D | Zone Lot Width (min) | 50' |
| | **SETBACKS** | |
| | Primary Street, block sensitive setback required | yes |
| E | Primary Street, where block sensitive setback does not apply (min) | 20' |
| F | Side Street (min) | 5' |
| G | Side Interior (min) | 5' |
| | Rear, alley/no alley (min) | 10'/20' |
| | **PARKING** | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 6.3.4 |

| | DESIGN ELEMENTS | G-RH-3 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| H | Dwelling Units Oriented to the Street | All Dwelling Units shall be Oriented to the Street |
| | Dwelling Unit Configuration | Structure shall only contain Side-by-Side Dwelling Units |
| I | Street-facing Garage Door Width per Primary Structure (max) | 20' |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks |
| J | Pedestrian Access | Each unit shall have a street-facing Entrance |
| | **USES** | **G-RH-3** |
| | | Primary Uses shall be limited to Multi Unit Dwelling (3+). See Division 6.4 Uses and Parking |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

### D. Garden Court



## GARDEN COURT

| | HEIGHT | G-MU-3 | G-MU-5 |
|---|---|---|---|
| A | Stories (max) | 3 | 3 |
| A | Feet (max) | 35' | 35' |

| | SITING | G-MU-3 | G-MU-5 |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Zone Lot Size (min) | 9,000 sf | 9,000 sf |
| B | Zone Lot Width (min) | 75' | 75' |
| | **SETBACKS** | | |
| | Primary Street, block sensitive setback required | yes | na |
| C | Primary Street, where block sensitive setback does not apply (min) | 10′ | 10′ |
| D | Side Street (min) | 7.5′ | 7.5′ |
| E | Side Interior (min) | 7.5′ | 7.5′ |
| | Rear, alley/no alley (min) | 10′/20′ | 10′/20′ |
| F | Required Separation Between Primary Structures (min) | 10′ | 10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | |
| G | Off-Street Parking Area | Shall be Setback a minimum 50' from the Primary Street | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | |
| | **DETACHED ACCESSORY STRUCTURES** | See Sec. 6.3.4 | |

| | DESIGN ELEMENTS | G-MU-3 | G-MU-5 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| H | Street-Facing Courtyard Width (min) | 30' or 33% of Zone Lot width, whichever is greater | |
| I | Street-Facing Courtyard Depth (min) | 30' | |
| | Garden Court Design Standards | See Sec. 6.3.5.3 | |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | |
| | **STREET LEVEL ACTIVATION** | | |
| J | Transparency, Primary Street (min) | 30% | |
| | Transparency, Side Street (min) | 25% | |
| K | Pedestrian Access | Each dwelling unit shall have a Street Level Entrance. A minimum of two dwelling units shall have a Dwelling Unit Entrance with Entry Feature facing the Primary Street and all other dwelling units shall have an Entrance that faces either the Primary Street or the interior Garden Court. | |

| USES | G-MU-3, G-MU-5 |
|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) See Division 6.4 Uses and Parking |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## E. Town House (Multi Unit Districts)



# TOWN HOUSE (MULTI UNIT DISTRICTS)

| | HEIGHT | G-RO-3<br>G-MU-3 | G-RO-5<br>G-MU-5, -8, -12, -20 |
|---|---|---|---|
| A | Stories (max) | 3 | 5 |
| A | Feet (max) | 35' | 65′ |
| | **SITING** | **G-RO-3<br>G-MU-3** | **G-RO-5<br>G-MU-5, -8, -12, -20** |
| | **ZONE LOT** | | |
| | Zone Lot Size (min) | 6,000 sf | 6,000 sf |
| B | Zone Lot Width (min) | 50′ | 50′ |
| | **REQUIRED BUILD-TO** | | |
| C | Primary Street (min % within min/max) | 70%<br>10′/15′ | 70%<br>10′/15′ |
| | **SETBACKS** | | |
| D | Primary Street, block sensitive setback required | yes | na |
| D | Primary Street, where block sensitive does not apply (min) | 10′ | 10′ |
| E | Side Street (min) | 7.5′ | 7.5′ |
| F | Side Interior, except Dwelling Units Oriented to the Street (min) | 12.5' | 12.5 |
| G | Side Interior, for Dwelling Units Oriented to the Street (min) | 7.5′ | 7.5′ |
| H | Side Interior, for Dwelling Units Oriented to the Street, adjacent to Protected District (min) | 10′ | 10′ |
| | Rear, alley/no alley (min) | 10′/20′ | 10′/20′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | |
| | **DESIGN ELEMENTS** | **G-RO-3<br>G-MU-3** | **G-RO-5<br>G-MU-5, -8, -12, -20** |
| | **BUILDING CONFIGURATION** | | |
| I | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 30′ of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | |
| | Upper Story Setback Above 40′, Side Interior (min) | na | G-MU-5: 15′<br>G-RO-5, G-MU-8, -12, -20: na |
| | Upper Story Setback Above 51′, Side Interior (min) | na | G-MU-5: na<br>G-RO-5, G-MU-8, -12, -20: 15' |
| J | Upper Story Setback Above 27′, adjacent to Protected District: Side Interior (min) | 25′ | 25′ |
| | Upper Story Setback Above 51′, adjacent to Protected District: Side Interior (min) | na | 40′ |
| | Upper Story Setback Above 40′, adjacent to Protected District: Rear, alley/Rear, no alley (min) | na | 30′/40′ |
| | **STREET LEVEL ACTIVATION** | | |
| K | Transparency, Primary Street (min) | 40% | 40% |
| | Transparency, Side Street (min) | 25% | 25% |
| L | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature | |
| | **USES** | **All G-MU and G-RO** | |
| | | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 6.4 Uses and Parking | |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## F. Town House (Mixed Use Districts)



# TOWN HOUSE (MIXED USE DISTRICTS)

| | HEIGHT | G-MX-3 | G-RX-3 | G-RX-5 | G-MS-3 | G-MS-5 |
|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 3 | 5 | 3 | 5 |
| A | Feet (min/max) | na/38' | na/38' | na/70' | na/38' | 24'/70' |

| | SITING | G-MX-3 | G-RX-3 | G-RX-5 | G-MS-3 | G-MX-5 |
|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | |
| B | Primary Street (min % within min/max) | 70% 10'/15' | 75% 10'/15' | 75% 10'/15' | 75% 10'/15' | 75% 10'/15' |
| | Side Street (min % within min/max) | na | 25% 7.5'/15' | 25% 7.5'/15' | 25% 7.5'/15' | 25% 7.5'/15' |
| | **SETBACKS** | | | | | |
| C | Primary Street (min) | 10' | 10' | 10' | 10' | 10' |
| D | Side Street (min) | 7.5' | 7.5' | 7.5' | 7.5' | 7.5' |
| E | Side Interior (min) | 5' | 5' | 5' | 5' | 5' |
| F | Side Interior, adjacent to Protected District (min) | 10' | 10' | 10' | 10' | 10' |
| | Rear (min) | 0' | 0' | 0' | 0' | 0' |
| | Rear, ,alley/no alley, adjacent to Protected District (min) | 0'/10' | 0'/10' | 0'/10' | 0'/10' | 0'/10' |
| | **PARKING** | | | | | |
| | Surface Parking between building and Primary Street/Side Street | MX: Not Allowed/ Allowed | RX, MS: Not Allowed/Not Allowed | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | | | | |

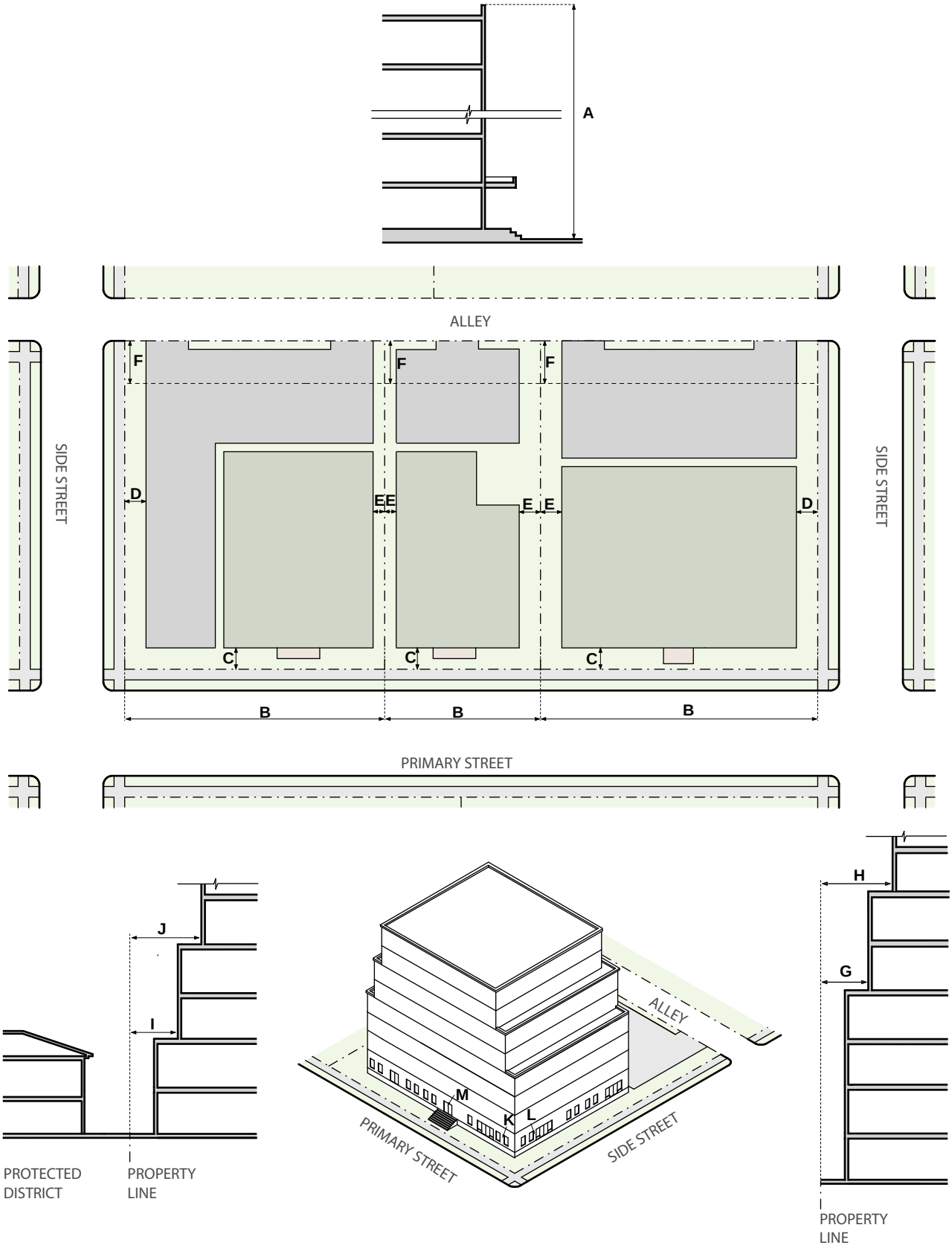
| | DESIGN ELEMENTS | G-MX-3 | G-RX-3 | G-RX-5 | G-MS-3 | G-MS-5 |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| G | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 20' of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. (See Sec. 13.1.6.2) | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | | | | |
| H | Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15'/25' | 15'/25' | 20'/25' | 15'/25' | 20'/25' |
| | Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na | 35'/40' | na | 35'/40' |
| | **STREET LEVEL ACTIVATION** | | | | | |
| I | Transparency, Primary Street (min) | 40% | 40% | 40% | 40% | 40% |
| | Transparency, Side Street (min) | 25% | 25% | 25% | 25% | 25% |
| J | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature | | | | |

| | USES | G-MX-3 | G-RX-3 | G-RX-5 | G-MS-3 | G-MS-5 |
|---|---|---|---|---|---|---|
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 40% | na | na | 100% | 100% |
| | Permitted Primary Uses | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 6.4 Uses and Parking | | | | |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## G. Apartment

*Not to Scale. Illustrative Only.*



## APARTMENT

| | HEIGHT | G-RO-3 G-MU-3 | G-MU-5 | G-RO-5 | G-MU-8 | G-MU-12 | G-MU-20 |
|---|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 5 | 8 | 12 | 20 |
| A | Feet (max) | 40′ | 65′ | 65′ | 100′ | 140′ | 230′ |
| | Feet, within 175′ of Protected District (max) | na | na | na | 75′ | 75′ | 75′ |

| | SITING | G-RO-3 G-MU-3 | G-MU-5 | G-RO-5 | G-MU-8 | G-MU-12 | G-MU-20 |
|---|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | | |
| | Zone Lot Size (min) | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf | 6,000 sf |
| | Zone Lot Width (min) | 50′ | 50′ | 50′ | 50′ | 50′ | 50′ |
| | **REQUIRED BUILD-TO** | | | | | | |
| B | Primary Street (min % within min/max) | 60% 10′/20′ | 60% 10′/20′ | 60% 10′/20′ | 60% 10′/20′ | 60% 10′/20′ | 60% 10′/20′ |
| | **SETBACKS** | | | | | | |
| | Primary Street, block sensitive setback required | yes | na | na | na | na | na |
| C | Primary Street, where block sensitive does not apply (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| D | Side Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| E | Side Interior (min) | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ | 7.5′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| F | Rear, alley/no alley (min) | 10′/20′ | 10′/20′ | 10′/20′ | 10′/20′ | 10′/20′ | 10′/20′ |
| | **PARKING** | | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | | | | | |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review | | | | | |

| | DESIGN ELEMENTS | G-RO-3 G-MU-3 | G-MU-5 | G-RO-5 | G-MU-8 | G-MU-12 | G-MU-20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | | |
| | Street-facing Garage Door Width per Primary Structure (max) | 20′ | 20′ | 20′ | 20′ | 20′ | 20′ |
| | Upper Story Setback Above 40′, Side Interior (min) | na | 15′ | na | na | na | na |
| G | Upper Story Setback Above 51′, Side Interior (min) | na | na | 15′ | 15′ | 15′ | 15′ |
| H | Upper Story Setback Above 75′, Rear, alley/Rear, no alley and Side Interior (min) | na | na | na | 20′/30′ | 20′/30′ | 20′/30′ |
| I | Upper Story Setback Above 27′, adjacent to Protected District: Side Interior (min) | 25′ | 25′ | 25′ | 25′ | 25′ | 25′ |
| J | Upper Story Setback Above 51′, adjacent to Protected District: Side Interior (min) | na | 40′ | 40′ | 40′ | 40′ | 40′ |
| | Upper Story Setback Above 40′, adjacent to Protected District: Rear, alley/Rear, no alley (min) | na | 30′/40′ | 30′/40′ | 30′/40′ | 30′/40′ | 30′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| K | Transparency, Primary Street (min) | 40% | 40% | 40% | 40% | 40% | 40% |
| L | Transparency, Side Street (min) | 25% | 25% | 25% | 25% | 25% | 25% |
| M | Pedestrian Access, Primary Street | Entrance | | | | | |
| | **USES** | **All G-MU and G-RO** | | | | | |
| | | Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses.<br>See Division 6.4 Uses and Parking | | | | | |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## H. Drive Thru Services

Not to Scale. Illustrative Only.






## DRIVE THRU SERVICES

| | APPLICABILITY | All G-MS, G-MX | |
|---|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of a Rail Transit Station Platform | |

| | HEIGHT | G-MX-3 | G-MS-3, -5 |
|---|---|---|---|
| A | Stories (max) | 3 | 3 |
| A | Feet (max) | 45′ | 45′ |

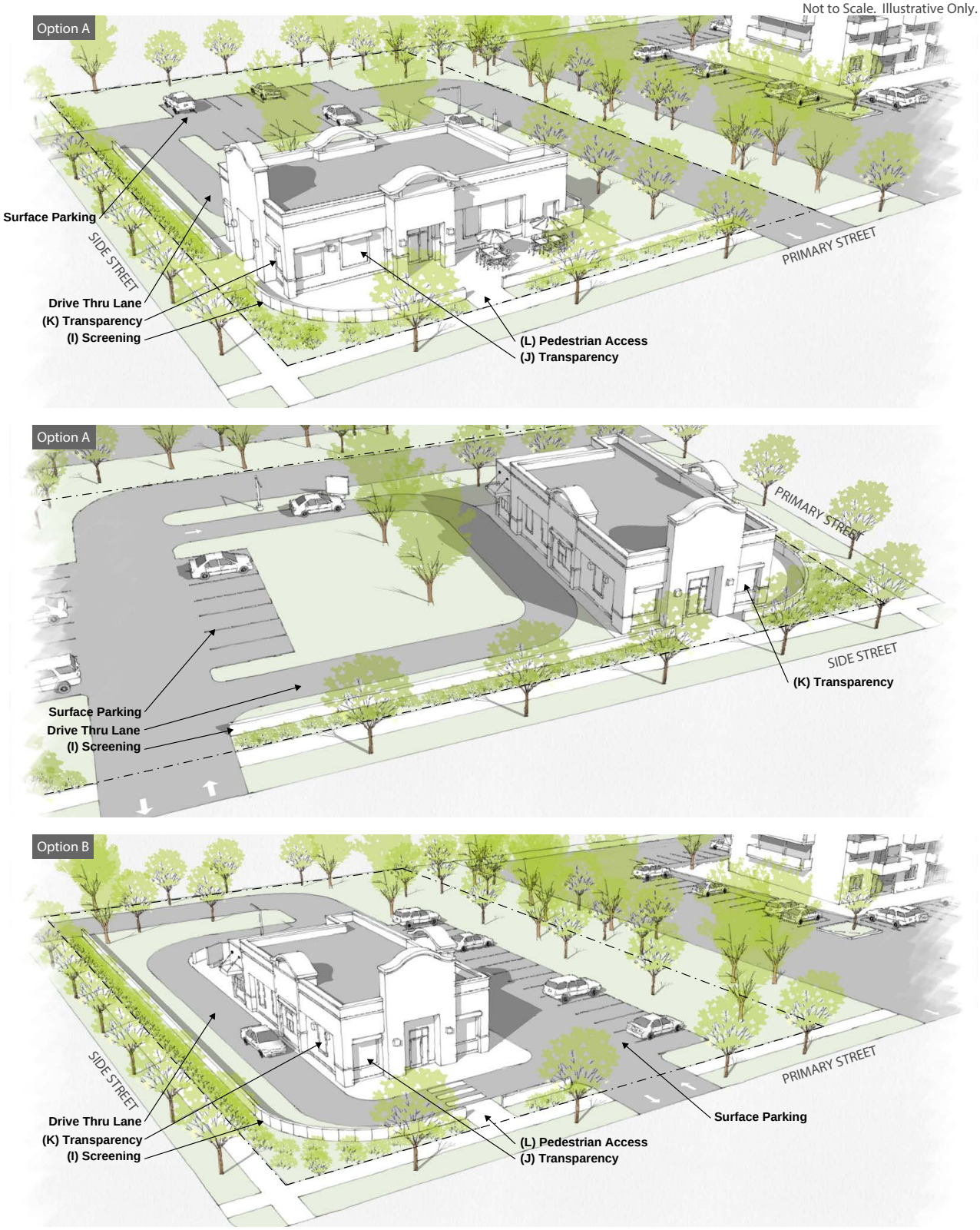
| | SITING | G-MX-3 | G-MS-3, -5 |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| B | Primary Street (min % within min/max)* | 50% 0′/15′ | 50% 0′/15′ |
| C | Side Street (min % within min/max)* | 50% 0′/15′ | 50% 0′/15′ |
| | **SETBACKS** | | |
| D | Primary Street (min) | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| G | Rear (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | Not Allowed/Not Allowed |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

| | DESIGN ELEMENTS | G-MX-3 | G-MS-3, -5 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| H | *Canopy | Building shall be used to meet a portion of the Primary or Side Street Build-To. Canopy may be used to meet a portion of the Primary or Side Street Build-To | Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To |
| I | Screening Required | Garden Wall required within 0′/15′ for 100% of the Primary and Side Street frontage, excluding access points and portions of building within 0′/15′, following the standards of Article 10, Section 10.5.4.4 | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| J | Transparency, Primary Street (min) | 40% | 60% |
| K | Transparency, Side Street (min) | 25% | 25% |
| L | Pedestrian Access, Primary Street | Entrance | Entrance |

| | USES | G-MX-3 | G-MS-3, -5 |
|---|---|---|---|
| | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to Automobile Services, Light and/or Primary Use with Accessory Drive Thru Uses, excluding Eating & Drinking Establishments. See Division 6.4 Uses and Required Minimum Parking | |

## I. Drive Thru Restaurant

Not to Scale. Illustrative Only.



## DRIVE THRU RESTAURANT

| | APPLICABILITY | All G-MS, G-MX |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | All G-MX, G-MS |
|---|---|---|
| A | Stories (max) | 3 |
| A | Feet (min/max) | 45′ |

| | SITING | All G-MS | All G-MX Option A | All G-MX Option B |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (min % within min/max) | Corner Lots: 50% 0′/5′<br>All other: 75% 0′/5′ | Corner Lots: 50% 0′/10′<br>All other: 70% 0′/10′ | Corner Lots: 50% 0′/35′<br>All other: 70% 0′/10′ |
| C | Side Street (min % within min/max) | 50% 0′/5′ | 50% 0′/10 | 50% 0′/18′ |
| | **SETBACKS** | | | |
| D | Primary Street (min) | 0′ | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| G | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | Not Allowed/Not Allowed | Not Allowed/Not Allowed |
| | Drive Thru Lane between building and Primary Street/Side Street | Not Allowed/Not Allowed | Not Allowed/Not Allowed | Allowed/Allowed |
| H | Drive Thru Lane Width (max) | na | na | 12′ |
| I | Drive Thru Lane Screening Required | na | na | Garden Wall, following the standards of Article 10, Section 10.5.4.4 |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | |

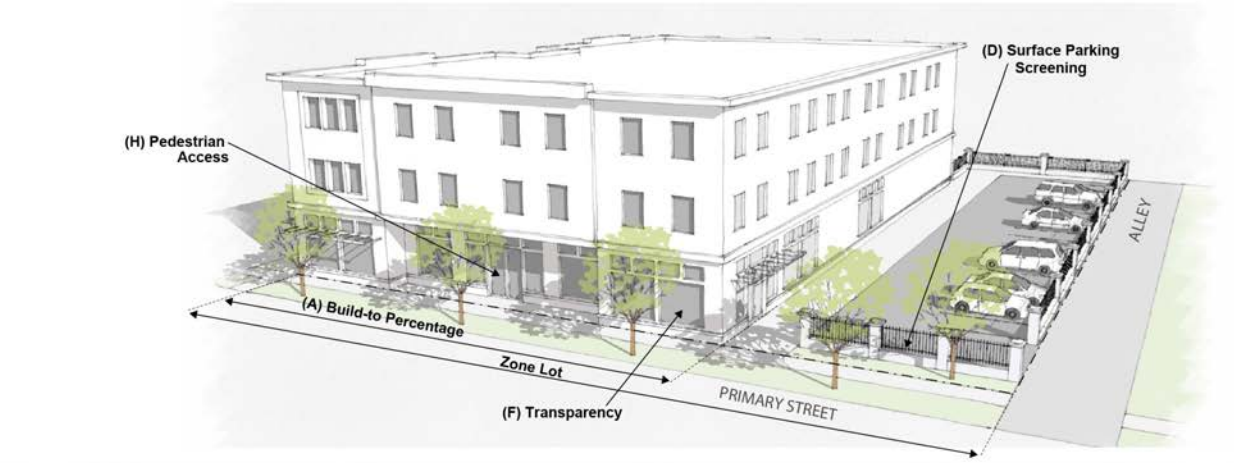
| | DESIGN ELEMENTS | All G-MS | All G-MX Option A | All G-MX Option B |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | | |
| J | Transparency, Primary Street (min) | 60% | 40% | 40% |
| K | Transparency, Side Street (min) | 25% | 25% | 25% |
| L | Pedestrian Access, Primary Street | Entrance | Entrance | Entrance and Pedestrian Connection |

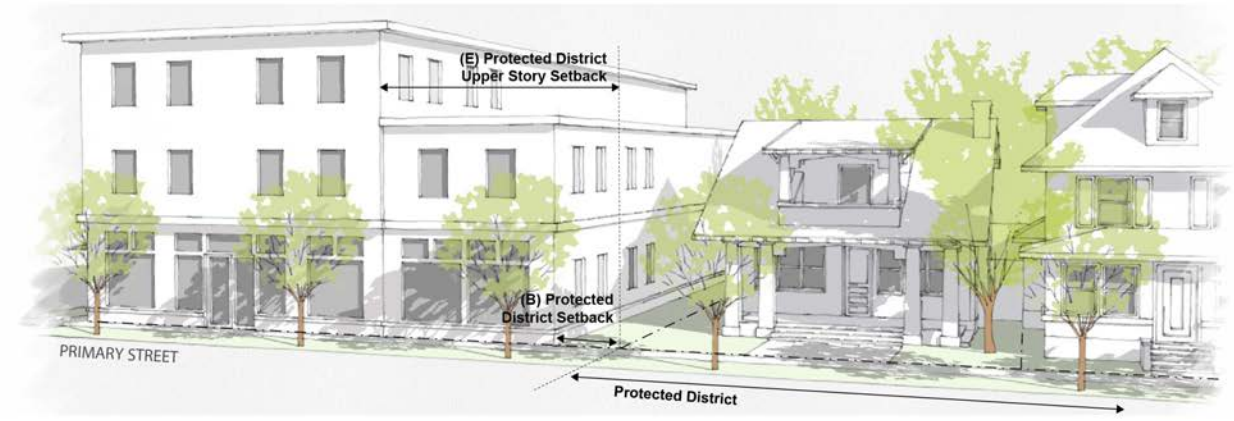
| | USES | All G-MS, G-MX Zone Districts |
|---|---|---|
| | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to an Eating & Drinking Establishment Primary Use with Accessory Drive Thru Use Only. See Division 6.4 Uses and Required Minimum Parking |

## J. General


Not to Scale. Illustrative Only.
Multi Unit
Single Family Residential
Single Family Residential
Mixed-use Development


(C) Surface Parking
(G) Transparency
(H) Pedestrian Access
(F) Transparency
SIDE STREET
(A) Build-to Range
PRIMARY STREET
(D) Surface Parking Screening


(D) Surface Parking Screening
(H) Pedestrian Access
ALLEY
(A) Build-to Percentage
Zone Lot
PRIMARY STREET
(F) Transparency


(E) Protected District Upper Story Setback
(B) Protected District Setback
PRIMARY STREET
Protected District

## GENERAL

| | HEIGHT | G-MX-3 |
|---|---|---|
| | Stories (max) | 3 |
| | Feet (max) | 45′ |

| | SITING | G-MX-3 |
|---|---|---|
| | **REQUIRED BUILD-TO** | |
| A | Primary Street (min build-to % within min/max range) | 70% 0′/10′ |
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Street (min) | 0′ |
| | Side Interior (min) | 0′ |
| B | Side Interior, adjacent to Protected District (min) | 10′ |
| | Rear, alley and no alley (min) | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ |
| | **PARKING** | |
| C | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| D | Surface Parking Screening | See Article 10, Division 10.5 |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | G-MX-3 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA |
| E | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | |
| F | Transparency, Primary Street (min) | 40% |
| G | Transparency, Side Street (min) | 25% |
| H | Pedestrian Access, Primary Street | Entrance |

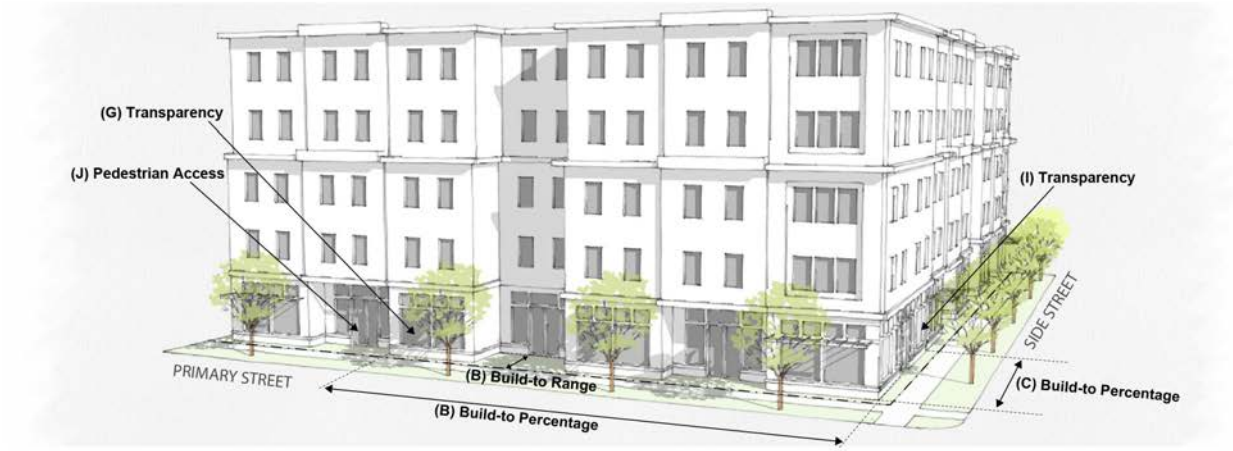
| | USES | G-MX-3 |
|---|---|---|
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 40% |
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form. See Division 6.4 Uses and Parking |

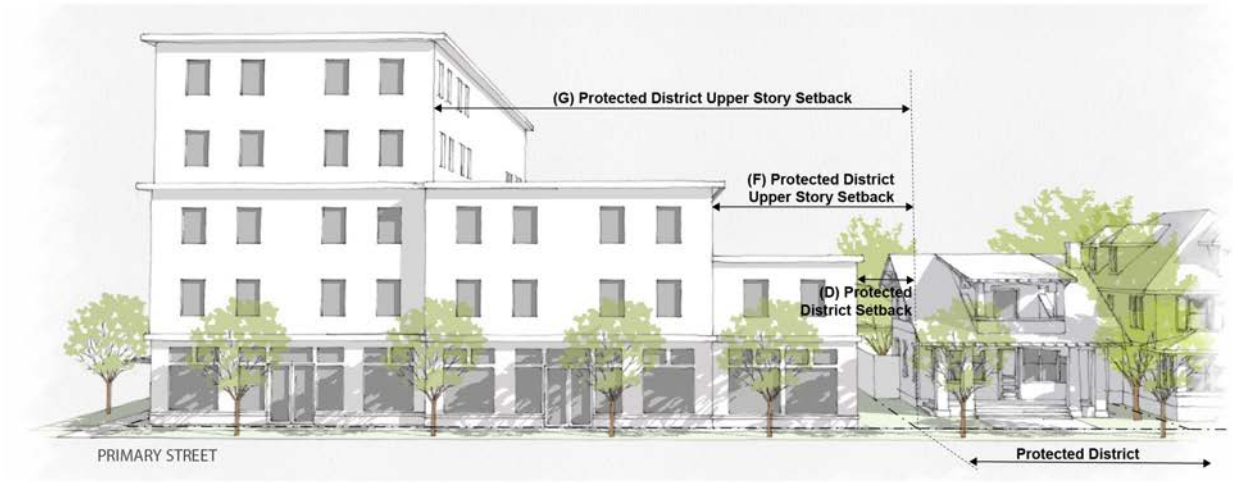
**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## K. Shopfront


Not to Scale. Illustrative Only.
Multi Unit
Single Family Residential
Single Family Residential
Mixed-use Development


(A) Minimum Height
(B) Build-to Percentage with Garden Wall Alternative
Zone Lot
(E) Surface Parking Screening
PRIMARY STREET


(G) Transparency
(J) Pedestrian Access
(I) Transparency
SIDE STREET
PRIMARY STREET
(B) Build-to Range
(B) Build-to Percentage
(C) Build-to Percentage


(G) Protected District Upper Story Setback
(F) Protected District
Upper Story Setback
(D) Protected
District Setback
PRIMARY STREET
Protected District

## SHOPFRONT

| | HEIGHT | G-RX-3 | G-RX-5 | G-MS-3<br>G-MX-3 | G-MS-5 |
|---|---|---|---|---|---|
| | Stories (max) | 3 | 5 | 3 | 5 |
| A | Feet (min/max) | na/45' | na/70′ | na/45′ | 24′/70′ |

| | SITING | G-RX-3 | G-RX-5 | G-MS-3<br>G-MX-3 | G-MS-5 |
|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | |
| B | Primary Street (min build-to % within min/max range) | 75% 0'/10' | 75% 0′/10′ | 75%<br>0′/5′ Residential Only Buildings: 0′/10′ | |
| C | Side Street (min build-to % within min/max range) | na | na | 25%<br>0′/5′ Residential Only Buildings: 0′/10′ | |
| | **SETBACKS** | | | | |
| | Primary Street (min) | 0' | 0′ | 0′ | 0′ |
| | Side Street (min) | 0' | 0′ | 0′ | 0′ |
| | Side Interior (min) | 0' | 0′ | 0′ | 0′ |
| D | Side Interior, adjacent to Protected District (min) | 10' | 10′ | 10′ | 10′ |
| | Rear (min) | 0' | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0'/10' | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | | | |
| E | Surface Parking Screening | See Article 10, Division 10.5 | | | |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review | | | |

| | DESIGN ELEMENTS | G-RX-3 | G-RX-5 | G-MS-3<br>G-MX-3 | G-MS-5 |
|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | |
| F | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15'/25' | 20′/25′ | 15′/25′ | 20′/25′ |
| G | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | |
| H | Transparency, Primary Street (min) | 60%<br>Residential Only Buildings: 40% | | | |
| I | Transparency, Side Street (min) | 25% | | | |
| J | Pedestrian Access, Primary Street | Entrance | | | |

| USES | All G-RX Districts | G-MS-3, -5 and G-MX-3 |
|---|---|---|
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | na | 100% |
| Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max | All permitted Primary Uses shall be allowed within this building form. See Division 6.4 Uses and Parking |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 6.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 6.3.4.1 Applicability

All detached accessory structures in all the General Urban Neighborhood Context zone districts

## 6.3.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 6.3.4.

**6. Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 6.3.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 6.3.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 6.3.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

**1. Building Coverage**

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

**2. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

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### 6.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

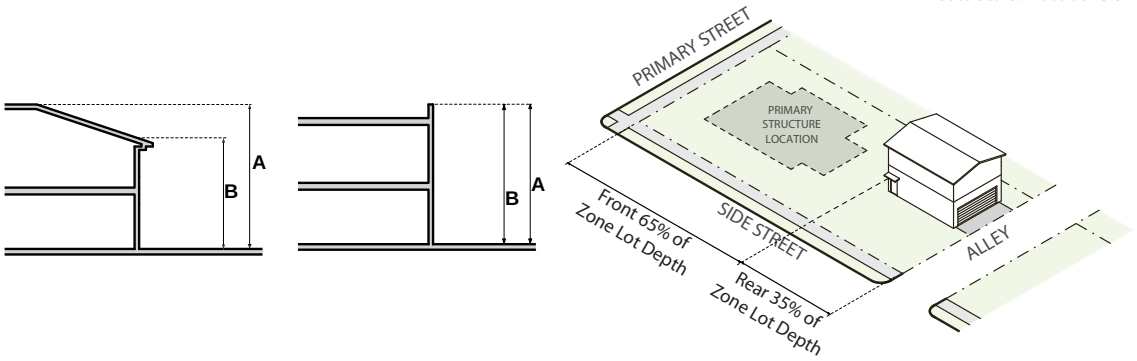
| General Urban (G-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Row House (RH) | G-RH-3 | no max | ■ | ■ | ■ | |
| Multi Unit (MU) | G-MU-3, -5 | no max | ■ | ■ | ■ | |
| | G-MU-8, -12, -20 | no max | ■ | ■ | ■ | |
| Residential Office (RO) | G-RO-3, -5 | no max | ■ | ■ | ■ | |
| Residential Mixed Use (RX) | G-RX--3, 5 | no max | | | | ■ |
| Mixed Use (MX) | G-MX-3 | no max | | | | ■ |
| Main Street (MS) | G-MS-3, -5 | no max | | | | ■ |

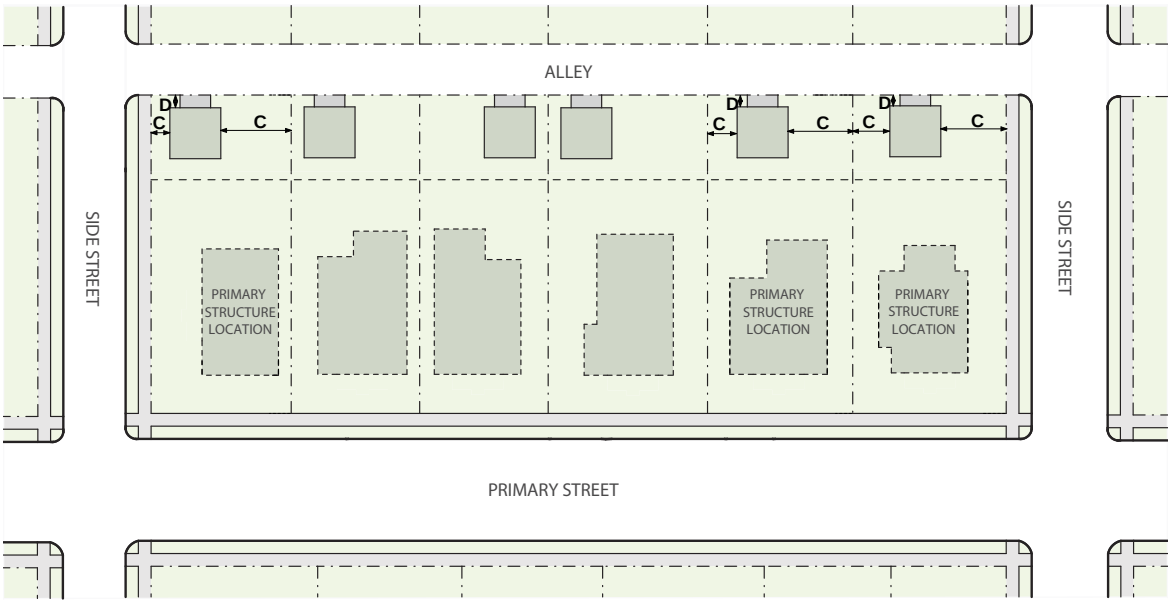
■ = Allowed ◘ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

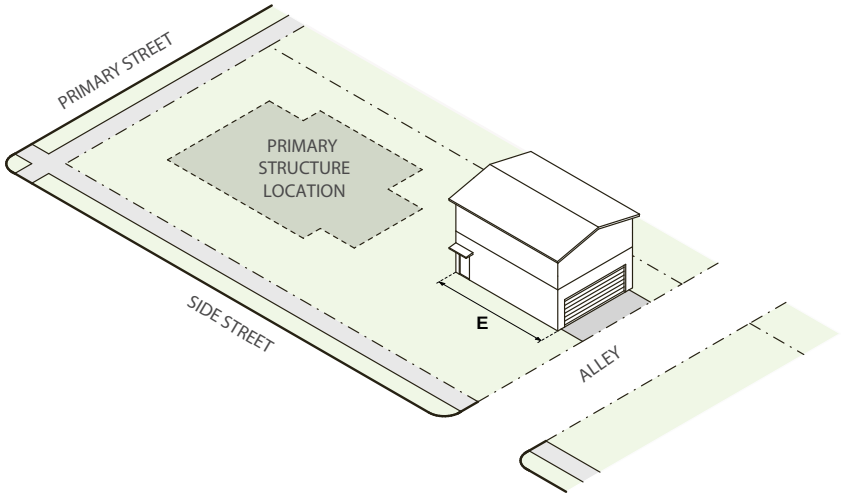
## 6.3.4.5 District Specific Standards

### A. Detached Accessory Dwelling Unit

*Not to Scale. Illustrative Only.*



# DETACHED ACCESSORY DWELLING UNIT

| | HEIGHT | G-RH-3 | All G-MU, -RO |
|---|---|---|---|
| A | Stories (max) | 1.5 | 2 |
| A | Feet (max) | 24′ | 24′ |
| B | Side Wall Height (max) | 15′ | na |

| | SITING | G-RH-3 | All G-MU, -RO |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Exemption from Maximum Building Coverage (Lesser of) | 50%/500 sf<br>An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking. | |
| | Zone Lot Size (min) | 3,000 sf | 3,000 sf |
| | Additional Standards | See Sections 6.3.4.3 | |
| | **SETBACKS** | | |
| | Location | Located in the rear 35% of the zone lot depth | |
| C | Side Interior and Side Street (min) | Lots 30' wide or less: 3'<br>All others: 5′ | Lots 30' wide or less: 3'<br>All others: 5′ |
| | | If exceeding 17′ in height must be located adjoining the southern most side setback line | |
| D | Rear (min) | 5′ | 5′ |
| | **PARKING** | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present see Sec. 6.3.7.6 for exceptions | |

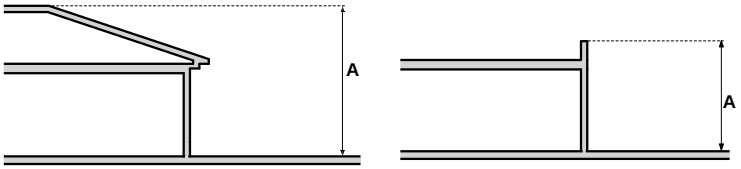
| | DESIGN ELEMENTS | G-RH-3 | All G-MU, -RO |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Building Footprint (max) | 1,000 sf | 1,000 sf |
| E | Overall Structure Length (max) | 36′ | 36′ |

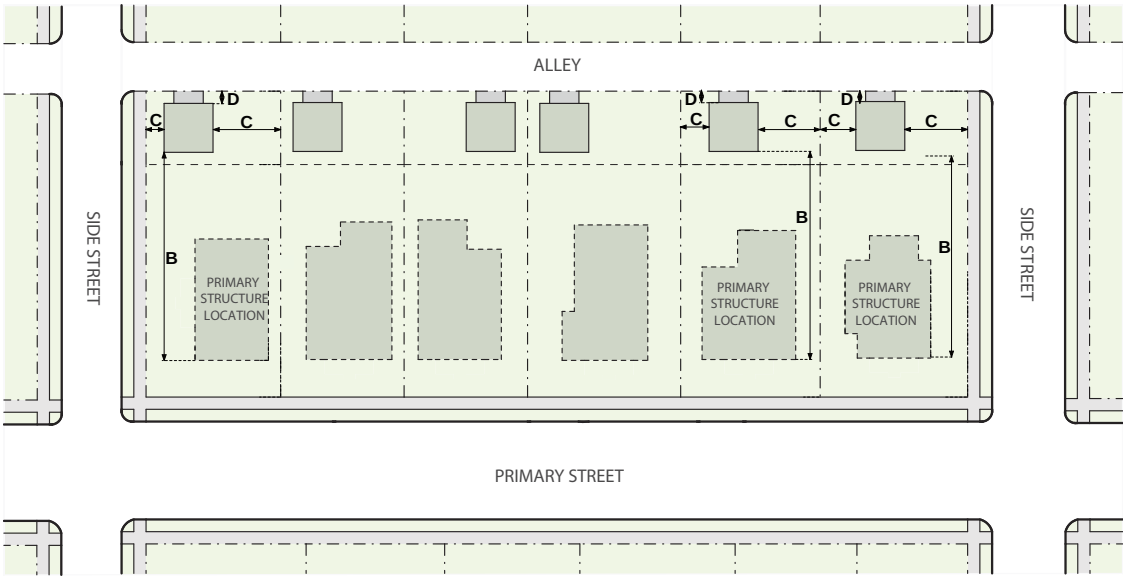
| | USES | G-RH-3 | All G-MU, -RO |
|---|---|---|---|
| | | Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling unit where permitted. See Division 6.4 for permitted Accessory Uses | |

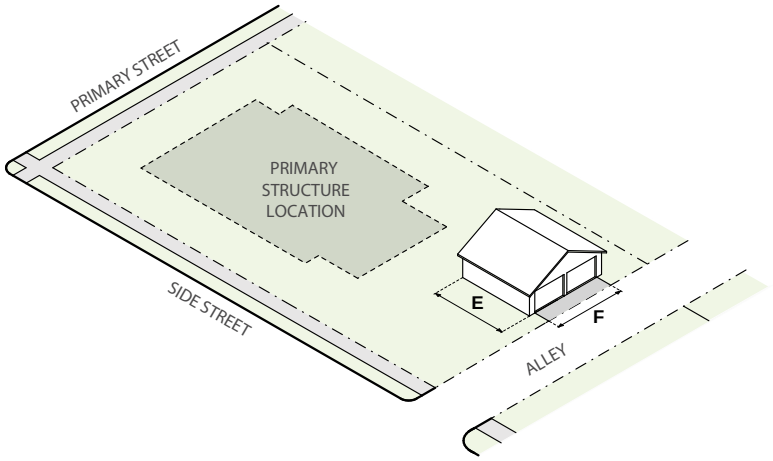
**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Detached Garage

*Not to Scale. Illustrative Only.*



## DETACHED GARAGE

| | HEIGHT | All G-RH, -MU, -RO |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | All G-RH, -MU, -RO |
|---|---|---|
| | **ZONE LOT** | |
| | Exemption from Maximum Building Coverage (Lesser of) | 50% / 500 sf<br>An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 sf. To qualify, the detached garage form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the garage form shall be used for vehicle parking. |
| | Additional Standards | See Sections 6.3.4.3 |
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 0′ |
| C | Side Street (min) | 5′ |
| C | Side Interior (min), for structure entirely in rear 35% of zone lot depth** | 0′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot depth | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ |
| | Rear, alley, where garage doors do not face alley** (min) | 0′ |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>See Sec. 6.3.7.6 for exceptions |

| | DESIGN ELEMENTS | All G-RH, -MU, -RO |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Building Footprint (max) | 864 sf per unit* |
| E | Overall Structure Length (max) | 36′ per unit |
| F | Allowed Number of Vehicular Access Doors (max) | 3 per unit |
| F | Cumulative Width of All Vehicular Access Doors (max) | 28′ per unit |

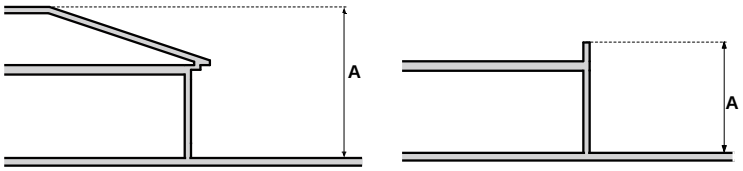
| | USES | All G-RH, -MU, -RO |
|---|---|---|
| | | Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 6.4 for permitted Accessory Uses |

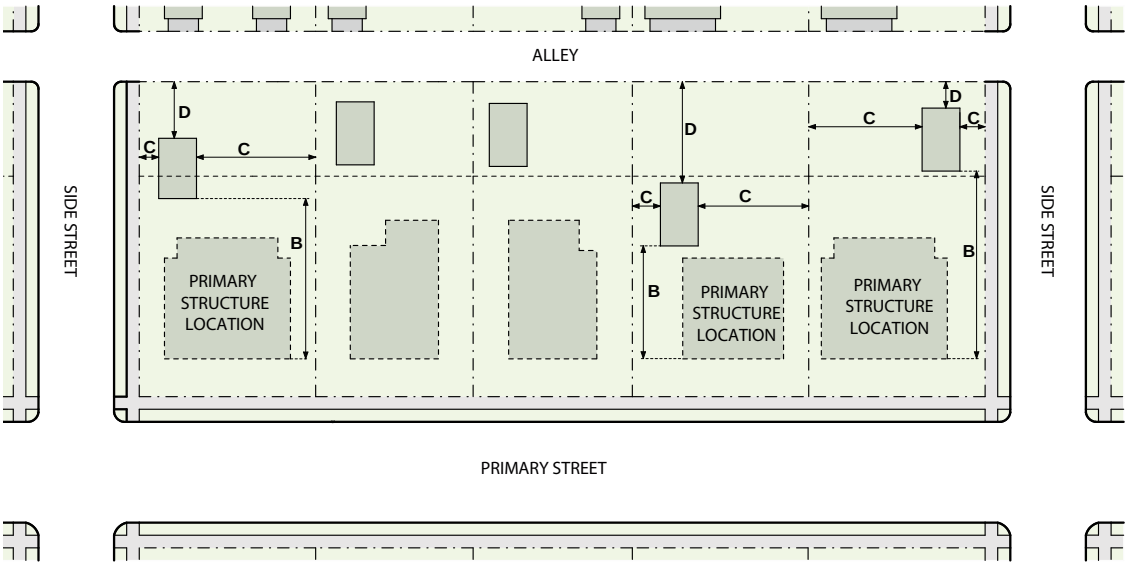
**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

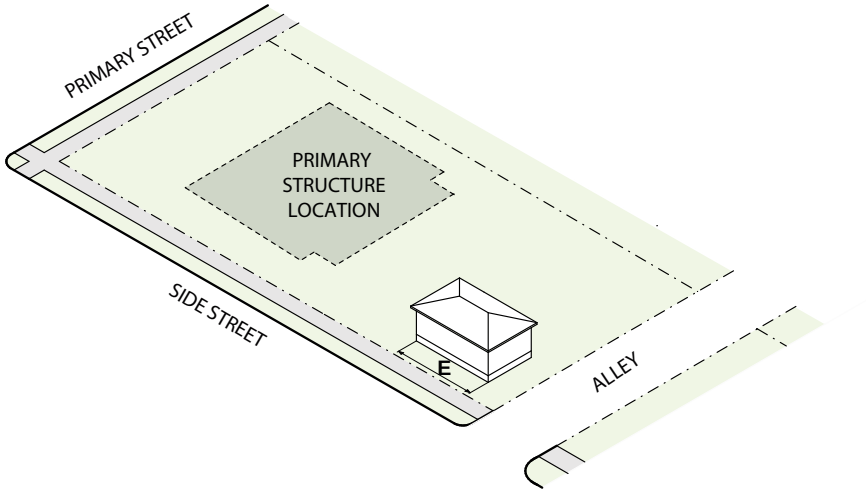
***When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 sf**
****Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

## C. Other Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## OTHER DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All G-RH, -MU, -RO |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 15′ |

| | SITING | All G-RH, -MU, -RO |
|---|---|---|
| | Additional Standards | See Sections 6.3.4.3 |
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Street (min) | 5′ |
| C | Side Interior (min), for structure entirely in rear 35% of zone lot depth* | 0′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot depth | 5′ |
| | Side Interior (min), for structure not entirely in rear 35% of zone lot, where Zone Lot Width is 30′ or less | 3′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where doors face alley (min) | 5′ |
| | Rear, alley, where doors do not face alley (min)* | 0′ |

| | DESIGN ELEMENTS | All G-RH, -MU, -RO |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Building Footprint (max) | 1,000 sf |
| E | Overall Structure Length (max) | 36′ |

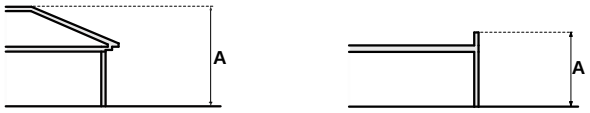
| USES | All G-RH, -MU, -RO |
|---|---|
| | Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles.<br>See Division 6.4 for permitted Accessory Uses |

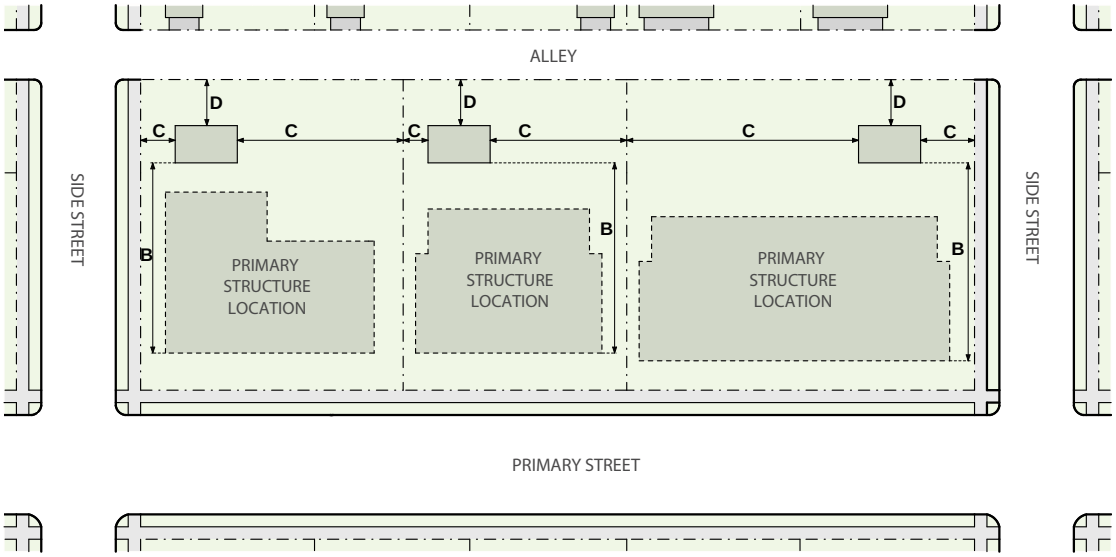
**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

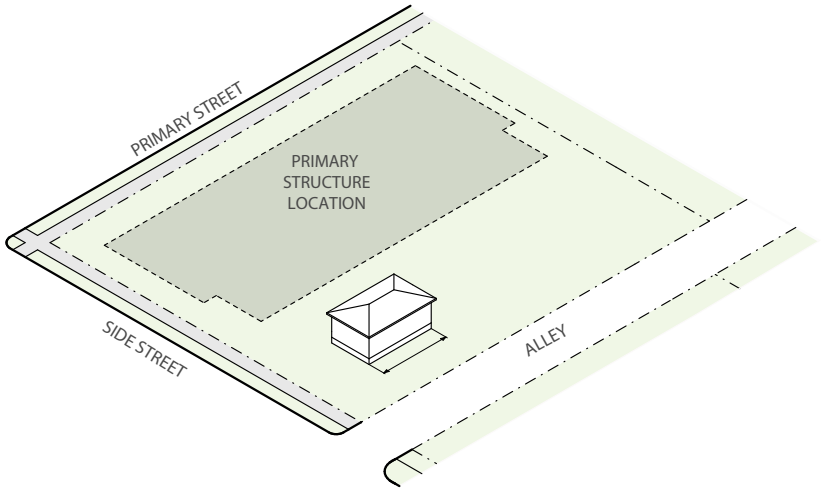
***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

## D. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All G-RX, -MX, -MS |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | All G-RX, -MX, -MS |
|---|---|---|
| | Additional Standards | See Section 6.3.4.3 |
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Interior and Side Street (min) | 5′ |
| D | Rear, no alley (min) | 5′ |
| | Rear, alley, where garage doors face alley (min) | 5′ |
| | Rear, alley, where garage doors do not face alley (min) | 0′ |

| DESIGN ELEMENTS | All G-RX, -MX, -MS |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot,; provided this restriction shall not apply to the parking of vehicles. See Section 6.3.4.3 |

| USES | All G-RX, -MX, -MS |
|---|---|
| | Accessory Uses Only |

**See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 6.3.5 SUPPLEMENTAL DESIGN STANDARDS

## 6.3.5.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

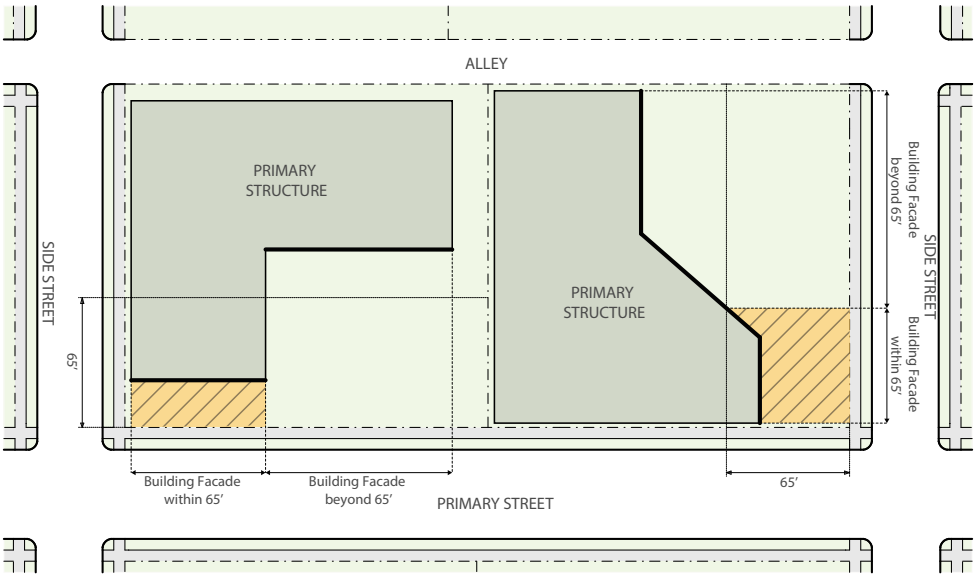
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

### B. Applicability

This Section 6.3.5.1 applies to the Shopfront building form in the G-MS and G-RX zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.




*Not to Scale. Illustrative Only.*

## 6.3.5.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards in low-scale residential neighborhoods.

### B. Applicability

Town House or Garden Court building form in all the G-MU, G-RO, G-RX, G-MX and G-MS zone districts when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

### C. Supplemental Design Standard

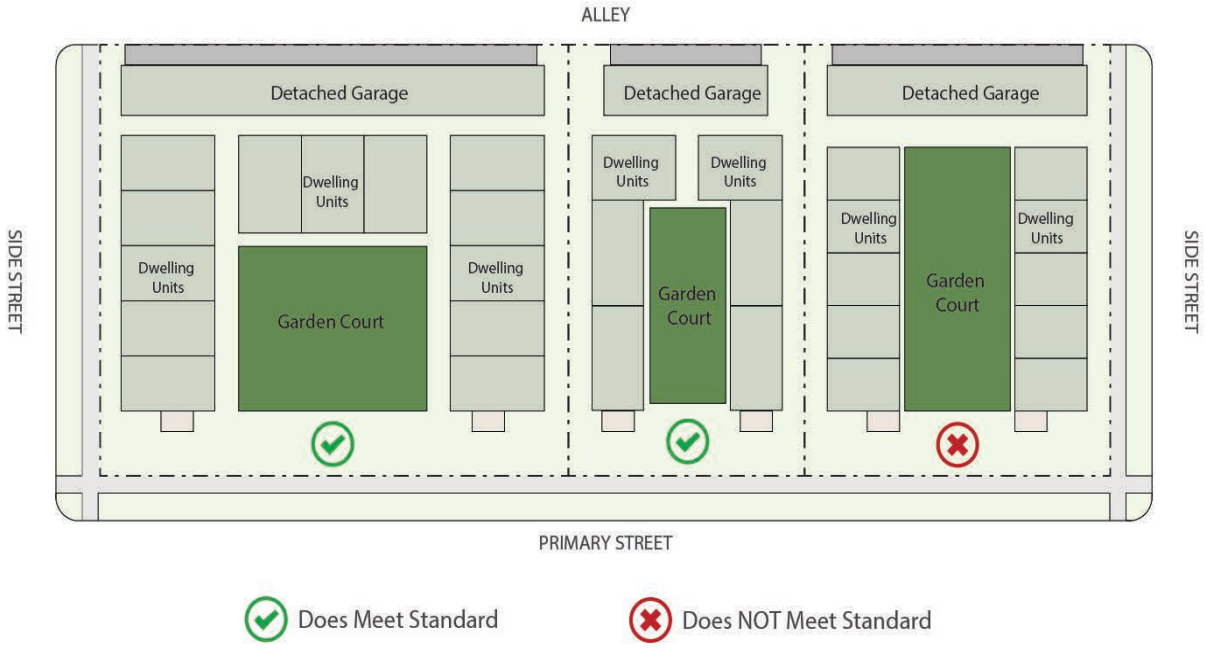
1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the Zone Lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the Zone Lot depth, including detached or freestanding structures but excluding the detached accessory dwelling unit building form where allowed, when the Zoning Administrator

finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 6.3.5.3 Garden Court

A. The Garden Court shall include all of the following characteristics:

1. Located at natural grade;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. A minimum of 50% of the required Garden Court area shall be landscaped with live planting material, according to Section 10.5.4.6 Landscaping Material Standards;
4. Open to the sky, except one single-story Porch, Canopy, or shading device per Dwelling Unit associated to a Entrance may encroach no more than 5 feet in depth into the Garden Court; and
5. Bounded on not less than 3 sides with related Dwelling Unit building facades on the same Zone Lot.
   a. For purposes of this section, "related" shall mean either connected building facades, or multiple building facades with a maximum separation between building facades of 15 feet.




B. The Garden Court area may be used for any of the following:

1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or
2. Public or private landscaped area; may also include entries.

C. Vehicular access is not permitted through the Garden Court area.

### 6.3.5.4 Street Level Active Uses in the G-MX and G-MS Zone Districts

**A. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**

This Section 6.3.5.3 applies to the General and Shopfront building forms in the G-MX zone districts and the Shopfront building form in the G-MS zone districts.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 6.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

### 6.3.5.5 Dwelling Units Oriented to the Street

**A. Intent**

To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

**B. Applicability**

This Section 6.3.5.6 shall apply to development under the Town House building form in all G-MU, G-RO, G-RX, G-MX, and G-MS zone districts when required by the building form standards.

**Supplemental Design Standard**

1. On an Interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.
2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or Side Street Zone Lot Line.
   **a. All G-MX, G-MS and G-RX zone districts**
   In the G-RX, G-MS, and G-MS zone districts, the following standards shall apply.

i. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

ii. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.

iii. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

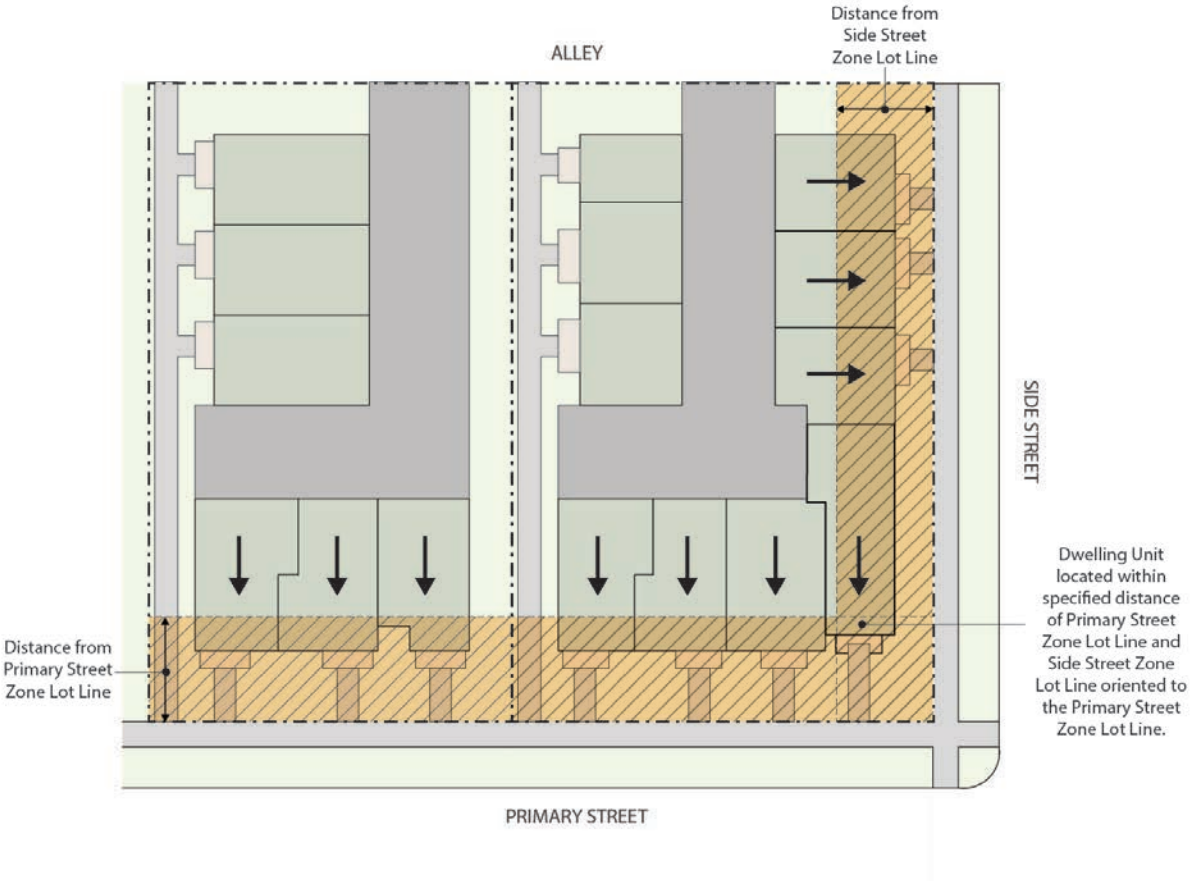
**b. All G-MU and G-RO zone districts**

In the G-MU and G-RO zone districts, the following standards shall apply.

i. Dwelling Units located within 30 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.

ii. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.

iii. In the G-MU-3 zone district, Dwelling Units located within both 30 feet of the Primary Street Zone Lot Line or Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.




**c. All G-MU, G-RO, G-MX, G-MS and G-RX zone districts**

In the G-MU, G-RO, G-RX, G-MS, and G-MS zone districts, a Zone Lot with more than one Primary Street, the following standards shall apply.

i. The Zoning Administrator shall determine the street to which the corner Dwelling Unit shall orient based on an analysis, at a minimum, of:

a) The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject Zone Lot;

b) Block and lot shape;

c) The functional street classification of all abutting streets as adopted by the Public Works Department;

d) The future street classification of all abutting streets as adopted in Blueprint Denver; and

e) Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

### 6.3.5.6 Height for Sloped Roofs

**A. Intent**

To allow for design flexibility for sloped roofs and to promote variations within the building form.

**B. Applicability**

This Section 6.3.5.7 shall apply to development under the Town House or Garden Court building form standards in all G-MU, G-RO, G-RX, G-MX, and G-MS zone districts.

**Supplemental Design Standard**

1. For the portion of the roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be:
   a. 45-feet in 3-story RX, MX, MS zone districts, and
   b. 40-feet in 3-story MU and RO zone districts.
2. Development of a primary building with a roof with a minimum pitch that takes advantage of the maximum height allowed per this Section 6.3.5.7 may apply one or more height exceptions allowed in Section 6.3.7.1, except that such height exceptions shall be measured from an allowed maximum of height of:
   a. 38-feet in 3-story MX, RX, and MS zone districts, and
   b. 35-feet in 3-story MU and RO zone distrcts.


Not to Scale. Illustrative Only.
Maximum building height for portion of roof with a minimum pitch of 6:12
ALLEY
PRIMARY STREET
Portion of roof with a minimum pitch of 6:12

# SECTION 6.3.6 DESIGN STANDARD ALTERNATIVES

## 6.3.6.1 Required Build-To Alternatives

### A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when Alley access is not feasible per Section 6.3.7.6 in the Town House building form.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | BUILDING FORM | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| G-MU<br>G-RO<br>G-RX<br>G-MX<br>G-MS | Town House | na | na | na | na | na | na | 30% | 12 feet |
| G-RX<br>G-MX | All others | na | na | 25%* | 30%* | 30%* | 100% | 100% | na |
| G-RH<br>G-MU<br>G-RO<br>G-MS | All others | na | na | 25%* | 30%* | 30%* | 100% | na | na |

***If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

## 6.3.6.2 Transparency Alternatives

### A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| G-MU | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| G-RO | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| G-RX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| G-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| G-MS | Primary Street | 40% | 50% | 60% | 40% | 50% |
| | Side Street | 40% | 50% | 80% | 40% | 50% |

*Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.

### 6.3.6.3 Pedestrian Access (Entrance) Alternatives

**A. Intent**

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

**B. Allowance**

In the G-RO, G-MU, G-MX and G-RX zone districts for all building forms except the Town House, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway

## SECTION 6.3.7 DESIGN STANDARD EXCEPTIONS

### 6.3.7.1 Height Exceptions

**A. Intent**

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

**B. Applicability and Standards:**

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 6.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended

function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All G- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All G- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story or greater G-MU, G-RX, G-MS Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | All 3-Story G-MU, G-RO, G-RX, G-MS, G-MX Zone Districts in the Town House building form | Yes | Yes, from the perimeter of the portion of the building Facing the Primary Street, Side Street, Side Interior or Rear Zone Lot Line.<br><br>No, from the perimeter of the portion of the building that does not face a Zone Lot Line. | 12' | 1 story | Not Allowed | Not Allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 3-Story or lower G-MU, G-RX, G-MX, G-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story or greater G-MU, G-RX, G-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 3-Story or lower G-MU, G-RX, G-MX, G-MS Zone Districts | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story or greater G-MU, G-RX, G-MS Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All 3-Story or lower G-MU, G-RX, G-MX, G-MS Zone Districts | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story or greater G-MU, G-RX, G-MS Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All 5-Story or greater G- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All G- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All G- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All G-MX, G-MS Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All G- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 6.3.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

##### 1. Intent

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

**B. Parkways**

**1. Intent**

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

**C. G-MU-3 and G-RO-3 Block Sensitive Setback**

**1. Intent**

To maintain an established context or pattern by ensuring the block sensitive setback establishes the build-to range.

**2. Standard**

In the G-MU-3 and G-RO-3 zone districts, when the Primary Street, block sensitive setback is different than the Primary Street required build-to min/max range, the following shall establish the min/max build-to range. In all cases, the minimum build-to percentage shall apply:

a. The minimum in the build-to min/max range shall follow:

i. The Primary Street, block sensitive setback when greater than the min.

ii. The build-to min in the min/max range, when the Primary Street, block sensitive setback is less than the min.

b. The maximum in the build-to min/max range shall follow:

i. The Primary Street, block sensitive setback when greater than the max.

ii. The build-to max in the min/max range, when the Primary Street, block sensitive setback is less than the max.

### 6.3.7.3 Setback Exceptions

**A. Intent**

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**B. Standard**

In all G- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or

2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 6.3.7.4 Setback Encroachments

**A. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

## B. Standard

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

### 1. Architectural Elements

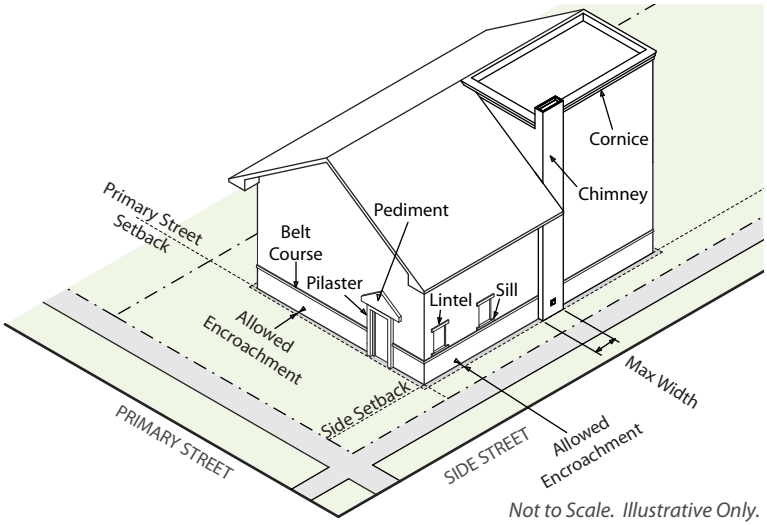
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All G- Zone Districts | All building forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

Intent: To allow common, minor decorative elements which are integral to a building.



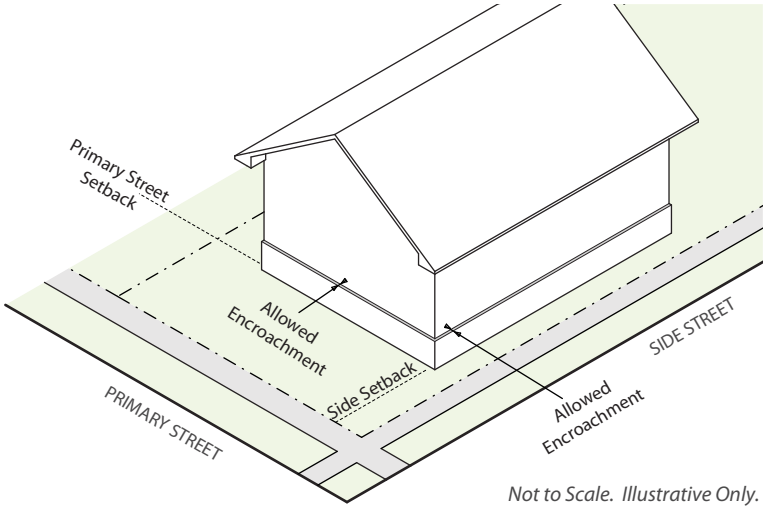
*Illustrative only*




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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All G- Zone Districts | All building forms | 6″ | 6″ | 6″ | 6″ |

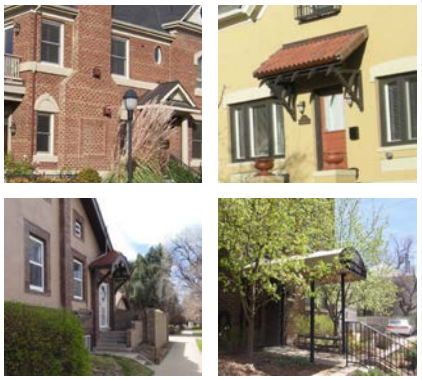
Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback.



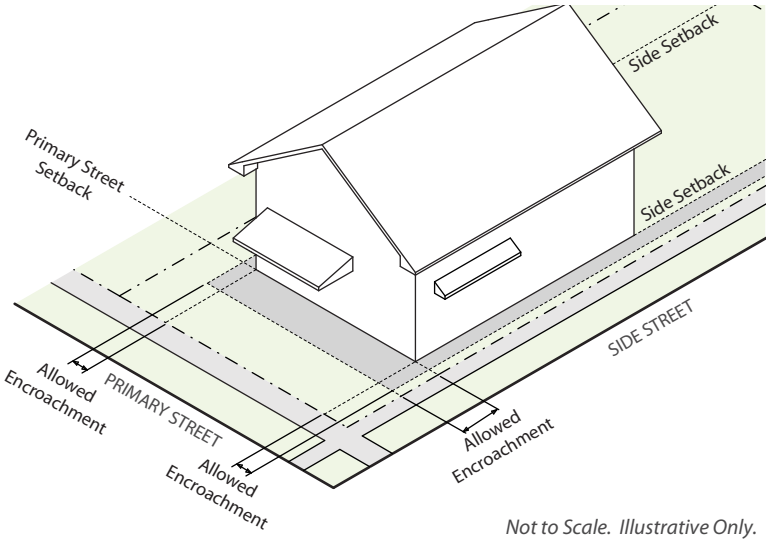

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• Shall be no more than 8' maximum in horizontal width;<br>• Shall be open on three sides;<br>• May include an at-grade landing. | All G-RH Zone Districts | All building forms | 3' | 3' | 3'; if setback is less than 5': 2' and at no point closer than 2' to a Zone Lot line. | Not allowed |

**Intent:** To provide for covering over an entrance to protect from weather. Unlike the Porch encroachment, canopy is allowed in Side Interior.



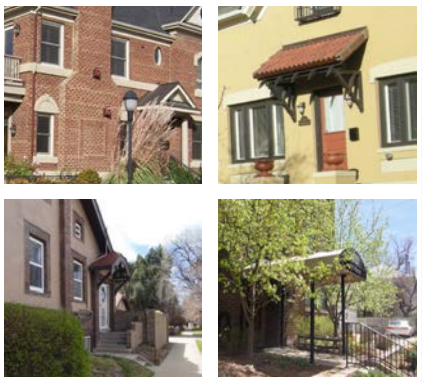
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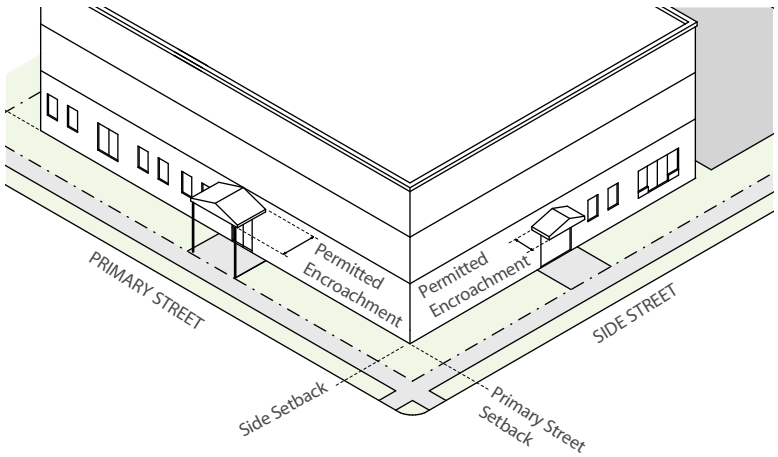

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All G- Zone Districts, except G-RH | Town House | Any distance | Any distance | 3' and at no point closer than 7.5' to the Zone Lot line | Not allowed |
| | | All others | Any distance | Any distance | Not allowed | Not allowed |

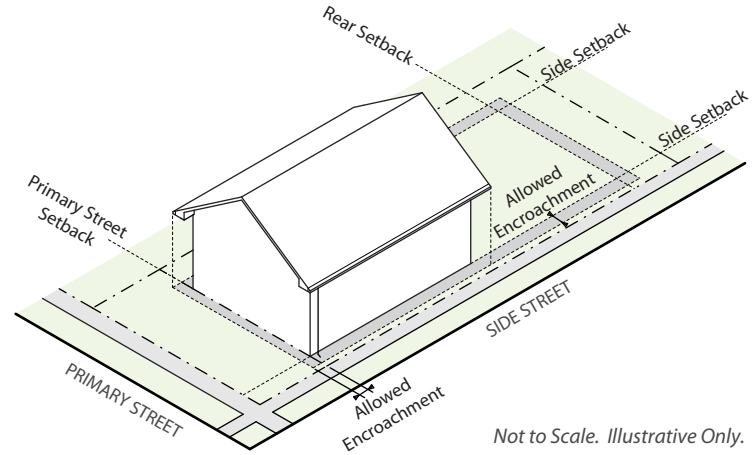
Intent: Provide protection from the weather for pedestrians entering the building and define street pedestrian entrances to the building.

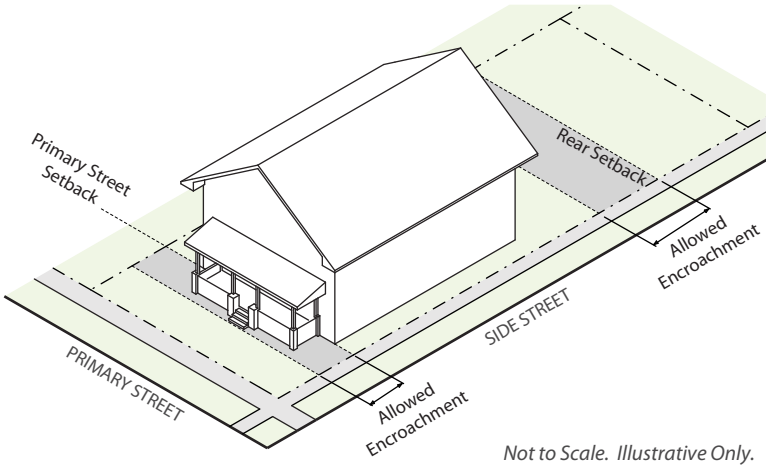


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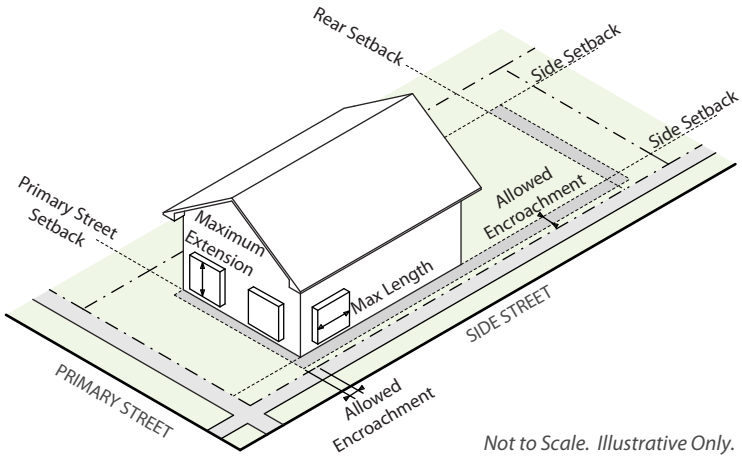
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All G- Zone Districts | All building forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ | 5′ |
| Intent: To allow features of structures intended to repel weather<br>  <br>*Illustrative only* |  <br>*Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All G- Zone Districts | Town House | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | 5' and at no point closer than 5' to the Side Interior Zone Lot line, except Side Interior setback encroachment not allowed for multi-Story features and features not at Street Level | 5′ |
| | | All Others | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |
| Intent: To promote elements which provide for street activation and human scale.<br>  <br>*Illustrative only* |  <br>*Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All G- Zone Districts | Town House | 1.5′ | 1.5′ | 1.5' | 1.5′ |
| | | All Building Forms | 1.5' | 1.5' | Not Allowed | 1.5' |
| Intent: To allow for improved interior day lighting. | | | | | | |



*Illustrative only*

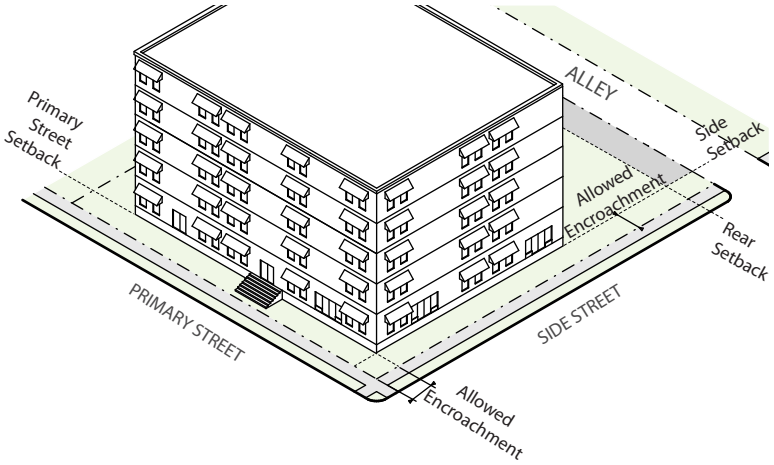



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: Building elements, such as awnings, designed and intended to control light entering a building | All G- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |
| Intent: To allow for elements either integral or attached to a building which control light entering through windows. | | | | | | |



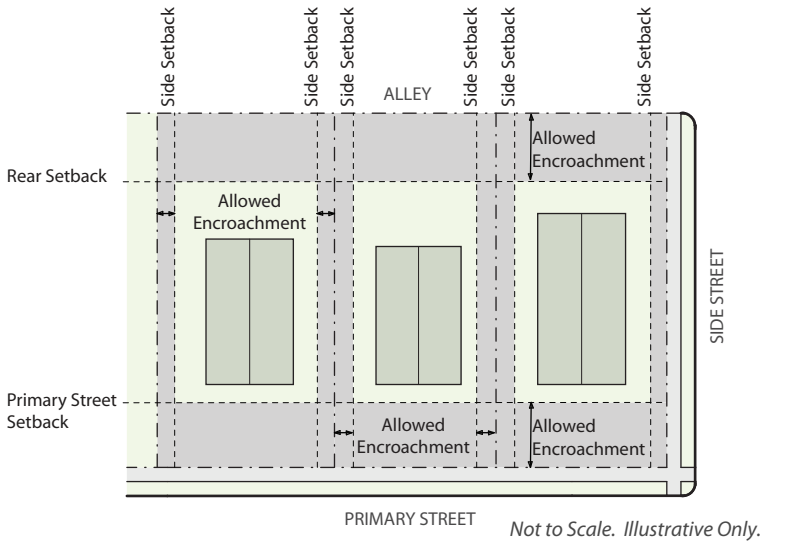
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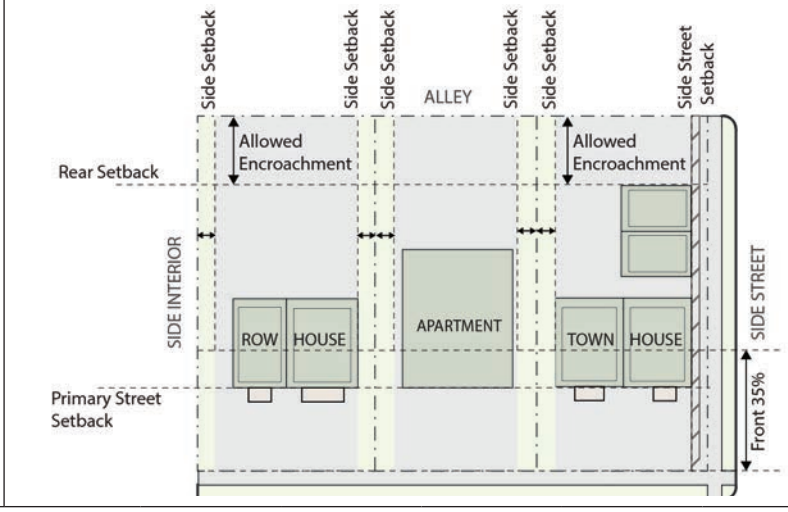



*Not to Scale. Illustrative Only.*

**2. Site Elements**

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |
| | **ZONE DISTRICTS** | **BUILDING FORMS** | **PRIMARY STREET** | **SIDE STREET** | **SIDE INTERIOR** | **REAR** |
| Off-Street Parking Area | All G-RH, G-MU and G-RO | Urban House, Duplex | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow off-street parking area where it is not impactful due to the number of required parking spaces. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply. for the entire Zone Lot. | All G-RH, G-MU, G-RO, G-RX, G-MX and G-MS Zone Districts | Garden Court, Row House, and Apartment | Not allowed | Not allowed | Allowed within the rear 35% of the Zone Lot only | Any distance |
| | | Town House | Not allowed | Not allowed* (*See exception below) | In the front 65% of the Zone Lot: 5' and at no point closer than 5' to the Zone Lot line.<br>In the rear 35% of the Zone Lot: Any distance | Any distance |
| | | General and Shopfront | Any distance | And distance | Any distance | Any distance |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

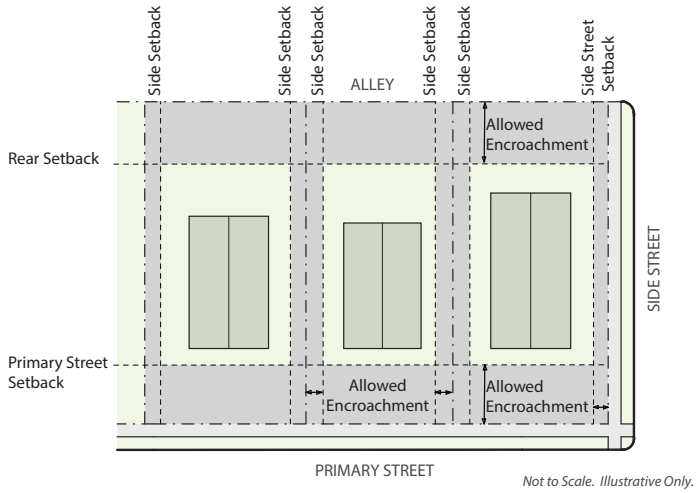
*Exception: The minimum 5' of back out space required in Division 10, Section 4 shall be permitted to encroach 2.5' when the encroachment is screened from the Side Street with a Garden Wall and 1 deciduous canopy tree or planting strip.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All G-RH, G-MU and G-RO Zone Districts | Urban House and Duplex | Any distance | Any distance | Any distance | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area.



*Illustrative only*

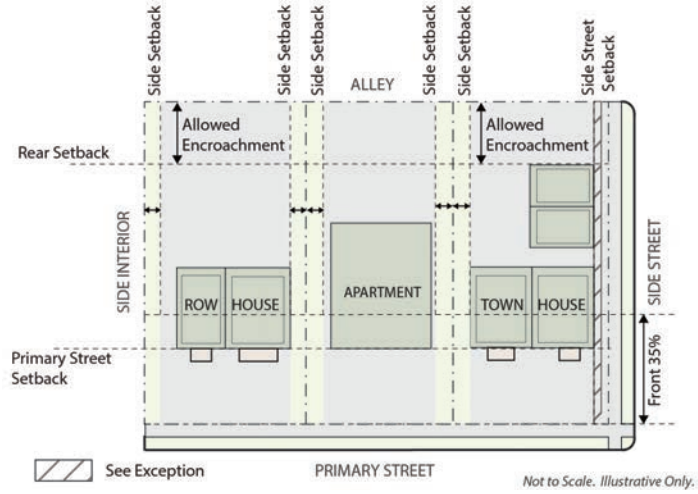



| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply. for the entire Zone Lot. | All G-RH, G-MU and G-RO Zone Districts | Garden Court, Row House, and Apartment | Any distance | Any distance | Not allowed (*see exception below) | Any distance |
| | | Town House | Not allowed | Not allowed* (*See exception below) | 5' and at no point closer than 5' to the Zone Lot line | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

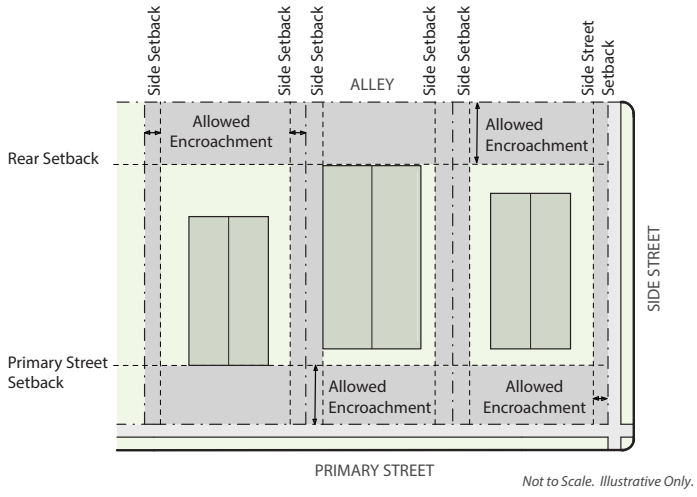
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All G- Zone Districts | All building forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



### 3. Service & Utility Elements

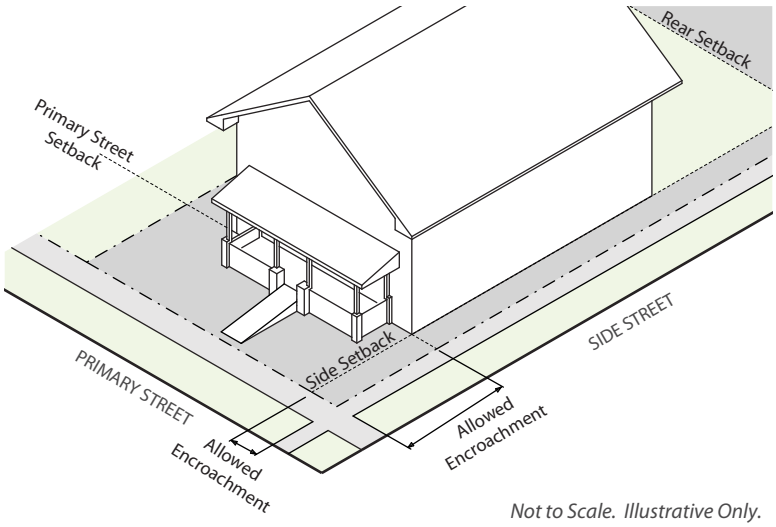
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

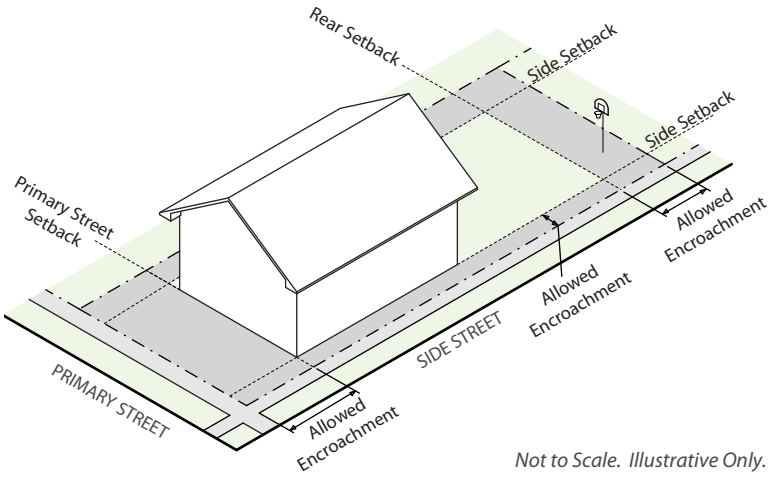


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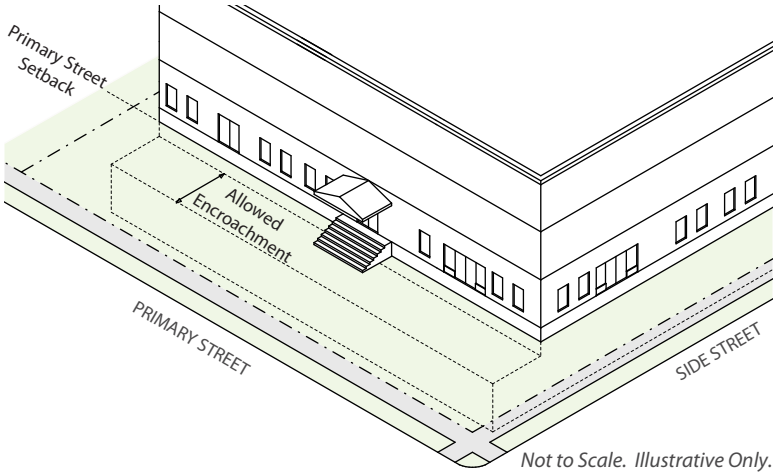


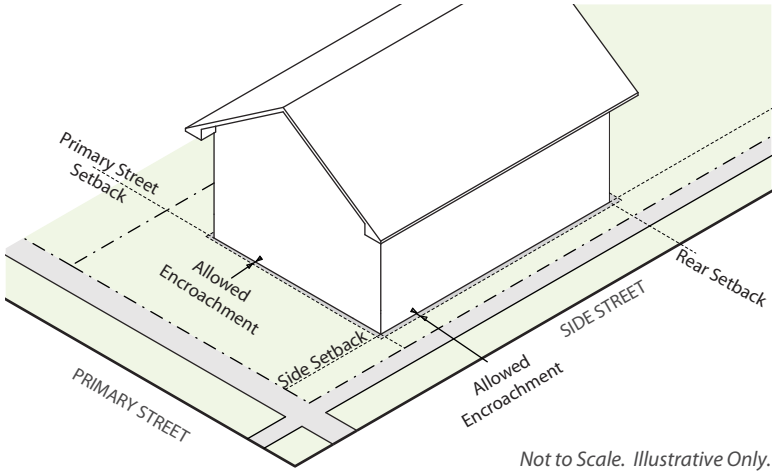

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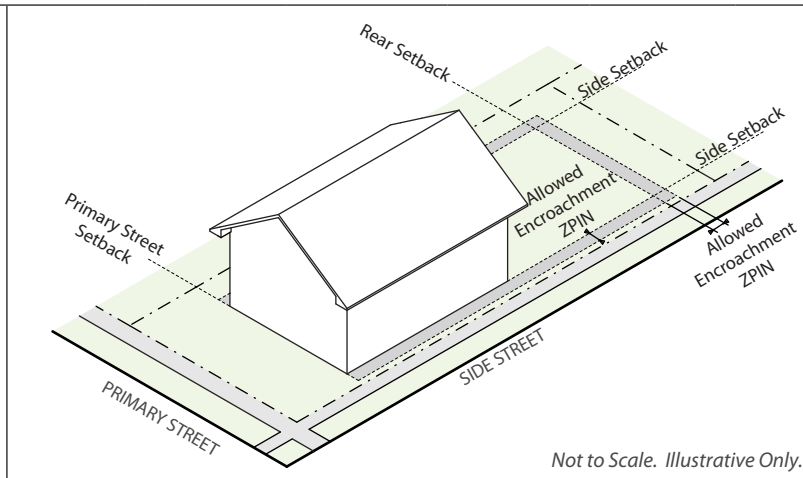
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

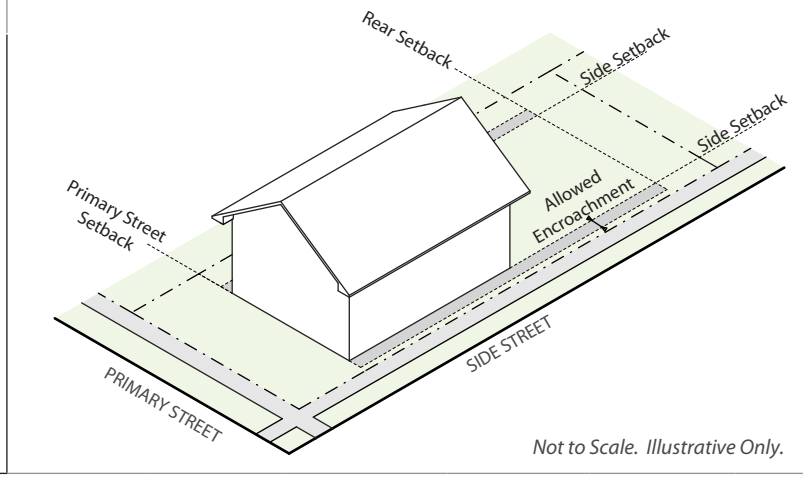



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  Not to Scale. Illustrative Only. | | | | | |

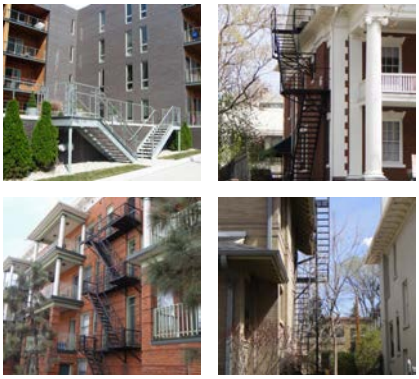
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All G- Zone Districts | All building forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  Not to Scale. Illustrative Only. | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All G- Zone Districts | All building forms | Not allowed | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the DRMC;<br>• Does not exceed 4' in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

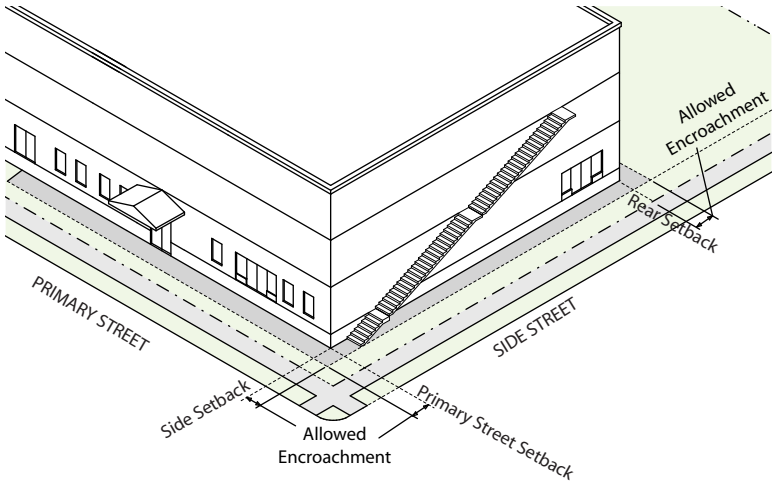
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All G- Zone Districts | All building forms | Not allowed | 3' | 3' | Not allowed |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All G- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



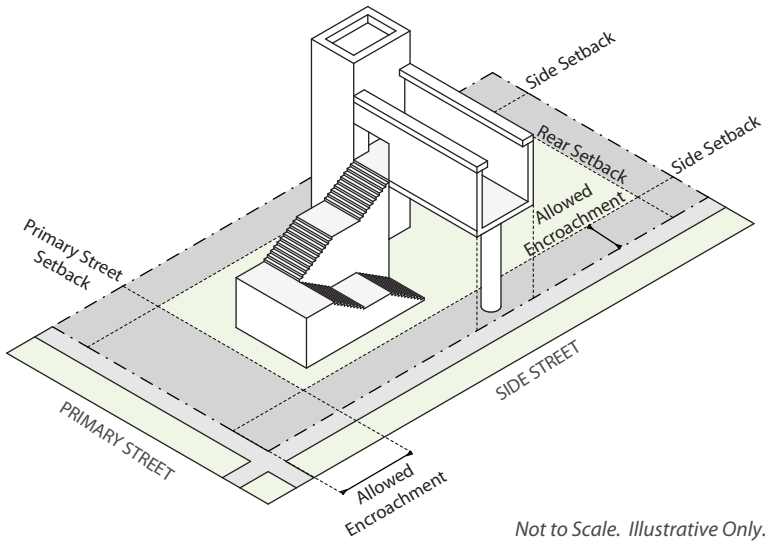

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*

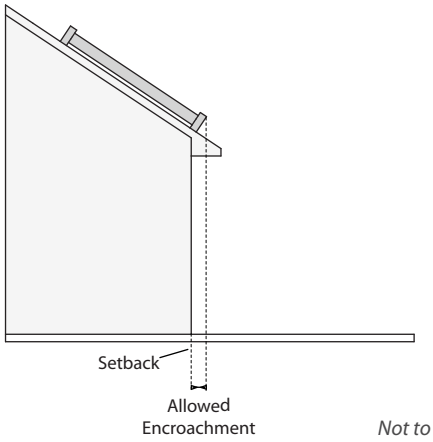



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

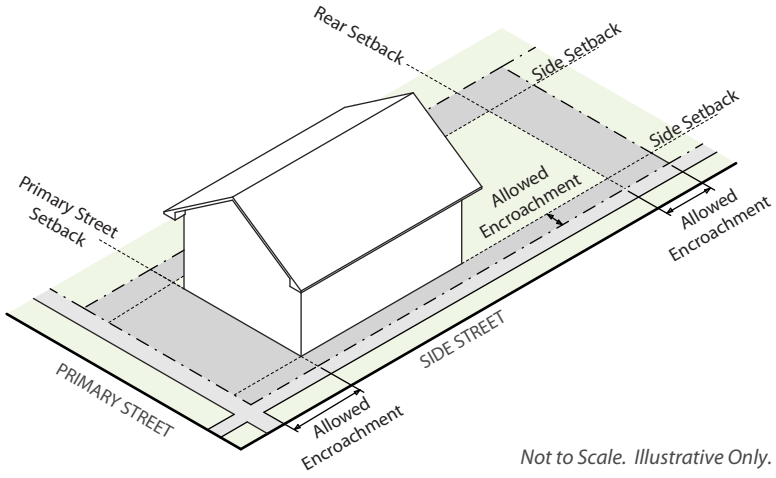


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All G- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

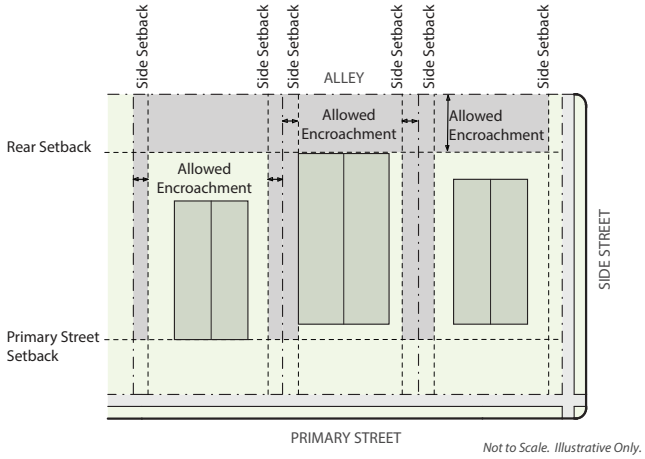



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3′ in height but not exceeding 8′ in height above Finished Grade. | All G-RH, G-MU, G-RO, G-MX, and G-MS Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

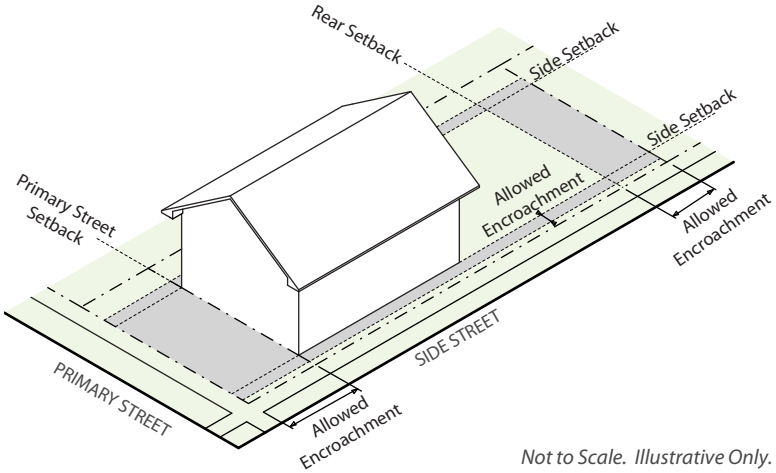



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All G- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3′ in width as measured perpendicular to the side interior/side street zone lot line and 6′ in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*



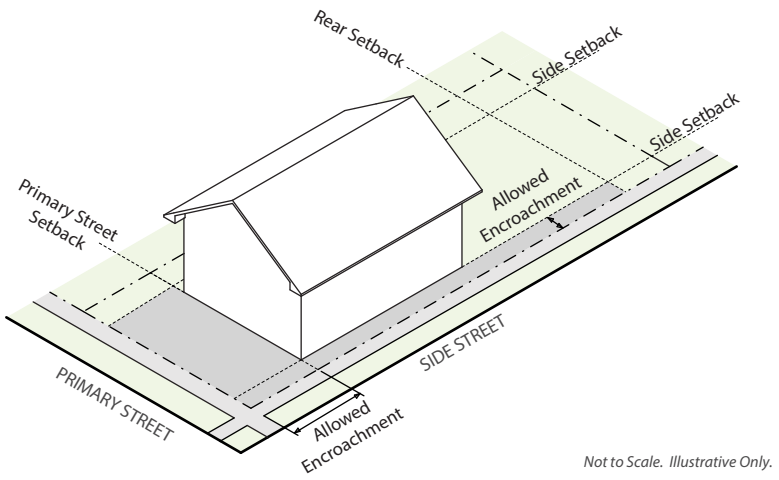

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All G-Zone Districts | All building forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting | | | | | | |






*Illustrative only*




### 6.3.7.5 Building Coverage Exception

**A. Applicability**

All G- zone districts where a building coverage standard applies.

**B. Front Porch**

**1. Intent**

To promote street activation and human scale.

**2. Standard**

Area on a zone lot occupied by a Front Porch may be excluded from the calculation of building coverage, up to a maximum of 400 square feet for each dwelling unit.

**C. Detached Accessory Dwelling Unit or Detached Garage**

**1. Intent**

To promote openness between buildings located in the front and back of the lot.

**2. Standard**

A portion of the area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage. See applicable building form standards for the applicable zone district for additional limitations on this exception.

**D. Attached Garage**

**1. Intent**

To promote openness between above-grade portions of a primary structure when such portions are connected only by below-grade living space.

**2. Applicability**

This exception from building coverage applies only to a primary structure, where a portion of the primary structure functions similarly to a Detached Garage form otherwise

allowed, but the garage portion of the structure is attached entirely by a below-grade Room, as defined in this Code and which is greater than 7 feet in any horizontal dimension. The "attached garage" may also contain a permitted ADU use or other allowed Habitable Space.

**3. Standard**

An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the footprint of the garage portion of the structure ("attached garage"), according to the following:

a. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the at-grade footprint of the garage portion of the structure, up to a maximum credit of 500 sf;

b. The above-grade garage portion of the structure shall be separated by at least 15 feet from any other above-grade portion of the primary structure. See Article 13 for building separation rule of measurement; and

c. At least 80% of the Street Level GFA of the garage portion of the structure shall be used for vehicle parking.

### 6.3.7.6 Vehicle Access From Alley Required - Exceptions

**A. No Alley**

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 6.3.7.6, then vehicular Alley access is required.

# SECTION 6.3.8 REFERENCE TO OTHER DESIGN STANDARDS

## 6.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4

B. Landscaping, Fences, Screening and Walls: Division 10.5

C. Site Grading: Division 10.6

D. Outdoor Lighting: Division 10.7

E. Signs: Division 10.10

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# DIVISION 6.4 USES AND REQUIRED MINIMUM PARKING

## SECTION 6.4.1 APPLICABILITY

6.4.1.1 This Division 6.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the General Urban Neighborhood Context zone districts.

6.4.1.2 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

6.4.1.3 For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## SECTION 6.4.2 ORGANIZATION - SUMMARY USE AND PARKING TABLE

### 6.4.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 6.4.2.2 Primary Use Classifications, Categories & Specific Use Types

**A. Primary Use Classifications**

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

**B. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**C. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## SECTION 6.4.3 EXPLANATION OF TABLE ABBREVIATIONS

### 6.4.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 6.4.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 6.4.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 6.4.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## SECTION 6.4.4 DISTRICT SPECIFIC STANDARDS

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility) | G-RH-3 | G-MU-3<br>G-MU-5<br>G-MU-8 | G-MU-12<br>G-MU-20 | G-RO-3<br>G-RO-5 | G-RX-3<br>G-RX-5 | G-MX-3 | G-MS-3<br>G-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 1/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Multi-Unit<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Live / Work<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.2.4; §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Community Corrections Facility | NP | NP | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residential Care Use, Small or Large<br>• Vehicle: .0.125/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.2.9 |
| | Rooming and Boarding House<br>• Vehicle - MS only: 2 / 1,000 sf GFA<br>• Vehicle: 3.75/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |

KEY: * = Need Not be Enclosed P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use
ZP = Zoning Permit Review ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review
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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility) | G-RH-3 | G-MU-3<br>G-MU-5<br>G-MU-8 | G-MU-12<br>G-MU-20 | G-RO-3<br>G-RO-5 | G-RX-3<br>G-RX-5 | G-MX-3 | G-MS-3<br>G-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (20/80) | P-ZP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | § 11.3.5 |
| | Hospital | NP | NP | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle: 1/1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Education | University or College<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | § 11.3.8 ; § 11.3.9 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.3.8 |

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|---|---|---|---|---|---|---|---|---|---|
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | § 11.3.10 |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation and Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | L-ZP | P-ZP | P-ZP | P-ZP | § 11.4.2 |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZPSE | L-ZPSE | L-ZPSE | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | NP | NP | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | Not Applicable | | | § 11.4.6 |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | NP | NP | NP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• Vehicle - MS only: 2 / 1,000 sf GFA<br>• Vehicle: 3.75/ 1,000 sf GFA<br>• Bicycle: 1/3,000 sf GFA (0/100) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | § 11.4.9 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility) | G-RH-3 | G-MU-3<br>G-MU-5<br>G-MU-8 | G-MU-12<br>G-MU-20 | G-RO-3<br>G-RO-5 | G-RX-3<br>G-RX-5 | G-MX-3 | G-MS-3<br>G-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/ 10,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Lodging Accommodations, All Others<br>• Vehicle: 1/ guest room or unit<br>• Bicycle: 1/ 10,000 sf GFA (60/40) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (60/40) | NP | NP | NP | L-ZPIN | L-ZP | L-ZP | L-ZP | § 11.4.10 |
| | Office, All Others<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (60/40) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.4.12 |
| | Animal Sales and Services, All Others | NP | NP | NP | NP | NP | NP | NP | |
| | Food Sales or Market<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | L-ZP | P-ZP | P-ZP | § 11.4.14 |
| | Pawn Shop | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor* | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | NP | NP | P-ZP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle: 1.875/ 1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (20/80) | NP | NP | NP | NP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility) | G-RH-3 | G-MU-3<br>G-MU-5<br>G-MU-8 | G-MU-12<br>G-MU-20 | G-RO-3<br>G-RO-5 | G-RX-3<br>G-RX-5 | G-MX-3 | G-MS-3<br>G-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | P-ZP | P-ZP | |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | L-ZP | § 11.4.18; § 11.4.19 |
| | Automobile Services, Heavy<br>Vehicle: .5/ 1,000 sf GFA<br>Bicycle: No requirement | NP | NP | NP | NP | NP | NP | L-ZP/ZPSE | § 11.4.18; § 11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | NP | NP | NP | NP | NP | NP | NP | |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | L-ZP/ZPSE | G-MS-3: L-ZP/ZPSE<br>G-MS-5: P-ZP | § 11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | § 11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | § 11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | L-ZP | § 11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | NP | |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services | NP | NP | NP | NP | NP | L-ZP | L-ZP | § 11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | L-ZP | § 11.5.7 |

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|---|---|---|---|---|---|---|---|---|---|
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZPIN | L-ZP | L-ZP | § 11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General | NP | NP | NP | NP | NP | NP | NP | |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirement | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | § 11.5.13 |
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZP | L-ZP | § 11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | NP | NP | NP | |
| | Railway Right-of-Way*<br>No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | P-ZP | § 11.5.16 |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | NP | NP | NP | |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | NP | § 11.5.23 |
| | Vehicle Storage, Commercial* | NP | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, General | NP | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | § 11.5.26 |

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|---|---|---|---|---|---|---|---|---|---|
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | NP | NP | NP | |
| | Garden, Urban*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.6.5 |
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | § 11.7 |
| | Accessory Dwelling Unit | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7, § 11.8.2 |
| | Domestic Employee | L | L | L | L | L | L | L | §11.7.1; §11.8.3 |
| | Garden* | L | L | L | L | L | L | L | § 11.7, § 11.8.4 |
| | Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | § 11.7; § 11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | L | L | § 11.7; § 10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | L | L | § 11.7; § 11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | L-ZP | L-ZP | L-ZP | L-ZP | Not Applicable - See Permitted Primary Uses | | § 11.7; § 11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.8.9 |
| | Short-term Rental | L | L | L | L | L | L | L | § 11.7; § 11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | L | L | § 11.7; § 10.9. |
| | Wind Energy Conversion Systems* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | Not Applicable - See Permitted Primary Uses | | § 11.7; § 11.5.13 |
| | Yard or Garage Sales* | L | L | L | L | L | L | L | § 11.7; § 11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | |
| Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.9; § 11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.9; § 11.9.4 |
| | Unlisted Home Occupations | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.9; § 11.9.5 |

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|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | § 11.7; § 11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | NP | NP | NP | NP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | NP | NP | NP | NP | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | § 11.7; § 11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | L | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services or Hotel Uses | NP | NP | NP | NP | L-ZP | L-ZP | NP | § 11.7; § 11.10.5 |
| | College Accessory to a Place for Religious Assembly | L | Not Applicable - See Permitted Primary Uses | | L | Not Applicable - See Permitted Primary Uses | | | § 11.7; § 11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | NP | NP | NP | L | L | L | § 11.7; § 11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | NP | NP | NP | NP | NP | L-ZP | L-ZP | § 11.7; § 11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | L | L | L | L | Not Applicable - See Permitted Primary Uses | Not Applicable | | §11.4.6 |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | NP | NP | NP | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | NP | NP | NP | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | NP | NP | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Storage, Limited* | NP | NP | NP | NP | NP | L | L | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | NP | NP | NP | NP | L | L | L | §11.7; §11.10.18 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility) | G-RH-3 | G-MU-3<br>G-MU-5<br>G-MU-8 | G-MU-12<br>G-MU-20 | G-RO-3<br>G-RO-5 | G-RX-3<br>G-RX-5 | G-MX-3 | G-MS-3<br>G-MS-5 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | | | | |
| Temporary Uses<br><br>(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 | L-ZP | L-ZP | L-ZP | L-ZP | Not Applicable - See Permitted Primary Uses | | § 11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | NP | NP | NP | |
| | Bazaar, Carnival, Circus or Special Event* | 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 | § 11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | 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 | § 11.11.7 |
| | Health Care Center | L-ZP | L-ZP | L-ZP | L-ZP | L-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 | § 11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | NP | NP | NP | NP | |
| | Outdoor Retail Sales* | NP | NP | NP | NP | L-ZP | L-ZP | NP | § 11.11.11 |
| | Outdoor Sales, Seasonal* | NP | NP | NP | NP | L-ZPIN | 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 | § 11.11.13 |
| | Retail Food Establishment, Mobile* | NP | NP | NP | NP | 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 | § 11.11.15 |
| | Temporary Office - Real Estate Sales | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | NP | NP | NP | |

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# ARTICLE 7. URBAN CENTER (C-) NEIGHBORHOOD CONTEXT







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## ARTICLE 7. URBAN CENTER (C-) NEIGHBORHOOD CONTEXT


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# DIVISION 7.1 NEIGHBORHOOD CONTEXT DESCRIPTION










## SECTION 7.1.1 GENERAL CHARACTER

The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit residential uses are typically in multi-story mixed use building forms. Commercial buildings are typically Shopfront and General forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.

## SECTION 7.1.2 STREET, BLOCK AND ACCESS PATTERNS

The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback

## SECTION 7.1.3 BUILDING PLACEMENT AND LOCATION

All building typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

## SECTION 7.1.4 BUILDING HEIGHT

The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

## SECTION 7.1.5 MOBILITY

There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system.

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# DIVISION 7.2 DISTRICTS (C-MX, C-RX, C-MS, C-CCN)

## SECTION 7.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Urban Center Neighborhood Context and are applied to property as set forth on the Official Map.

**Urban Center Neighborhood Context**

| | |
|---|---|
| C-MX-3 | Mixed Use 3 |
| C-MX-5 | Mixed Use 5 |
| C-MX-8 | Mixed Use 8 |
| C-MX-12 | Mixed Use 12 |
| C-MX-16 | Mixed Use 16 |
| C-MX-20 | Mixed Use 20 |
| C-RX-5 | Residential Mixed Use 5 |
| C-RX-8 | Residential Mixed Use 8 |
| C-RX-12 | Residential Mixed Use 12 |
| C-MS-5 | Main Street 5 |
| C-MS-8 | Main Street 8 |
| C-MS-12 | Main Street 12 |
| C-CCN-3 | Cherry Creek North 3 |
| C-CCN-4 | Cherry Creek North 4 |
| C-CCN-5 | Cherry Creek North 5 |
| C-CCN-7 | Cherry Creek North 7 |
| C-CCN-8 | Cherry Creek North 8 |
| C-CCN-12 | Cherry Creek North 12 |

## SECTION 7.2.2 MIXED USE DISTRICTS (C-MX-3, -5, -8, -12, -16, -20)

### 7.2.2.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

E. In the Urban Center Neighborhood Context, the Mixed Use zone districts require the same level of pedestrian enhancements as the Main Street zone districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use zone districts and the Main Street zone districts is Main Street districts mandate shopfront buildings at the street edge.

F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.

### 7.2.2.2 Specific Intent

**A. Mixed Use – 3 (C-MX-3)**
C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

**B. Mixed Use – 5 (C-MX-5)**
C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.

**C. Mixed Use – 8 (C-MX-8)**
C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.

**D. Mixed Use – 12 (C-MX-12)**
C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired.

**E. Mixed Use – 16 (C-MX-16)**
C-MX-16 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired.

**F. Mixed Use – 20 (C-MX-20)**
C-MX-20 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 20 stories is desired.

## SECTION 7.2.3 RESIDENTIAL MIXED USE DISTRICTS (C-RX-5, -8, -12)

### 7.2.3.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

### 7.2.3.2 Specific Intent

**A. Residential Mixed Use 5 (C-RX-5)**
C-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

**B. Residential Mixed Use 8 (C-RX-8)**
C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired.

**C. Residential Mixed Use 12 (C-RX-12)**
C-RX-12 applies to residentially-dominated areas served primarily by arterial streets where a building scale of 2 to 12 stories is desired.

## SECTION 7.2.4 MAIN STREET DISTRICTS (C-MS-5, -8 -12)

### 7.2.4.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In the Urban Center Neighborhood Context, the Main Street zone districts should be applied where active Street Level retail is desired.

F. In the Urban Center Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote Street Level retail activity.

G. Main Street buildings have a shallow front setback range. The build-to requirements are high.

### 7.2.4.2 Specific Intent

**A. Main Street 5 (C-MS-5)**
C-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.

**B. Main Street 8 (C-MS-8)**
C-MS-8 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 8 stories is desired.

**C. Main Street 12 (C-MS-12)**
C-MS-12 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 12 stories is desired.

# SECTION 7.2.5 CHERRY CREEK NORTH DISTRICTS (C-CCN-3, -4, -5, -7, -8, -12)

## 7.2.5.1 General Purpose

A. The C-CCN zone districts are specifically tailored Urban Center zone districts that promote development compatible with the character of the Cherry Creek North mixed use shopping district. The C-CCN zone districts encourage interesting and attractive architectural design solutions for new developments and promote pedestrian and shopping activities, particularly at Street Level.

B. Compared to the Mixed Use or Main Street zone districts, the C-CCN zone districts are better tailored to the unique character and scale of Cherry Creek North. The C-CCN zone districts promote an enhanced pedestrian-oriented environment through features such as larger primary street setbacks, open space incentives, and building forms that allow light and views between buildings. Where Main Street zone districts are applied to key corridors and retail streets, and the Mixed Use zone districts are intended for broader application at the neighborhood scale, the C-CCN zone districts are intended for specific application in the Cherry Creek North mixed use shopping district area.

C. The C-CCN zone districts promote the following goals:

1. Retain and enhance Cherry Creek North's unique physical character;
2. Make reinvestment economically viable in the entire district;
3. Encourage small lot reinvestment;
4. Transition from higher buildings along 2nd Avenue to lower buildings along 3rd Avenue;
5. Create height transition from the business district to adjacent residential;
6. Retain sunlight on streets and views between buildings;
7. Prevent the creation of walled or monolithic streets; and
8. Encourage active storefronts and active Street Level uses.

## 7.2.5.2 Specific Intent

**A. Cherry Creek North – 3 (C-CCN-3)**
C-CCN-3 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by local, collector, or arterial streets where a building scale of 1 to 3 stories is desired.

**B. Cherry Creek North – 4 (C-CCN-4)**
C-CCN-4 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by local, collector, or arterial streets where a building scale of 1 to 4 stories is desired.

**C. Cherry Creek North – 5 (C-CCN-5)**
C-CCN-5 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by local, collector, or arterial streets where a building scale of 1 to 5 stories is desired.

**D. Cherry Creek North – 7 (C-CCN-7)**
C-CCN-7 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by local, collector, or arterial streets where a building scale of 1 to 7 stories is desired.

**E. Cherry Creek North – 8 (C-CCN-8)**

C-CCN-8 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 8 stories is desired.

**F. Cherry Creek North – 12 (C-CCN-12)**

C-CCN-12 applies in the Cherry Creek North mixed use shopping district to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired.

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# DIVISION 7.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 7.3.1 GENERAL INTENT

The Intent of this Division 7.3 Design Standards are to:

7.3.1.1 Implement the Denver Comprehensive Plan.

7.3.1.2 Implement the zone district's Intent and Purpose

7.3.1.3 To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

7.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.

7.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

7.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.

7.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

7.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

7.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

7.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

7.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

7.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

## SECTION 7.3.2 BUILDING FORM INTENT

### 7.3.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

### 7.3.2.2 Siting

A. Required Build-To

1. Provide a consistent street edge to enhance character of the context.

2. Define streets to promote pedestrian activity and sense of place.

3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with the intended character and functional requirements of the urban context.

2. Site buildings to define the street edge/public realm consistent with the context.

3. Utilize buildings to create positive transitions between districts.

C. Parking Location

1. Minimize the visual impacts of parking areas on streets and adjoining property.

2. Minimize conflicts between pedestrian and vehicles.

### 7.3.2.3 Design Elements

A. Building Configuration

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.

2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.

3. Main Street setback: Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Streets and other urban street corridors..

4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

B. Transparency

1. Maximize transparency of windows at Street Level to activate the street.

2. Utilize doors and windows to establish scale, variation,and patterns on building facades that provide visual interest and reflect the uses within the building.

3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

C. Entrances

1. Give prominence to pedestrian realm as a defining element of neighborhood character.

2. Provide convenient access to buildings and active uses from the street. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.

3. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

4. Create visually interesting and human-scaled facades.

### 7.3.2.4 Specific Building Form Intent

#### A. Commercial Mixed Use Zone Districts

**1. Town House**

Establish standards for buildings containing Side-by-side Dwelling Units that requires Dwelling Units located near the street to be Oriented to the Street. Additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street. Accommodates Two Unit and Multi-Unit Dwelling development.

**2. Drive Thru Services**
To allow more flexible design standards to accommodate unique circumstances of automobile service uses and primary uses with an accessory drive-thru lane. Specifically, allow a reduced build-to percentage and increased build-to range.

**3. Drive Thru Restaurant**
To allow more flexible design standards to accommodate unique circumstances of eating/drinking establishments with an accessory drive-thru lane. Specifically, allow corner lots a reduced build-to percentage on the Primary Street when the build-to percentage is increased along the Side Street.

**4. General**
Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. All uses are allowed.

**5. Shopfront**
Establish a set of standards to define and activate the street. The building form requires a minimum of one pedestrian Entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-Side Dwelling Units. Compared to the General building form, the Shopfront building form has increased standards for design elements such as transparency, active use and build-to. All uses are allowed.

## B. Cherry Creek North Zone Districts

**1. Cherry Creek General**
To establish the base set of standards for the zone district from which all other building forms deviate for specific situations.

**2. Cherry Creek General - Small Lot on South Side of 3rd Ave**
To allow more flexible design standards for zone lots sized 6,250 SF and less that are located on the south side of 3rd Avenue and that exist as of October 27, 2014, in order to encourage small lot reinvestment. Specifically, allow building forms that do not fully comply with the 3rd Avenue CCN Solar Access Bulk Plane.

**3. Cherry Creek Open Space**
To establish a building form that encourages the provision of Private Open Space. In exchange for providing Private Open Space, buildings are exempt from the Mass Reduction that applies to the Cherry Creek General building form.

**4. Cherry Creek Open Space - Small Lot on the South Side of 3rd Ave**
To establish a building form that encourages the provision of Private Open Space on 3rd Avenue and that allows for more flexible design standards for zone lots sized 9,375 SF and less that are located on the south side of 3rd Avenue and that exist as of October 27, 2014, in order to encourage small lot reinvestment. Specifically, allow building forms that do not comply with the 3rd Avenue CCN Bulk Plane in exchange for providing Private Open Space.

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# SECTION 7.3.3 PRIMARY BUILDING FORM STANDARDS

## 7.3.3.1 Applicability

All development, except detached accessory structures, in all the Urban Center Neighborhood Context zone districts

## 7.3.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

## 7.3.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Urban Center (C-) Neighborhood Context Zone Districts | | Building Forms | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurant | General | Cherry Creek General | Cherry Creek General - Small Lot on South Side of 3rd Ave | Cherry Creek Open Space | Cherry Creek Open Space - Small Lot on South Side of 3rd Ave | Shopfront |
| **Max Number of Primary Structures per Zone Lot** | | **No Maximum** | | | | | | | | | | | | | | | |
| Residential Mixed Use (RX) | C-RX-5, -8, -12 | | | | | | | ■ | | | | ■ | | | | | |
| Mixed Use (MX) | C-MX-3, -5, -8, -12, -16, -20 | | | | | | | ■ | | □ | □ | ■ | | | | | ■ |
| Main Street (MS) | C-MS-5, -8, -12 | | | | | | | ■ | | □ | □ | | | | | | ■ |
| Cherry Creek North (CCN) | C-CCN-3, -4, -5 | | | | | | | | | | | | ■ | ■ | ■ | ■ | |
| | C-CCN-7, -8, -12 | | | | | | | | | | | | ■ | | ■ | | |

■ = Allowed □ = Allowed subject to geographic limitations

### 7.3.3.4 District Specific Standards

#### A. Town House



## TOWN HOUSE

| | HEIGHT | C-MX-3 | C-MX-5, -8, -12, -16, -20 | C-RX-5, -8, -12 | C-MS-5, -8, -12 |
|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 5 | 5 |
| A | Feet (min/max) | na/38′ | na/70′ | na/70′ | 24′/70′ |

| | SITING | C-MX-3 | C-MX-5, -8, -12, -16, -20 | C-RX-5, -8, -12 | C-MS-5, -8, -12 |
|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | |
| B | Primary Street (min build-to % within min/max range) | 70% 10′/15′ | 70% 10′/15′ | 70% 10′/15′ | 75% 10′/15′ |
| | Side Street (min build-to % within min/max range) | na | na | na | 25% 7.5′/15′ |
| | **SETBACKS** | | | | |
| C | Primary Street (min) | 10′ | 10′ | 10′ | 10′ |
| D | Side Street (min) | 7.5′ | 7.5′ | 7.5′ | 7.5′ |
| E | Side Interior (min) | 5′ | 5′ | 5′ | 5′ |
| F | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ |
| | Rear (min) | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | | | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | | | |

| | DESIGN ELEMENTS | C-MX-3 | C-MX-5, -8, -12, -16, -20 | C-RX-5, -8, -12 | C-MS-5, -8, -12 |
|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | |
| G | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 20′ of Primary Street Zone Lot Line or 20′ of the Side Street Zone Lot Line. | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | | | |
| H | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | |
| I | Transparency, Primary Street (min) | 40% | 40% | 40% | 40% |
| | Transparency, Side Street (min) | 25% | 25% | 25% | 25% |
| J | Pedestrian Access | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature. | | | |

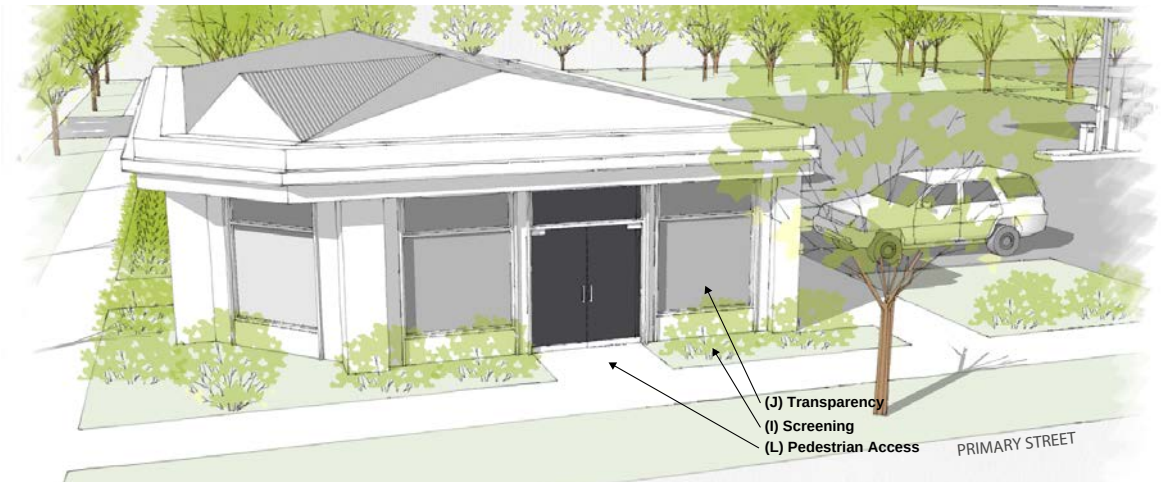
| | USES | All C-MX | All C-RX | All C-MS |
|---|---|---|---|---|
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 100% | na | 100% |
| | Permitted Primary Uses | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Division 7.4 Uses and Parking | | |

**See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Drive Thru Services

Not to Scale. Illustrative Only.



## DRIVE THRU SERVICES

| | APPLICABILITY | All C-MX, C-MS |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

| | HEIGHT | All C-MX, C-MS |
|---|---|---|
| A | Stories (max) | 3 |
| A | Feet (max) | 45′ |

| | SITING | All C-MS | All C-MX |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| B | Primary Street (min % within min/max)* | 50%<br>0′/15′ | 50%<br>0′/15′ |
| C | Side Street (min % within min/max)* | 50%<br>0′/15′ | 50%<br>0′/15′ |
| | **SETBACKS** | | |
| D | Primary Street (min) | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| G | Rear, alley and no alley (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/ Side Street | Not Allowed/Not Allowed | |
| | Surface Parking Screening Required | See Article 10, Division 10.5 | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

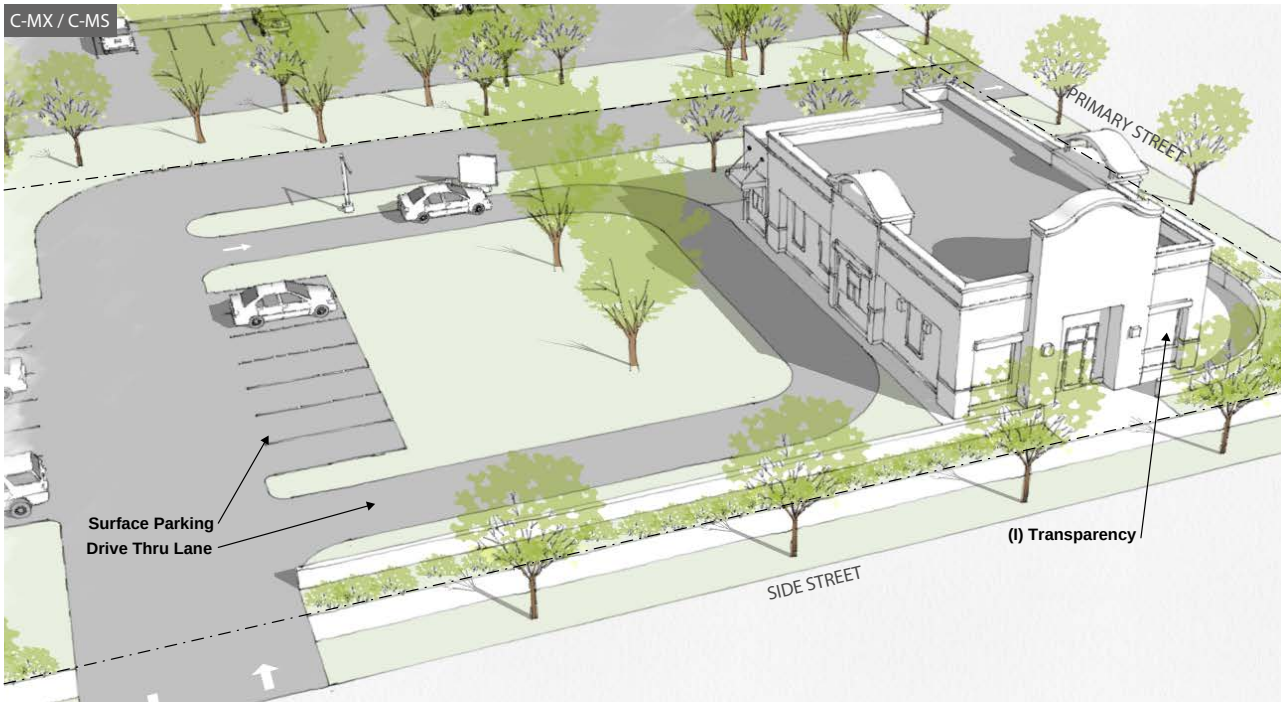
| | DESIGN ELEMENTS | All C-MS | All C-MX |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| H | *Canopy | Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To | |
| I | Screening Required | Garden Wall required within 0′/15′ for 100% of the Primary and Side Street, excluding access points and portions of building within 0′/15′, following the standards of Article 10, Section 10.5.4.4 | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min) | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| J | Transparency, Primary Street (min) | 60% | 40% |
| K | Transparency, Side Street (min) | 25% | 25% |
| L | Pedestrian Access, Primary Street | Entrance | Entrance |

| | USES | All C-MS | All C-MX |
|---|---|---|---|
| | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to Automobile Services, Light and/or Primary Use with Accessory Drive Thru Use, excluding Eating & Drinking Establishments. See Division 7.4 Uses and Required Minimum Parking | |

### C. Drive Thru Restaurant

Not to Scale. Illustrative Only.



# DRIVE THRU RESTAURANT

| | APPLICABILITY | All C-MX, C-MS |
|---|---|---|
| | | Form is not permitted on Zone Lots within 1/4 mile of the outer boundary of a Rail Transit Station Platform |

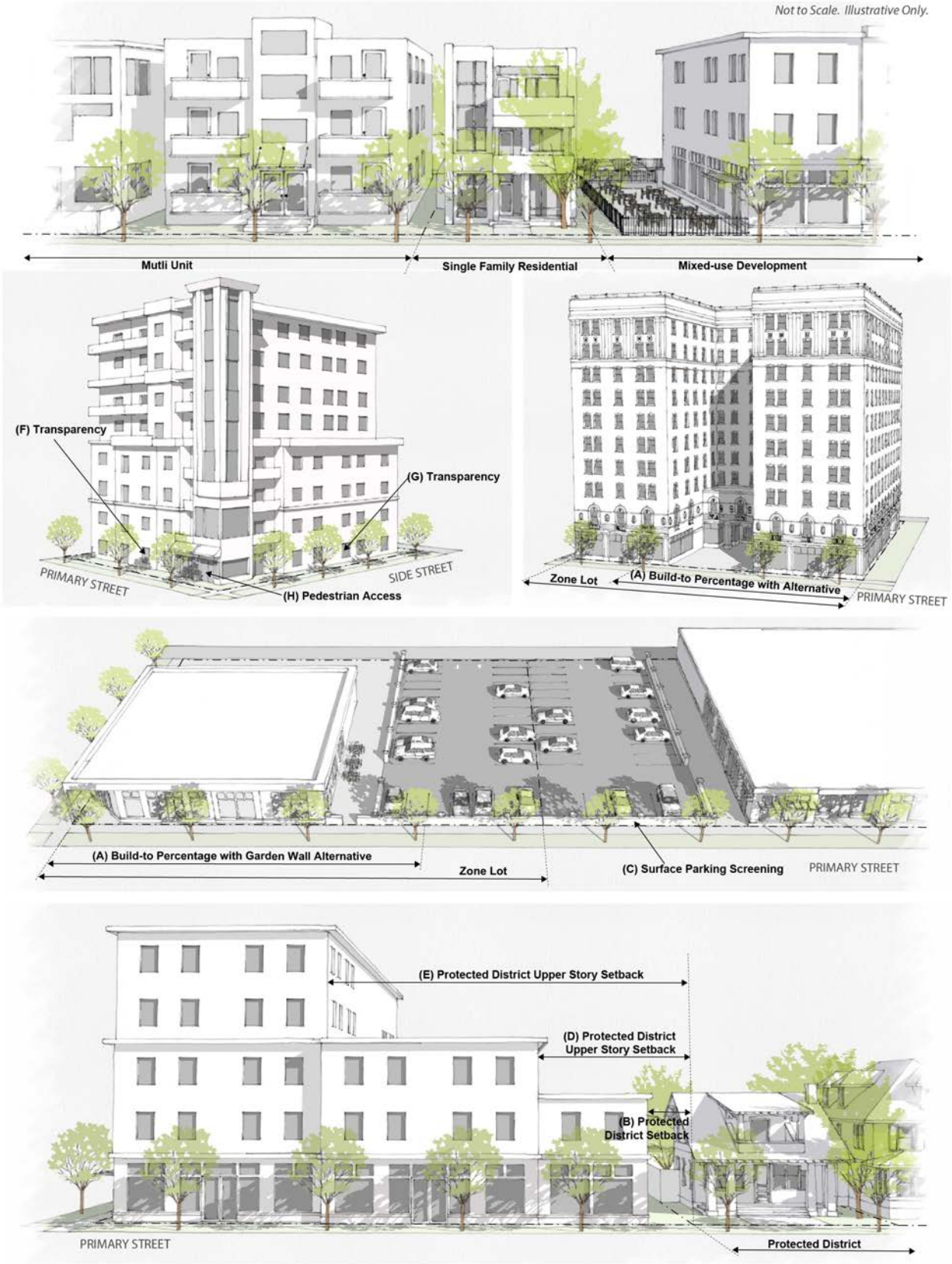
| | HEIGHT | All C-MX | All C-MS |
|---|---|---|---|
| A | Stories (max) | 3 | 3 |
| A | Feet (max) | 45′ | 45′ |

| | SITING | All C-MX | All C-MS |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| B | Primary Street (min % within min/max) | Corner Lots: 50% 0′/10′<br>All other: 70% 0′/10′ | Corner Lots: 50% 0′/5′<br>All other: 75% 0′/5′ |
| C | Side Street (min % within min/max) | 50%<br>0′/10′ | 50%<br>0′/5′ |
| | **SETBACKS** | | |
| D | Primary Street (min) | 0′ | 0′ |
| E | Side Street (min) | 0′ | 0′ |
| F | Side Interior (min) | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| G | Rear, alley and no alley (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/ Side Street | Not Allowed/Not Allowed | |
| | Drive Thru Lane between building and Primary Street/ Side Street | Not Allowed/Not Allowed | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

| | DESIGN ELEMENTS | All C-MX | All C-MS |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 15′/25′ |
| | **STREET LEVEL ACTIVATION** | | |
| H | Transparency, Primary Street (min) | 40% | 60% |
| I | Transparency, Side Street (min) | 25% | 25% |
| J | Pedestrian Access, Primary Street | Entrance | Entrance |

| | USES | All C-MX | All C-MS |
|---|---|---|---|
| | | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010, Primary Uses shall be limited to an Eating & Drinking Establishment Primary Use with Accessory Drive Thru Use Only. See Division 7.4 Uses and Required Minimum Parking. | |

## D. General


Not to Scale. Illustrative Only.
Mutli Unit
Single Family Residential
Mixed-use Development
(F) Transparency
(G) Transparency
PRIMARY STREET
SIDE STREET
(H) Pedestrian Access
Zone Lot
(A) Build-to Percentage with Alternative
PRIMARY STREET
(A) Build-to Percentage with Garden Wall Alternative
Zone Lot
(C) Surface Parking Screening
PRIMARY STREET
(E) Protected District Upper Story Setback
(D) Protected District Upper Story Setback
(B) Protected District Setback
PRIMARY STREET
Protected District

## GENERAL

| | HEIGHT | C-MX-3 | C-RX-5 C-MX-5 | C-RX-8 C-MX-8 | C-RX-12 C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 5 | 8 | 12 | 16 | 20 |
| | Feet (max) | 45′ | 70′ | 110′ | 150′ | 200′ | 250′ |
| | Feet, within 175′ of Protected District (max) | na | na | 75′ | 75′ | 75′ | 75′ |

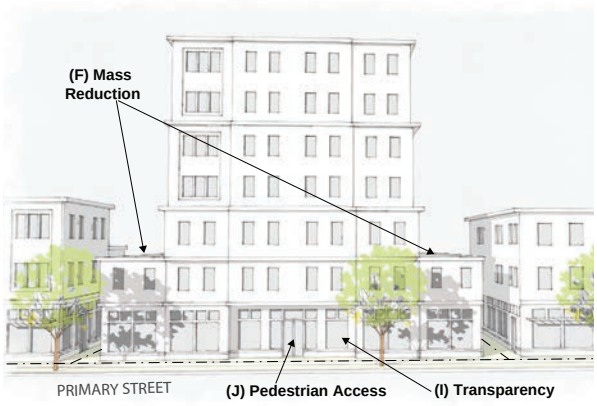
| | SITING | C-MX-3 | C-RX-5 C-MX-5 | C-RX-8 C-MX-8 | C-RX-12 C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | |
| A | Primary Street (min build-to % within min/max range) | 70% 0′/10′<br>Residential Only Buildings: 0′/15′ | | | | | |
| | **SETBACKS** | | | | | | |
| | Primary Street (min) | 0′ | | | | | |
| | Side Street (min) | 0′ | | | | | |
| | Side Interior (min) | 0′ | | | | | |
| B | Side Interior, adjacent to Protected District (min) | 10′ | | | | | |
| | Rear, alley and no alley (min) | 0′ | | | | | |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | | | | | |
| | **PARKING** | | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | | | | | |
| C | Surface Parking Screening Required | See Article 10, Division 10.5 | | | | | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | | | | |

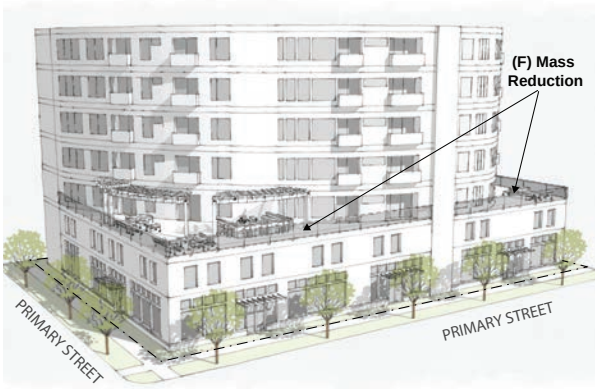
| | DESIGN ELEMENTS | C-MX-3 | C-RX-5 C-MX-5 | C-RX-8 C-MX-8 | C-RX-12 C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | | |
| D | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| E | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| F | Transparency, Primary Street (min) | 40% | | | | | |
| G | Transparency, Side Street (min) | 25% | | | | | |
| H | Pedestrian Access, Primary Street | Entrance | | | | | |

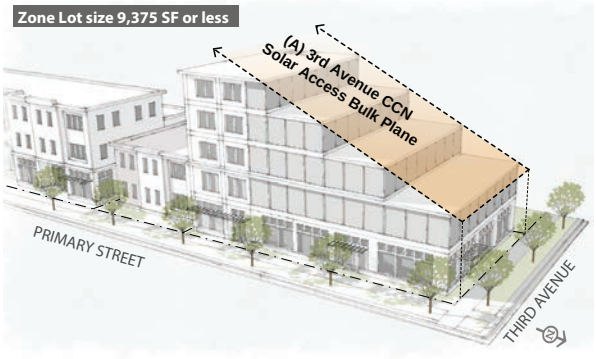
| USES | All C-MX | All C-RX |
|---|---|---|
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 100% | na |
| Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking. | All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations uses only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max |

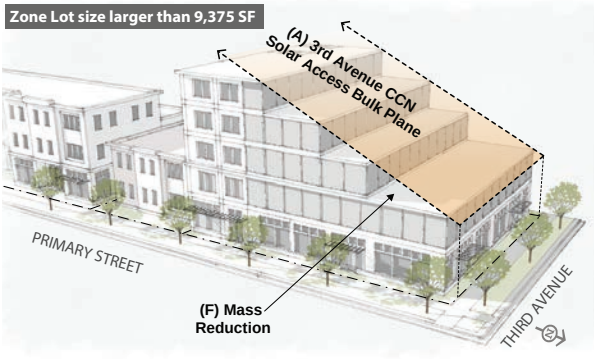
**See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## E. Cherry Creek General



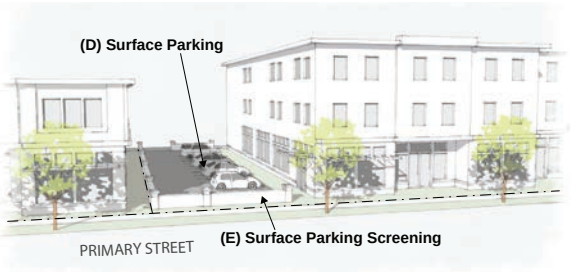



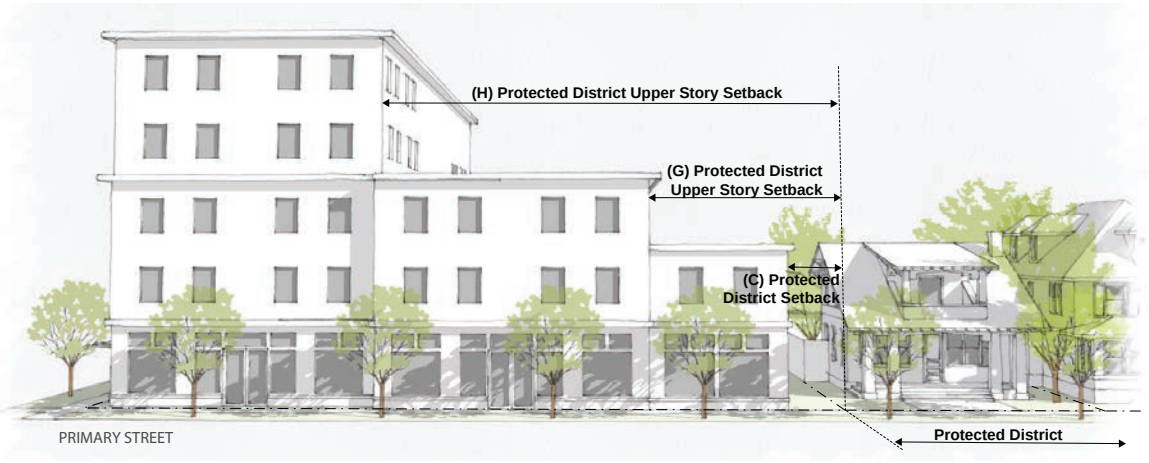









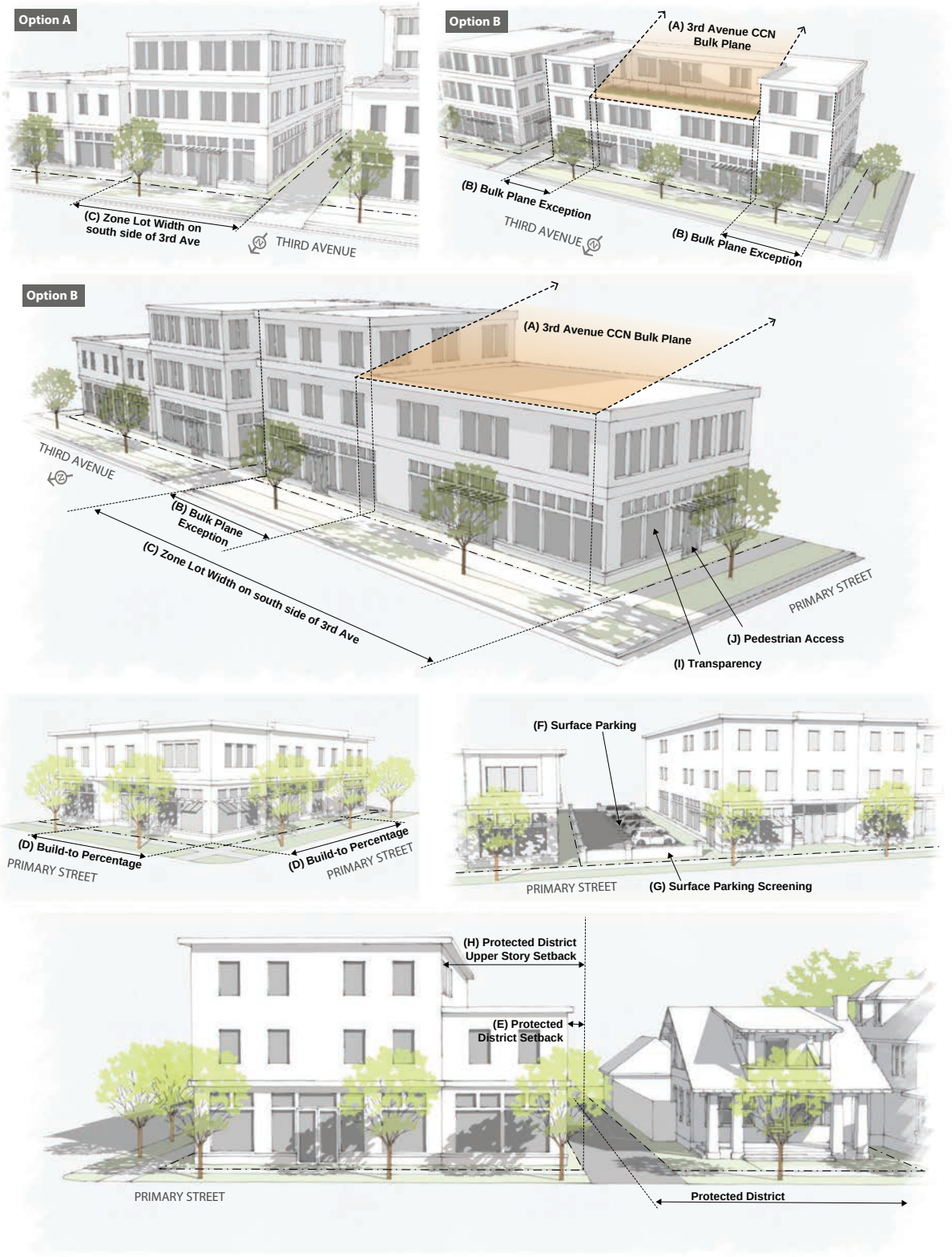
## CHERRY CREEK GENERAL

| | HEIGHT | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 4 | 5 | 7 | 8 | 12 |
| | Feet (max) | 45′ | 57′ | 70′ | 96′ | 110′ | 150′ |
| A | 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1) | Yes | Yes | Yes | Yes | Yes | Yes |
| | Height Exceptions | See Section 7.3.7.1 | | | | | |

| | SITING | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | |
| B | Primary Street (% within min/max) | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ |
| | **SETBACKS** | | | | | | |
| | Primary Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| C | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/ no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 7.3.7.3 and 7.3.7.4 | | | | | |
| | **PARKING** | | | | | | |
| D | Surface Parking between building and Primary Street | Not Allowed | | | | | |
| E | Surface Parking Screening Required | See Article 10, Division 10.5 | | | | | |
| | Vehicle Access | See Section 7.3.5.3 | | | | | |

| | DESIGN ELEMENTS | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| F | Mass Reduction where Zone Lot Size is greater than 9,375 square feet (min) | 25% | 25% | 25% | 25% | 25% | 25% |
| | Mass Reduction where Zone Lot Size is 9,375 square feet or less, as of October 27, 2014 (min) | na | na | na | na | na | na |
| G | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| I | Transparency, Primary Street (min) | 60% | | | | | |
| J | Pedestrian Access, min 1 per building | Entrance | | | | | |
| | **USES** | **All C-CCN** | | | | | |
| | | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking | | | | | |

## F. Cherry Creek General - Small Lot on South Side of 3rd Ave



## CHERRY CREEK GENERAL - SMALL LOT ON SOUTH SIDE OF 3RD AVE

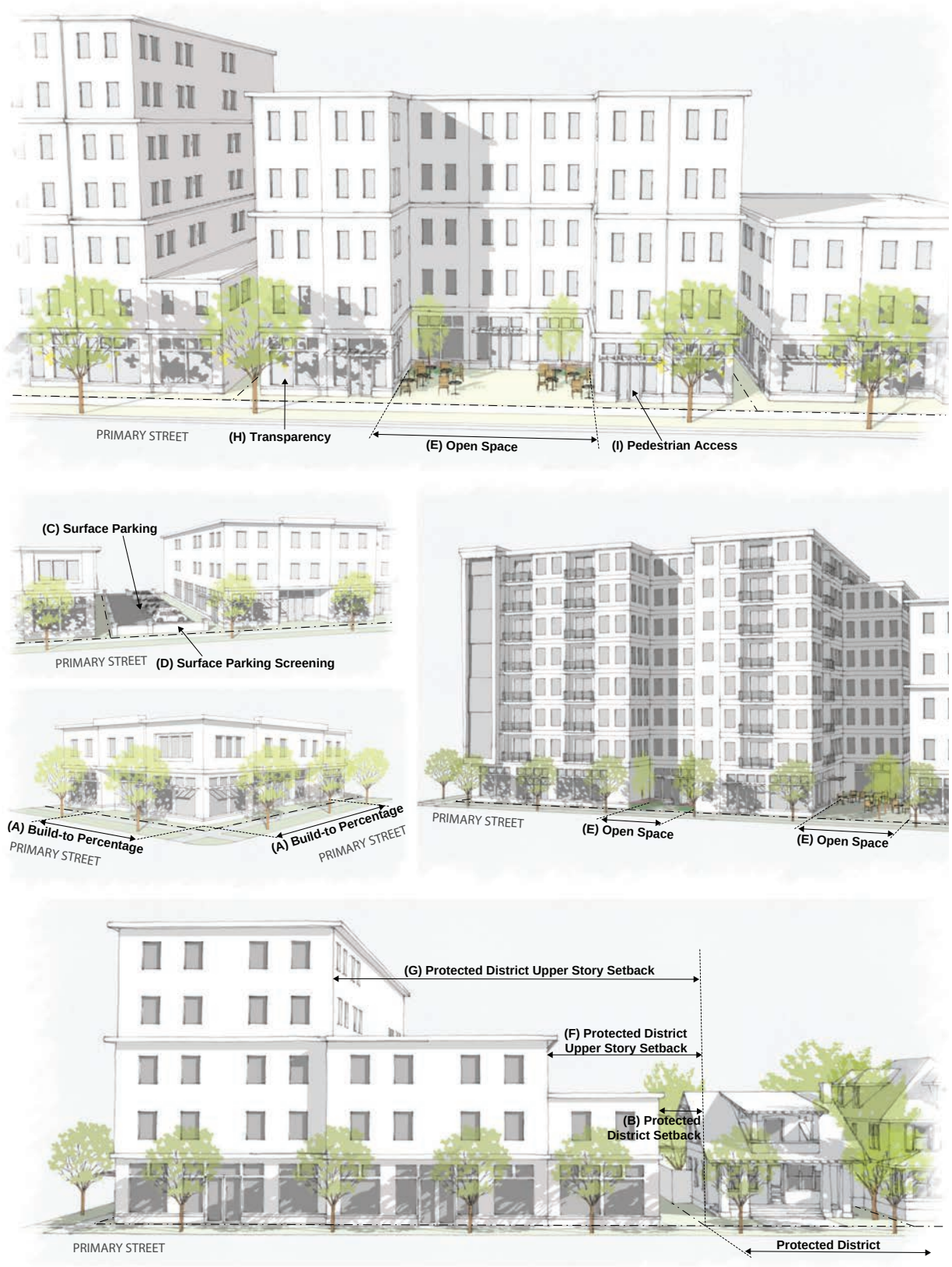
| | HEIGHT | C-CCN-3, -4, -5 Option A | C-CCN-3, -4, -5 Option B |
|---|---|---|---|
| | Stories (max) | 3 | 3 |
| | Feet (max) | 45′ | 45′ |
| A | 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1) | No | Yes |
| B | 3rd Avenue CCN Bulk Plane Exception | na | 50′ |
| | Height Exceptions | See Section 7.3.7.1 | |

| | SITING | C-CCN-3, -4, -5 Option A | C-CCN-3, -4, -5 Option B |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Zone Lot Size, as of October 27, 2014 (max) | 6,250 sf | 6,250 sf |
| C | Zone Lot Width on the south side of 3rd Avenue | At least 1′ but no more than 50′ | More than 50′ |
| | **REQUIRED BUILD-TO** | | |
| D | Primary Street (% within min/max) | 70%<br>5′/15′ | 70%<br>5′/15′ |
| | **SETBACKS** | | |
| | Primary Street (min) | 5′ | 5′ |
| | Side Interior (min) | 0′ | 0′ |
| E | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 7.3.7.3 and 7.3.7.4 | |
| | **PARKING** | | |
| F | Surface Parking between building and Primary Street | Not Allowed | |
| G | Surface Parking Screening Required | See Article 10, Division 10.5 | |
| | Vehicle Access | See Section 7.3.5.3 | |

| | DESIGN ELEMENTS | C-CCN-3, -4, -5 Option A | C-CCN-3, -4, -5 Option B |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| H | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 20′/25′ | 20′/25′ |
| | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | na |
| | **STREET LEVEL ACTIVATION** | | |
| I | Transparency, Primary Street (min) | 60% | |
| J | Pedestrian Access, min 1 per building | Entrance | |

| USES | C-CCN-3, -4, -5: Options A and B |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking |

## G. Cherry Creek Open Space



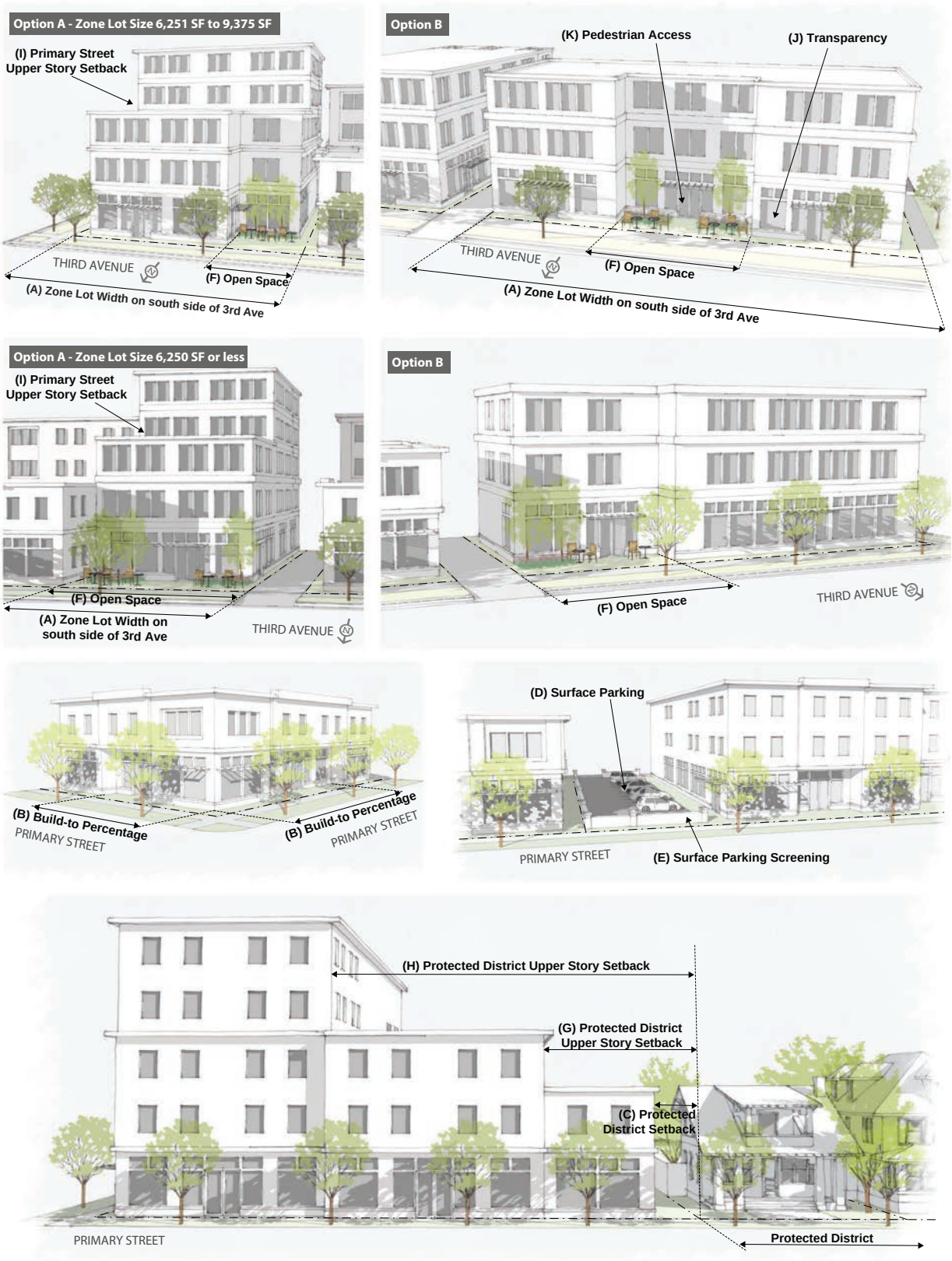
## CHERRY CREEK OPEN SPACE

| | HEIGHT | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 4 | 5 | 7 | 8 | 12 |
| | Feet (max) | 45′ | 57′ | 70′ | 96′ | 110′ | 150′ |
| | 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1) | Yes | Yes | Yes | Yes | Yes | Yes |
| | Height Exceptions | See Section 7.3.7.1 | | | | | |

| | SITING | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | |
| A | Primary Street (% within min/max) | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ | 70% 5′/15′ |
| | **SETBACKS** | | | | | | |
| | Primary Street (min) | 5′ | 5′ | 5′ | 5′ | 5′ | 5′ |
| | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| B | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 7.3.7.3 and 7.3.7.4 | | | | | |
| | **PARKING** | | | | | | |
| C | Surface Parking between building and Primary Street | Not Allowed | | | | | |
| D | Surface Parking Screening Required | See Article 10, Division 10.5 | | | | | |
| | Vehicle Access | See Section 7.3.5.3 | | | | | |

| | DESIGN ELEMENTS | C-CCN-3 | C-CCN-4 | C-CCN-5 | C-CCN-7 | C-CCN-8 | C-CCN-12 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| E | Private Open Space (min) | 15% | 15% | 15% | 15% | 15% | 15% |
| F | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| G | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| H | Transparency, Primary Street (min) | 60% | | | | | |
| I | Pedestrian Access, min 1 per building | Entrance | | | | | |
| | **USES** | **All C-CCN** | | | | | |
| | | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking | | | | | |

## H. Cherry Creek Open Space - Small Lot on South Side of 3rd Ave



## CHERRY CREEK OPEN SPACE - SMALL LOT ON SOUTH SIDE OF 3RD AVE

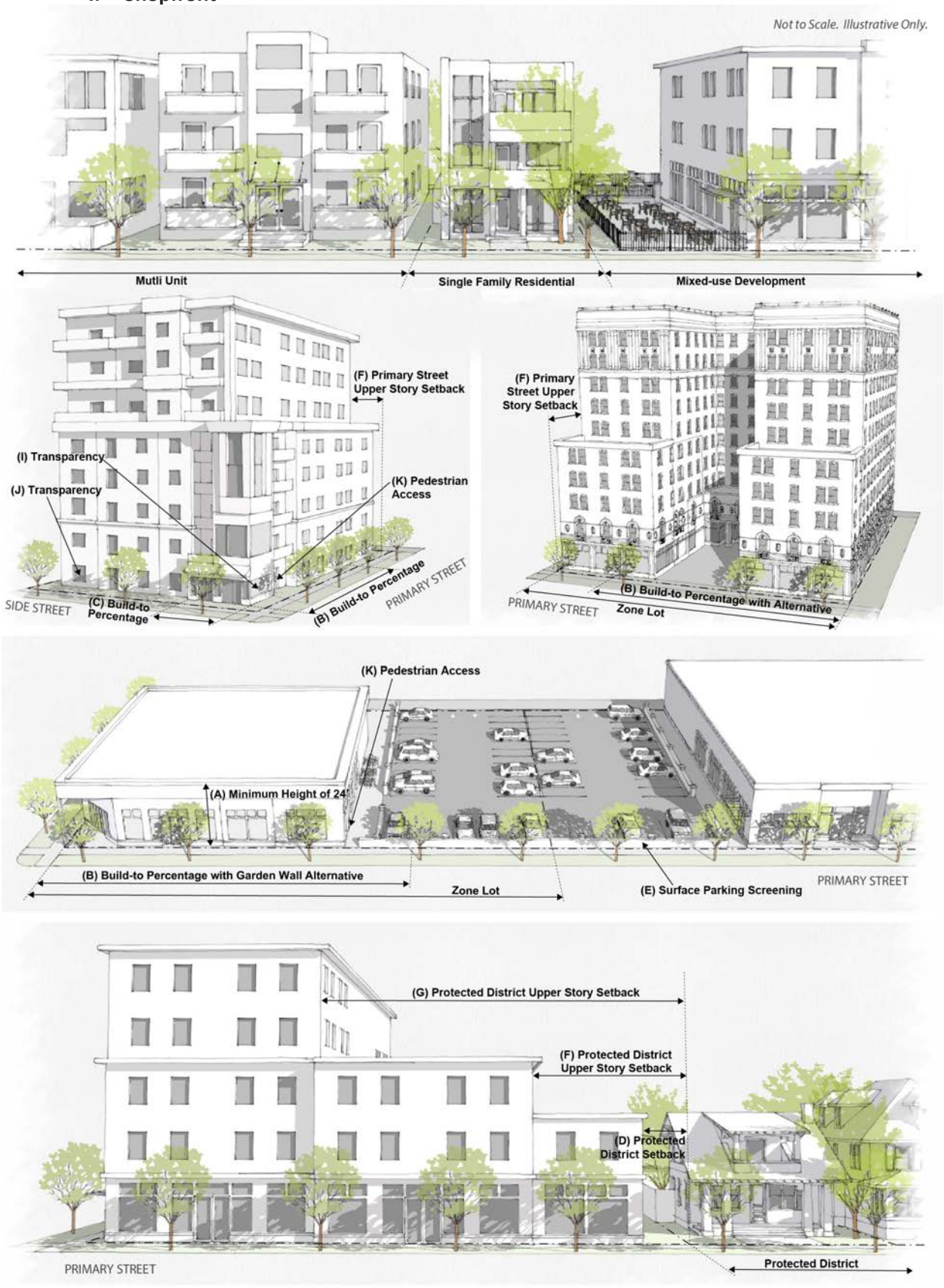
| | HEIGHT | C-CCN-3, -4, -5 Option A | C-CCN-3, -4, -5 Option B |
|---|---|---|---|
| | Stories (max) | C-CCN-3: 3<br>C-CCN-4: 4<br>C-CCN-5: 5 | C-CCN-3: 3<br>C-CCN-4: 4<br>C-CCN-5: 5 |
| | Feet (max) | C-CCN-3: 45′<br>C-CCN-4: 57′<br>C-CCN-5: 70′ | C-CCN-3: 45′<br>C-CCN-4: 57′<br>C-CCN-5: 70′ |
| | 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1) | No | No |
| | Height Exceptions | See Section 7.3.7.1 | |

| | SITING | C-CCN-3, -4, -5 Option A | | C-CCN-3, -4, -5 Option B |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size, as of October 27, 2014 (max) | 9,375 sf | 6,250 sf | 6,250 sf |
| | | | OR | |
| A | Zone Lot Width on the south side of 3rd Avenue | At least 1′ | At least 1′ but no more than 50′ | Over 50′ |
| | **REQUIRED BUILD-TO** | | | |
| B | Primary Street (% within min/max) | 70%<br>5′/15′ | | 70%<br>5′/15′ |
| | **SETBACKS** | | | |
| | Primary Street (min) | 5′ | | 5′ |
| | Side Interior (min) | 0′ | | 0′ |
| C | Side Interior, adjacent to Protected District (min) | 10′ | | 10′ |
| | Rear, alley and no alley (min) | 0′ | | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | | 0′/10′ |
| | Setback Exceptions and Encroachments | See Sections 7.3.7.3 and 7.3.7.4 | | |
| | **PARKING** | | | |
| D | Surface Parking between building and Primary Street | Not Allowed | | |
| E | Surface Parking Screening Required | See Article 10, Division 10.5 | | |
| | Vehicle Access | See Section 7.3.5.3 | | |

| | DESIGN ELEMENTS | C-CCN-3, -4, -5 Option A | C-CCN-3, -4, -5 Option B |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| F | Private Open Space (min) | 15% | 20% |
| G | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 20′/25′ | 20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 35′/40′ | na |
| I | Primary Street Upper Story Setback Above 45′ and 3 Stories; where zone lot abuts southern right-of-way of 3rd Avenue (min) | 57′ | na |
| | **STREET LEVEL ACTIVATION** | | |
| | Transparency, Primary Street (min) | 60% | |
| | Pedestrian Access, min 1 per building | Entrance | |

| USES | C-CCN-3, -4, -5: Options A and B |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking |

## I. Shopfront


Not to Scale. Illustrative Only.
Mutli Unit
Single Family Residential
Mixed-use Development
(F) Primary Street Upper Story Setback
(I) Transparency
(J) Transparency
(K) Pedestrian Access
SIDE STREET
(C) Build-to Percentage
(B) Build-to Percentage
PRIMARY STREET
(F) Primary Street Upper Story Setback
(B) Build-to Percentage with Alternative
PRIMARY STREET
Zone Lot
(K) Pedestrian Access
(A) Minimum Height of 24'
(B) Build-to Percentage with Garden Wall Alternative
Zone Lot
(E) Surface Parking Screening
PRIMARY STREET
(G) Protected District Upper Story Setback
(F) Protected District Upper Story Setback
(D) Protected District Setback
PRIMARY STREET
Protected District

## SHOPFRONT

| | HEIGHT | C-MX-3 | C-MS-5<br>C-MX-5 | C-MS-8<br>C-MX-8 | C-MS-12<br>C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | Stories (max) | 3 | 5 | 8 | 12 | 16 | 20 |
| A | Feet (min/max) | na/45′ | 24′/70′ | 24′/110′ | 24′/150′ | 24′/200′ | 24′/250′ |

| | SITING | C-MX-3 | C-MS-5<br>C-MX-5 | C-MS-8<br>C-MX-8 | C-MS-12<br>C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | | | |
| B | Primary Street (min build-to % within min/max range) | 75% 0′/5′<br>Residential Only Buildings: 0′/10′ | | | | | |
| C | Side Street (min build-to % within min/max range) | 25% 0′/5′<br>Residential Only Buildings: 0′/10′ | | | | | |
| | **SETBACKS** | | | | | | |
| | Primary Street (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Street (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| D | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ | 10′ |
| | Rear, alley and no alley (min) | 0′ | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ | 0′/10′ |
| | **PARKING** | | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed | | | | | |
| E | Surface Parking Screening Required | See Article 10, Division 10.5 | | | | | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | | | | | |

| | DESIGN ELEMENTS | C-MX-3 | C-MS-5<br>C-MX-5 | C-MS-8<br>C-MX-8 | C-MS-12<br>C-MX-12 | C-MX-16 | C-MX-20 |
|---|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | | |
| F | Primary Street Upper Story Setback above 5 stories or 70′ (min) See Section 7.3.6.2 for Alternative | na | na | 20′ | 20′ | 20′ | 20′ |
| G | Upper Story Setback Above 27′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | 15′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | | |
| I | Transparency, Primary Street (min) | 60%<br>Residential Only Buildings: 40% | | | | | |
| J | Transparency, Side Street (min) | 25% | 25% | 30% | 30% | 30% | 30% |
| K | Pedestrian Access, Primary Street | Entrance | | | | | |
| | **USES** | **All C-MS and C-MX** | | | | | |
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 100% | | | | | |
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking. | | | | | |

**See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 7.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 7.3.4.1 Applicability

All detached accessory structures in all the Urban Center Neighborhood Context zone districts

## 7.3.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 7.3.4.

**6. Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 7.3.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 7.3.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 7.3.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

##### 1. Public Art

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

##### 1. Required Building Materials

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

##### 1. Applicability

This section applies to the Detached Accessory Structure accessory building forms only.

##### 2. Limit on Gross Floor Area

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

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### 7.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

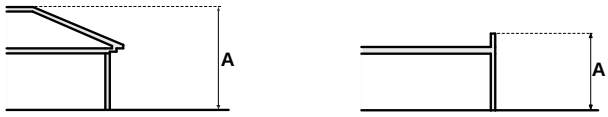
| Urban Center (C-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Residential Mixed Use (RX) | C-RX-5, -8, -12 | no max* | | | | ■ |
| Mixed Use (MX) | C-MX-3, -5, -8, -12, -20 | no max | | | | ■ |
| Main Street (MS) | C-MS-5, -8, -12 | no max | | | | ■ |
| Cherry Creek North (CCN) | C-CCN-3, -4, -5, -7, -8, -12 | no max | | | | ■ |

■ = Allowed ◘ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

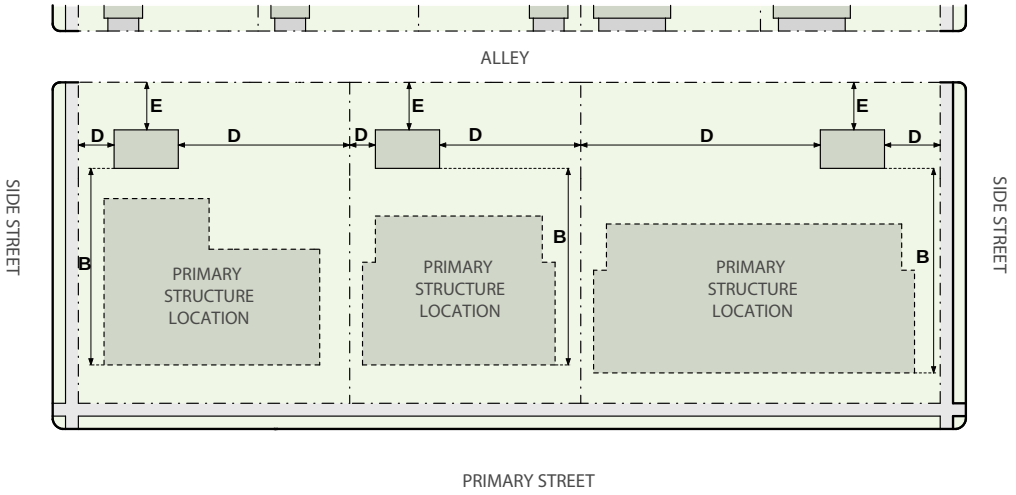
## 7.3.4.5 District Specific Standards

### A. Detached Accessory Structures

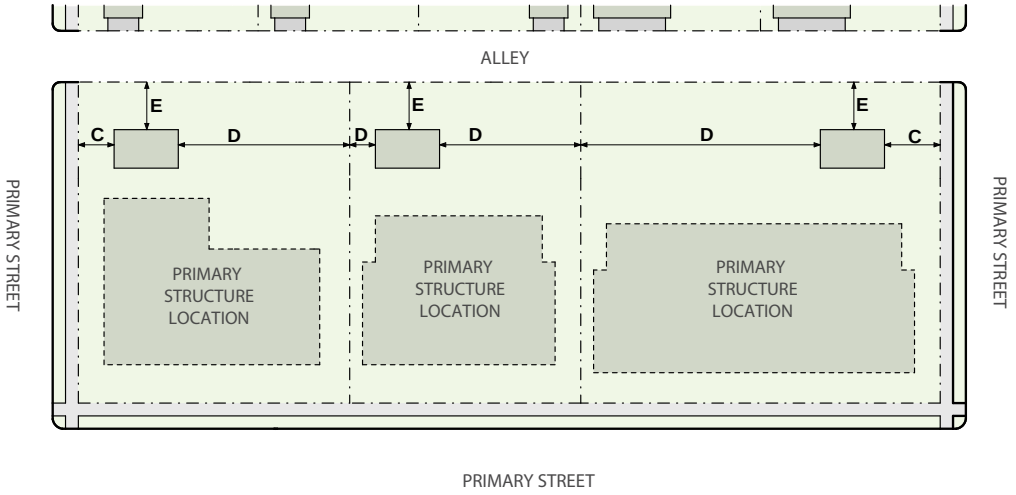
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**C-RX, C-MX, C-MS**




**C-CCN**



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | All C-RX, C-MX, C-MS | All C-CCN |
|---|---|---|---|
| A | Stories (max) | 1 | 1′ |
| A | Feet (max) | 17′ | 17′ |

| | SITING | All C-RX, C-MX, C-MS | All C-CCN |
|---|---|---|---|
| | Additional Standards | See Section 7.3.4.3 | See Section 7.3.4.3 |
| | **SETBACKS** | | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ | 0′ |
| C | Primary Street | na | 5′ |
| D | Side Interior and Side Street (min) | 5′ | 0′ |
| E | Rear, no alley (min) | 5′ | 0′ |
| | Rear, alley, where garage doors face alley (min) | 5′ | 0′ |
| | Rear, alley, where garage doors do not face alley (min) | 0′ | 0′ |

| DESIGN ELEMENTS | All C-RX, C-MX, C-MS, C-CCN |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to the parking of vehicles. See Section 7.3.4.3 |

| USES | All C-RX, C-MX, C-MS, C-CCN |
|---|---|
| | Accessory Uses Only |

**See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

# SECTION 7.3.5 SUPPLEMENTAL DESIGN STANDARDS

## 7.3.5.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

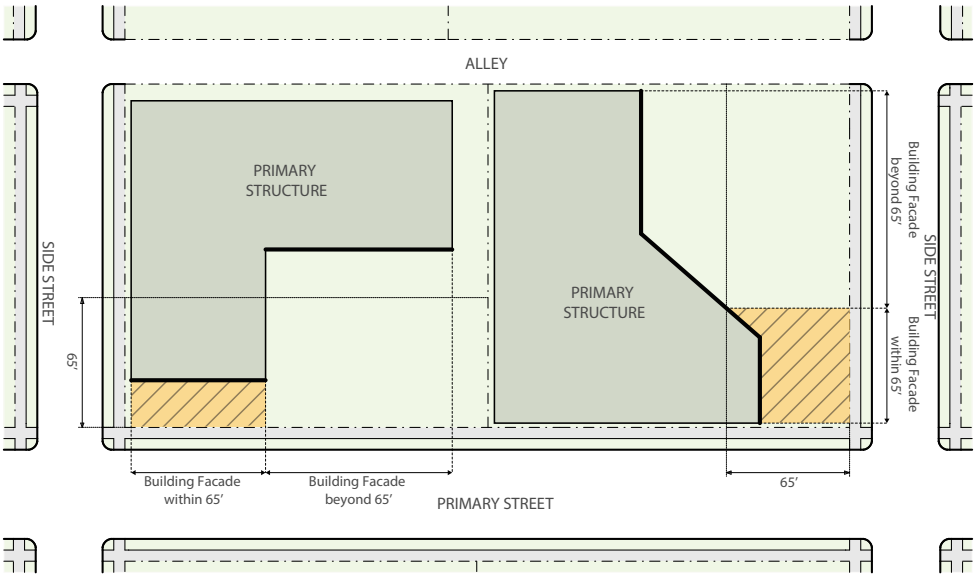
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

### B. Applicability

This Section 7.3.5.1 applies to the Town House, General, and Shopfront building forms in the C-RX, C-MX, and C-MS zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.




## 7.3.5.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards when adjacent to low-scale residential neighborhoods.

### B. Applicability

Town House building form in all the C-RX, C-MX, and C-MS zone districts when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

### C. Supplemental Design Standard

1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the Zone Lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the Zone Lot depth, including detached or freestanding structures but excluding the detached accessory dwelling unit building form where allowed, when the Zoning Administrator

finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 7.3.5.3 Dwelling Units Oriented to the Street

**A. Intent**

To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

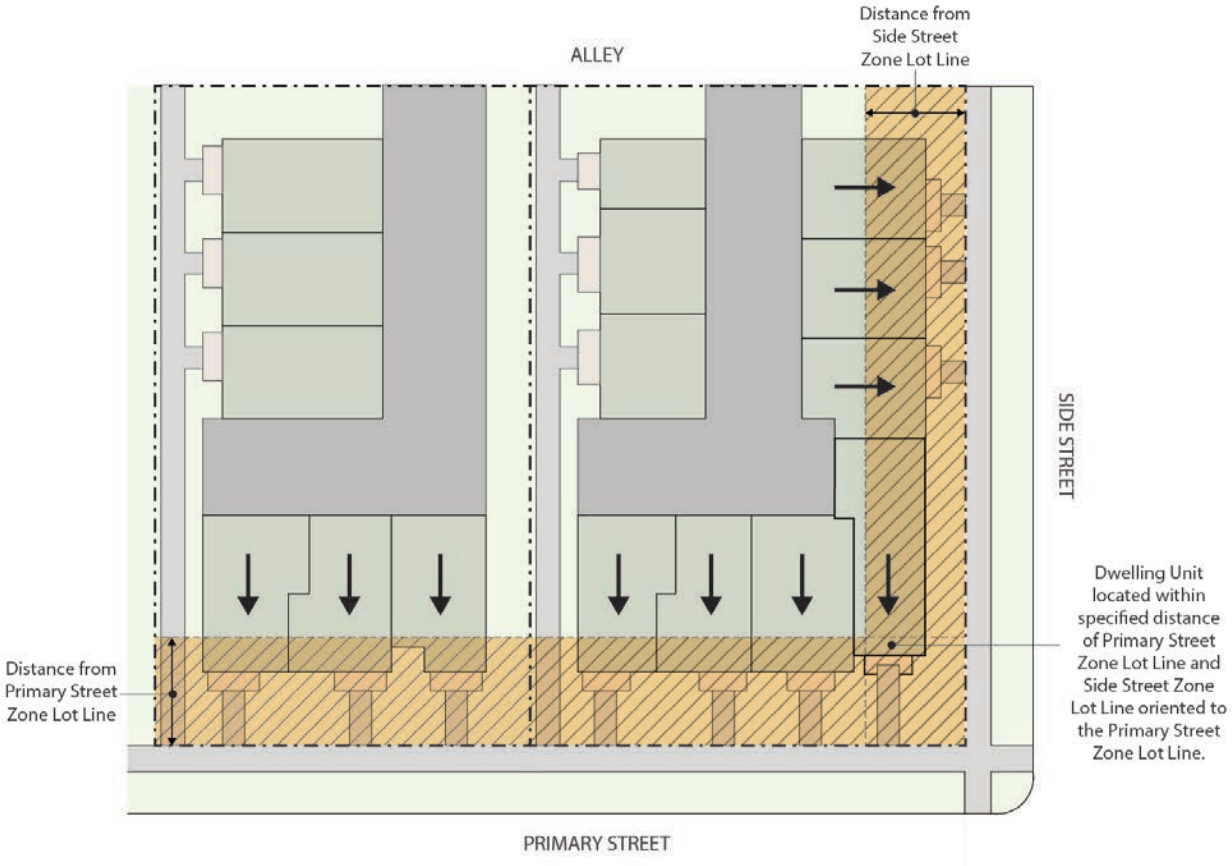
**B. Applicability**

This Section 7.3.5.3 shall apply to development under the Town House building form standards in all C-RX, C-MX, and C-MS zone districts when required by the building form table.

**Supplemental Design Standard**

1. On an interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.

2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or the Side Street Zone Lot Line.
   a. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
   b. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.
   c. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line or Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.



d. On a Zone Lot with more than one Primary Street, the Zoning Administrator shall determine the street to which the corner Dwelling Unit shall orient based on an analysis, at a minimum, of:

i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject Zone Lot;

ii. Block and lot shape;

iii. The functional street classification of all abutting streets as adopted by the Public Works Department;

iv. The future street classification of all abutting streets as adopted in Blueprint Denver; and

v. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

### 7.3.5.4 Height for Sloped Roofs

#### A. Intent

To allow for design flexibility for sloped roofs that are responsive to the surrounding contexts and to promote variations within the building form.

#### B. Applicability

This Section 7.3.5.4 shall apply to development under the Town House building form standards in all C-MX, C-RX, and C-MS zone districts.

**Supplemental Design Standard**

1. For the portion of the roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be 45-feet in 3-story MX, RX, and MS zone districts.

2. Development of a primary building with a roof with a minimum pitch that takes advantage of the maximum height allowed per this Section 6.3.5.7 may apply one or more height exceptions allowed in Section 6.3.7.1, except that such height exceptions shall be measured from an allowed maximum of height of 38 feet in 3-story RX, MX, and MS zone districts,




### 7.3.5.5 Ground Stories of Parking Structures in the C-CCN Zone Districts

#### A. Intent

Improve the pedestrian experience along the Street Level in the Cherry Creek North mixed use shopping district by requiring Street Level active uses in all new or redeveloped buildings and structures containing parking spaces. Street Level active uses best ensure a steady stream of customer and visitor interaction throughout the day and night, contributing substantially to the activation, economic vitality, and safety of this important mixed-use neighborhood. Street Level area set aside in buildings or structures for active uses is intended to be adequately configured and dimensioned to support the feasible use of such space for Street Level active uses.

#### B. Applicability

Section 7.3.5.2 design standards shall apply to any structure containing parking spaces in the C-CCN zone districts. The term "parking spaces" in this provision means both parking spaces accessory to a primary use and/or parking spaces that comprise the primary use of the structure.

#### C. Permitted Street Level Uses

1. The Street Level of a structure containing parking spaces shall be occupied by a use permitted in the applicable C-CCN zone district for 100% of the structure's primary street frontage(s), except the following uses are prohibited from occupying any portion of the structure's street frontage(s):
   a. Parking, Garage,
   b. Parking accessory to a primary use otherwise permitted in the same building or structure,
   c. Household Living, and
   d. Automobile Services, Light or Heavy, except as otherwise allowed in Section 11.4.19.3.
2. Residential lobbies and other similar pedestrian access to and through the subject structure from the primary street side(s) of the building may be credited toward compliance with the 100% Street Level use frontage requirement in Section 7.3.5.2.C.1 above.

3. When vehicle access to on-site parking or loading spaces from a primary street is allowed under Section 7.3.5.3, the width of such vehicle access may be credited toward compliance with the 100% Street Level use frontage requirement in Section 7.3.5.2.C.1 above.

*See also* C-CCN zone district use limitations related to ground-story Household Living uses in Section 11.2.5 of this Code, and C-CCN zone district uses limitations related to ground-story Automobile Services, Light or Heavy uses in Section 11.4.19.3.

### 7.3.5.6 Vehicle Access in the C-CCN Zone Districts

#### A. Intent

Vehicle driveways that access zone lots in the C-CCN zone districts directly from a public street create conflict points with pedestrians and detract from the objective of encouraging active uses along public street frontages in Cherry Creek North. This section's standards will improve the pedestrian experience along the Street Level in Cherry Creek North by requiring vehicle access to zone lots be taken from public alleys to the maximum extent feasible.

#### B. Applicability

This Section 7.3.5.3 applies to development in the C-CCN zone districts that proposes either new vehicle access or a change in location of existing vehicle access to the subject zone lot. This Section shall apply to all proposed vehicle access points to the same zone lot.

#### C. Location of Vehicle Access

1. All vehicle access to a zone lot in the C-CCN zone districts shall be from an alley, when alley access is present.

2. If alley access is not present or if alley access is not feasible due to lot configuration, an Applicant shall first give preference to vehicle access to the zone lot from a named street before proposing vehicle access from a numbered street.

3. Whenever street (not alley) vehicle access to the zone lot is allowed, the width of the vehicle ingress/egress ways from the street shall be minimized.

### 7.3.5.7 Vehicle Access in all other Zone Districts

#### A. No Alley

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

#### B. Alley

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 7.3.5.4, then vehicular Alley access is required.

### 7.3.5.8 Street Level Active Uses in the C-MX and C-MS Zone Districts

**A. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

**B. Applicability**

This Section 7.3.5.8 applies to the General and Shopfront building forms in the C-MX zone districts and the Shopfront building form in the C-MS zone districts.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Mini-storage Facility; or
   b. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
5. The length of any build-to alternatives, except Arcades, permitted by Section 7.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.
   a. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
6. The portion of the Street Level building frontage that meets the Street Level active use requirement shall contain at least one window or door that meets the minimum transparency requirement standards in Section 13.1.6.3.A.4.

## SECTION 7.3.6 DESIGN STANDARD ALTERNATIVES

### 7.3.6.1 Required Build-To Alternatives

**A. Intent**

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally,

to allow relief for vehicle access when alley access is not feasible per Section 7.3.5.7 in the Town House building form.

**B. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | BUILDING FORM | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| C-RX<br>C-MX<br>C-MS | Town House | na | na | na | na | na | na | 30% | 12 feet |
| C-RX<br>C-MX | All Others | na | na | 25%*** | 30%*** | 30%*** | 100% | 100% | na |
| C-MS | All Others | na | na | 25%*** | 30%*** | 30%*** | 100% | na | na |
| C-CCN | All Others | 5'* | 100%** | 25%*** | 30%*** | 30%*** | 100% | na | |

***Permitted increase in the maximum depth of the required build-to range.**
**** If used in combination with each other, the permanent outdoor patio seating and private open space alternatives may count toward 100% of required build-to, provided the outdoor patio seating complies with the private open space rule of measurement in Article 13.**
*****If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

### 7.3.6.2 Primary Street Upper Story Setback

**A. Intent**

To provide flexibility while maintaining and promoting a pedestrian-scaled main street.

**B. Applicability**

C-MS-8, C-MS-12

**C. Alternative**

When the building is placed at 0 feet on the Primary Street Zone Lot Line, then the Upper Story Setback above 5 stories or 70 feet may be reduced to 15 feet. This alternative only applies to portions of buildings placed at 0 feet on the Primary Street Zone Lot Line. Therefore, any portions of the building placed beyond 0 feet shall meet the Upper Story Setback stated in the building form table.

### 7.3.6.3 Transparency Alternatives

**A. Intent**

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

**B. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as

described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| C-RX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |
| C-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Primary Street B | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 60% | 40% | 80%* |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |
| C-MS | Primary Street | 40% | 50% | 60% | 40% | 50% |
| | Side Street | 40% | 50% | 80% | 40% | 50% |

***Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.**

### 7.3.6.4 Pedestrian Access (Entrance) Alternatives

#### A. Intent

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

#### B. Allowance

In C-MX and C-RX zone districts, for all building forms except the Town House building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

1. Courtyard or Plaza
2. Covered Walkway

## SECTION 7.3.7 DESIGN STANDARD EXCEPTIONS

### 7.3.7.1 Height Exceptions

#### A. Intent

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

#### B. Applicability and Standards:

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 7.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an

exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY PROJECT THROUGH THE 3RD AVENUE CCN BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|---|
| Eaves | All C- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Not allowed | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All C- Zone Districts | No | No | 28' | Not applicable | Any distance | Not allowed | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story or greater C-RX, C-MX, C-MS Zone Districts | No | Yes | 28' | Not applicable | Not allowed | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | C-MX-3 Zone Districts in the Town House building form | Yes | Yes, from the perimeter of the portion of the building Facing the Primary Street, Side Street, Side Interior or Rear Zone Lot Line.<br><br>No, from the perimeter of the portion of the building that does not face a Zone Lot Line. | 12' | 1 story | Not Allowed | Not Applicable | Not Allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY PROJECT THROUGH THE 3RD AVENUE CCN BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|---|
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | C-MX-3, C-CCN Zone Districts, all other building forms | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story or greater C-RX, C-MX, C-MS Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed | Not allowed |
| Elevator lobbies | C-MX-3, C-CCN Zone Districts | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story or greater C-RX, C-MX, C-MS Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed | Not allowed |
| Open Structures | C-MX-3, C-CCN Zone Districts | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed | Not allowed |
| Open Structures | All 5-Story or greater C-RX, C-MX, C-MS Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All 5-Story or greater C- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed | Not allowed |
| Flush-mounted solar panels | All C- Zone Districts | No | No | Any distance | Not applicable | Any distance | Not allowed | Any distance |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY PROJECT THROUGH THE 3RD AVENUE CCN BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|---|
| Evaporative coolers | All C- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Not allowed | Any distance |
| Accessory water tanks | All C-MX, C-MS Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Not allowed | Any distance |
| Pedestrian bridge | All C- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance | Any distance |

### 7.3.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

**1. Intent**
To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**
Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

#### B. Parkways

**1. Intent**
To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**
Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

### 7.3.7.3 Setback Exceptions

#### A. Intent
To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

#### B. Standard
In all C- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

## 7.3.7.4 Setback Encroachments

### A. Intent

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

### B. Standard

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

#### 1. Architectural Elements

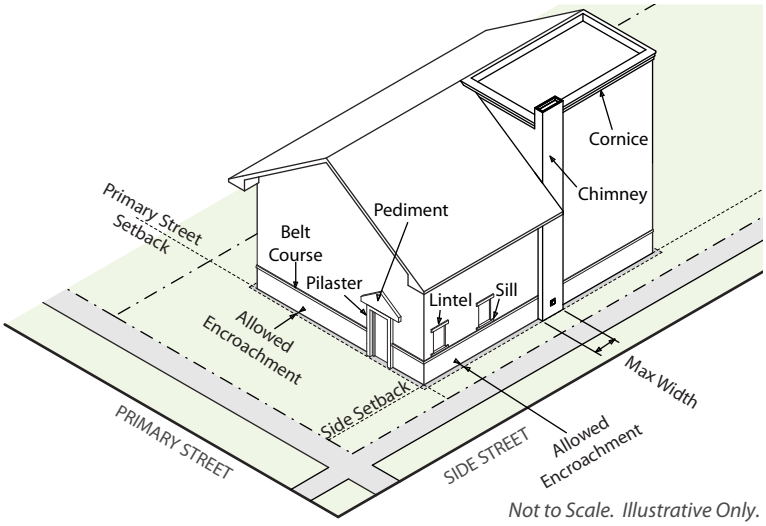
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All C- Zone Districts | All building forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

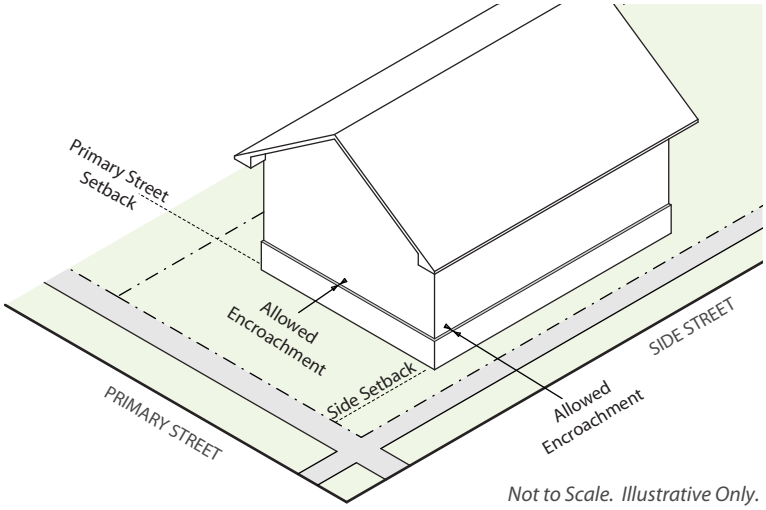
Intent: To allow common, minor decorative elements which are integral to a building.

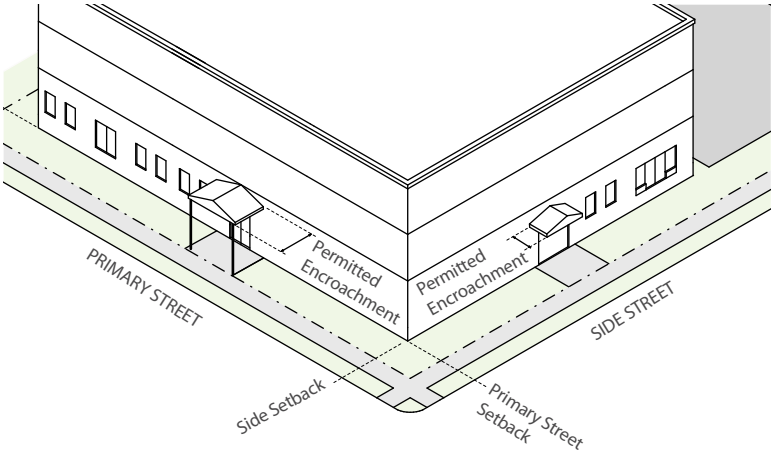


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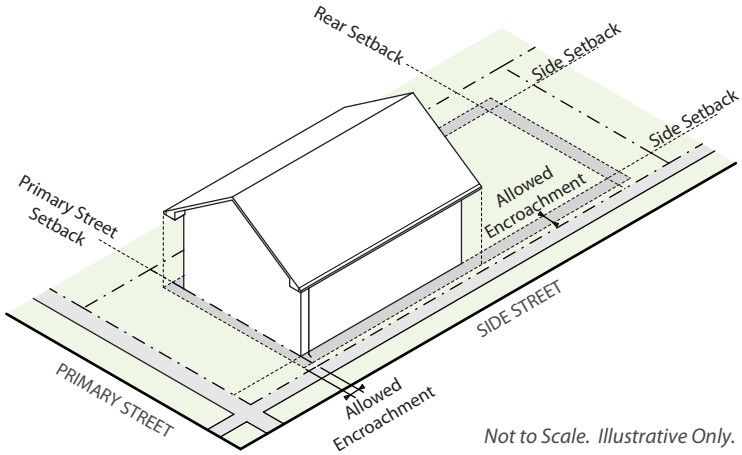
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All C- Zone Districts | All building forms | 6″ | 6″ | 6″ | 6″ |
| Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All C- Zone Districts | Town House | Any distance | Any distance | 2' and at no point closer than 3' to the Zone Lot line | Not allowed |
| | | All Others | Any distance | Any distance | Not allowed | Not allowed |
| Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building. |  *Illustrative only* | |  *Not to Scale. Illustrative Only.* | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All C- Zone Districts | All building forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ | 5′ |
| Intent: To allow features of structures intended to repel weather | | | | | | |



*Illustrative only*

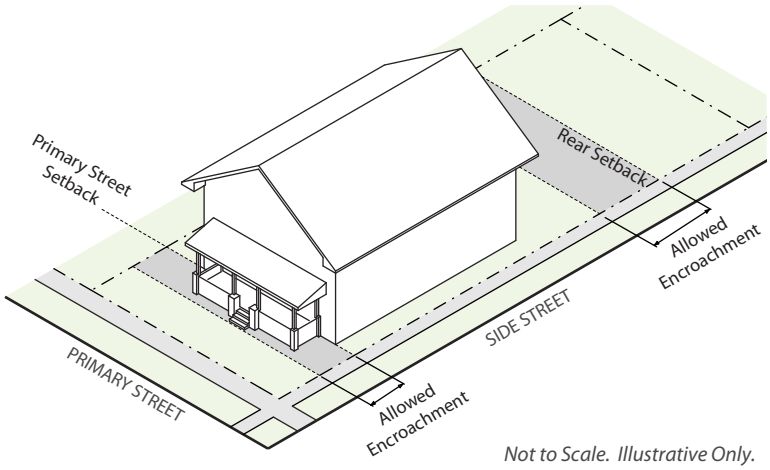



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All C- Zone Districts | All building forms | 8′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |
| Intent: To promote elements which provide for street activation and human scale. | | | | | | |



*Illustrative only*



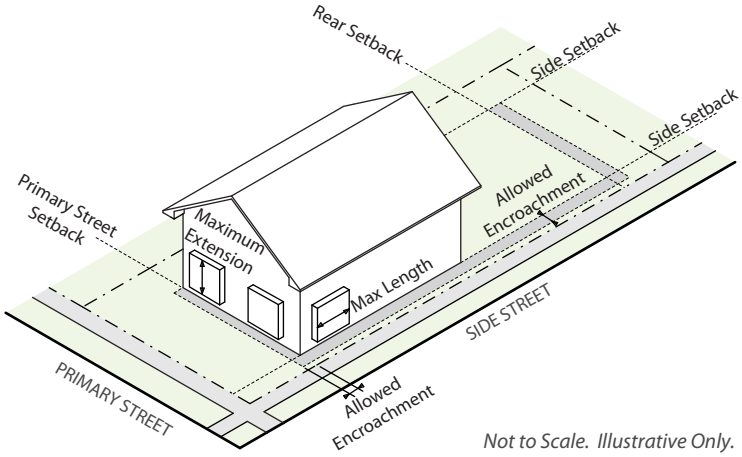

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All C- Zone Districts | Town House | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| | | All Others | 1.5' | 1.5' | Not Allowed | 1.5' |

Intent: To allow for improved interior daylighting.



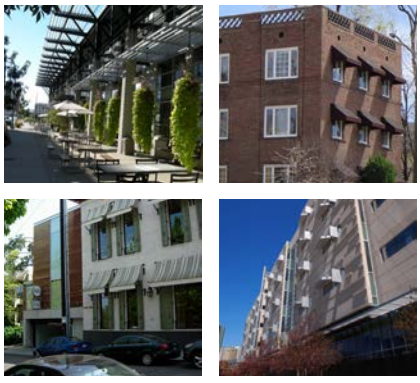
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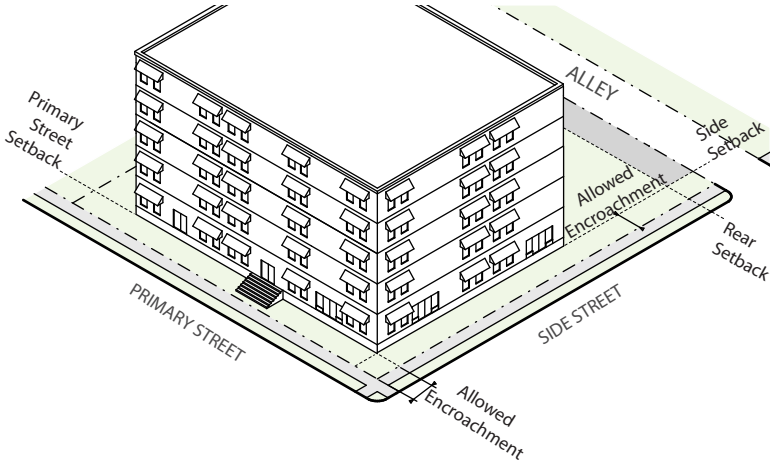

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: Building elements, such as awnings, designed and intended to control light entering a building | All C- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To allow for elements either integral or attached to a building which control light entering through windows.



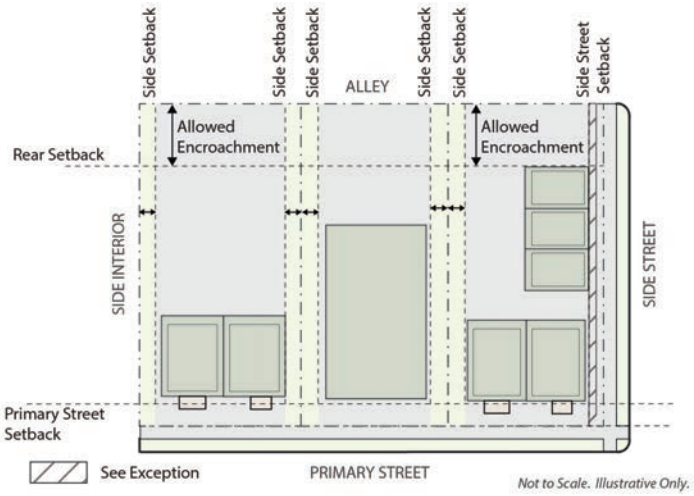
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### 2. Site Elements

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |
| Surface Parking | Not Allowed | | | | | |
| | **ZONE DISTRICTS** | **BUILDING FORMS** | **PRIMARY STREET** | **SIDE STREET** | **SIDE INTERIOR** | **REAR** |
| Off-Street Parking Area<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply. for the entire Zone Lot. | All C- Zone Districts | Town House | Not allowed | Not allowed* (*see exception below) | Allowed | Allowed |
| | | All Others | Allowed | Allowed | Allowed | Allowed |
| Intent: To restrict off-street parking area where it is impactful due to the number of required parking spaces. |  | | | | | |

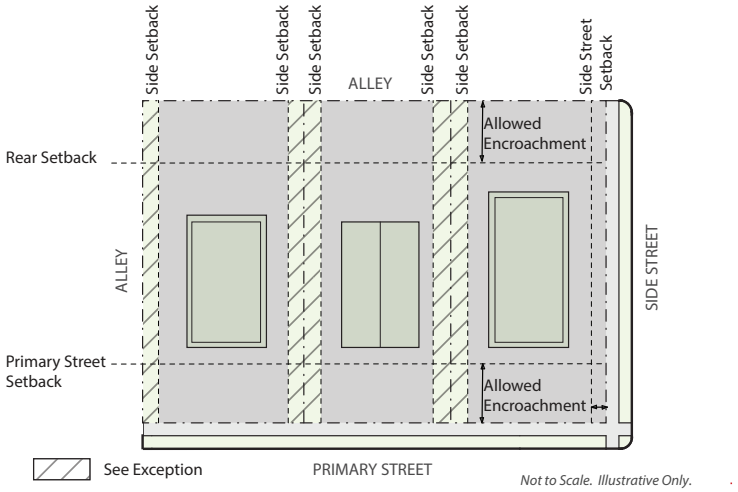
*Exception: The minimum 5' of back out space required in Division 10, Section 4 shall be permitted to encroach 2.5' when the encroachment is screened from the Side Street with a Garden Wall and 1 deciduous canopy tree or planting strip.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway<br><br>When a Zone Lot contains two or more building forms with different permitted encroachments, the less restrictive standards shall apply for the entire Zone Lot. | All C- Zone Districts | Town House | Any distance | Any distance | Any distance Adjacent to a Protected District: Not Allowed (*see exception below) | Any distance |
| | | All Others | Any distance | Any distance | Not allowed (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

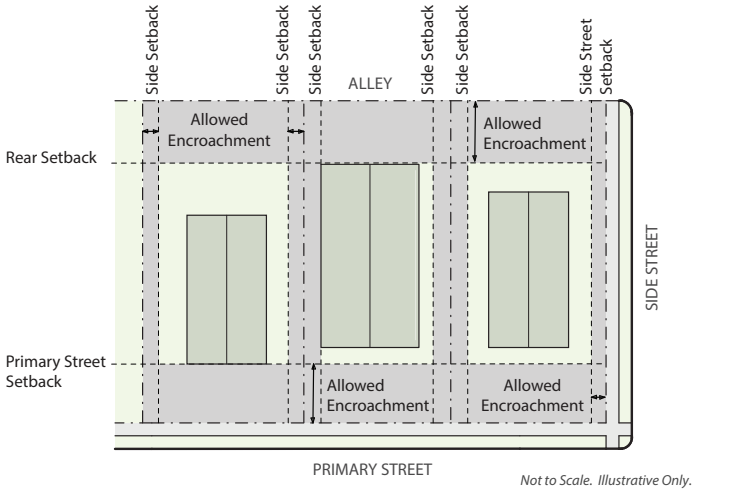
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All C- Zone Districts | All building forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



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### 3. Service & Utility Elements

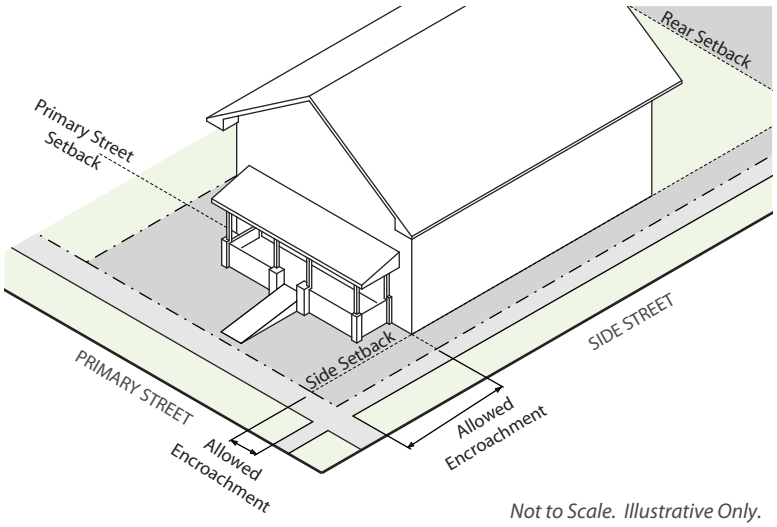
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

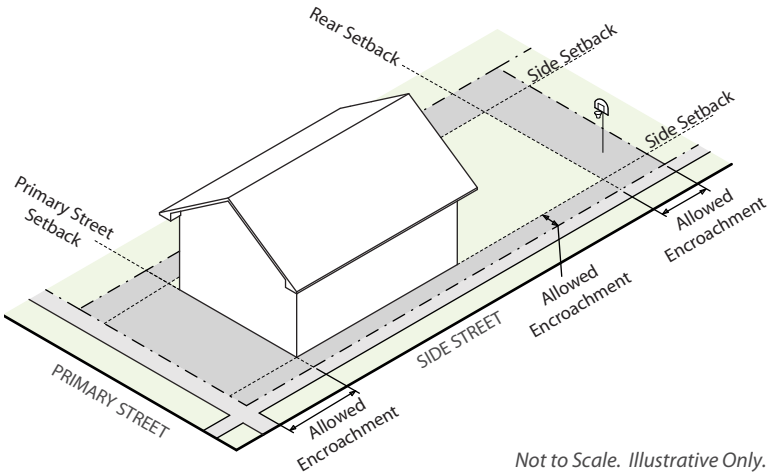


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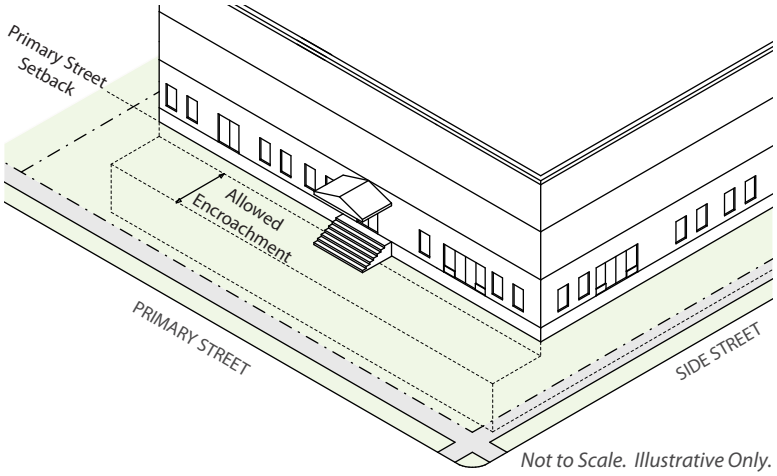


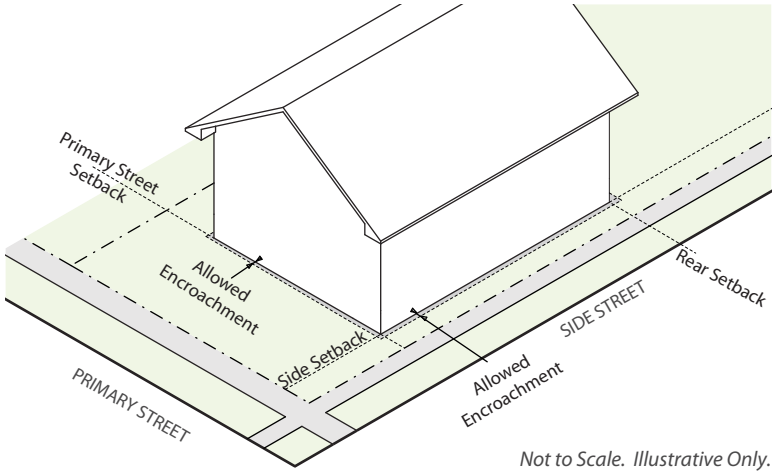

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |




*Not to Scale. Illustrative Only.*

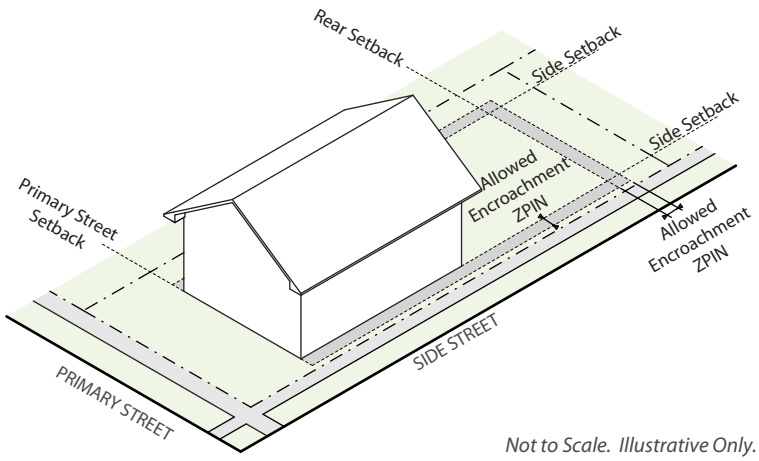
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All C- Zone Districts | All building forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All C- Zone Districts | All building forms | Not allowed | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice |

- Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the D.R.M.C.;
- Does not exceed 4' in height or 10 square feet in area per unit;
- Does not exceed 2 units per zone lot;
- Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and
- The location of the unit(s) minimizes the impacts on adjoining properties.

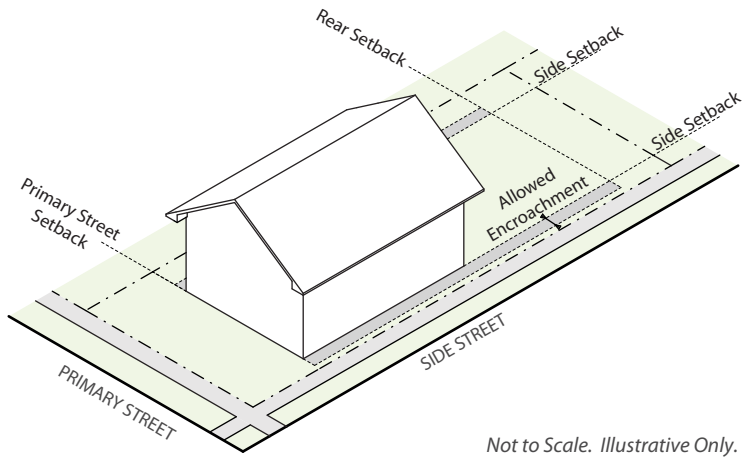
Intent: To allow for functional siting.




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All C- Zone Districts | All building forms | Not allowed | 3' | 3' | Not allowed |

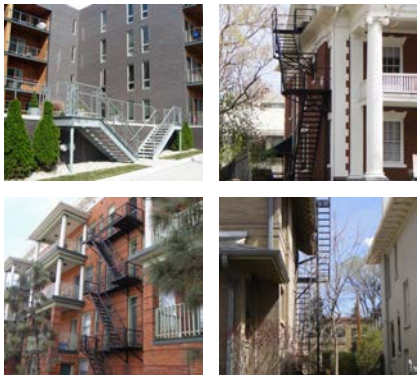
Intent: To allow for functional siting.



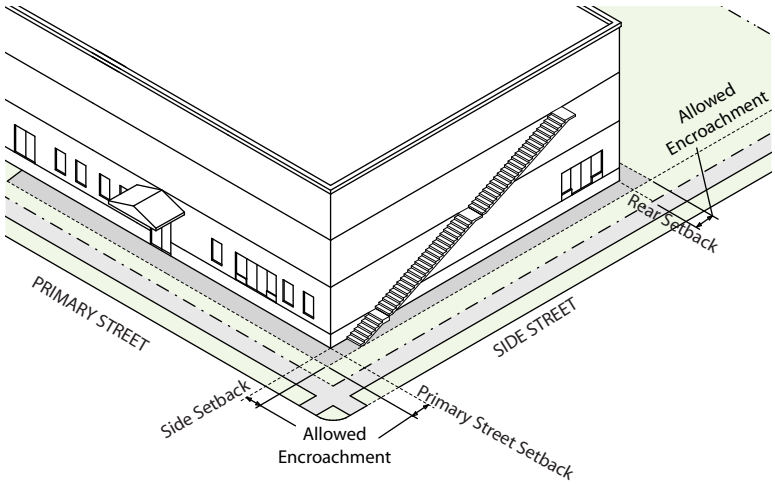

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All C- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



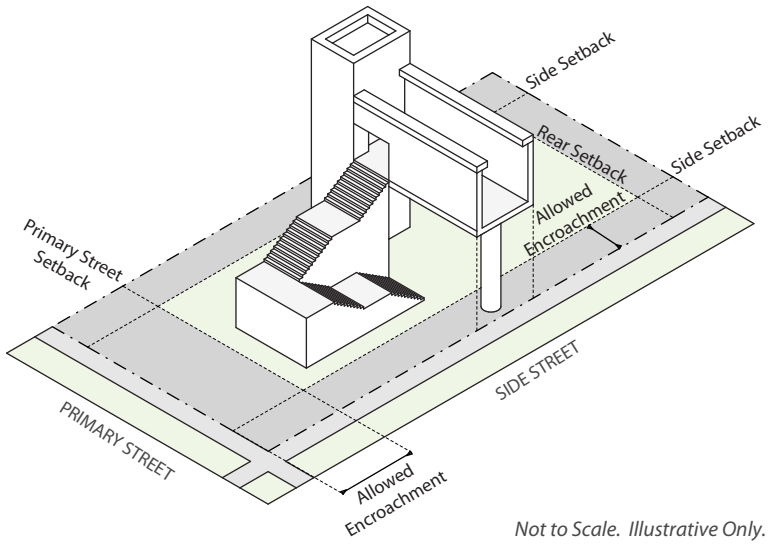

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*

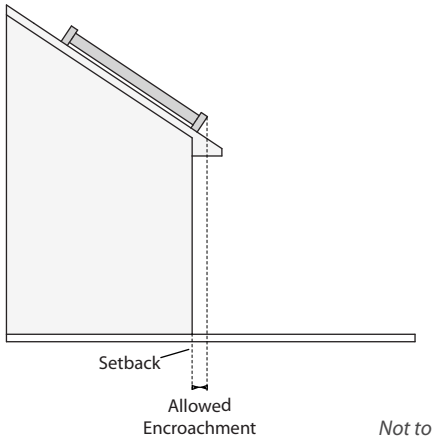



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

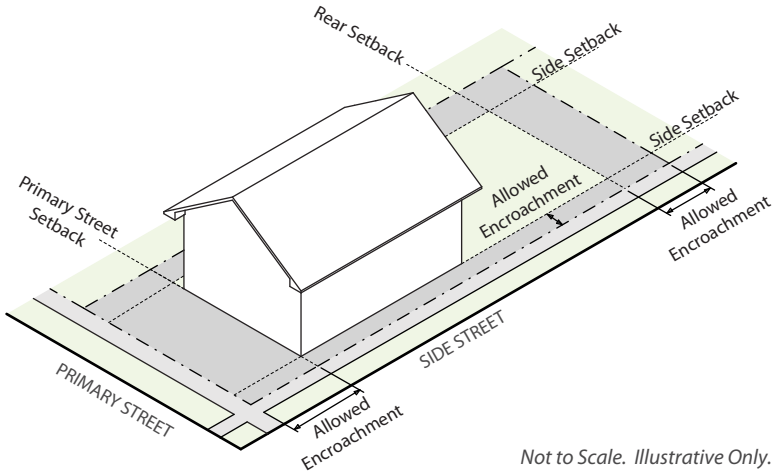


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All C- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

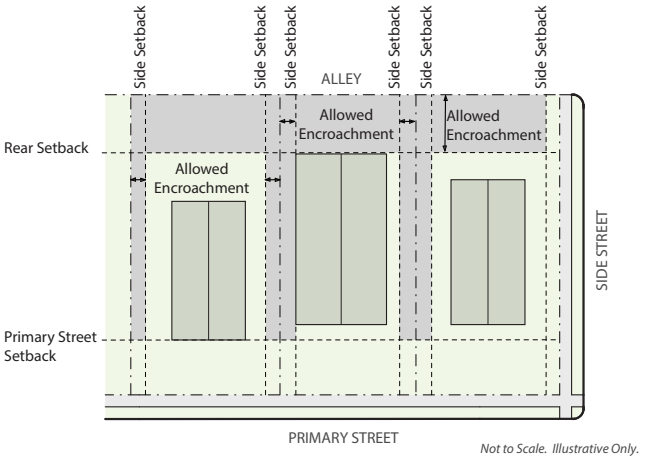



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3′ in height but not exceeding 8′ in height above Finished Grade. | All C- Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

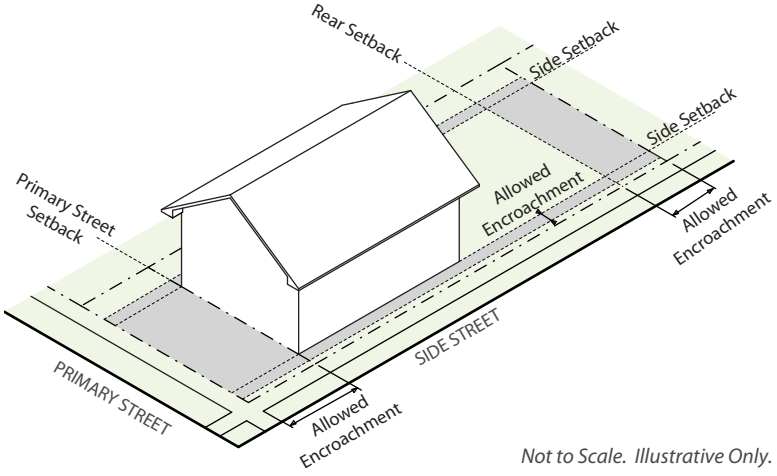



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All C- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3′ in width as measured perpendicular to the side interior/side street zone lot line and 6′ in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*



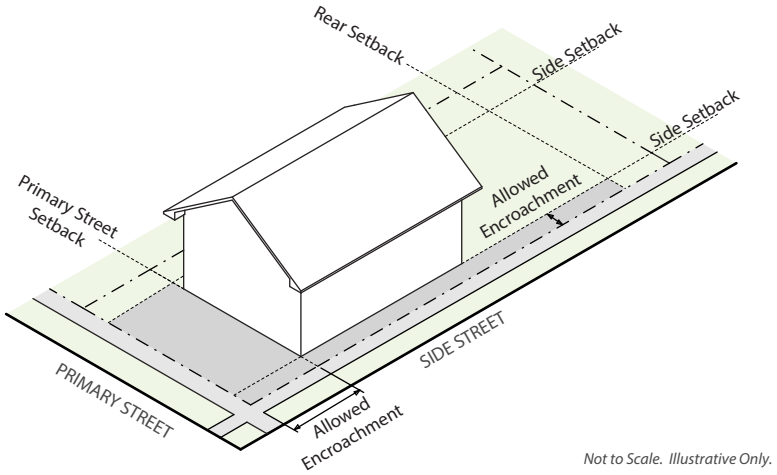

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All C-Zone Districts | All building forms | Any distance | Any distance | Not allowed | Not Allowed |
| Intent: To allow for functional siting. | | | | | | |






*Illustrative only*




## SECTION 7.3.8 REFERENCE TO OTHER DESIGN STANDARDS

### 7.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4

B. Landscaping, Fences, Walls and Screening: Division 10.5

C. Site Grading: Division 10.6

D. Outdoor Lighting: Division 10.7

E. Signs: Division 10.10

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# DIVISION 7.4 USES AND REQUIRED MINIMUM PARKING

## SECTION 7.4.1 APPLICABILITY

7.4.1.1 This Division 7.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Urban Center Neighborhood Context zone districts.

7.4.1.2 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

7.4.1.3 For number of primary and accessory uses permitted per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses allowed per Zone Lot.

## SECTION 7.4.2 ORGANIZATION

### 7.4.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 7.4.2.2 Primary Use Classifications, Categories & Specific Use Types

#### A. Primary Use Classifications

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

#### B. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

#### C. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## SECTION 7.4.3 EXPLANATION OF TABLE ABBREVIATIONS

### 7.4.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 7.4.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 7.4.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 7.4.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## SECTION 7.4.4 DISTRICT SPECIFIC STANDARDS

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.5; §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: 0.75/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.5; §11.2.6 |
| | Dwelling, Multi-Unit<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: 0.75/unit<br>• Bicycle: 1/ 2 units (80/20) | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.5: §11.2.6 |
| | Dwelling, Live / Work<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: 0.75/unit<br>• Bicycle: 1/ 2 units (80/20) | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.4; §11.2.5; §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: 1/10 units (50/50) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Community Corrections Facility | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: .75/unit<br>• Bicycle: 1/10 units (50/50 | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: .75/unit<br>• Bicycle: 1/10 units (50/50) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residential Care Use, Small or Large<br>• Vehicle: No requirement<br>• Bicycle: 1/10 units (50/50) | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.2.9 |
| | Rooming and Boarding House<br>• Vehicle - MS only: 2/ 1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | NP | |
| | Shelter for the Homeless<br>• Vehicle: No requirement<br>• Bicycle: No requirement | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle - CCN districts only:1/unit<br>• Vehicle: 0.75/unit<br>• Bicycle: 1/ 2 units (80/20) | P-ZP | P-ZP | P-ZP | P-ZP | |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| Community/ Public Services | Community Center<br>• Vehicle: No requirement<br>• Bicycle: 1/10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | |
| Community/ Public Services | Postal Processing Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA(20/80) | NP | P-ZP | P-ZP | NP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | P-ZP | P-ZP | P-ZP | § 11.3.5 |
| | Hospital | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle: 1/1,000 sf GFA<br>• Bicycle: 1/10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | University or College<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8; §11.3.9 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | NP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: No requirement<br>• Bicycle: 1/10,000 sf GFA (0/100) | L-ZP | P-ZP | P-ZP | P-ZP | § 11.3.10 |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle - All Others: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA(20/80) | L-ZPIN | L-ZPSE | L-ZPSE | L-ZPIN | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | L-ZPIN | Not Applicable | Not Applicable | Not Applicable | §11.4.6 |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | L-ZP | §7.3.5.2 |
| | Parking, Surface* | NP | NP | NP | NP | |
| Eating & Drinking Establishments | All Types<br>• Vehicle - MS only: 2/ 1,000 sf GFA<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/1,500 sf GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 0.875/guest room or unit<br>• Bicycle: 1/ 7,500 sf GFA (60/40) | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Lodging Accommodations, All Others<br>• Vehicle: 0.5/ guest room or unit<br>• Bicycle: 1/ 7,500 sf GFA (60/40) | P-ZP | P-ZP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle - CCN districts only: 2/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (60/40) | L-ZP | L-ZP | L-ZP | L-ZP | §11.4.10 |
| | Office, All Others<br>• Vehicle - CCN districts only: 2/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (60/40) | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA(20/80) | L-ZP | L-ZP | L-ZP | L-ZP | §11.4.12 |
| | Animal Sales and Services, All Others | NP | NP | NP | NP | |
| | Food Sales or Market<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (20/80) | L-ZP | P-ZP | P-ZP | P-ZP | §11.4.14 |
| | Pawn Shop | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor* | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA(20/80) | NP | NP | P-ZP | NP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle - CCN districts only: 2.5/1,000 sf GFA<br>• Vehicle: 1.25/ 1,000 sf GFA<br>• Bicycle: 1/7,500 sf GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | |
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility | NP | NP | NP | NP | |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | §11.4.18<br>§11.4.19 |
| | Automobile Services, Heavy<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | NP | L-ZP/ZPSE | NP | §11.4.18<br>§11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | §11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | NP | NP | NP | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | P-ZP | C-MX-3: L-ZP/ZPSE<br>All Others: P-ZP | P-ZP | P-ZP | §11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | NP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | NP | §11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | NP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | L-ZPIN | L-ZP | L-ZP | L-ZP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General | NP | NP | NP | NP | |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.5.13 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| Transportation Facilities | Airport* | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZPIN | L-ZP | L-ZP | NP | §11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1/ 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP | NP | NP | §11.5.23 |
| | Vehicle Storage, Commercial* | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, General | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | NP | L-ZP/ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | NP | §11.5.26 |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | |
| | Garden, Urban*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.5 |

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|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | §11.7 |
| | Accessory Dwelling Unit | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.8.2 |
| | Domestic Employee | L | L | L | L | §11.7; §11.8.3 |
| | Garden* | L | L | L | L | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | L | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | L-ZP | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | NP | NP | NP | NP | |
| | Short-term Rental | L | L | L | L | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | L-ZPIN/ ZPSE | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.5.13 |
| | Yard and/or Garage Sales* | L | L | L | L | §11.7; §11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | |
| Home Occupations<br><br>(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4 |
| | Unlisted Home Occupations | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.5 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | §11.7; 11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/ University and Theater Uses | NP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | Not Applicable - See Permitted Primary Uses | NP | §11.7; §11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | Not Applicable - See Permitted Primary Uses | | | | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services or Hotel Uses | NP | NP | NP | NP | |
| | College accessory to a Place for Religious Assembly | Not Applicable - See Permitted Primary Uses | | | | §11.7; §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | L | L | NP | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | NP | L-ZP | L-ZP | NP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | Not Applicable - See Permitted Primary Uses | Not Applicable | | | §11.4.6 |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | L-ZP | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | |
| | Outdoor Storage, Limited* | NP | L | L | L | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | L | L | L | L | §11.7; §11.10.18 |

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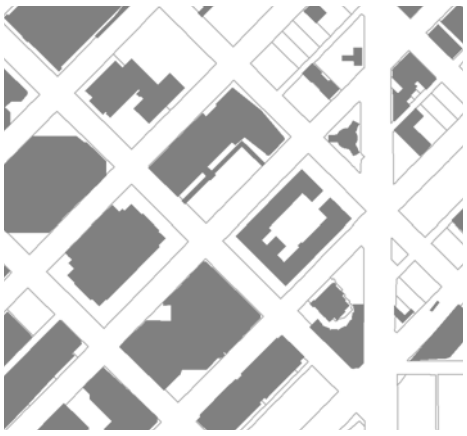
| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | C-RX-5<br>C-RX-8<br>C-RX-12 | C-MX-3<br>C-MX-5<br>C-MX-8<br>C-MX-12<br>C-MX-16<br>C-MX-20 | C-MS-5<br>C-MS-8<br>C-MS-12 | C-CCN-3<br>C-CCN-4<br>C-CCN-5<br>C-CCN-7<br>C-CCN-8<br>C-CCN-12 | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | |
| Temporary Uses<br><br>(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 | L-ZP | Not Applicable - See Permitted Primary Uses | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | |
| | Bazaar, Carnival, Circus or Special Event* | 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 | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | 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 | §11.11.7 |
| | Health Care Center | L-ZP | P-ZP | P-ZP | P-ZP | §11.11.8 |
| | Noncommercial Concrete Batching Plant* | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | NP | |
| | Outdoor Retail Sales* | L-ZP | L-ZP | NP | L-ZP | §11.11.11 |
| | Outdoor Sales, Seasonal* | L-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 | §11.11.13 |
| | Retail Food Establishment, Mobile* | NP | L-ZP | NP | L-ZP | §11.11.14 |
| | Temporary Construction Office | L-ZP | L-ZP | L-ZP | NP | §11.11.15 |
| | Temporary Office - Real Estate Sales | L-ZP | L-ZP | L-ZP | NP | §11.11.16 |
| | Temporary Tiny Home Villages | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | |

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# ARTICLE 8. DOWNTOWN (D-) NEIGHBORHOOD CONTEXT







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# Contents

## ARTICLE 8. DOWNTOWN (D-) NEIGHBORHOOD CONTEXT


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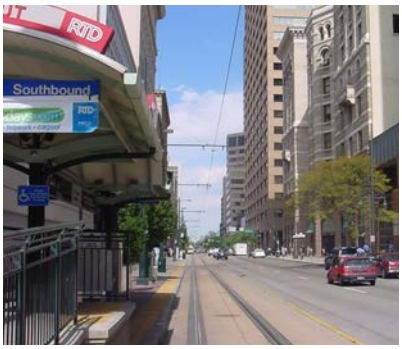
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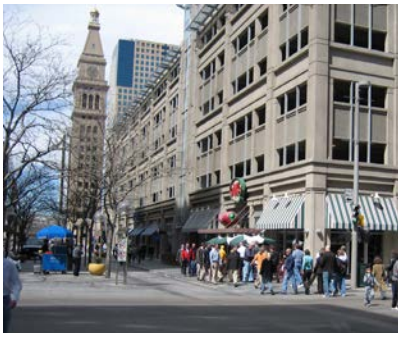
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# DIVISION 8.1 NEIGHBORHOOD CONTEXT DESCRIPTION








## SECTION 8.1.1 GENERAL CHARACTER

The Downtown context consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. The Downtown Context is comprised of eleven distinct areas: Downtown Core District, Downtown Theater District, Lower Downtown District, Downtown Civic District, Downtown Golden Triangle, Downtown Arapahoe Square District, Downtown Arapahoe Square District 12+, Downtown Arapahoe Square District 20+, Downtown Central Platte Valley – Auraria Transition District, Downtown Central Platte Valley – Auraria River District, and Downtown Central Platte Valley – Auraria Center District. Throughout the context, residential and nonresidential buildings tend to have similar forms, most often that of the Apartment or General Commercial Building Forms. Historic Structures and landmark districts (Lower Downtown, Downtown, Larimer Square, Civic Center, and Speer Boulevard) are important character defining features of the Downtown Context.

## SECTION 8.1.2 STREET, BLOCK, AND ACCESS PATTERNS

The Downtown context consists of a regular pattern of block shapes. Orthogonal and diagonal streets provide connection through this context. Block sizes and shapes are consistent and include detached sidewalks, amenity zones or treelawns, and street, surface, and structured parking. Blocks where the two grids—downtown and directional—meet create a varied pattern of triangular lots. While historically most blocks contained alleys, some have been vacated to accommodate full-block developments.

## SECTION 8.1.3 BUILDING ENTRANCES

Entrances to office and residential buildings tend to be directly from the public sidewalk into a lobby. Retail stores and restaurants are typically accessed from the public sidewalk. Parking garage and lot access varies. Larger garages are typically accessed from the street, while smaller facilities may be accessed from the alley.

## SECTION 8.1.4 BUILDING PLACEMENT AND LOCATION:

Multi-unit buildings typically have consistent shallow front setbacks or build-to lines. Commercial buildings typically have build-to requirements forming a continuous building wall along the sidewalk.

## SECTION 8.1.5 BUILDING HEIGHT

The Downtown Context contains the tallest buildings in the City with maximum heights ranging from unlimited in the core of Downtown and portions of Central Platte Valley – Auraria to 55-85 feet in Lower Downtown and Larimer Square. Allowed heights transition from the core and Central Platte Valley – Auraria to lower intensity contexts.

## SECTION 8.1.6 MOBILITY

The highest priority is given to the pedestrian, transit, and alternative modes of transportation. The Downtown context is the center of the Denver region multi-modal transit transportation system. Key elements of this system are: Denver Union Station as the hub of the regional transit system; 16th Street Mall Shuttle, light rail on downtown streets; local, regional and express bus service; bike lanes and access to the Platte River and Cherry Creek Greenway trails; and detached sidewalks on every street.

# DIVISION 8.2 DISTRICTS (D-C, D-TD, D-LD, D-CV, D-GT, D-AS-, D-CPV-)

## SECTION 8.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Downtown Context and are applied to property as set forth on the Official Map.

| **Downtown Neighborhood Context** | |
|---|---|
| D-C | Downtown Core District |
| D-TD | Downtown Theater District |
| D-LD | Lower Downtown (LoDo) District |
| D-CV | Downtown Civic District |
| D-GT | Downtown Golden Triangle District |
| D-AS | Downtown Arapahoe Square District |
| D-AS-12+ | Downtown Arapahoe Square 12+ District |
| D-AS-20+ | Downtown Arapahoe Square 20+ District |
| D-CPV-T | Downtown Central Platte Valley - Auraria Transition District |
| D-CPV-R | Downtown Central Platte Valley - Auraria River District |
| D-CPV-C | Downtown Central Platte Valley - Auraria Center District |

## SECTION 8.2.2 DOWNTOWN DISTRICTS

### 8.2.2.1 General Purpose

The purpose of the Downtown Neighborhood Context Districts is to provide building use, building form, and design standards for this central Denver area. Each of the Downtown Districts is specific to and uniquely applies to a single area within the Downtown Context.

### 8.2.2.2 Specific Intent

**A. Downtown Core District (D-C)**

The Downtown Core District is and must remain Denver's most prominent public environment; an urban center that is at once comfortable, exciting, and without question the business, entertainment and urban lifestyle center of the region.

**B. Downtown Theater District (D-TD)**

The Downtown Theater District is specific to an area of the Central Business District associated with the Denver Performing Arts Center, and which specifically enables over-scale, lively, and dynamic billboards and signage to promote Denver's preeminent entertainment district.

**C. Lower Downtown (LoDo) District (D-LD)**

The Lower Downtown District is specific to the Lower Downtown Historic District.

**D. Downtown Civic District (D-CV)**

The Downtown Civic District includes primarily public buildings surrounding and in the vicinity of the Civic Center park, and is intended to promote and continue the signature civic architecture and urban design of buildings and public spaces within the district.

**E. Downtown Golden Triangle District (D-GT)**

The Golden Triangle (D-GT) is a neighborhood with a mixture of housing, office, commercial, and retail. It is a neighborhood of active pedestrian-oriented streets and mixed-use development. Historic buildings as well as contemporary structures designed with human scale and detail are a part of the district's unique character.

### F. Downtown Arapahoe Square District (D-AS)

The D-AS zone district is specific to a small area of the Curtis Park neighborhood that is adjacent to the Arapahoe Square neighborhood and was previously zoned B-8-A under Former Chapter 59. D-AS is intended to support a mix of uses that provide a pedestrian friendly transition from the surrounding lower scale neighborhoods to the high-rise scale of downtown.

### G. Downtown Arapahoe Square 12+ District (D-AS-12+)

D-AS-12+ applies to mixed-use areas within the Arapahoe Square neighborhood that provide a cohesive, connected and pedestrian-friendly transition between the Downtown Core, D-AS-20+ district and adjacent lower-scale neighborhoods. The district is intended to facilitate development of Arapahoe Square into a cutting edge, densely populated, area that provides a range of housing types and a center for innovative businesses. Typical building heights range from 8 to about 12 stories, with the Point Tower building form providing an opportunity for building heights of about 20 stories in a slender tower.

### H. Downtown Arapahoe Square 20+ District (D-AS-20+)

D-AS-20+ applies to mixed-use areas within the Arapahoe Square neighborhood that are adjacent to the Downtown Core and provides a cohesive, connected and pedestrian friendly transition to the Downtown Core and D-AS-12+ district. The district is intended to facilitate the development of Arapahoe Square into a cutting edge, densely populated, area that provides a range of housing types and a center for innovative businesses. Typical building heights range from 12 to about 20 stories, with the Point Tower building form providing an opportunity for building heights of about 30 stories in a slender tower.

### I. Downtown Central Platte Valley – Auraria Transition District (D-CPV-T)

The Transition district is located within approximately 1 block of established neighborhoods and buildings adjacent to and within Central Platte Valley – Auraria and supports a wide range of downtown neighborhood uses. This district applies to areas near Water Street and Interstate 25; along Auraria Parkway between Speer Boulevard and approximately 9th Street; and along Speer Boulevard between Auraria Parkway and approximately Chopper Circle/Wewatta Street. The overall intensity of this district is lower than the D-CPV-C district to create an appropriate relationship to surrounding neighborhoods, buildings, and campus environments.

A diversity of building scales and intensities will define the area with an emphasis on human-scaled massing at the street level and preserving access to sun, sky, and views as buildings increase in height. The General building form will provide flexibility for multiple building types and uses.

### J. Downtown Central Platte Valley – Auraria River District (D-CPV-R)

The River district is located within approximately 1 to 1.5 blocks along both sides of the South Platte River. This district encourages a wide range of uses, particularly ground-floor active uses that engage the river edge, such as retail, eating and drinking establishments, and residential units. There is an emphasis on visual and physical permeability between taller, more slender buildings along the river. The overall intensity of this district is lower than the D-CPV-C district to create an appropriate relationship to the South Platte River.

The Point Tower form is prioritized as the primary building form, with an emphasis on human-scaled massing at the street level and preserving access to sun, sky, and views as buildings increase in height. The General building form is limited in height and is intended to provide architectural variety and flexibility for smaller uses and constrained sites. The Point Tower building form provides an opportunity for buildings to be created without height restriction in a slender format.

### K. Downtown Central Platte Valley – Auraria Center District (D-CPV-C)

The Center district is located within approximately 2 to 3 blocks of existing transit facilities, the Consolidated Main Line, and Pepsi Center, and at the intersection of Interstate 25 and Speer Boulevard. The Center district is generally central in its location within Central Platte Valley – Auraria and also represents the primary center of activity where employment, entertainment, and other higher intensity uses are located. This is the most intense D-CPV zone district and provides the greatest flexibility of building forms to accommodate the widest variety of commercial, entertainment, and residential uses.

A diversity of building scales and intensities will define the area, with an emphasis on human-scaled massing at the street level and preserving access to sun, sky, and views as buildings increase in height. The General building form will provide flexibility for multiple building types and uses. The Standard Tower building form will allow taller buildings with more flexible massing standards to encourage a wide variety of tenants and uses. The Point Tower building form provides an opportunity for buildings to be created without height restriction in a slender format.

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# DIVISION 8.3 DOWNTOWN CORE AND DOWNTOWN THEATER DISTRICTS (D-C, D-TD)

## SECTION 8.3.1 DOWNTOWN CORE AND DOWNTOWN THEATER DISTRICTS

### 8.3.1.1 Generally

The provisions of this Division apply to all lands, uses and structures in the Downtown Core and Downtown Theater districts.

### 8.3.1.2 Uses Permitted

See Division 8.11 for uses permitted in the Downtown Core and Downtown Theater Districts.

### 8.3.1.3 Required Downtown Ground Floor Active Uses

In portions of new buildings and outdoor areas along or within 30 feet of the 16th Street pedestrian and transit mall, and in portions of existing buildings and outdoor areas within 30 feet of the 16th Street pedestrian and transit mall that are renovated and where the renovation includes all or a part of the leasable ground floor areas of the building, at least 65 percent of the linear frontage of the property along the 16th Street pedestrian and transit mall shall be occupied by Downtown Ground Floor Active Uses.

### 8.3.1.4 Permitted Structures

#### A. Open Space Required

For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling, there shall be provided a minimum of 30 square feet of unobstructed open space for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies, but shall not include space provided for off-street parking: provided however such requirement shall not apply to any structure converted from nonresidential to residential uses.

#### B. Minimum and Maximum Heights

1. **Minimum Heights:** The minimum height of structures shall be 2 stories or 30 feet.

2. **Maximum Heights:** The maximum heights of buildings are not limited except in the following height areas as shown on Exhibit 8.1:

    a. Sunlight Preservation Area 1: See Subsection 8.3.1.4.C. below.

    b. Height Area 1 : 200 feet

    c. Height Area 2: 400 feet

**Exhibit 8.1 Maxiumum Heights**




## C. Sunlight Preservation Area 1

### 1. Definitions

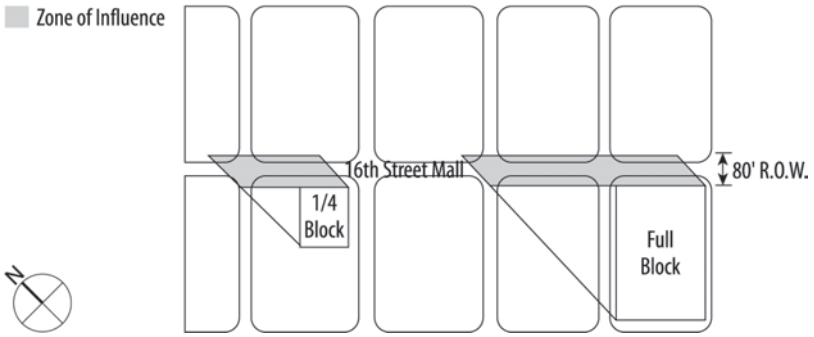
For purposes of this provision only, the following definitions shall apply:

a. "Zone of influence" shall mean that portion of the public right-of-way of the 16th Street pedestrian and transit mall lying between 2 lines extended due north from the easternmost and western most points of a zone lot located between 15th and 16th Streets, regardless of whether or not such zone lot extends across a public alley. If a zone lot extends across a public street right-of-way, then a separate zone of influence shall be established for each part of the property separated by a public street right-of-way. The 16th Street pedestrian and transit mall is 80 feet wide.

b. "Project zone of influence" shall mean the zone of influence for the proposed structure or project.

c. "Overlapping zone of influence" shall mean any zone of influence that overlaps all or a portion of the project zone of influence, regardless of whether or not such zone of influence is related to a zone lot that is (i) adjacent to the project zone lot or (ii) located within this Sunlight Preservation Area 1.

## Illustration of Project Zone of Influence




d. "Excluded zone of influence" shall mean a zone of influence for a zone lot where the maximum permitted gross floor area from all sources except sunlight bonuses could not at any point exceed the height of a plane originating at the southwest right-of-way of the 16th Street pedestrian and transit mall and rising over the property southwesterly at an angle of 60 degrees from the horizontal.

e. "Test time" shall mean 1:00 p.m., Mountain Daylight Time, on September 21.

f. "Minimum required amount" shall mean:

i. For a zone lot of more than 15,000 square feet: 0.3

ii. For a zone lot of 15,000 square feet or less: 0.2

**2. Sunlight Preservation on the 16th Street Pedestrian and Transit Mall**

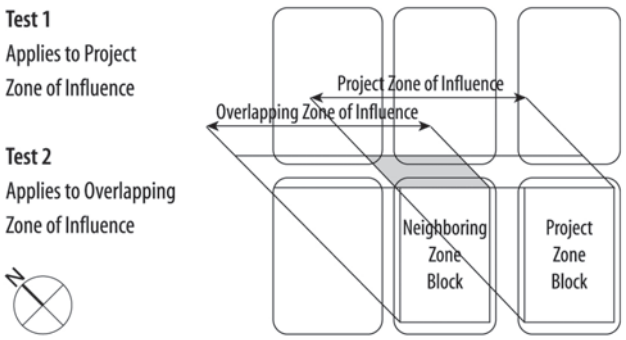
No structure or multiple structure project shall be constructed unless it complies with Subsection a. below or is otherwise permitted under Subsection b. below or the project zone of influence is an excluded zone of influence.

**a. Minimum sunlight preservation requirement.**

***i. Test 1.*** All structures and projects shall be designed so that, after their construction, at least the minimum required amount of each project zone of influence shall remain in sunlight at the test time; and

***ii. Test 2.*** All structures and projects located on zone lots of more than 15,000 square feet shall be designed so that at least the minimum required amount of each overlapping zone of influence that extends further west and/or further east than the project zone of influence shall remain in sunlight at the test time.

## Illustration of Test 1 and Test 2



**b. Inability to meet minimum requirements**

***i. Inability to meet Test 1***

a) If, prior to the proposed construction, less than the minimum required amount of each project zone of influence remains in sunlight at the test time, then the requirements of Test 1 above shall not apply to such project zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such project zone of influence; or

b) If the proposed structure or project is located on a zone lot of 53,000 square feet or more and, prior to the proposed construction, less than 42 percent of each project zone of influence remains in sunlight at the test time, and the proposed structure or project does not cast any shadow at the test time that exceeds a length of 225 feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, then the minimum required amount of sunlight under Test 1 shall be reduced as required to accommodate the proposed structure or project, but not below a minimum of 18 percent.

In such case, the basic sunlight premium set forth in Subsection 8.3.1.4.C.3.a. below shall still apply, but additional sunlight premiums set forth in Subsection 8.3.1.4.C.3.b. below shall not apply.

***ii. Inability to meet Test 2 on one (1) side.*** If a proposed structure or project on a zone lot of more than 15,000 square feet meets Test 1, but prior to the proposed construction less than the minimum required amount of any overlapping zone of influence remains in sunlight at the test time, then the requirements of Test 2 above shall not apply to such overlapping zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such overlapping zone of influence.

***iii. Inability to meet Test 2 on both sides.*** If a proposed structure or project on a zone lot of more than 15,000 square feet meets Test 1 and does not cast any shadow at the test time that exceeds a length of 225 feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, but does not meet Test 2 for overlapping zones of influence extending both east and west of the project zone of influence, then the requirements of Test 2 shall be reduced within such overlapping zones of influence to the degree necessary to accommodate such proposed structure or project, provided, however, that under no circumstances shall such requirements be reduced to a point where:

a) The resulting area of sunlight within any single overlapping zone of influence is less than 15 percent; or

b) The resulting area of sunlight within that portion of the 16th Street pedestrian and transit mall lying between lines extended due north from the easternmost point of any overlapping zone of influence and from the western most point of any overlapping zone of influence is less than 18 percent.

**3. Premium for Sunlight Preservation**

A new structure or multiple structure project that complies with the requirements of this Section shall receive floor area premiums as set forth below:

**a. Basic sunlight premium**

All such structures or multiple structure projects shall receive a floor area premium equal to one (1) times the size of the zone lot.

**b. Additional sunlight premium**

Such structures or multiple structure projects may receive additional floor area premiums based on the amount of sunlight preserved at the test time. The amount of the additional sunlight premium shall be calculated for each project zone of influence based on the following formula:

$Y = 6 – (.06 \times X)$

Y: is the amount of additional sunlight premium, measured as a fraction or multiple of the size of the project zone lot; and
X: = $A/(B \times C – D)$

where:
"A" is the area of additional shadow to be cast by the proposed structure or project within the project zone of influence;

"B" is .70 where the project zone lot is more than 12,500 square feet; and
.80 where the project zone lot is 12,500 square feet or less;

"C" is the area of the project zone of influence; and

"D" is the area of preexisting shadows in the project zone of influence.

**c. Exceptions**

Notwithstanding Subsections a. and b. above, no such floor area premiums shall be available for any proposed structure or project whose project zone of influence is an excluded zone of influence.

## D. Maximum Gross Floor Area in Structures

### 1. Basic Maximum Gross Floor Area

The sum total of the gross floor area of all structures on a zone lot shall not be greater than 10 times the area of the zone lot on which the structures are located (FAR = 10.0).

### 2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under paragraph D.1. above, a premium of additional floor area may be constructed under the following circumstances, provided, however, that: (i) no use of the premiums described in those Subsections c. through f. below, either alone or in combination with one another, shall cause the maximum gross floor area on any zone lot to be increased by more than 2 times the size of such zone lot; and (ii) any area for which a premium has been granted pursuant to Subsections a. or c. below shall continue to be occupied by the use which originally earned the premium, or by other uses that would earn at least an equal amount of premium space.

**a. Premium for Housing**

i. Two square feet for each square foot of housing constructed in a new building, or through conversion of all or a part of an existing building from other uses.

ii. In addition, applicants may receive floor area premiums in return for cash contributions to the housing special revenue fund (Fund/Org. No. 1150-6330) to be used to create additional housing units within the Downtown Core or Downtown Theater zone districts. Such cash-in-lieu fee or fees shall be based on the standard that a floor area premium of 2 square feet shall be available in return for each contribution equal to the average cost of creating one additional square foot of downtown housing. Community Planning and Development is hereby granted authority:

a) To adopt and to revise rules and regulations setting a cash-in-lieu fee or fees which, if contributed to such fund, would earn floor area premiums; and

b) To determine whether such fee or fees shall be based on the average cost of constructing new housing units or the average cost of creating a new housing unit through conversion of an existing building from nonresidential uses; and

c) To determine whether such fee or fees shall be based on the cost of creating new market rate housing units or new affordable housing units; and

d) To determine whether such fee or fees shall be based on a per square foot or per unit basis.

iii. Such cash-in-lieu fee or fees shall be reviewed, and if necessary revised, at least once every three years following their initial adoption. No such rule or regulation shall be effective unless and until adopted pursuant to article VI, chapter 2 of the Revised Municipal Code.

**b. Premium for Rehabilitation of Historic Structure**

Four square feet for each square foot of the street-facing exterior of an Historic Structure that is rehabilitated to the U.S. Secretary of the Interior's standards for Treatment of Historic Properties, or to the design review standards, policies and guidelines of the Landmark Preservation Commission.

**c. Premium for Downtown Ground Floor Active Uses or Residential Support Facilities**

Four square feet for each square foot of space to be occupied by one of the following constructed in a new building, or through conversion of all or a part of an existing building from other uses:

i. Ground floor area constructed as a Downtown Ground Floor Active Use, as defined in Article 13 of this Code, so long as this floor area has not been excluded in Section 8.3.1.4.D.3.4.b (Floor area excluded from calculations) below.

ii. Ground floor or second floor area to be occupied by a food sales or market use or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center for children constructed to at least the minimum licensing standards of the Department of Environmental Health.

**d. Premium for Supporting Mass Transit Facilities**

Three square feet for each square foot of land dedicated for a light rail station integrated into a new or existing building. An integrated station is one in which the building extends over all or part of a light rail facility and the station is constructed as part of the new building or a renovation of the existing building.

**e. Premium for Outdoor Art**

A floor area premium equal to 25 percent of the zone lot area if, in connection with the construction of a new building or the renovation of an existing building, public art costing at least (i) one percent of the cost of the new building or one percent of the cost of the building renovation, as reflected in approved building permits, or (ii) $500,000.00, whichever is smaller, is placed outside or on the exterior surface of such new or renovated building where it is visible from at least one public street.

**f. Premium for Underground Parking**

A floor area premium equal to one and one-half square feet for each square foot of underground parking provided under a new building, provided, however, that no premium shall be earned for the first level of underground parking.

**g. Premium for Moderately Priced Dwelling Units**

A floor area premium equal to the zone lot area if the structure qualifies under the provisions of D.R.M.C., Article IV, Chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses and was submitted for approval prior to January 1, 2017.

### 3. Transfer of Undeveloped Floor Area

In addition to the two types of floor area permitted by Sections 8.3.1.4.D.1-2 above, a certain amount of floor area may be constructed by using undeveloped floor area. Undeveloped floor area shall be created, transferred and administered as set forth herein. Undeveloped floor area may be certified for transfer at any time and any undeveloped floor area certified prior to June 25, 2010 shall remain valid, however any such certified floor area may be amended.

**a. Types of Undeveloped Floor Area**

The following types of undeveloped floor area may be transferred between zone lots after certification by the Zoning Administrator:

i. Undeveloped floor area from an Historic Structure:

a) Where such designation or inclusion in a district occurred after October 10, 1994; or

b) Where such designation or inclusion in a district occurred before October 10, 1994, and certificates of undeveloped floor area were issued before October 10, 1994; or

c) Where such designation or inclusion in a district occurred before October 10, 1994, and certificates of undeveloped floor area were not issued before October 10, 1994.

ii. Undeveloped floor area from a structure that (a) has received a floor area premium pursuant to Section 8.3.1.4.D.2.b or (b) would have received such a floor area premium if such premium had existed at the time of the rehabilitation.

**b. Calculation of Undeveloped Floor Area**

In the case of undeveloped floor area defined in Section 8.3.1.4.D.3.a.i above, the amount of undeveloped floor area available for transfer from each structure shall be equal to one times the size of the zone lot on which such structure is located, plus the difference between a) the gross floor area in the structure, and b) the maximum gross floor area permitted on the zone lot containing the structure pursuant to Sections 8.3.1.4.D.1-2 above.

**c. Evidence of Title**

The Zoning Administrator shall not issue a zoning permit with respect to the property on which floor area is to be constructed using undeveloped floor area ("receiving property") unless the owners of the receiving property furnish evidence to the Zoning Administrator of their title to the undeveloped floor area acquired. Such evidence may be a current title commitment, a current endorsement to a prior title policy or other acceptable evidence of title including an opinion of counsel.

**d. Limitation On Use**

No receiving property shall be enlarged by more than 6 times the area of the zone lot through one or more applications of this procedure.

**e. Procedures**

Undeveloped floor area shall be administered according to the following procedures:

i. Applications for certification of undeveloped floor area shall be submitted for a contiguous Zone Lot in common ownership, by or with the written consent of the owners of the included property, in triplicate, and shall include:

a) The names and signatures of all owners and security interest holders of the property included in the application;

b) The names of the owners to be designated as owners on the certificate applied for;

c) A legal description of the included property;

d) A current endorsement by a title insurance company to the owners' title policy covering such legal description or other acceptable evidence of title including an opinion of counsel;

e) A survey of the included property;

f) A certificate of a licensed engineer or architect as to the gross floor area of all structures to be included in the calculation of undeveloped floor area and a copy of the ordinance designating the property for preservation or including the property in a district for preservation;

g) Satisfactory evidence that each structure to be included in the calculation of undeveloped floor area is utilized by a primary use and that the exterior has been renovated or restored to the U.S. Secretary of the Interior's standards for historic preservation or to the design review standards, policies and guidelines of the Landmark Preservation Commission;

h) In the case of undeveloped floor area defined in Section 8.3.1.4.D.3.a.ii., above, satisfactory evidence that the street-facing exterior of the structure has been rehabilitated to the U.S. Secretary of the Interior's standards for Treatment of Historic Properties, or to the design review standards, policies and guidelines of the Landmark Preservation Commission; and

i) Such other information as the Zoning Administrator may reasonably require.

ii. Applications shall be filed with the Zoning Administrator together with a $1,500 filing fee. Upon filing, the Zoning Administrator shall deny the application if it is incomplete. If the application is complete, the Zoning Administrator shall forward one copy to the planning board and one copy to the Landmark Preservation Commission, and promptly shall grant the application or grant the application with conditions if it complies with Subsection i. above, but otherwise shall deny the application. All actions of the Zoning Administrator in denying the application shall be without prejudice to the owners to resubmit additional applications respecting the same zone lot. If an amended application covering the same property is made within 90 days after denial by the Zoning Administrator, no additional filing fee shall be required.

iii. If the application is granted, the Zoning Administrator shall issue a certificate of undeveloped floor area in substantially the following form, and acceptable to the Zoning Administrator:

CERTIFICATE OF UNDEVELOPED AREA

_____

(Applicants-Owners)

_____

(Address)

having filed an application for Certification of Undeveloped Floor Area according to Section 8.3.1.4.D.3 of the Revised Municipal Code of the City and County of Denver, as amended, and the Zoning Administrator having granted such application, certifies and grants as follows:

1. The legal description of the property referred to in the application is:

_____

_____

_____

The future development of this property is physically limited as a result of this certification.

2. The Applicants are hereby determined to have _____ square feet of Undeveloped Floor Area as a result of the above described property.

3. Subsequent transfers of Undeveloped Floor Area are subject to the provisions of Section 8.3.1.4.D.3.

DATED: _____
CITY AND COUNTY OF DENVER
By Zoning Administrator

By

_____

(STATE OF COLORADO)

City and County (of Denver) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, Zoning Administrator of the City and County of Denver, Colorado.
Witness my hand and official seal.

My commission expires:

_____

_____

Notary Public
(NOTARY SEAL)

iv. The original certificate of undeveloped floor area shall be recorded by the Zoning Administrator in the office of the clerk and recorder of the City and County of Denver and State of Colorado. When the certificate has been recorded, it shall be filed with the Zoning Administrator. A copy of the certificate shall be given to the applicant.

v. Upon the issuance of a certificate of undeveloped floor area by the Zoning Administrator, undeveloped floor area shall be created and shall be an independent right in the owner to whom the certificate is issued and may be transferred. Such transfer need not be made appurtenant to another zone lot until a permit is requested using the undeveloped floor area.

vi. If the structure is partially or completely destroyed after a certificate of undeveloped floor area has been issued, no new structure shall be built exceeding the floor area of the former structure unless undeveloped floor area is acquired or through a combining of zone lots or other transfer procedures.

**f. Replacement Certificate**

i. Until such time as undeveloped floor area is made appurtenant to another zone lot, and upon the payment of a $75.00 fee, the holder of one or more certificates of undeveloped floor area may surrender such certificate or certificates to the Zoning Administrator and request the issuance of one or more replacement certificates reflecting the division of such undeveloped floor area into smaller units for transfer or the combination of such undeveloped floor area into larger units for transfer, provided that the total amount of all undeveloped floor area represented by the applicant's replacement certificates does not exceed the total amount of undeveloped floor area represented by the surrendered certificate(s).

ii. Any such replacement certificate(s) shall be recorded in the same manner as the surrendered certificate(s). Each replacement certificate must document all previous certificates and issuances of replacements. Such documentation shall include (1) previous total undeveloped floor area of each certificate to be replaced, and (2) total floor area for each replacement certificate.

**g. Transfer Requirements**

Undeveloped floor area shall be transferred to and made appurtenant to another zone lot according to the following requirements:

i. The instrument of conveyance shall identify the undeveloped floor area transferred by amount, the zone lot creating the undeveloped floor area and certification date and be signed by both the transferrer and the transferees.

ii. The instrument of conveyance shall legally describe the receiving property which shall be in the Downtown Core or Downtown Theater zone districts.

iii. No subsequent transfer of undeveloped floor area made appurtenant to another zone lot shall become effective until approved by the Zoning Administrator upon a finding that no construction using the undeveloped floor area has occurred, and any permit authorizing the use of undeveloped floor area has been canceled. Such approval shall be applied for by the owners of the receiving property by written application accompanied by a filing fee of $1,500.00 and supported by all information necessary to justify approval by the Zoning Administrator.

### 4. Final maximum gross floor area.

#### a. Limits for designated areas.

Notwithstanding Sections 8.3.1.4.D.1-3 above, the final maximum gross floor areas that may be constructed on zone lots shall be limited as described below and shown on Exhibit 8.2:

i. For structures located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Market Street-Larimer Street alley: (i) A floor area ratio of 17:1; or (ii) If structures contain over 50 percent of their gross floor area in housing uses, then a floor area ratio of 20:1.

ii. For structures located in all other areas zoned D-C and D-TD:

a) A floor area ratio of 12:1; or

b) If structures contain over 50 percent of their gross floor area in housing uses, then a floor area ratio of 17:1.

**Exhibit 8.2 Maximum Gross Floor Area**



**b. Floor area excluded from calculations.**
Gross floor area occupied by Downtown Ground Floor Active Uses (i) which would qualify for a floor area premium pursuant to Section 8.3.1.4.D.2.c, but (ii) for which a floor area premium is not granted because of the restrictions in Section 8.3.1.4.D.2 above limiting the total amount of floor area premiums that may be granted, shall be excluded from the calculation of the gross floor area of a structure or project. Any floor area so excluded from the calculation of gross floor area shall continue to be occupied by Downtown Ground Floor Active Uses.

## 8.3.1.5 Off-Street Parking Requirements

### A. Applicable Standards

The general off-street parking standards in Division 10.4 of this Code shall apply in the D-C and D-TD and D-CV zone districts, except where the standards stated in this Section 8.3.1.5 conflict, in which case the standards in this Section 8.3.1.5 shall apply.

### B. Amount of Parking Spaces Required

1. There shall be no minimum off-street parking requirement for any use in the D-C or D-TD or D-CV zone districts.

2. Parking spaces provided in a parking structure to serve office uses in the D-C or D-TD or D-CV zone districts shall comply with the use limitations applicable to a "parking, garage" use stated in Section 11.4.7.1.

### C. Accessible Parking

Whenever off-street parking spaces are provided, a minimum number of accessible parking spaces shall be provided according to the requirements of the Denver Building Code and the federal Americans with Disabilities Act.

### D. Bicycle Parking

The following standard shall apply instead of the general bicycle parking standards in Article 10, Division 10.4, Parking and Loading.

1. All new parking structures shall contain at least 1 designated bicycle parking space for each 20 automobile parking spaces, provided, however, that in no event shall any new parking structure be required to contain more than 50 bicycle parking spaces.

## 8.3.1.6 Design Requirements

### A. Downtown Ground Floor Active Use Street Frontages

1. New buildings or renovations of existing buildings in which the renovation includes all or part of the leasable ground floor areas of the building shall be designed and constructed to accommodate Downtown Ground Floor Active Uses for at least 65 percent of the linear frontage along the following streets: 16th Street pedestrian and transit mall, Larimer Street, Curtis Street, Tremont Place, Cleveland Place, and any light rail line operating in a street or fixed-guideway transit line operating in a street.

2. Street-facing ground floors of new buildings on named or numbered streets not included in the paragraph above shall provide 60 to 90 percent transparency as measured from floor to floor for at least 65 percent of the linear frontage of the building,

3. In all cases, transparent glass shall possess a minimum .65 light transmission factor.

### B. Minimum Build-to Requirements

*1. Within the area bounded by the centerlines of 14th Street, 18th Street, Broadway and Colfax and the Larimer/Market Street alley*: Buildings shall be built-to or within 10 feet of the property line adjoining the street for no less than 65% of each separately owned zone lot

frontage, except along the Southwest side of the 16th Street Mall where the build-to zone shall be increased to 20 feet.

2. *In the areas northeast and southwest of the area noted above in Subsection B.1*, buildings shall be built to within 10 feet of the property line adjoining the street for no less than 50% of each separately owned zone lot frontage.

### C. Exposure to the Sky

In order to allow reasonable levels of natural light to reach the street, while also promoting strong definition of the street space, all new structures located on zone lots containing more than 15,000 square feet shall provide at least 15 percent sky exposure as measured from each abutting public street on which the zone lot has greater than one hundred fifty (150) linear feet of frontage. All sky exposure measurements shall be calculated using a Waldram diagram.

### D. Ground Floors of Parking Structures

Each primary use or accessory use parking structure constructed after October 10, 1994, or renovated after October 10, 1994, shall either (1) have all ground floor frontages within 30 feet of a public street or a pedestrian and transit mall occupied by Downtown Ground Floor Active Uses, or (2) have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the ground floor street frontage by Downtown Ground Floor Active Uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses.

### E. Downtown Design Standards and Guidelines

#### 1. Applicability

All new structures and all structures that are being renovated, and the renovation includes alterations to the lower 80 feet of the facade of the structure shall be subject to either:

a. Design standards and a design standards review process established by rules and regulations; or

b. Design guidelines and a design guidelines negotiation process established by rules and regulations.

c. Design standards and design guidelines shall address those topics listed in Section 8.3.1.6.E.4 below. For each element of building or project design listed in Section 8.3.1.6.E.4, the applicant shall have the option of submitting proposed designs for a determination of consistency under the design standards review process or for approval under the design guidelines negotiation process. The applicant shall also have the option of submitting different design elements for determinations of consistency or for approval at different times. The design standards review process and the design guidelines negotiation procedures shall be conducted by the planning office staff. The Zoning Administrator shall not issue permits for use and construction until all applicable requirements have been met.

#### 2. Exclusions

The design standards review process and the design guidelines negotiation process set forth in this Section shall not apply to:

a. Any Historic Structure, or

b. Any facade of an existing structure that is not being altered.

#### 3. Intent

The design standards and design guidelines are intended (i) to promote visibility of commercial activities at ground level; (ii) to provide human scale through change, contrast, and intricacy in facade form, color and/or material where lower levels of structures face

public streets and sidewalks; (iii) to spatially define the street space in order to concentrate pedestrian activity and create a clear urban character; (iv) to alleviate high wind conditions for pedestrians at the base of taller structures; (v) to encourage easy pedestrian entry and exit from structures; and (vi) to prevent significant blocking of sky exposure along a street right-of-way.

**4. Design Standards and Design Guidelines Topics**

a. The Manager is authorized to develop design standards and design guidelines that address the following topics:

i. For the lower 30 feet of structures:

a) The percentage of the linear frontage of the structure that must be built within a short distance of property lines along public streets and sidewalks; and

b) Requirements for direct entry doors from the street to ground floor.

ii. For the lower 80 feet of structures:

a) The percentage of glass to solid materials;

b) The use of reflective glass; and

c) The required use of scaling elements, insets, and projections to break up flat or monotonous facades and to respond to older structures nearby.

iii. For all structures more than 200 feet in height: The use of building massing and stepbacks to prevent significant blocking of sky exposure by tall buildings built close to the a street right-of-way.

iv. For all structures more than 400 feet in height: The use of massing and stepbacks to alleviate high wind conditions for pedestrians at ground level.

b. Each structure and multiple structure project shall be consistent with the adopted design standards for each design element listed above, or shall be approved pursuant to design guidelines negotiations for each element listed above. Design standards rules and regulations shall be specific, objective requirements related to each topic listed above. Design guidelines rules and regulations shall ensure that design elements meet the intents set forth in Subsection E.3 above and address the topics listed above while allowing more variation and architectural creativity than the design standards rules and regulations adopted pursuant to this Subsection E.4.

c. No design standards or design guidelines shall be effective until adopted pursuant to Section 12-18 of the Denver Revised Municipal Code. Any amendments to the design standards and guidelines shall be adopted pursuant to Section 12-18 of the Denver Revised Municipal Code and shall be consistent with the Intent and Topics set out above.

**5. Design Standards Review Process**

a. The applicant may submit any or all elements of project design listed in Section 8.3.1.6.E.4 above for review under the design standards review process. Design standards review and determination shall be completed no later than 15 days after the submission of a completed application to the Zoning Administrator, or the submitted design shall be considered consistent with adopted design standards. Such 15-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.

b. The design standards review process shall determine whether the project design is consistent, with the design standards and shall make a recommendation to the Zoning Administrator for approval, approval with conditions, or denial of the application.

c. Any determination of consistency or inconsistency shall be in writing.

d. If elements of the applicant's design are found to be inconsistent with such design standards, the applicant shall have the options of (i) resubmitting a new design for review pursuant to the design standards review process, (ii) submitting the existing design to the design guidelines negotiation process, or (iii) appealing the finding of inconsistency pursuant to Section 8.3.1.6.E.7 below.

**6. Design Guidelines Negotiation Process**

a. As an alternative to the design standards review process, the applicant may submit any or all elements of project design listed in Section 8.3.1.6.E.4 above for review under the design guidelines negotiation process. The applicant's decision to submit design elements to the design guidelines negotiation process shall not result in the extension of design negotiations to any element of the design not presented by the applicant for review, or to any element of design that has been reviewed and found to be consistent with design standards rules and regulations on the same topic, and shall not result in the extension of design guidelines negotiations to any element of design that the applicant would not have had to address if applicant had proceeded under the design standards review process, except with the applicant's consent.

b. Design guidelines negotiation and determination shall be completed no later than 45 days after the submission of a completed application to the Zoning Administrator, or the submitted design shall be considered consistent with the intents set forth in Section 8.3.1.6.E.3. Such 45-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.

c. The design guidelines negotiation determination shall be in writing and shall recommend either approval, approval with conditions consistent with the intent set forth in Section 8.3.1.6.E.3. above, or denial of the application.

**7. Appeals**

a. Any decision of the Zoning Administrator pursuant to this Section may be appealed to the Denver Planning Board. The applicant shall initiate such appeals process by delivering written notice of appeal to the Zoning Administrator identifying the design review decision or decisions that it wishes to appeal, within 30 days after the date of such decision.

b. The Planning Board shall hold a public meeting and consider all information regarding the proposed project that it deems relevant and shall make a final decision regarding the appeal within 30 days after the Zoning Administrator receives the applicant's notice of appeal. The recommendation of the Planning Board shall be provided to the applicant and the Zoning Administrator.

**8. Approvals**

Approvals granted pursuant to this Section shall be valid for 3 years if approved in accordance with the following provisions:

a. The application is submitted by or on behalf of a landowner for design standards review of some or all design elements, and it is determined that the design elements are consistent with adopted design standards, whether by (a) a Zoning Administrator determination of consistency, (b) failure of the Zoning Administrator to respond within the required time frame, (c) a Planning Board determination of consistency, or (d) a successful appeal of such determination of inconsistency; or

b. The application is submitted by or on behalf of a landowner for design guidelines negotiations on some or all design elements, and some or all of the design aspects of a structure or a multiple structure project receive approval, whether by (a) an approval by the Zoning Administrator, (b) failure of the Zoning Administrator to

respond within the required time frame, (c) an approval by the Planning Board, or (d) a successful appeal of such denial.

c. During this 3-year period, only the applicant may make modifications to the approved design. Review of a modification to any single element shall be based on the design standards and guidelines in place at the time of review. Modification of more than a single element or all elements shall initiate a new review according to this Section.

# DIVISION 8.4 LOWER DOWNTOWN DISTRICT (D-LD)

## SECTION 8.4.1 LOWER DOWNTOWN DISTRICT

### 8.4.1.1 General

The provisions of this Division apply to all lands, uses and structures in the D-LD District.

### 8.4.1.2 Description of District

The district is intended to provide for and encourage the preservation and vitality of older areas that are significant because of their architectural, historical and economic value. A variety of land uses will be permitted in order to facilitate the reuse of existing structures without jeopardizing or reducing zoning standards promoting the public safety, convenience, health, general welfare and the preservation of the comprehensive plan. New residential development is encouraged. The design of new structures should recognize the style and character of adjoining building exteriors, i.e., cornice lines and building materials and colors should be similar wherever possible.

### 8.4.1.3 Uses Permitted

See Division 8.11 for uses permitted in the D-LD District.

### 8.4.1.4 Off-Street Parking Requirements

#### A. Applicable Standards

All development in the D-LD zone district shall comply with the off-street vehicle parking standards and the bicycle parking standards in Division 10.4, Parking and Loading, of this Code except where the standards stated in this Section 8.4.1.4 conflict, in which case the standards in this Section 8.4.1.4 shall apply in the D-LD zone district.

#### B. Amount of Parking Spaces Required

1. There shall be no minimum off-street parking requirement for contributing buildings or residential additions to contributing buildings, as such buildings are designated in D.R.M.C., Article III, (Lower Downtown Historic District), of Chapter 30, (Landmark Preservation);

2. One off-street parking space shall be provided for each residential unit of a new residential building or a residential addition to a noncontributing building; provided that, upon proof that the development is eligible for an exception to payment of a linkage fee under DRMC Section 27-154(a)-(d), or the development complies with the provisions of DRMC Section 27-155, a 20 percent reduction in the total number of required parking spaces shall be granted for all primary residential uses in a building or addition that provides housing that can only be rented or purchased by households of a certain area median income level;

3. One off-street parking space shall be provided for each 750 square feet of gross floor area for any nonresidential addition to a contributing or noncontributing building, or a new nonresidential building;

4. For zone lots with a mix of residential and any other primary use, off-street parking spaces shall be provided based on the requirements in Subsections B.1 through B.3 above in proportion to the uses in the building; provided that, upon proof that the development is eligible for an exception to payment of a linkage fee under DRMC Section 27-154(a)-(d), or the development complies with the provisions of DRMC Section 27-155, a 20 percent reduction in the total number of required parking spaces shall be granted for all primary uses contained in a building on the zone lot that provides housing that can only be rented or purchased by households of a certain area median income level. This shall be calculated by first calculating the number of parking spaces otherwise required, multiplying that figure by eight tenths (.8) and rounding up to the nearest whole number;

5. "Additional parking" is parking above the required minimums as set forth in Sections 8.4.1.4.B.1 through 8.4.1.4.B.4 above. All structures may provide up to an additional one-half parking space per residential unit and one space per 1,500 square feet of gross floor area of nonresidential uses;

6. "Excess parking" is any parking in excess of the required minimums and allowed additional parking. Excess parking may be granted only upon application to the Lower Downtown Design Review Board in accordance with the provisions of D.R.M.C., Article III (Lower Downtown Historic District) of Chapter 30 (Landmark Preservation);

7. Off-street parking requirements may be met off the zone lot according to Section 10.4.4.5, Location of Required Vehicle Parking, of this Code after consultation with the Lower Downtown Design Review Board, and provided said parking is provided within the D-LD zone district or within 1,000 feet of the subject zone lot; and

8. All required off-street parking spaces shall be designed in accordance with Division 10.4, Parking and Loading, of this Code.

### C. Accessible Parking

Whenever off-street parking spaces are provided, a minimum number of accessible parking spaces shall be provided according to the requirements of the Denver Building Code and the federal Americans with Disabilities Act.

# DIVISION 8.5 DOWNTOWN CIVIC DISTRICT (D-CV)

## SECTION 8.5.1 ALLOWED BUILDING FORMS

### 8.5.1.1 Generally Applicable Standards

In addition to the district-specific standards included in this Division 8.5, all development in the Downtown Civic District must comply with the general design standards in Article 10 of this Code.

### 8.5.1.2 District Specific Standards

The D-CV District allows a variety of building forms appropriate for the Downtown Context as set out below.

## A. General

Not to Scale. Illustrative Only.






## GENERAL

| | HEIGHT | D-CV |
|---|---|---|
| A | Stories (max) | 16 |
| A | Feet (max) | 200′ |

| | SITING | D-CV |
|---|---|---|
| | **REQUIRED BUILD-TO** | |
| B | Primary Street (min % within min/max)* | 65%<br>0′/12′ |
| C | Side Street (min % within min/max)* | 30%<br>0′/12′ |
| | *Primary Civic, Public & Institutional Uses are exempt from the Required Build-To -- See Article 11 for definition of "Primary Civic, Public & Institutional Uses" | |
| | **SETBACKS** | |
| D | Primary Street (min) | 0′ |
| E | Side Street (min) | 0′ |
| F | Side Interior (min) | 0′ |
| G | Rear (min) | 0′ |
| | **PARKING** | |
| | Location | No surface parking between building and street |
| | Primary Street Setback (min) | 30′ |
| | Side Street Setback (min) | 10′ |

| | DESIGN ELEMENTS | D-CV |
|---|---|---|
| | **STREET LEVEL ACTIVATION** | |
| H | Transparency, Primary Street (min) | 40% |
| I | Transparency, Side Street (min) | 30% |
| J | Required Entrance, Primary Street | Yes |

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# DIVISION 8.6 DOWNTOWN GOLDEN TRIANGLE DISTRICT

## SECTION 8.6.1 GOLDEN TRIANGLE DISTRICT

### 8.6.1.1 Generally

The provisions of this Division apply to all lands, uses and structures in the Golden Triangle district.

### 8.6.1.2 Uses Permitted

See Division 8.11 for uses permitted in the Golden Triangle District.

### 8.6.1.3 Permitted Structures.

**A. Open Space Required**

For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling there shall be provided in the D-GT district a minimum of 25 square feet of unobstructed open space, for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies but shall not include space provided for off-street parking. Such requirement shall not apply to the construction of multiple unit dwellings through the conversion of buildings originally designed for nonresidential uses.

**B. Setbacks from Abutting Street Frontages**

**1. Maximum Setback**

Buildings shall be built at or within 5 feet of the zone lot line abutting the street for no less than 65% of each zone lot frontage, unless otherwise provided in this Division 8.6 or in Design Standards and Guidelines adopted for the Golden Triangle neighborhood.

**2. Setbacks from Speer Boulevard**

All structures on zone lots abutting Speer Boulevard shall be set back from Speer Boulevard a distance of at least 10 feet. In addition, any structure over 100 feet tall that is located on a zone lot containing at least 15,000 square feet of area shall have that portion of the structure that is more than 100 feet above ground level set back at least 20 feet from the right-of-way of Speer Boulevard; provided, however, that in lieu of such additional setback, the owner of such property may choose to have the design of such structure reviewed and approved by Community Planning and Development to avoid overshadowing of the Speer Boulevard right-of-way. Such design review shall be conducted pursuant to Section 8.6.1.4, Design Review, below.

**C. Maximum Height**

The maximum height of structures shall not exceed 175 feet above the elevation of Broadway Street as measured at the highest point on Broadway directly east or west of the subject property, as the case may be, as determined by the City Engineer. Upon request by the applicant, the Zoning Administrator, after consulting with the Manager and the chairperson of the Planning Board or their designated representatives, may increase the maximum heights by up to 25 feet according to the Administrative Adjustment procedures in Section 12.4.5, in order to compensate for design constraints imposed by unusually high water tables, irregularly shaped Zone Lots not caused by the property owner, and other unusual site conditions not caused by the property owner.

**D. Maximum Gross Floor Area in Structures**

**1. Basic Maximum Gross Floor Area**

The sum total of the gross floor area of all structures on a zone lot shall not exceed 4 times the area of the zone lot on which the structures are located.

### 2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under Section 8.6.1.3.D.1 above, a premium of additional floor area may be constructed according to the following formulas:

**a. Premium for Housing**

One (1) square foot of floor area premium shall be awarded for each square foot of Residential uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses:

**b. Premium for Residential Support Uses**

One (1) square foot of floor area premium shall be awarded for each square foot of "Residential support uses", defined to be limited to a retail food sales use, or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center constructed to at least the minimum licensing standards of the Colorado Department of Environmental Health.

**c. Premium for Arts, Entertainment, or Cultural Facility**

One (1) square foot of floor area premium shall be awarded for each square foot of "arts, entertainment, or cultural facility", defined to be limited to the provision of amusement or entertainment services upon payment of a fee, art gallery, museum, theater, or other similar uses as determined by the Zoning Administrator.

**d. Premium for Rehabilitation of Historic Structure**

One (1) square foot of floor area premium shall be awarded for each square foot of rehabilitation of a designated Historic Structure, the rehabilitation of which has been approved by the Landmark Preservation Commission in accordance with D.R.M.C., Chapter 30 (Landmark Preservation).

**e. Premium for Public Art**

A floor area premium equal to 25 percent of the zone lot area for public art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:

i. The public art must cost at least 1 percent of the valuation of construction of the new structure or 1 percent of the valuation of construction of the structure renovation or $500,000.00, whichever is less; and

ii. The public art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least 1 public street.

**f. Premium for Affordable Housing**

A floor area premium equal to 40 percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), provided all of said floor area premium is dedicated to residential uses and was submitted for approval prior to January 1, 2017.

**g. Continuation of Uses**

All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

### 3. Maximum Gross Floor Area in Structures

Notwithstanding the provisions of Section 8.6.1.3.D.2, Floor Area Premiums, the sum total of the gross floor area of all structures on a zone lot shall not be greater than 6 times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in Section 8.6.1.4, as appropriate, the sum total of the gross floor area of all structures on a zone lot shall not be greater than 7 times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated Historic Structures with-

in the D-GT zone district may be transferred to other properties within the D-GT district pursuant to the procedures for transfer of undeveloped floor area from Historic Structures in the Downtown Core/Downtown Theater district set forth in Section 8.3.1.4.D.3, provided, however, that no receiving zone lot may increase its maximum gross floor area by more than 1 times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than those limits set forth in the preceding sentence.

### 8.6.1.4 Design Review in the D-GT District

#### A. Applicability

Design standards and review procedures shall apply to the following:

1. All structures and all site improvements or alterations seeking the design review premium established in Section 8.6.1.3.D.3 above; and

2. The lower eighty (80) feet of a building constructed or renovated, and all site improvements or alterations constructed or renovated, where the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials.

#### B. Procedures

Design review shall be conducted by Community Planning and Development. Design review shall be completed within 30 days after the submission of a complete application to the Zoning Administrator, except that the 30-day review period may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent, and no permits for construction and use shall be issued until design review has been completed.

#### C. Criteria

Design review shall be based on the following criteria:

**1. Design Review for Floor Area Premium**

The project shall be designed to promote the following objectives:

a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;

b. Provide human scale through change, contrast, intricacy in facade form, color and/or materials;

c. Spatially define the street space; and

d. Respect the character of the neighborhood as defined by its civic buildings and its older, pre-World War II masonry buildings;

e. Provide step-backs in the building form to:

   i. Create pedestrian scale along the street;

   ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street;

   iii. Increase sky and daylight exposure to the street; and

   iv. Increase sunlight exposure to the street, particularly along "numbered" streets;

f. Locate Downtown Ground Floor Active Uses, wherever possible, along the street;

g. Provide at Street Level as much as possible, transparent facades, and frequent pedestrian access to the buildings;

h. Provide finished, architecturally designed and detailed facades for all exposures of the building, particularly those exposures above the first floor;

i. Architecturally design the top of the building to provide a finished terminus to the building's form. At a minimum, screen all roof-top mechanical equipment and carefully design and detail all roof-top penthouses; and

j. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

**2. Review of Lower 80 Feet Required for All Structures**

Project layout and design of the lower 80 feet of structures shall be designed to promote the following objectives:

a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;

b. Provide human scale through change, contrast, intricacy in facade form, color, and/or materials where lower levels of a structure face public streets;

c. Spatially define the street space in order to promote pedestrian activity; and

d. All structures should respect the character of the neighborhood as defined by its civic buildings and its older, pre-World War II masonry buildings;

e. Provide setbacks in the building form to:

i. Create pedestrian scale along the street;

ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street;

iii. Increase sky and daylight exposure to the street; and

iv. Increase sunlight exposure to the street, particularly along "numbered" streets;

f. Locate Downtown Ground Floor Active Uses, wherever possible, along the street;

g. Provide, at Street Level, as much as possible, transparent facades, and frequent pedestrian access to the buildings; and,

h. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

**3. Parking Structures Review**

a. Shall have ground floor frontages occupied by Downtown Ground Floor Active Uses as defined in Article 13 of this Code, or shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages by Downtown Ground Floor Active Uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses;

b. Shall be designed to be compatible with the scale and character of the surrounding area and the vision and goals of the Comprehensive Plan and any adopted neighborhood plan; and

c. Shall provide variety and human scale through the use of architectural proportions, detail, surface relief, texture, and materials that are complementary to traditional commercial and industrial structures.

**4. Rules and Regulations**

The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the D-GT District.

# DIVISION 8.7 DOWNTOWN ARAPAHOE SQUARE (D-AS) DISTRICT

## SECTION 8.7.1 ARAPAHOE SQUARE DISTRICT (D-AS)

### 8.7.1.1 Generally

The provisions of this Division 8.7 apply to all lands, uses and structures in the Downtown Arapahoe Square (D-AS) zone district.

### 8.7.1.2 Uses Permitted

See Division 8.11 for uses permitted in the D-AS District.

### 8.7.1.3 Permitted Structures

#### A. Open Space Required

For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling there shall be provided in the D-AS district a minimum of 30 square feet of unobstructed open space for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies but shall not include space provided for off-street parking. Such requirement shall not apply to the construction of multiple unit dwellings through the conversion of buildings originally designed for nonresidential uses.

#### B. Setbacks from Abutting Street Frontages

Buildings shall be built at or within 10 feet of the zone lot line abutting the street for no less than 65% of each zone lot frontage, unless otherwise provided in this Division 8.7 or in Design Standards and Guidelines adopted for the D-AS District.

#### C. Maximum Height

In the D-AS district, the maximum height of structures shall not exceed 80 feet.

#### D. Floor Area in Structures

##### 1. Basic Maximum Gross Floor Area

The sum total of the gross floor area of all structures on a zone lot shall not exceed 4 times the area of the zone lot on which the structures are located.

##### 2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under Section 8.7.1.3.D.1. above, a premium of additional floor area may be constructed according to the following formulas:

**a. Premium for Housing**

One (1) square foot of floor area premium shall be awarded for each square foot of Residential uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses:

**b. Premium for Residential Support Uses**

One (1) square foot of floor area premium shall be awarded for each square foot of "Residential support uses", defined to be limited to a retail food sales use, or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center constructed to at least the minimum licensing standards of the Colorado Department of Environmental Health.

**c. Premium for Arts, Entertainment, or Cultural Facility**

One (1) square foot of floor area premium shall be awarded for each square foot of "arts, entertainment, or cultural facility", defined to be limited to the provision of amusement or entertainment services upon payment of a fee, art gallery, museum, theater, or other similar uses as determined by the Zoning Administrator.

**d. Premium for Rehabilitation of Historic Structure**
One (1) square foot of floor area premium shall be awarded for each square foot of rehabilitation of a designated Historic Structure defined as a structure designated for preservation or a structure located in a district for preservation, the rehabilitation of which has been approved by the Landmark Preservation Commission in accordance with D.R.M.C., Chapter 30 (Landmark Preservation).

**e. Premium for Public Art**
A floor area premium equal to 25 percent of the zone lot area for public art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:

i. The public art must cost at least 1 percent of the valuation of construction of the new structure or 1 percent of the valuation of construction of the structure renovation or $500,000.00, whichever is less; and

ii. The public art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least 1 public street.

**f. Premium for Affordable Housing**
A floor area premium equal to 40 percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), provided all of said floor area premium is dedicated to residential uses and was submitted for approval prior to January 1, 2017.

**g. Continuation of Uses**
All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

### 3. Maximum Gross Floor Area in Structures
Notwithstanding the provisions of Section 8.7.1.3.D.2 (Floor Area Premiums), the sum total of the gross floor area of all structures on a zone lot shall not be greater than 6 times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in Section 8.7.1.4 (Design Review), the sum total of the gross floor area of all structures on a zone lot shall not be greater than 7 times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated Historic Structures within the D-AS zone district may be transferred to other properties within the D-AS district pursuant to the procedures for transfer of undeveloped floor area from Historic Structures in the Downtown Core/Downtown Theater district set forth in Section 8.3.1.4.D.3, provided, however, that no receiving zone lot may increase its maximum gross floor area by more than 1 times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than those limits set forth in the preceding sentence.

## 8.7.1.4 Design Review

### A. Applicability
Design review criteria and procedures shall apply to the following:

1. The floor area premium described in Section 8.7.1.3.D above: All structures, and all site improvements or alterations, where the renovation includes alterations to the exterior of the building; and

2. The lower 80 feet of a building: constructed or renovated, and all site improvements or alterations constructed or renovated, where the renovation includes alterations to the exterior of the building.

## B. Procedures

Design review shall be conducted by Community Planning and Development. Design review shall be completed within 30 days after the submission of a complete application to the Zoning Administrator, except that the 30-day review period may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent, and no permits for construction and use shall be issued until design review has been completed.

## C. Criteria

Design review shall be based on the following criteria.

### 1. Design Review of Floor Area Premium

The project shall be designed to promote the following objectives:

a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;

b. Provide human scale through change, contrast, intricacy in facade form, color and/or materials;

c. Spatially define the street space; and

d. Respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;

e. Provide step backs in the building form to:

i. Create pedestrian scale along the street;

ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street;

iii. Increase sky and daylight exposure to the street; and

iv. Increase sunlight exposure to the street, particularly along "numbered" streets;

f. Locate Downtown Ground Floor Active Uses, wherever possible, along the street;

g. Provide at Street Level as much as possible, transparent facades, and frequent pedestrian access to the buildings;

h. Provide finished, architecturally designed and detailed facades for all exposures of the building, particularly those exposures above the first floor;

i. Architecturally design the top of the building to provide a finished terminus to the building's form. At a minimum, screen all roof-top mechanical equipment and carefully design and detail all roof-top penthouses; and

j. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

### 2. Review of Lower 80 Feet Required for All Structures

Project layout and design of the lower 80 feet of structures shall be designed to promote the following objectives:

a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;

b. Provide human scale through change, contrast, intricacy in facade form, color, and/or materials where lower levels of a structure face public streets;

c. Spatially define the street space in order to promote pedestrian activity; and

d. All structures should respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;

e. Provide setbacks in the building form to:

i. Create pedestrian scale along the street;

ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street;

iii. Increase sky and daylight exposure to the street; and

iv. Increase sunlight exposure to the street, particularly along "numbered" streets;

f. Locate Downtown Ground Floor Active Uses wherever possible, along the street;

g. Provide, at Street Level, as much as possible, transparent facades, and frequent pedestrian access to the buildings; and,

h. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

### 3. Parking Structures Review

a. All parking structures in the D-AS District shall have ground floor frontages occupied by Downtown Ground Floor Active Uses, as defined in Article 13 of this Code, or shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages by Downtown Ground Floor Active Uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses;

b. All parking structures in the D-AS District shall be designed to be compatible with the scale and character of the surrounding area and the vision and goals of the Denver comprehensive plan and any adopted neighborhood plan; and

c. All parking structures in the D-AS District shall provide variety and human scale through the use of architectural proportions, detail, surface relief, texture, and materials that are complementary to traditional commercial and industrial structures.

### 4. Rules and Regulations

The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the Arapahoe Square neighborhood.

# DIVISION 8.8 DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 8.8.1 GENERAL INTENT

The Intent of this Division 8.8 Design Standards for Downtown Arapahoe Square 12+ and Downtown Arapahoe Square 20+ zone districts is to:

8.8.1.1 Implement the Denver Comprehensive Plan.

8.8.1.2 Implement the General Purpose and Specific Intent for the Downtown Arapahoe Square 12+ and 20+ zone districts provided in Section 8.2.2.2.

8.8.1.3 Continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

8.8.1.4 Give prominence to the pedestrian realm as a defining element of neighborhood character.

8.8.1.5 Promote development of a vibrant sense of place in Arapahoe Square.

8.8.1.6 Further establish a sense of human scale design in Arapahoe Square.

8.8.1.7 Encourage innovative and unique design solutions that help define a special character for Arapahoe Square.

8.8.1.8 Promote harmonious relationships within Arapahoe Square and with surrounding neighborhoods through the arrangement of building heights and scaling devices.

8.8.1.9 Promote environmental, social and economic sustainability.

8.8.1.10 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other.

8.8.1.11 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

# SECTION 8.8.2 BUILDING FORM INTENT FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

## 8.8.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

C. Arrange building heights to maximize sky exposure.

## 8.8.2.2 Siting

A. Required Build-To

1. Provide a consistent street edge to enhance the character of the context.

2. Define streets to promote pedestrian activity and sense of place.

3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with the intended character and functional requirements of the downtown context.

2. Site buildings to define the street edge/public realm consistent with the context.

3. Utilize buildings to create positive transitions between districts.

C. Parking Location

1. Minimize the visual impacts of parking areas on streets and adjoining property.

2. Minimize conflicts between pedestrians and vehicles.

3. Ensure that surface parking is well integrated into to the streetscape.

4. Ensure that surface parking contributes positively to a sustainable urban environment.

## 8.8.2.3 Design Elements

A. Primary Street Upper Story Setback

1. Provide appropriate pedestrian scale, height and massing along the street.

2. Maintain the general appearance of a predominantly 5-story height near the sidewalk edge.

3. Maximize sky exposure.

B. Building Configuration

1. Promote variation in building form that enhances access to sky exposure, air and views in the district.

2. Encourage variation in building form, especially in the design of a larger building.

C. Transparency

1. Maximize transparent windows at the Street Level to activate the street.

2. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and reflect uses within the building.

3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties and promote engagement between building activities and the sidewalk.

D. Entrances

1. Give prominence to pedestrian realm as a defining element of neighborhood character.

2. Provide convenient access to buildings and active uses from the street.

3. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

4. Create visually interesting and human-scaled facades.

E. Limitation on Visible Parking Above the Street Level

1. Promote structured parking designs that are compatible in character and quality with adjoining buildings, open spaces and streetscapes.

2. Promote visual interest on upper story building facades.

### 8.8.2.4 Specific Building Form Intent

**A. General**
To establish the base set of standards for the zone district from which all other building forms deviate for specific situations.

**B. General with Height Incentive**
To promote buildings with elevated design quality that minimize the visibility of structured parking while allowing increased building height.

**C. Point Tower**
To promote tall, slender building forms with elevated design quality that preserves views and sky exposure while also minimizing the visibility of structured parking.

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# SECTION 8.8.3 PRIMARY BUILDING FORM STANDARDS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

## 8.8.3.1 Applicability

All development, except detached accessory structures, in the Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) zone districts.

## 8.8.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

## 8.8.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) Zone Districts | Building Forms | | | |
|---|---|---|---|---|
| | General | General with Height Incentive | Standard Tower | Point Tower |
| **Max Number of Primary Structures Per Zone Lot** | **No Maximum** | | | |
| Downtown Arapahoe Square 12+ District (D-AS-12+) | ■ | ■ | | ■ |
| Downtown Arapahoe Square 20+ District (D-AS-20+) | ■ | ■ | | ■ |

■ = Allowed ◘ = Allowed subject to geographic limitations

## 8.8.3.4 District Specific Standards

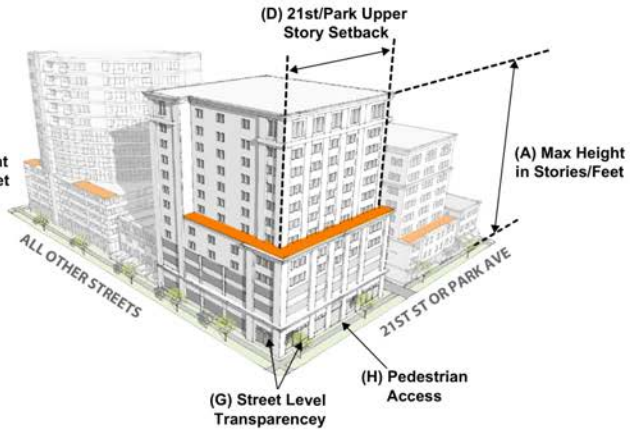
### A. General

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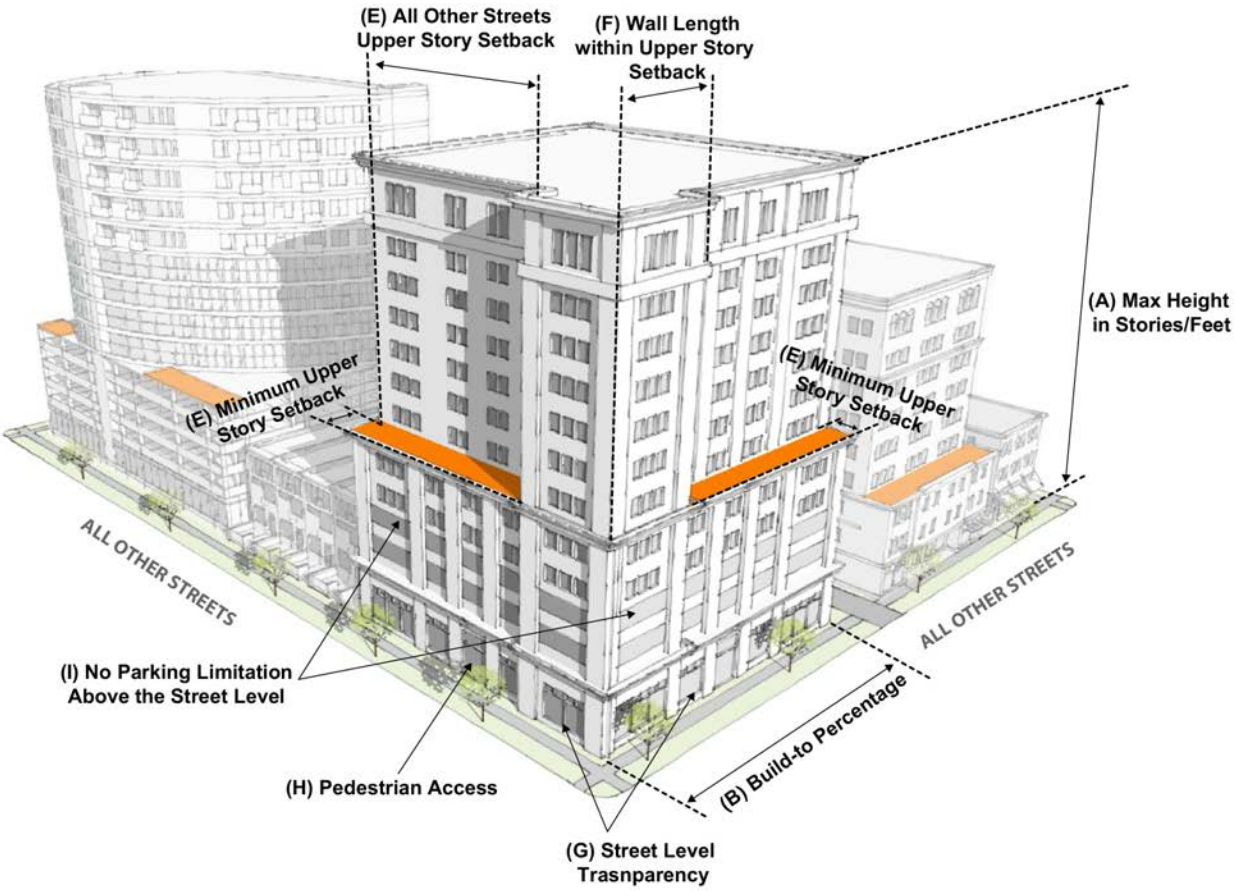
**20th Street or Broadway**




**21st Street or Park Avenue**




**All Other Streets**



## GENERAL

| | HEIGHT | D-AS-12+ | D-AS-20+ |
|---|---|---|---|
| A | Stories (max) | 8 | 12 |
| A | Feet (max) | 110′ | 150′ |
| | Height Exceptions | See Section 8.10.1.1 | |

| | SITING | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED BUILD-TO BY STREET** | |
| B | All Primary Streets (min build-to %) | 70% |
| | 21st Street, Arapahoe Street, Curtis Street (min/max build-to range) | 0′/15′; Residential Only Buildings: 0′/20′ |
| | Southeast (light rail) Side of Welton Street (min/max build-to range) | 0′/20′; Residential Only Buildings: 0′/25′ |
| | All Other Streets (min/max build-to range) | 0′/10′; Residential Only Buildings: 0′/15′ |
| | Build-to Exceptions and Alternatives | See Sections 8.8.6.1 and 8.8.7.1 |
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Interior (min) | 0′ |
| | Rear, alley and no alley (min) | 0′ |
| | **PARKING** | |
| | Surface Parking between building and Primary Street | Not Allowed |
| | Surface Parking Screening Required | See Section 10.5.4.4 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

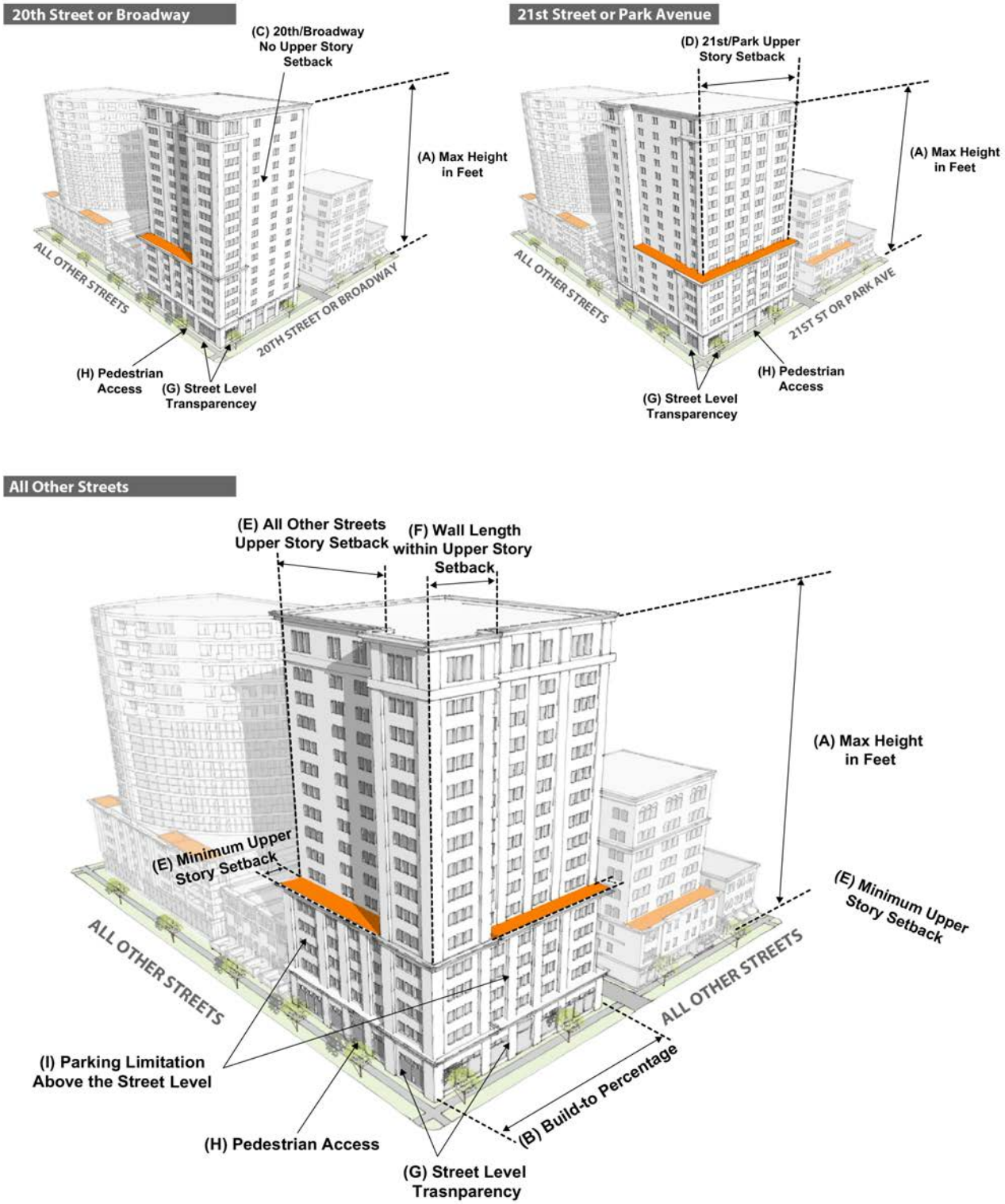
| | DESIGN ELEMENTS | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET** | |
| C | 20th Street, Broadway - Upper Story Setback above 5 stories and 70′ | No Upper Story Setback required |
| D | 21st Street, Park Avenue - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 100%/10′* |
| E | All Other Streets - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 65%/10′ |
| | 20th, 21st, Broadway, Park Avenue - Primary Street Wall Length within the Upper Story Setback (max) | na |
| F | All Other Streets - Primary Street Wall Length within the Upper Story Setback (max) | 80′ |
| | 21st Street, Park Avenue - Primary Street Upper Story Setback Alternative | See Section 8.8.6.2 |
| | **STREET LEVEL ACTIVATION** | |
| G | Street Level Transparency, Primary Street (min for non-residential/ min for residential only buildings) | 60%/ 40% |
| | Street Level Transparency Alternatives | See Section 8.8.6.3 |
| H | Pedestrian Access, Primary Street | Entrance |
| | **LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL** | |
| I | Limitation on Visible Parking above Street Level | No Limitation on Visible Parking Above Street Level |

| USES | D-AS-12+ and D-AS-20+ Districts |
|---|---|
| (1) All permitted Primary Uses shall be allowed within this building form. See Division 8.11 Uses and Minimum/Maximum Parking Requirements; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 8.8.5.1. | |

***Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for "All Other Streets" apply)**

## B. General with Height Incentive

*Not to Scale. Illustrative Only.*



## GENERAL WITH HEIGHT INCENTIVE

| | HEIGHT | D-AS-12+ | D-AS-20+ |
|---|---|---|---|
| | Stories (max) | na | na |
| A | Feet (max) | 150′ | 250′ |
| | Height Exceptions | See Section 8.10.1.1 | |

| | SITING | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED BUILD-TO BY STREET** | |
| B | All Primary Streets (min build-to %) | 70% |
| | 21st Street, Arapahoe Street, Curtis Street (min/max build-to range) | 0′/15′; Residential Only Buildings: 0′/20′ |
| | Southeast (light rail) Side of Welton Street (min/max build-to range) | 0′/20′; Residential Only Buildings: 0′/25′ |
| | All Other Streets (min/max build-to range) | 0′/10′; Residential Only Buildings: 0′/15′ |
| | Build-to Exceptions and Alternatives | See Sections 8.8.6.1 and 8.8.7.1 |
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Interior (min) | 0′ |
| | Rear, alley and no alley (min) | 0′ |
| | **PARKING** | |
| | Surface Parking between building and Primary Street | Not Allowed |
| | Surface parking screening required | See Section 10.5.4.4 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

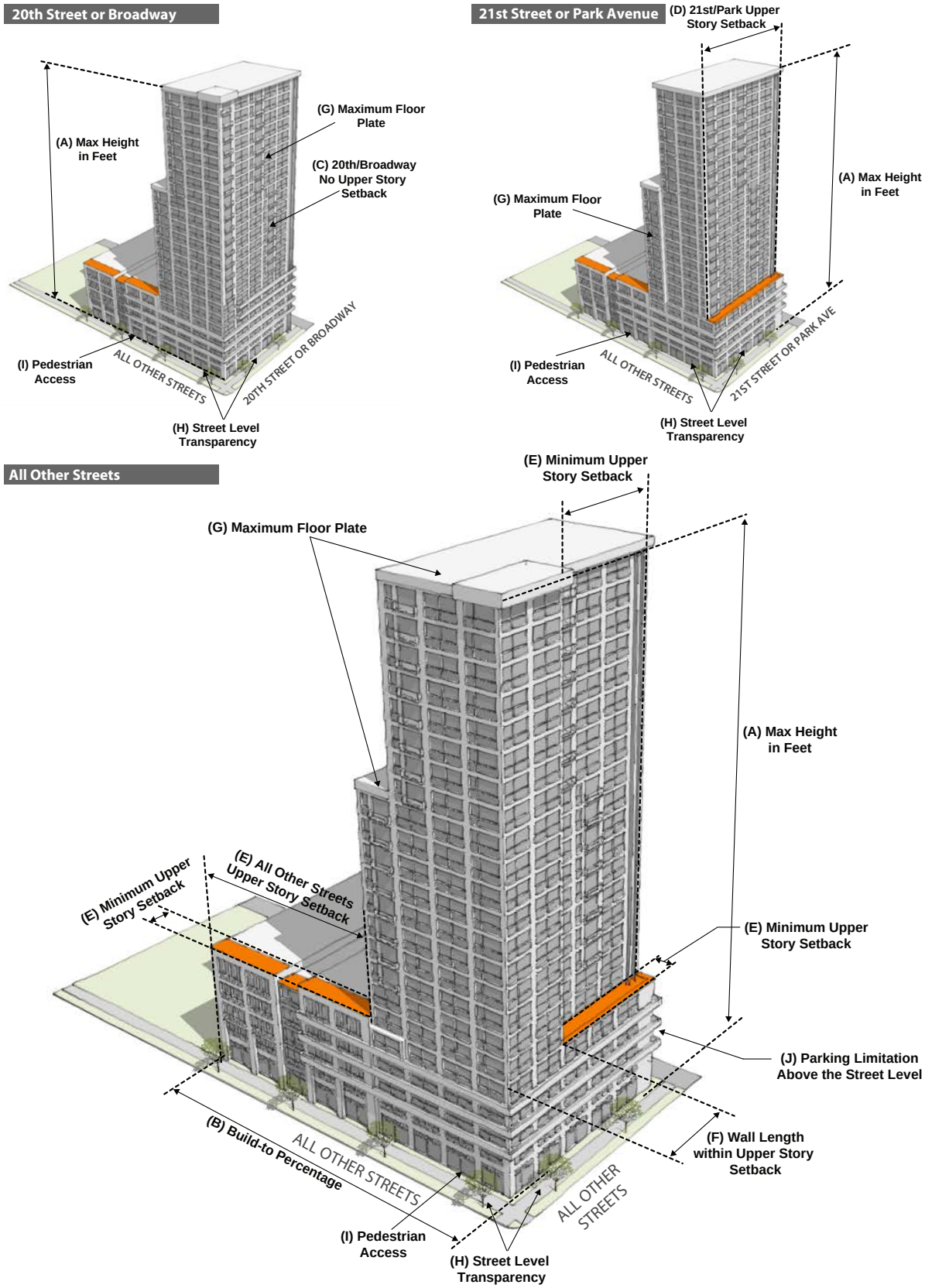
| | DESIGN ELEMENTS | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET** | |
| C | 20th Street, Broadway - Upper Story Setback above 5 stories and 70′ | No Upper Story Setback required |
| D | 21st Street, Park Avenue - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 100%/10′* |
| E | All Other Streets - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 65%/10′ |
| | 20th, 21st, Broadway, Park Avenue - Primary Street Wall Length within the Upper Story Setback (max) | na |
| F | All Other Streets - Primary Street Wall Length within the Upper Story Setback (max) | 80′ |
| | 21st Street, Park Avenue - Primary Street Upper Story Setback Alternative | See Section 8.8.6.2 |
| | **STREET LEVEL ACTIVATION** | |
| G | Street Level Transparency, Primary Street (min for non-residential/ min for residential only buildings) | 60%/ 40% |
| | Street Level Transparency Alternatives | See Section 8.8.6.3 |
| H | Pedestrian Access, Primary Street | Entrance |
| | **LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL** | |
| I | Limitation on Visible Parking above Street Level, Primary Street (min % of Primary Street-facing Zone Lot Width) | 70% See Section 8.8.5.2 |

| USES | All D-AS Districts |
|---|---|
| (1) All permitted Primary Uses shall be allowed within this building form. See Division 8.11 Uses and Minimum/Maximum Parking Requirements; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 8.8.5.1. | |

***Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for "All Other Streets" apply)**

## C. Point Tower

Not to Scale. Illustrative Only.



## POINT TOWER

| | HEIGHT | D-AS-12+ | D-AS-20+ |
|---|---|---|---|
| | Stories (max) | na | na |
| A | Feet (max) | 250′ | 375′ |
| | Height Exceptions | See Section 8.10.1.1 | |

| | SITING | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED BUILD-TO BY STREET** | |
| B | All Primary Streets (min build-to %) | 70% |
| | 21st Street, Arapahoe Street, Curtis Street (min/max build-to range) | 0′/15′; Residential Only Buildings: 0′/20′ |
| | Southeast (light rail) Side of Welton Street (min/max build-to range) | 0′/20′; Residential Only Buildings: 0′/25′ |
| | All Other Streets (min/max build-to range) | 0′/10′; Residential Only Buildings: 0′/15′ |
| | Build-to Exceptions and Alternatives | See Sections 8.8.6.1 and 8.8.7.1 |
| | **SETBACKS** | |
| | Primary Street (min) | 0′ |
| | Side Interior (min) | 0′ |
| | Rear, alley and no alley (min) | 0′ |
| | **PARKING** | |
| | Surface Parking between building and Primary Street | Not Allowed |
| | Surface Parking Screening Required | See Section10.5.4.4 |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | **REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET** | |
| C | 20th Street, Broadway - Upper Story Setback above 5 stories and 70′ | No Upper Story Setback required |
| D | 21st Street, Park Avenue - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 100%/10′* |
| E | All Other Streets - Upper Story Setback above 5 stories and 70′ (min % of zone lot width/min setback) | 65%/10′ |
| | 20th, 21st, Broadway, Park Avenue - Primary Street Wall Length within the Upper Story Setback (max) | na |
| F | All Other Streets - Primary Street Wall Length within the Upper Story Setback (max) | 80′ |
| | 21st Street, Park Avenue - Primary Street Upper Story Setback Alternative | See Section 8.8.6.2 |
| | **BUILDING CONFIGURATION** | |
| G | Tower Floor Plate above 5 stories and 70′ (max area / max linear dimension) | 11,000 square feet / 165' |
| | Tower Floor Plate Linear Dimension Alternative (max) | 180' - See Section 8.8.6.4 |
| | **STREET LEVEL ACTIVATION** | |
| H | Street Level Transparency, Primary Street (min for non-residential/ min for residential only buildings) | 60%/ 40% |
| | Street Level Transparency Alternatives | See Section 8.8.6.3 |
| I | Pedestrian Access, Primary Street | Entrance |
| | **LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL** | |
| J | Limitation on Visible Parking above Street Level, Primary Street (min % of Primary Street-facing Zone Lot Width) | 70% See Section 8.8.5.2 |

| USES | All D-AS Districts |
|---|---|
| (1) All permitted Primary Uses shall be allowed within this building form. See Division 8.11 Uses and Minimum/Maximum Parking Requirements; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 8.8.5.1. | |

***Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for "All Other Streets" apply)**

# SECTION 8.8.4 DETACHED ACCESSORY BUILDING FORM STANDARDS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

## 8.8.4.1 Applicability

All detached accessory structures in the Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) zone districts

## 8.8.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 8.8.4, Detached Accessory Building Form Standards.

**6. Detached Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 8.8.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 8.8.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 8.8.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts in Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) Zone Districts

**1. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

### 8.8.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) Zone Districts | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|
| | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Downtown Arapahoe Square 12+ District (D-AS-12+) | no max | | | | ■ |
| Downtown Arapahoe Square 20+ District (D-AS-20+) | no max | | | | ■ |

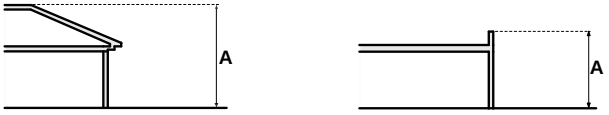
■ = Allowed ◘ = Allowed subject to limitations

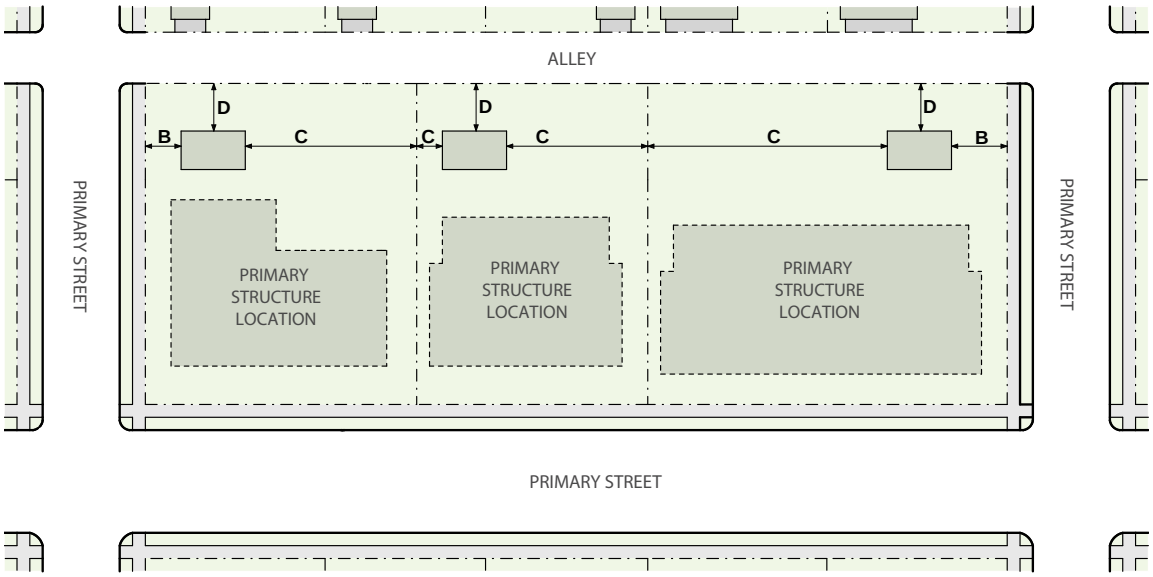
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## 8.8.4.5 District Specific Standards

### A. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | D-AS-12+ and D-AS-20+ Districts |
|---|---|---|
| | Additional Standards | See Section 8.8.4.3 |
| | **SETBACKS** | |
| B | Primary Street | 5′ |
| C | Side Interior (min) | 0′ |
| D | Rear (min) | 0′ |

| DESIGN ELEMENTS | D-AS-12+ and D-AS-20+ Districts |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to the parking of vehicles. See Section 8.8.4.3 |

| USES | D-AS-12+ and D-AS-20+ Districts |
|---|---|
| | Accessory Uses Only |

**See Section 8.10.1 for Design Standard Exceptions**

# SECTION 8.8.5 SUPPLEMENTAL DESIGN STANDARDS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

## 8.8.5.1 Street Level Active Uses in the D-AS-12+ and D-AS-20+ Zone Districts

### A. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

### B. Applicability

This Section 8.8.5.1 applies to all building forms in the D-AS-12+ and D-AS-20+ zone districts.

### C. Street Level Active Uses

1. Street Level active uses include all permitted primary uses except the following:
   a. Automobile Services, Light;
   b. Mini-storage Facility; or
   c. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards and insets for building articulation up to 10 feet in depth).
5. The portion of the building facade that meets the Street Level active use requirement shall contain at least one window or door that meets the transparency requirement standards in Section 13.1.6.3.A.4.

### D. Exception for Pre-Existing Small Zone Lots

Zone lots equal to or smaller than 75 feet in Primary Street lot width or 9,400 square feet in area on June 27, 2016 shall be exempt from the required Street Level active use where the uses that do not meet the requirements of Section 8.8.5.1.C. are located in a Street Level area that:

1. Has a minimum floor-to-floor height of 12 feet to allow for future conversion to an active use;
2. Is fully enclosed with similar building materials to those used on the upper story facade, including transparent glass.

## 8.8.5.2 Limitation on Visible Parking Above Street Level in the D-AS-12+ and D-AS-20+ Zone Districts

### A. Intent

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

### B. Applicability

This Section 8.8.5.2 applies to the General with Height Incentive and Point Tower building forms in the D-AS-12+ and D-AS-20+ zone districts.

**C. Allowance**

1. Uses that meet the Limitation on Visible Parking above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum percentage of the Primary Street-facing zone lot width specified in the building form table.

2. Uses that meet the Limitation on Visible Parking above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

## SECTION 8.8.6 DESIGN STANDARD ALTERNATIVES FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

### 8.8.6.1 Required Build-To Alternatives in D-AS-12+ and D-AS-20+ Districts

**A. Intent**

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

**B. Allowance**

The following alternative may be used as an alternative to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided it meets the requirements stated in Section 13.1.5.8.E)

| REQUIRED BUILD-TO ALTERNATIVE | |
|---|---|
| ZONE DISTRICT | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) |
| D-AS-12+<br>D-AS-20+ | 25% |

### 8.8.6.2 Primary Street Upper Story Setback Alternative for 21st Street & Park Avenue in D-AS-12+ and D-AS-20+ Districts

**A. Intent**

To allow a flexible alternative for creative designs fronting 21st Street and Park Avenue that maintain a building setback at or below 5 stories and 70 feet, but do not meet the specific Primary Street Upper Story Setback requirements set forth in the building form tables.

**B. Applicability**

This Section 8.8.6.2 applies to Primary Street upper story setbacks on the 21st Street and Park Avenue frontage of all building forms in the D-AS-12+ and D-AS-20+ zone districts.

**C. Allowance**

The Zoning Administrator may approve an alternative Primary Street Upper Story setback design that does not meet the specific Upper Story setback requirements set forth in the building form standards tables where the alternative is found to meet the design standards and guidelines for the Upper Story setback alternative on 21st Street and Park Avenue in the Design Standards and Guidelines for Arapahoe Square.

### 8.8.6.3 Street Level Transparency Alternatives in D-AS-12+ and D-AS-20+ Districts

**A. Intent**

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

**B. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, if all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | |
|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| D-AS-12+<br>D-AS-20+ | Primary Street | 20% | 20% | 40% |

### 8.8.6.4 Tower Floor Plate Linear Dimension Alternative in D-AS-12+ and D-AS-20+ Zone Districts

**A. Intent**

To allow a flexible alternative in special circumstances for creative designs that do not meet the specific Tower Floor Plate Linear Dimension requirements set forth in the building form tables.

**B. Applicability**

This Section 8.8.6.4 applies to the Tower Floor Plate Linear Dimension maximum above 5 stories/70 feet in the Point Tower building form in the D-AS-12+ and D-AS-20+ zone districts.

**C. Allowance**

The Zoning Administrator may approve an alternative Tower Floor Plate Linear Dimension that does not meet the specific requirements set forth in the building form table, up to the maximum dimension listed in the Tower Floor Plate Linear Dimension Alternative, where the alternative is found to meet the design standards and guidelines for Tower Floor Plate Linear Dimension in the Design Standards and Guidelines for Arapahoe Square.

## SECTION 8.8.7 DESIGN STANDARD EXCEPTIONS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

### 8.8.7.1 Required Build-To Exceptions in D-AS-12+ and D-AS-20+ Districts

**A. Civic, Public & Institutional Uses**

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

# DIVISION 8.9 DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS (D-CPV-T, D-CPV-R, D-CPV-C)

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

## SECTION 8.9.1 GENERAL INTENT

The Intent of this Division 8.9 Design Standards for Downtown Central Platte Valley – Auraria Transition, River, and Center zone districts is to:

8.9.1.1 Implement the recommendations of applicable adopted plans such as the Denver Comprehensive Plan, Blueprint Denver, and Denver Downtown Area Plan Amendment.

8.9.1.2 Implement the General Purpose and Specific Intent for the Downtown Central Platte Valley – Auraria Transition, River, and Center zone districts provided in Section 8.2.2.2.

8.9.1.3 Enhance and promote Denver's physical character, including access to parks and open space, tree lined streets, generous sidewalks and public space, interconnected street networks, and convenient access to transit and alternative modes of transportation.

8.9.1.4 Prioritize the pedestrian realm as a defining element of neighborhood character.

8.9.1.5 Promote walking, biking, transit, and alternative modes of transportation that decrease reliance on vehicle access and parking.

8.9.1.6 Promote development of a vibrant sense of place in Downtown Central Platte Valley – Auraria.

8.9.1.7 Further establish a sense of human scale design in Downtown Central Platte Valley – Auraria.

8.9.1.8 Encourage innovative and unique design solutions that help define a special character for Downtown Central Platte Valley – Auraria.

8.9.1.9 Support context-sensitive relationships within Downtown Central Platte Valley – Auraria and to adjacent buildings and neighborhoods through appropriately scaled building design.

8.9.1.10 Promote long-term environmental, social, and economic responsibility.

8.9.1.11 Support an integrated arrangement of residential, employment, retail, service, and open space uses that are conveniently located to and compatible with each other.

8.9.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

8.9.1.13 Engage the South Platte River as a natural, recreational, and active use amenity that contributes to the character, environmental quality, mobility connections, and vibrancy of the neighborhood.

## SECTION 8.9.2 BUILDING FORM INTENT FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

### 8.9.2.1 Height

A. Encourage building forms that fully realize the urban character and intensity envisioned for the Downtown context.

B. Allow a variety of building heights appropriate for a downtown urban location.

C. Establish a minimum height that is appropriate for a downtown urban location.

D. Ensure building heights and scaling elements provide appropriate transitions to surrounding areas.

E. Allow additional development intensity in exchange for equivalent community benefits.

### 8.9.2.2 Floor Area Ratio

A. Encourage design creativity and a variety of building configurations.

B. Include all contributors to building massing, including parking, in the determination of overall building intensity and scale.

### 8.9.2.3 Siting

A. Required Build-To

1. Provide a consistent street edge to enhance the character of the neighborhood and promote pedestrian activity.

2. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with the intended character and functional requirements of the Downtown context.

2. Site buildings to define the street edge/public realm consistent with the context.

3. Create appropriate transitions between the public realm and adjacent exterior amenities and building elements.

4. Create appropriate transitions between the public realm and adjacent residential uses.

5. Establish additional visual and physical space adjacent to the South Platte River.

C. Parking and Service Access Locations

1. Minimize the visual impacts of parking structures on streets and surrounding properties.

2. Minimize conflicts between pedestrians and vehicles.

3. Ensure parking and service access is located appropriately to minimize impacts on the surrounding urban environment.

### 8.9.2.4 Design Elements

A. Building Configuration

1. Define appropriate sizes and separation distances on upper stories of buildings to support access to sun, sky, and views.

2. Limit excessively long and monotonous building facades.

3. Encourage variation in building form, especially in the design of larger buildings.

B. Incremental Mass Reduction

1. Provide appropriate pedestrian scale, height, variety, and massing along the street.

2. Maintain the general appearance of a predominantly 2- to 8-story height near the public sidewalk edge.

3. Proportionally shape and taper building massing as height increases.

4. Support access to sun, sky, and views.

C. Transparency

1. Maximize transparency at the Street Level to activate the street.

2. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and reflect uses within the building.

3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties and promote engagement between building activities and the sidewalk.

D. Entrances

1. Prioritize the pedestrian realm as a defining element of neighborhood character.

2. Provide convenient access to buildings and active uses from the street.

3. Establish a direct relationship to the street through access, orientation and placement consistent with the context.

4. Create visually interesting and human-scaled facades.

E. Limitation on Visible Parking Above the Street Level

1. Promote structured parking designs that are compatible in character and quality with adjoining buildings, open spaces and streetscapes.

2. Create visual interest and activity on building facades above the street level.

F. Street Level Active Uses

1. Reinforce the character and quality of a vibrant public realm with active uses that support pedestrian activity and sense of place.

2. Discourage residential uses at street level along key street corridors intended to have the highest concentration of retail commercial activity.

### 8.9.2.5 Specific Building Form Intent

#### A. General

To provide a base set of design standards for the zone districts including enhanced requirements for design elements such as Transparency, Active Use, and Build-To. The building form allows for a variety of site configurations and all uses are allowed.

**1. D-CPV-T**

To create a transition from higher intensity districts to surrounding established lower-scale neighborhoods, buildings, and campus environments while allowing a variety of building types and uses.

**2. D-CPV-R**

To allow increased flexibility for the development of smaller buildings, constrained lots, and community-serving uses.

**3. D-CPV-C**

To allow increased flexibility for the greatest variety of building types and uses in exchange for a relatively low level of intensity.

#### B. Standard Tower

To allow tall buildings that accommodate a variety of building uses by meeting flexible upper story size limitations, applying enhanced design quality standards, and establishing a human

scale relationship with the street. The building form allows for a variety of site configurations and all uses are allowed. Residential uses shall not make up a majority of the gross floor area located within the upper stories.

**C. Point Tower**
To promote tall, slender buildings that preserve access to sun, sky, and views by meeting rigorous upper story size limitations, applying enhanced design quality standards, and establishing a human scale relationship with the street. The building form allows for a variety of site configurations and all uses are allowed.

## SECTION 8.9.3 PRIMARY BUILDING FORM STANDARDS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

### 8.9.3.1 Applicability
All development, except detached accessory structures, in the Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) zone districts shall comply with this Section's primary building form standards.

### 8.9.3.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

### 8.9.3.3 District Specific Standards Summary

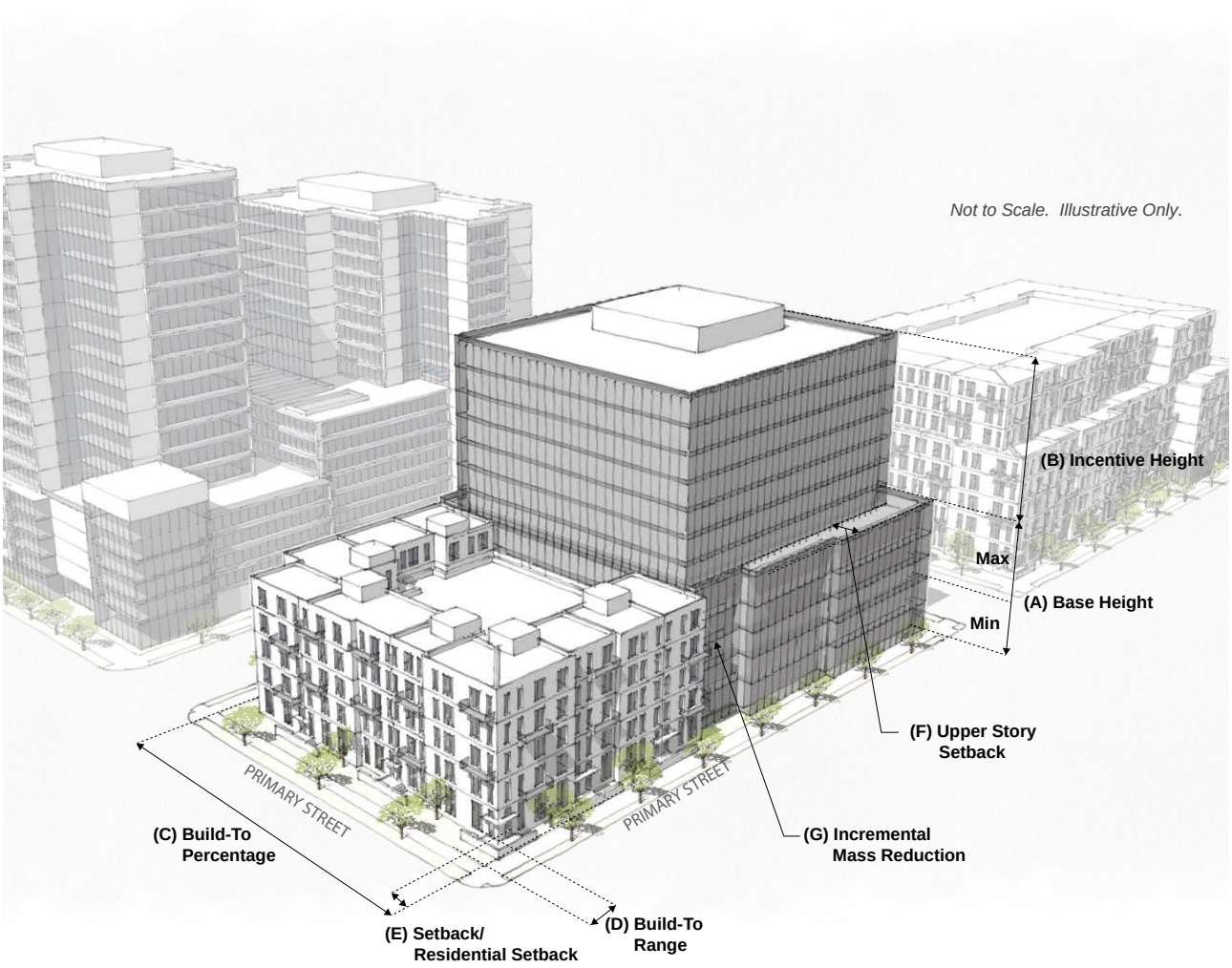
The maximum number of structures per zone lot and building forms allowed by zone district are summarized below:

| Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) Zone Districts | Building Forms | | | |
|---|---|---|---|---|
| | General | General with Height Incentive | Standard Tower | Point Tower |
| **Max Number of Primary Structures Per Zone Lot** | **No Maximum** | | | |
| Downtown Central Platte Valley – Auraria Transition District (D-CPV-T) | ■ | | | |
| Downtown Central Platte Valley – Auraria River District (D-CPV-R) | ■ | | | ■ |
| Downtown Central Platte Valley – Auraria Center District (D-CPV-C) | ■ | | ■ | ■ |

■ = Allowed ◘ = Allowed subject to geographic limitations

## 8.9.3.4 District Specific Standards

### A. General



## GENERAL

| | HEIGHT | D-CPV-R | D-CPV-T | D-CPV-C |
|---|---|---|---|---|
| | **BASE HEIGHT** | | | |
| A | Base Stories (max) | 5 | 5 | 5 |
| A | Base Feet (min/max) | 25' / 70' | 25' / 70' | 25' / 70' |
| | **INCENTIVE HEIGHT** | | | |
| B | Incentive Stories / Feet (max) | na | 12 / 150' - See Section 8.9.5.5 | |

| | SITING | D-CPV-R | D-CPV-T | D-CPV-C |
|---|---|---|---|---|
| | **REQUIRED BUILD-TO BY STREET** | | | |
| C | Primary Street (min build-to % ) | | 70% | |
| | South Platte River Primary Street (min/max build-to range) | | 2' / 25'<br>Frontage Subject to a Residential Setback: 15' / 25' | |
| D | All Other Primary Streets (min/max build-to range) | | 2' / 15'<br>Frontage Subject to a Residential Setback: 7' / 20' | |
| | **SETBACKS** | | | |
| E | All Primary Streets (min % of Zone Lot width/min Setback) | | 100%/2' and 50%/5' | |
| | Side Interior and Rear (min) | | 0' | |
| | **RESIDENTIAL SETBACKS BY STREET** | | | |
| | South Platte River Primary Street (min) | 15' | na | na |
| E | All Other Primary Streets (min) | 7' | 7' | 7' |
| | **OPEN SPACE BY ZONE LOT SIZE OR WIDTH** | | | |
| | Private Open Space on Lots >50,000 sf or >250' Wide (min) | 5% | 5% | 5% |
| | **PARKING** | | | |
| | Surface Parking between Building and Primary Street/South Platte River Frontage | | Not Allowed | |
| | Surface Parking Screening Required | | See Section 10.5.4.4 | |
| | Vehicle Access | | Shall be determined as part of Site Development Plan Review | |

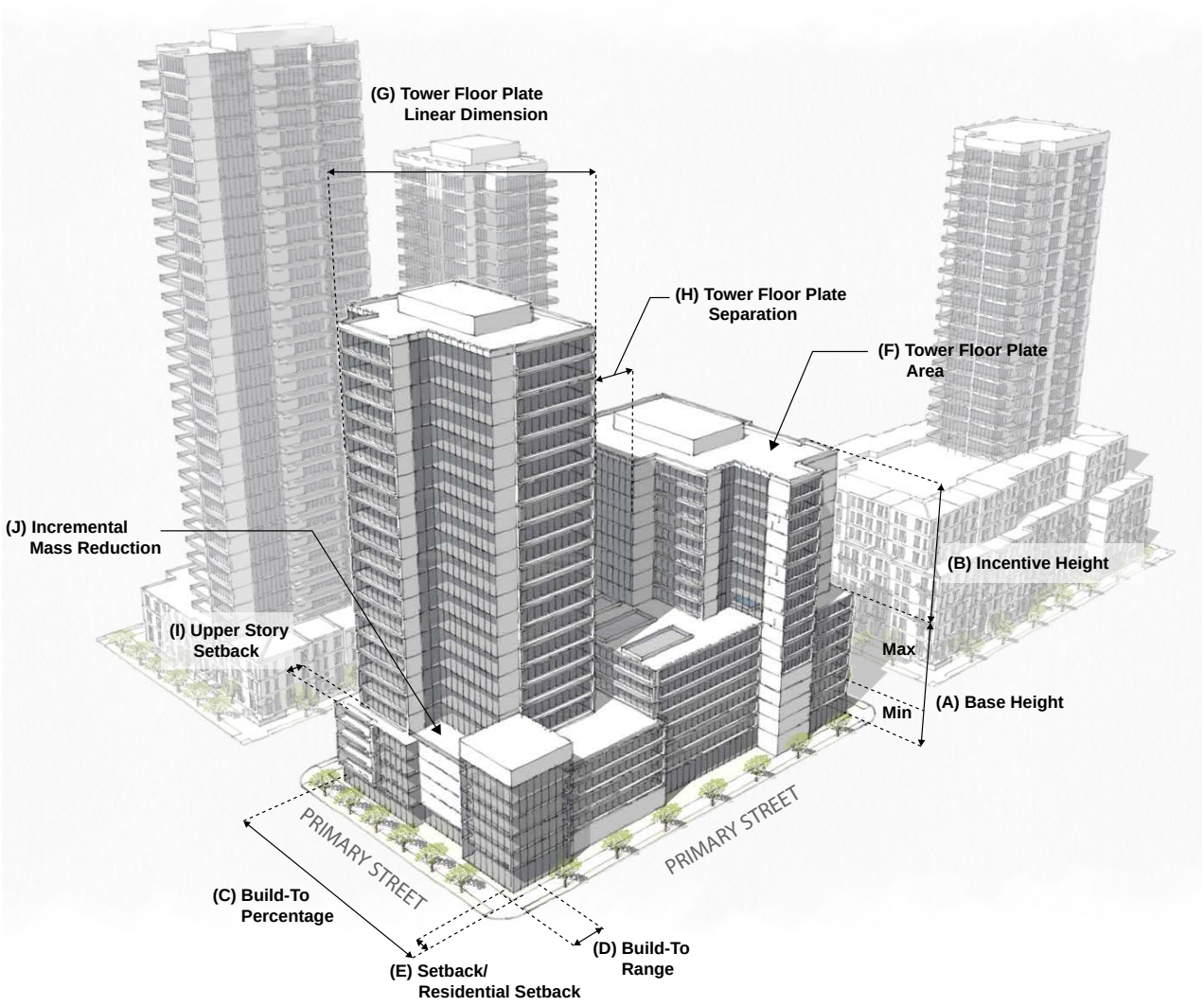
| | DESIGN ELEMENTS | D-CPV-R | D-CPV-T | D-CPV-C |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| F | Upper Story Setback above 5 stories and 70'<br>(min % of zone lot width/min setback) | na | 65% / 15' | 65% / 15' |
| | Limitation on Visible Parking Above Street Level<br>(min % of Primary Street-facing Zone Lot Width) | | 70% - See Section 8.9.5.4 | |
| | **INCREMENTAL MASS REDUCTION FOR LOTS > 25,000 SF** | | | |
| G | Incremental Mass Reduction for Stories 1-5 | na | 15% | 15% |
| G | Incremental Mass Reduction for Stories 6-8 | na | 25% | 25% |
| G | Incremental Mass Reduction for Stories 9-12 | na | 35% | 35% |
| | **STREET LEVEL ACTIVATION** | | | |
| | Street Level Transparency, Primary Street<br>(min for non-residential/min for residential-only buildings) | | 60% / 40% | |
| | Pedestrian Access, Primary Street | | Entrance | |
| | Additional Pedestrian Access, Primary Street<br>(min required for each Street Level Dwelling Unit) | | Dwelling Unit Entrance with Entry Feature | |

| USES | D-CPV-R | D-CPV-T | D-CPV-C |
|---|---|---|---|
| Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form | | |
| Street Level Active Uses<br>(min % of Primary Street frontage meeting Build-To requirement) | | 100% - See Section 8.9.5.1 | |
| Street Level Active Non-Residential Uses<br>(min % of Primary Street frontage meeting Build-To requirement) | | 70% - See Section 8.9.5.2 | |

**See Sections 8.9.5-8.9.7 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions**

## B. Standard Tower

*Not to Scale. Illustrative Only.*



## STANDARD TOWER

| | HEIGHT & FLOOR AREA RATIO | D-CPV-C |
|---|---|---|
| | **BASE HEIGHT** | |
| A | Base Stories (max) | 5 |
| A | Base Feet (min/max) | 25' / 70' |
| | **INCENTIVE HEIGHT** | |
| B | Incentive Stories / Feet (max) | No Maximum - See Section 8.9.5.5 |
| | **FLOOR AREA RATIO** | |
| | Floor Area Ratio (max) | 20.0 |

| | SITING | D-CPV-C |
|---|---|---|
| | **REQUIRED BUILD-TO** | |
| C | Primary Street (min build-to %) | 70% |
| D | Primary Street (min/max build-to range) | 2' / 15'<br>Frontage Subject to a Residential Setback: 7' / 20' |
| | **SETBACKS** | |
| E | Primary Street (min % of Zone Lot width/min Setback) | 100%/2' and 50%/5' |
| | Side Interior and Rear (min) | 0' |
| | **RESIDENTIAL SETBACKS** | |
| E | Primary Street (min) | 7' |
| | **OPEN SPACE BY ZONE LOT SIZE OR WIDTH** | |
| | Private Open Space on Lots >50,000 sf or >250' Wide (min) | 5% |
| | **PARKING** | |
| | Surface Parking between Building and Primary Street/South Platte River Frontage | Not Allowed |
| | Surface Parking Screening Required | See Section 10.5.4.4 |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review |

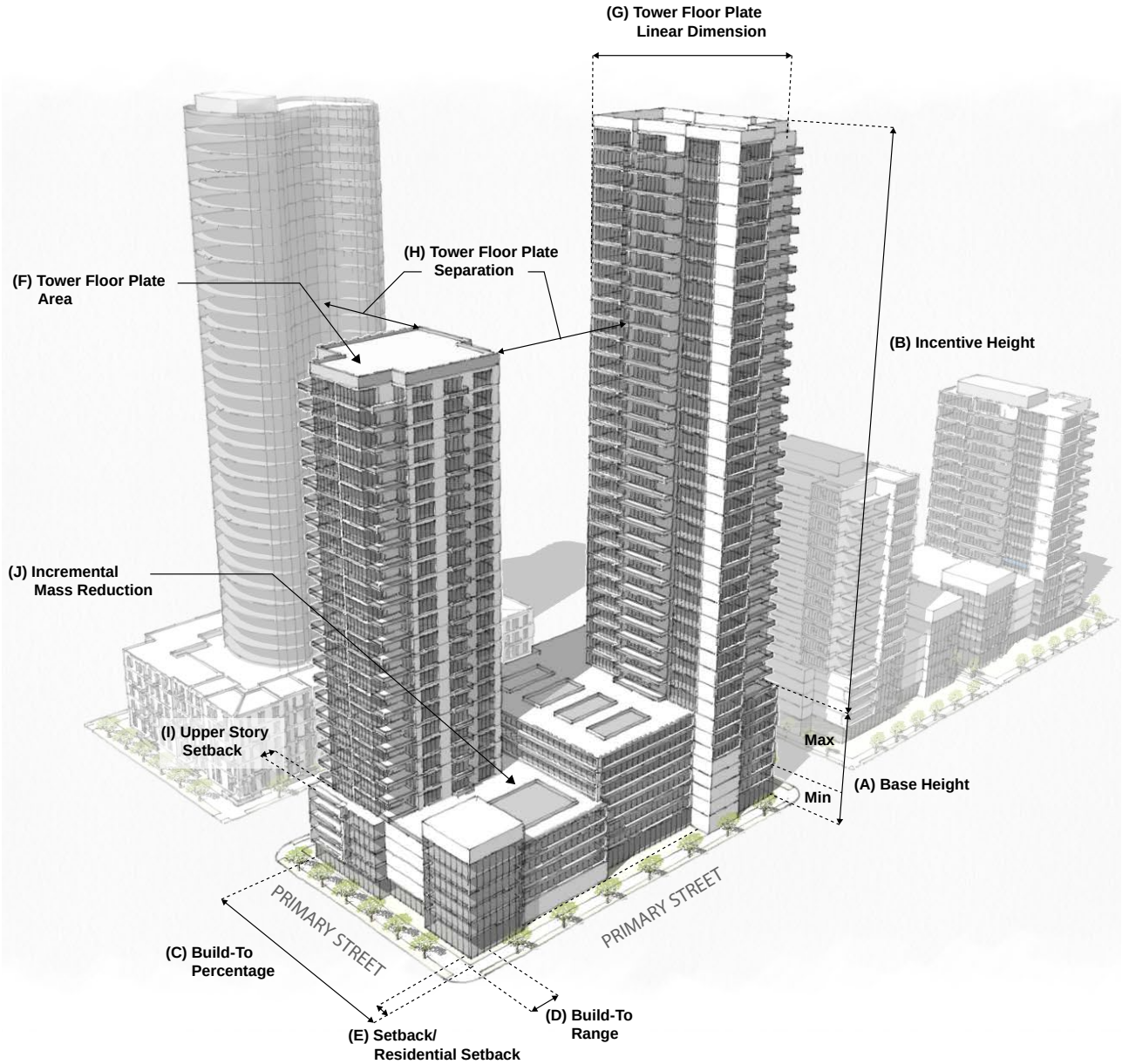
| | DESIGN ELEMENTS | D-CPV-C |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| F/G | Tower Floor Plate above 8 stories and 110' (max area / max linear dimension) | 25,000 square feet / 250' |
| | Tower Floor Plate Linear Dimension Alternative (max) | 265' - See Section 8.9.6.3 |
| H | Tower Floor Plate Separation (min) | 80' (Floor Plate Area ≤ 22,000 square feet)<br>100' (Floor Plate Area > 22,000 square feet) |
| | Tower Floor Plate Separation Alternative (min) | 80' - See Section 8.9.6.4 |
| I | Upper Story Setback above 8 stories and 110'<br>(min % of zone lot width/min setback) | 65% / 15' |
| | Limitation on Visible Parking Above Street Level<br>(min % of Primary Street-facing Zone Lot Width) | 70% - See Section 8.9.5.4 |
| | **INCREMENTAL MASS REDUCTION FOR LOTS > 25,000 SF** | |
| J | Incremental Mass Reduction for Stories 1-5 | 15% |
| J | Incremental Mass Reduction for Stories 6-8 | 25% |
| | **STREET LEVEL ACTIVATION** | |
| | Street Level Transparency, Primary Street<br>(min for non-residential/min for residential-only buildings) | 60% / 40% |
| | Pedestrian Access, Primary Street | Entrance |
| | Additional Pedestrian Access, Primary Street<br>(min required for each Street Level Dwelling Unit) | Dwelling Unit Entrance with Entry Feature |

| | USES | D-CPV-C |
|---|---|---|
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form; |
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 100% - See Section 8.9.5.1 |
| | Street Level Active Non-Residential Uses<br>(min % of Primary Street frontage meeting Build-To requirement) | 70% - See Section 8.9.5.2 |
| | Limitation on Primary Residential Uses<br>(max % of Gross Floor Area above 8 stories and 110') | 50% - See Section 8.9.5.3 |

**See Sections 8.9.5-8.9.7 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions**

## C. Point Tower

*Not to Scale. Illustrative Only.*



## POINT TOWER

| | HEIGHT | D-CPV-R | D-CPV-C |
|---|---|---|---|
| | **BASE HEIGHT** | | |
| A | Base Stories (max) | 5 | |
| A | Base Feet (min/max) | 25' / 70' | |
| | **INCENTIVE HEIGHT** | | |
| B | Incentive Stories / Feet (max) | No Maximum - See Section 8.9.5.5 | |

| | SITING | D-CPV-R | D-CPV-C |
|---|---|---|---|
| | **REQUIRED BUILD-TO BY STREET** | | |
| C | Primary Street (min build-to % ) | 70% | |
| | South Platte River Primary Street (min/max build-to range) | 2' / 25'<br>Frontage Subject to a Residential Setback: 15' / 25' | |
| D | All Other Primary Streets (min/max build-to range) | 2' / 15'<br>Frontage Subject to a Residential Setback: 7' / 20' | |
| | **SETBACKS** | | |
| E | Primary Street (min % of Zone Lot width/min Setback) | 100%/2' and 50%/5' | |
| | Side Interior and Rear (min) | 0' | |
| | **RESIDENTIAL SETBACKS BY STREET** | | |
| | South Platte River Primary Street (min) | 15' | na |
| E | All Other Primary Streets (min) | 7' | 7' |
| | **OPEN SPACE BY ZONE LOT SIZE OR WIDTH** | | |
| | Private Open Space on Lots >50,000 sf or >250' Wide (min) | 5% | |
| | **PARKING** | | |
| | Surface Parking between Building and Primary Street/South Platte River Frontage | Not Allowed | |
| | Surface Parking Screening Required | See Section 10.5.4.4 | |
| | Vehicle Access | Shall be determined as part of Site Development Plan Review | |

| | DESIGN ELEMENTS | D-CPV-R | D-CPV-C |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| F/G | Tower Floor Plate above 5 stories and 70' (max area / max linear dimension) | 11,000 square feet / 165' | na |
| F/G | Tower Floor Plate above 8 stories and 110' (max area / max linear dimension) | na | 11,000 square feet / 165' |
| | Tower Floor Plate Linear Dimension Alternative (max) | 180' - See Section 8.9.6.3 | |
| H | Tower Floor Plate Separation (min) | 120' | 80' |
| | Tower Floor Plate Separation Alternative (min) | 80' - See Section 8.9.6.4 | na |
| I | Upper Story Setback above 5 stories and 70' (min % of zone lot width/min setback) | 65% / 15' | na |
| I | Upper Story Setback above 8 stories and 110' (min % of zone lot width/min setback) | na | 65% / 15' |
| | Limitation on Visible Parking Above Street Level (min % of Primary Street-facing Zone Lot Width) | 70% - See Section 8.9.5.4 | |
| | **INCREMENTAL MASS REDUCTION FOR LOTS > 25,000 SF** | | |
| J | Incremental Mass Reduction for Stories 1-5 | 15% | 15% |
| J | Incremental Mass Reduction for Stories 6-8 | na | 25% |
| | **STREET LEVEL ACTIVATION** | | |
| | Street Level Transparency, Primary Street<br>(min for non-residential/min for residential-only buildings) | 60% / 40% | |
| | Pedestrian Access, Primary Street | Entrance | |
| | Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit) | Dwelling Unit Entrance with Entry Feature | |

| | USES | D-CPV-R | D-CPV-C |
|---|---|---|---|
| | Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form | |
| | Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 100% - See Section 8.9.5.1 | |
| | Street Level Active Non-Residential Uses<br>(min % of Primary Street frontage meeting Build-To requirement) | 70% - See Section 8.9.5.2 | |

**See Sections 8.9.5-8.9.7 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions**

# SECTION 8.9.4 DETACHED ACCESSORY BUILDING FORM STANDARDS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

## 8.9.4.1 Applicability

All detached accessory structures in the Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) zone districts.

## 8.9.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 8.9.4, Detached Accessory Building Form Standards.

**6. Detached Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 8.9.4.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted

Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 8.9.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 8.9.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in Downtown Central Platte Valley – Auraria Transition, River, and Center Zone Districts

**1. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot, provided that this limitation shall not apply to detached accessory structures with vehicle access doors.

### 8.9.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) Zone Districts | Building Forms | | | |
|---|---|---|---|---|
| | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| **Max Number of Detached Accessory Structures Per Zone Lot** | **No Maximum** | | | |
| Downtown Central Platte Valley – Auraria Transition District (D-CPV-T) | | | | ■ |
| Downtown Central Platte Valley – Auraria River District (D-CPV-R) | | | | ■ |
| Downtown Central Platte Valley – Auraria Center District (D-CPV-C) | | | | ■ |

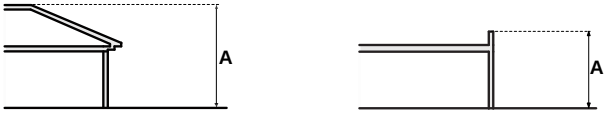
■ = Allowed ◘ = Allowed subject to limitations

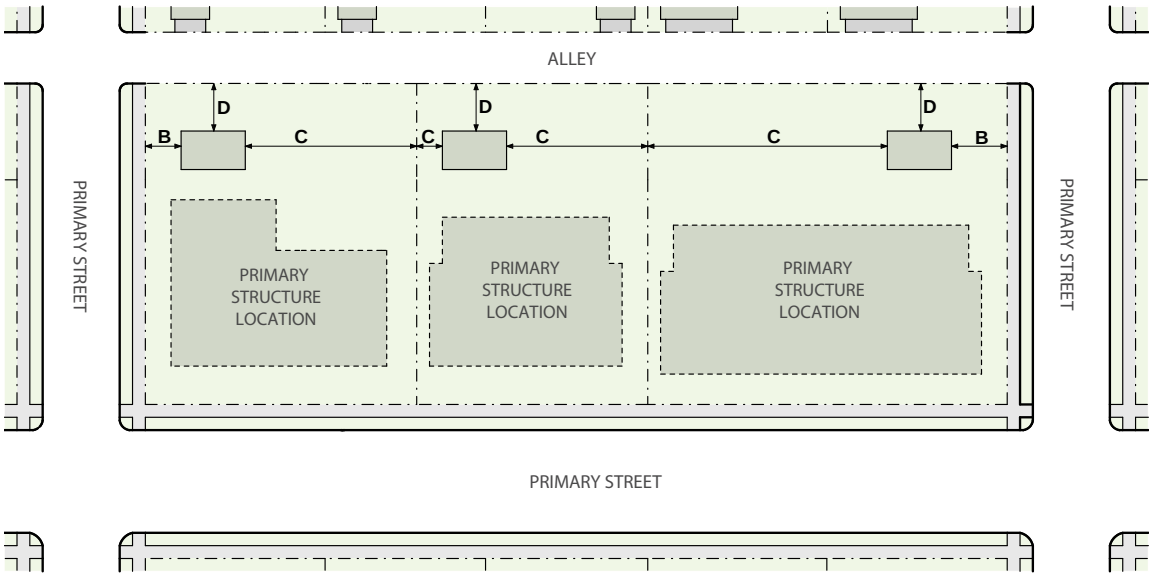
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## 8.9.4.5 District Specific Standards

### A. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | D-CPV-T, D-CPV-R, and D-CPV-C Districts |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | D-CPV-T, D-CPV-R, and D-CPV-C Districts |
|---|---|---|
| | Additional Standards | See Section 8.9.4.3 |
| | **SETBACKS** | |
| B | Primary Street | 5′ |
| C | Side Interior (min) | 0′ |
| D | Rear (min) | 0′ |

| DESIGN ELEMENTS | D-CPV-T, D-CPV-R, and D-CPV-C Districts |
|---|---|
| Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to the parking of vehicles. See Section 8.9.4.3 |

| USES | D-CPV-T, D-CPV-R, and D-CPV-C Districts |
|---|---|
| | Accessory Uses Only |

**See Section 8.10.1 for Design Standard Exceptions**

# SECTION 8.9.5 SUPPLEMENTAL DESIGN STANDARDS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

## 8.9.5.1 Street Level Active Uses in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

### A. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

### B. Applicability

This Section 8.9.5.1 applies to all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts.

### C. Street Level Active Uses

1. Street Level active uses include all permitted primary uses except the following:
   a. Automobile Services, Light;
   b. Mini-storage Facility; or
   c. Wholesale Trade or Storage, Light.
2. Street Level active uses include all permitted accessory uses except the following:
   a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
   b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards and insets for building articulation up to 10 feet in depth).
5. The portion of the building facade that meets the Street Level active use requirement shall contain at least one window or door that meets the transparency requirement standards in Section 13.1.6.3.A.4.

## 8.9.5.2 Street Level Active Non-Residential Uses in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

### A. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment with uses accessible to the general public.

### B. Applicability

This Section 8.9.5.2 applies to all Primary Street frontages facing Water Street, 7th Street, 9th Street, Elitch Circle, or Chopper Circle, or renamed extensions thereof if applicable, of all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts.

### C. Allowance

1. Street Level active non-residential uses include all permitted primary uses except the following:
   a. Dwelling, Single Unit;
   b. Dwelling, Two Unit
   c. Dwelling, Multi-Unit;
   d. Dwelling, Live / Work;

e. Automobile Services, Light;

f. Mini-storage Facility; or

g. Wholesale Trade or Storage, Light.

2. Street Level active non-residential uses include all permitted accessory uses except the following:

a. Accessory uses associated with primary uses prohibited by Section 8.9.5.2.C.1;

b. Outdoor Storage, General;

c. Outdoor Storage, Limited;

d. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or

e. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.

3. Street Level active non-residential uses shall not include Parking Spaces or Parking Aisles.

4. Street Level active non-residential uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).

5. The length of any build-to alternatives permitted by Section 8.9.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by Street Level active non-residential uses.

### 8.9.5.3 Limitation on Primary Residential Uses Above 8 Stories in the Standard Tower Building Form in the D-CPV-C Zone District

**A. Intent**

To promote slender buildings and preserve access to sun, sky, and views by limiting use of the Standard Tower building form to primarily non-residential uses that require greater flexibility in Tower Floor Plate design standards than is allowed in the Point Tower building form.

**B. Applicability**

This Section 8.9.5.3 applies to the Standard Tower building form in the D-CPV-C zone districts.

**C. Limitation on Primary Residential Uses**

1. For purposes of this standard, Primary Residential Uses include all permitted uses listed under the Residential Primary Use Classification in Section 8.11.4, including but not limited to:

a. Dwelling, Multi-Unit;

b. Dwelling, Live / Work; or

c. Student Housing.

2. The total Gross Floor Area of all Primary Residential Uses located above 8 Stories and 110’ shall not exceed the maximum percentage, specified in the building form table, of the total Gross Floor Area of the Structure located above 8 Stories and 110’. Note that the percentage of Gross Floor Area of Primary Residential Uses on any individual Story above 8 Stories and 110' may exceed the percentage specified in the building form table.

### 8.9.5.4 Limitation on Visible Parking Above Street Level in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

**A. Intent**

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

**B. Applicability**
This Section 8.9.5.4 applies to all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts.

**C. Allowance**

1. Uses that meet the Limitation on Visible Parking above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum percentage of the Primary Street-facing Zone Lot Width specified in the building form table.

2. Uses that meet the Limitation on Visible Parking above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

### 8.9.5.5 Incentive Height in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

**A. Intent**
Implement specific adopted plan policies for the Central Platte Valley - Auraria area to provide affordable housing and other community benefits in excess of standard requirements.

**B. Applicability**
This Section 8.9.5.5 applies to all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts in conjunction with applicable requirements in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

**C. Maximum Base Height**

1. Maximum Base Height shall be the maximum height in stories and feet set forth in the building form tables.

2. Structures that do not exceed the maximum Base Height shall not be subject to the requirements set forth in Section 8.9.5.5.E Requirements for Structures Using Incentive Height.

**D. Maximum Incentive Height**

1. Structures that meet the requirements set forth in Section 8.9.5.5.E Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in the building form tables.

**E. Requirements for Structures Using Incentive Height**

1. No building permit for development of a Structure exceeding Base Height within the D-CPV-T, D-CPV-R, or D-CPV-C districts shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.

2. No building permit for development of a Structure exceeding Base Height within the D-CPV-T, D-CPV-R, or D-CPV-C districts shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height comprises 80% or more of the total gross square footage of all uses located above the maximum Base Height, with the exception of a Structure exceeding Base Height that is on a zone lot covered by an affordable housing plan as described in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

# SECTION 8.9.6 DESIGN STANDARD ALTERNATIVES FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

## 8.9.6.1 Required Build-To Alternatives in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

### A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

### B. Allowance

The following alternative may be used as an alternative to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided it meets the requirements stated in Section 13.1.5.8.E)

| REQUIRED BUILD-TO ALTERNATIVE | |
|---|---|
| ZONE DISTRICT | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) |
| D-CPV-T<br>D-CPV-R<br>D-CPV-C | 25% |

## 8.9.6.2 Street Level Transparency Alternatives in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

### A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, if all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | |
|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| D-CPV-T<br>D-CPV-R<br>D-CPV-C | Primary Street | 20% | 30% | 30% |

## 8.9.6.3 Tower Floor Plate Linear Dimension Alternative in D-CPV-R and D-CPV-C Zone Districts

### A. Intent

To allow a flexible alternative in special circumstances for creative designs that do not meet the specific Tower Floor Plate Linear Dimension requirements set forth in the building form tables.

### B. Applicability

This Section 8.9.6.3 applies to the Tower Floor Plate Linear Dimension maximum above 5 stories/70 feet in the Point Tower building form in the D-CPV-R zone district and Tower Floor Plate Linear Dimension maximum above 8 stories/110 feet in the Standard Tower and Point Tower building forms in the D-CPV-C zone district.

**C. Allowance**

The Zoning Administrator may approve an alternative Tower Floor Plate Linear Dimension that does not meet the specific requirements set forth in the building form tables, up to the maximum dimension listed in the Tower Floor Plate Linear Dimension Alternative, where the alternative is found to meet the design standards and guidelines for Tower Floor Plate Linear Dimension in the Design Standards and Guidelines for Downtown Central Platte Valley – Auraria.

### 8.9.6.4 Tower Floor Plate Separation Alternative in D-CPV-R and D-CPV-C Zone Districts

**A. Intent**

To allow a flexible alternative in special circumstances for creative designs that do not meet the specific Tower Floor Plate Separation requirements set forth in the building form tables.

**B. Applicability**

This Section 8.9.6.4 applies to the Tower Floor Plate Separation minimum above 5 stories/70 feet in the Point Tower building form in the D-CPV-R zone district and Tower Floor Plate Separation minimum above 8 stories/110 feet in the Standard Tower building forms in the D-CPV-C zone district.

**C. Allowance**

The Zoning Administrator may approve an alternative Tower Floor Plate Separation that does not meet the specific spacing requirements set forth in the building form tables, up to the minimum separation listed in the Tower Floor Plate Separation Alternative, where the alternative is found to meet the design standards and guidelines for Tower Floor Plate Separation in the Design Standards and Guidelines for Downtown Central Platte Valley – Auraria.

## SECTION 8.9.7 DESIGN STANDARD EXCEPTIONS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

### 8.9.7.1 Required Build-To Exceptions in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

**A. Civic, Public & Institutional Uses**

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street Build-To standards.

### 8.9.7.2 Setback Encroachments

**A. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**B. Standard**

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, including residential setbacks but excluding required upper story setbacks, are allowed:

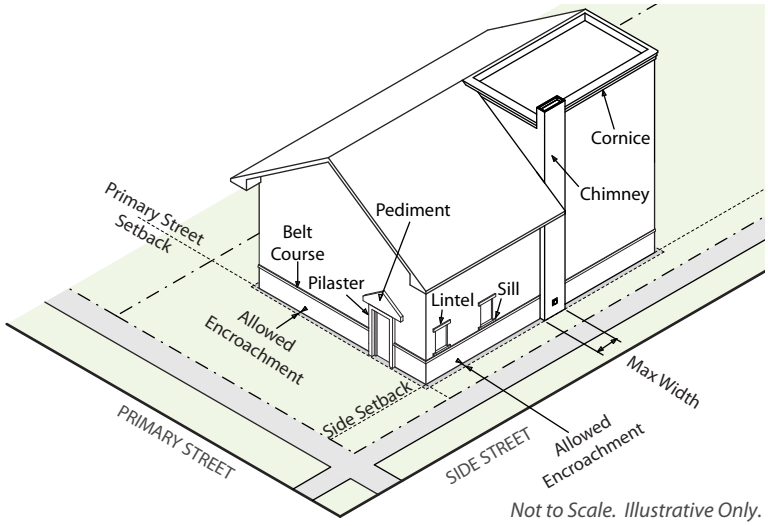
### 1. Architectural Elements

To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6' in width | All D-CPV-T/R/C Zone Districts | All building forms | 1.5'<br>Cornices only: 3' |
| Intent: To allow common, minor decorative elements which are integral to a building. | | | |



*Illustrative only*

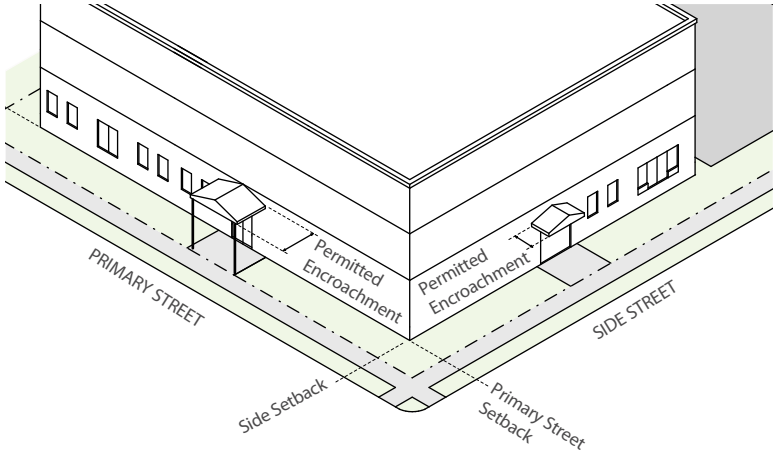



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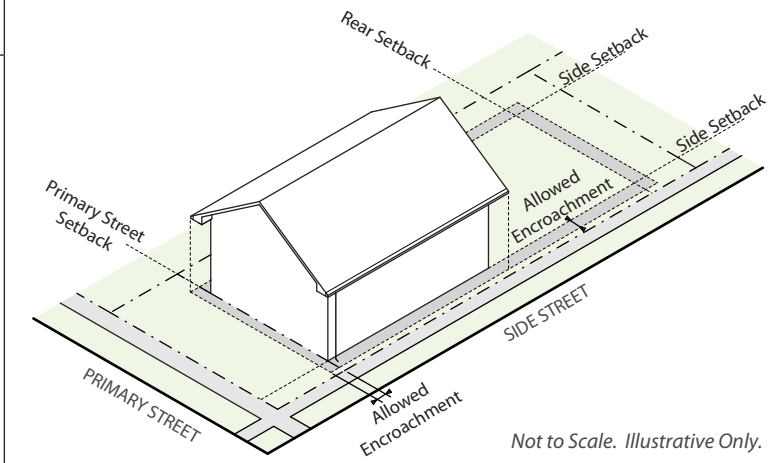
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |
| Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building. | | | |

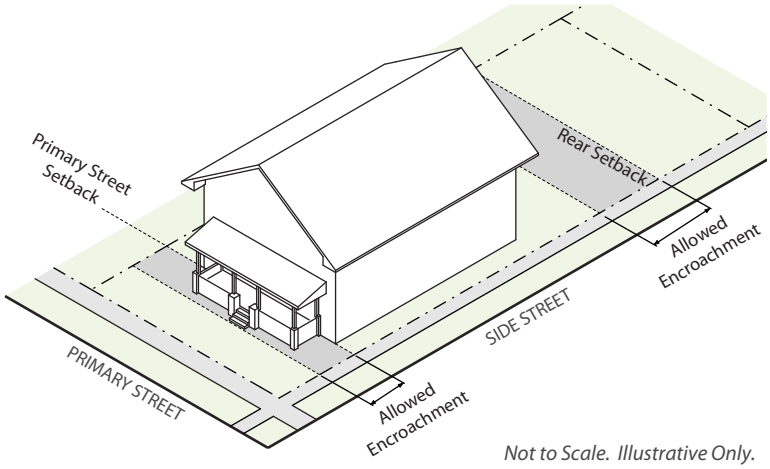


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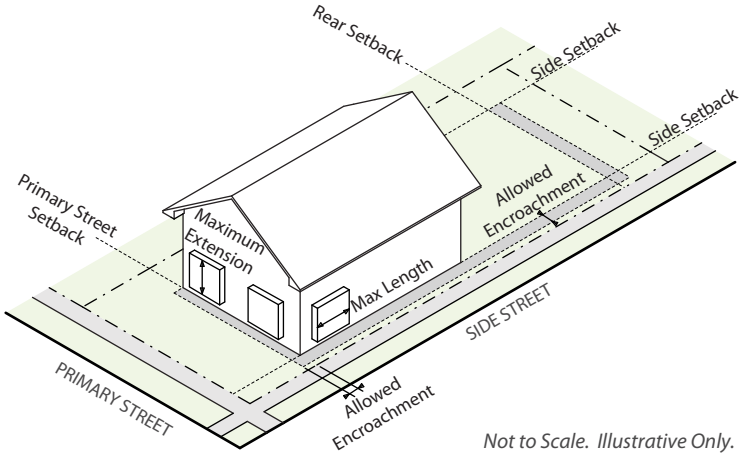
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Gutters and Roof Overhang | All D-CPV-T/R/C Zone Districts | All building forms | 3′ |
| Intent: To allow features of structures intended to repel weather<br>  <br>*Illustrative only* |  <br>*Not to Scale. Illustrative Only.* | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All D-CPV-T/R/C Zone Districts | All building forms | 6′ and minimum of 1′ between right-of-way and first riser of above- grade stairway |
| Intent: To promote elements which provide for street activation and human scale.<br>  <br>*Illustrative only* |  <br>*Not to Scale. Illustrative Only.* | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5' above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10' in horizontal length at the opening along the face of the building. | All D-CPV-T/R/C Zone Districts | All building forms | 1.5' |
| Intent: To allow for improved interior daylighting. | | | |

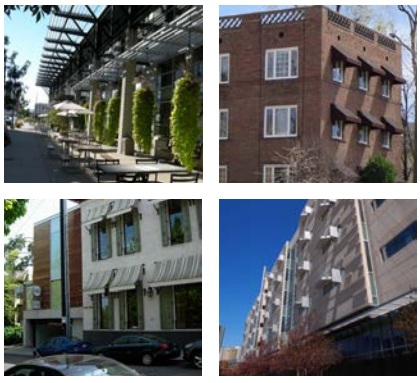


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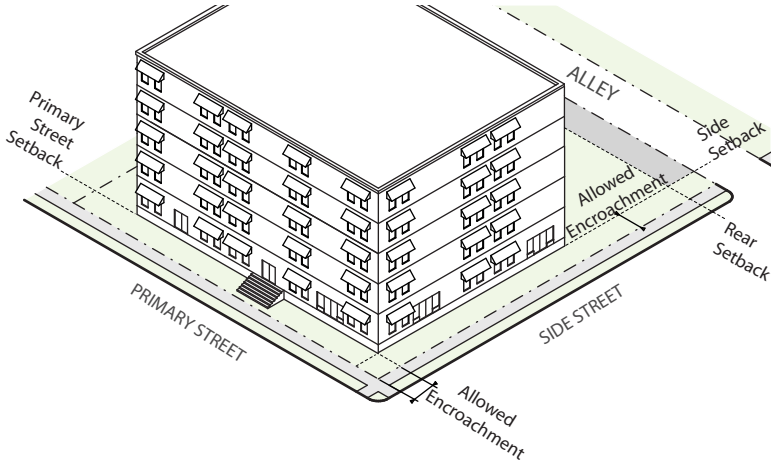



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Shading devices: Building elements, such as awnings, designed and intended to control light entering a building | All D-CPV-T/R/C Zone Districts | All building forms | 5' |
| Intent: To allow for elements either integral or attached to a building which control light entering through windows. | | | |



*Illustrative only*




*Not to Scale. Illustrative Only.*

### 2. Site Elements

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

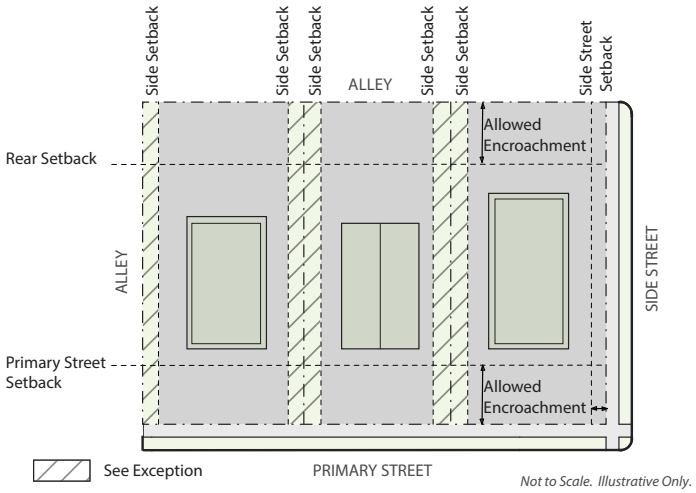
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | |
| Surface Parking | Not Allowed | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Drive or Driveway | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*



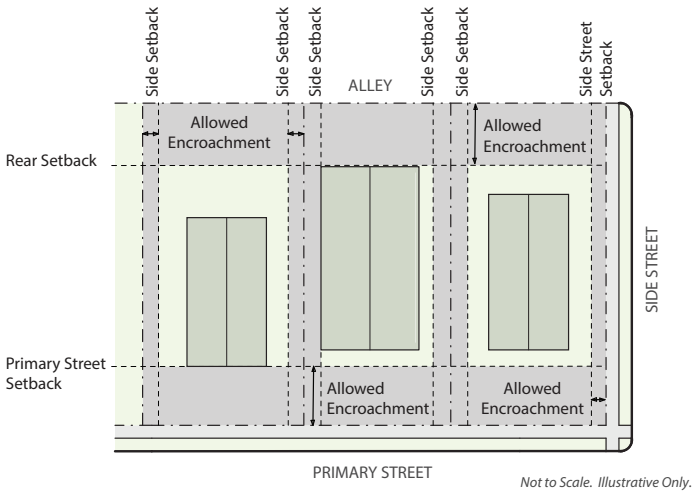

*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



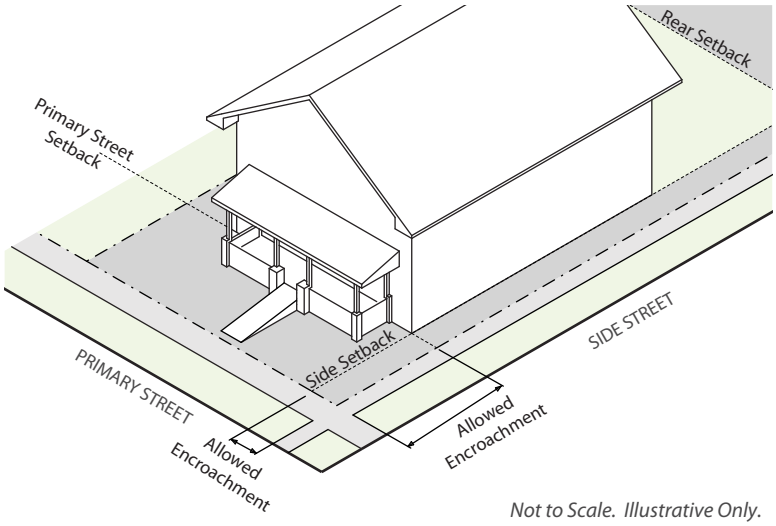
### 3. Service & Utility Elements

To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |
| Intent: To provide flexibility in the location of required barrier-free access to existing buildings. | | | |

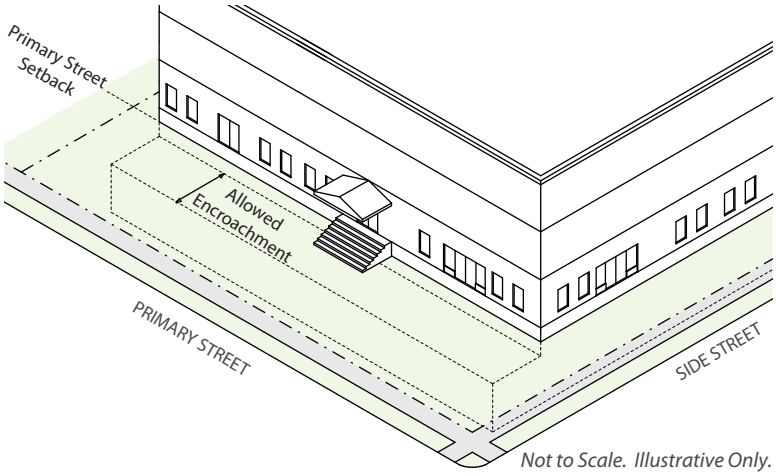


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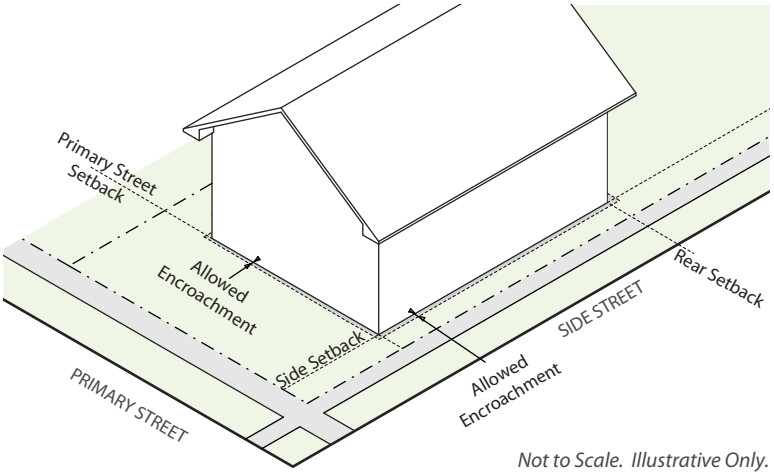

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. | | | |



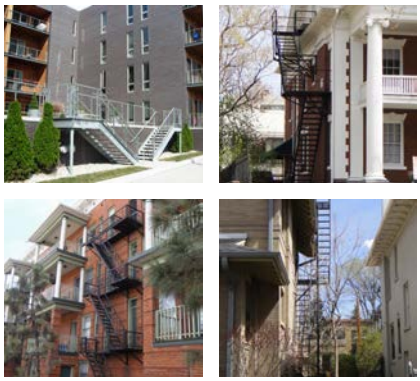

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Gas and electric meters | All D-CPV-T/R/C Zone Districts | All building forms | 1.5′ |
| Intent: To allow for functional siting. | | | |

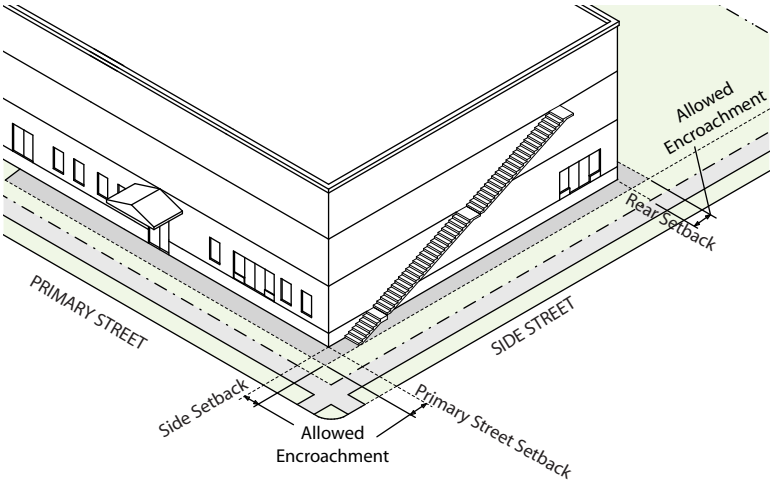



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All D-CPV-T/R/C Zone Districts | All building forms | 5′ |
| Intent: To provide for egress from a building only for emergency purposes | | | |



*Illustrative only*

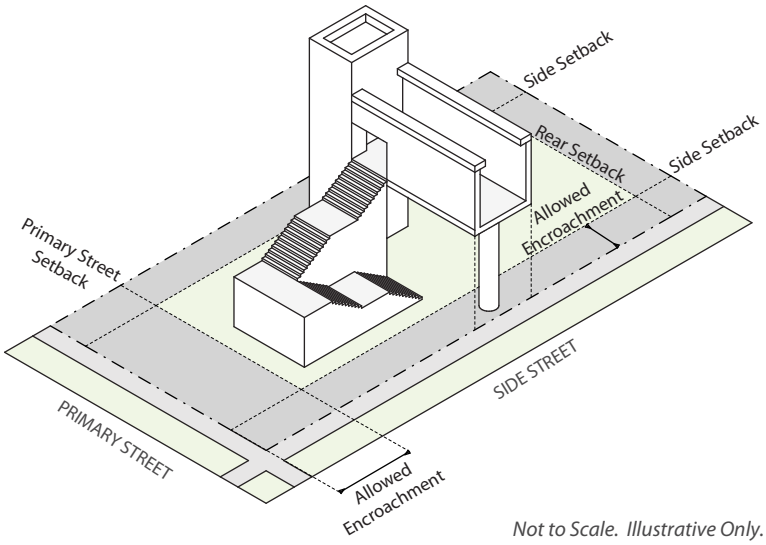



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |
| Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes. | | | |

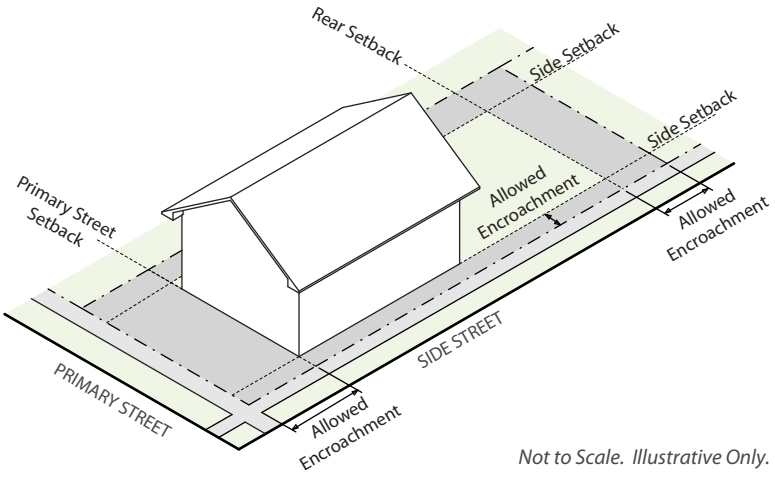


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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All D-CPV-T/R/C Zone Districts | All building forms | Any distance |
| Intent: To allow for functional siting. | | | |

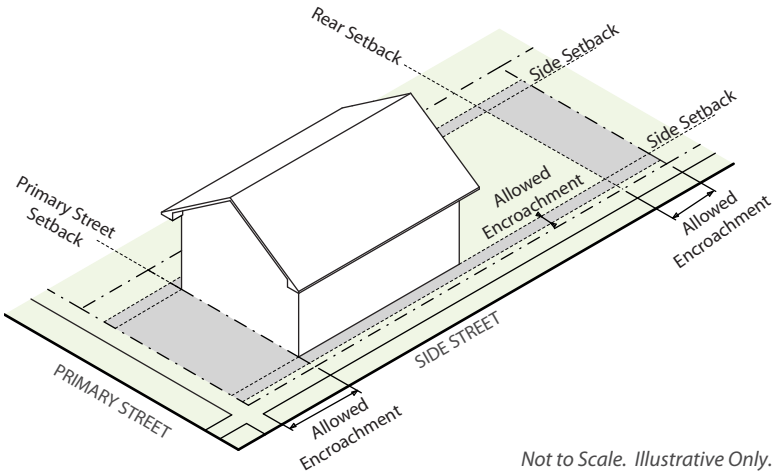



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET |
|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All D-CPV-T/R/C Zone Districts | All building forms | Any distance for any width |
| Intent: To allow for emergency egress | | | |



*Illustrative only*




*Not to Scale. Illustrative Only.*

# DIVISION 8.10 DESIGN STANDARDS

## SECTION 8.10.1 DESIGN STANDARD EXCEPTIONS

### 8.10.1.1 Height Exceptions

**A. Intent**

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

**B. Applicability and Standards:**

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 8.10.1.1.B.

2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds either the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All D- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All D- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All D- Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All D- Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All D- Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All D- Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All D- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All D- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All D- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Not Allowed |
| Accessory water tanks | All D- Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Not Allowed |
| Pedestrian bridge | All D- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 8.10.1.2 Setback Exceptions

**A. Intent**

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**B. Standard**

In all D- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or

2. The required Parkway setback established under D.R.M.C., Chapter 49.

## SECTION 8.10.2 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

See Article 10, General Design Standards.

## SECTION 8.10.3 SURFACE PARKING LOT LANDSCAPING

**A. Applicability**

1. Surface Parking as a primary use in the D-C, D-TD, D-LD, D-GT, D-AS and D-CV zones shall be landscaped according to this Section 8.10.3.

### B. Street Tree Planting Required

1. Street trees shall be required on all street frontages for all proposed new parking areas.

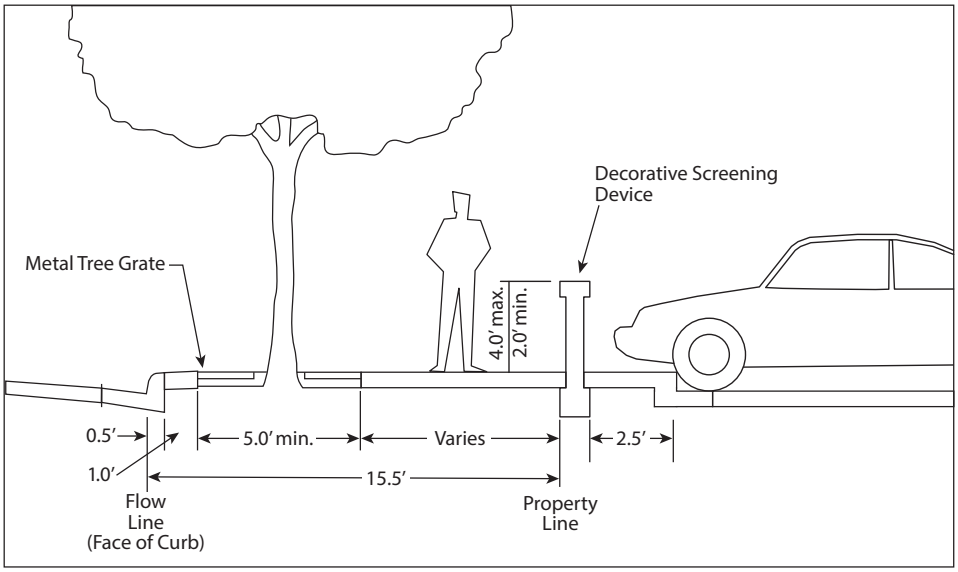
2. Such trees shall be located on the public right-of-way where the available space between the flow line (face of curb) and the right-of-way/private property line is at least 10 feet wide and where no unusual problem or physical constraint exists. If such problem or constraint does occur in this situation, then the trees shall be located on private property.

### C. Screening Device Required

1. In addition to required street tree planting, a decorative screening device is required that conforms to city design concepts or a similar screening device as may be acceptable to the Zoning Administrator. The height of such device may vary between 2 feet and 4 feet. Such screening device shall be located on private property.

2. Except for required street tree planting and additional standards in Section 8.10.3.D, no tree lawn, landscaping or interior landscaping is required; however, owners may submit for Zoning Administrator review proposals for alternative designs that incorporate landscaping (sod and/or shrubs) with the screening device.

**Illustration 1: D-C, D-TD, D-LD, D-CV, D-AS and D-GT Zone Districts**



## D. Additional D-GT and D-AS Zone District Parking Lot Landscaping Requirements

### 1. Tree Lawn Required

a. In addition to required street tree planting, a street front tree-lawn at least 8 feet wide shall be required between the flow line and the parking lot. If the space between the flow line and the property line is inadequate to install an 8-foot wide tree lawn, the width of such tree lawn may be reduced; however, in no case shall it be reduced to less than 5 feet in width. Further, if such 5-foot wide tree lawn is located partially on private property, that portion on private property shall be counted toward the satisfaction of the 5% area requirement of Section D.2 below.

b. "Tree lawn" for the purposes of this provision is defined as a linear strip of ground which contains trees as required by Section 8.10.3.B above.

c. A tree lawn is generally located on the public right-of-way, but may in some cases be partially located on private property.

### 2. Additional Parking Lot Landscaping Requirement

An area of landscaping equal to 5% of the parking area shall be provided in addition to street tree and tree lawn landscaping areas. This additional landscaped area may be located:

a. In the interior of the parking area according to the standards in Section 10.5.4.5, Interior Surface Parking Lot Landscaping Standards; or

b. Along the street front as an addition to the tree lawn in the case of attached sidewalks; or

c. With detached sidewalks, this area may be in the form of a landscaped planting strip with a minimum width of 5 feet located between the sidewalk and the parking area.

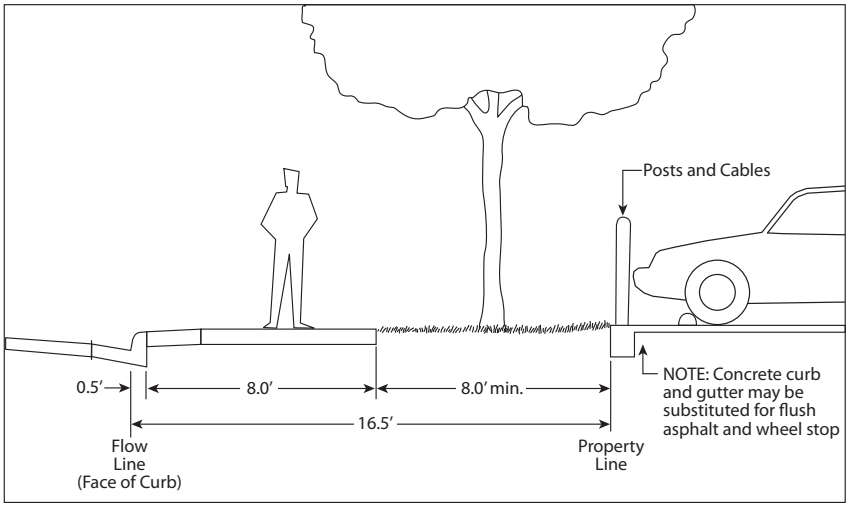
### 3. Pedestrian Access

A 3-foot-wide opening for pedestrians shall be located a maximum of 80 feet apart along all public street and alley frontages of the parking lot.

### 4. Variations Allowed

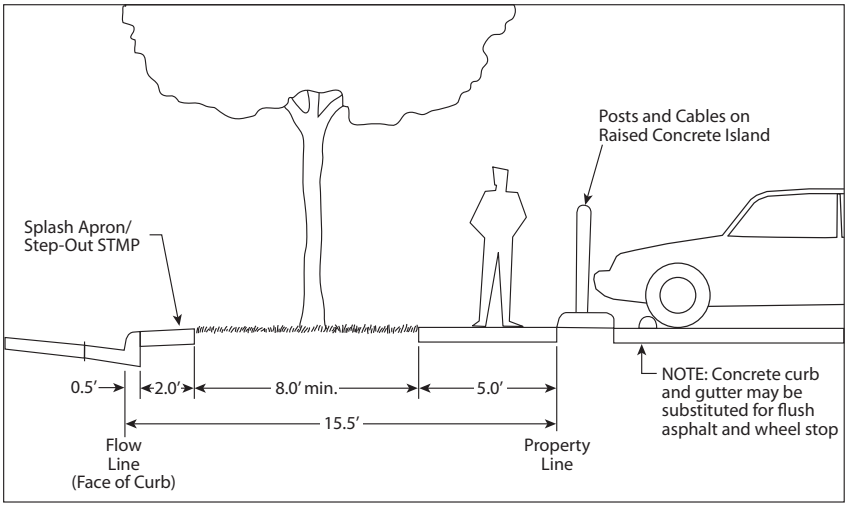
Variations in the arrangement or location of the tree lawn may be allowed depending on the location of existing sidewalks or on the quality of design proposals made by the developer according to the minimum widths set forth in Section 8.10.3.D.1 above.

**Illustration 2: D-C, D-TD, D-LD, D-CV, D-AS and D-GT Zone Districts**



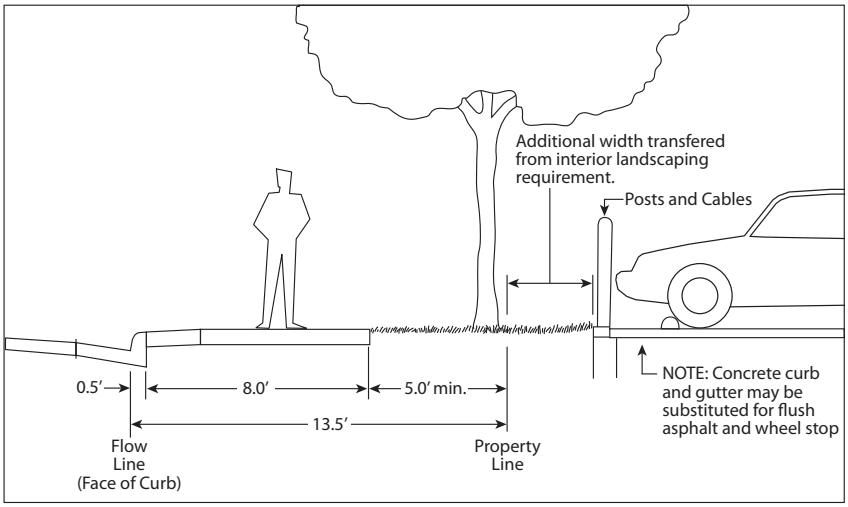

Applicable where right-of-way (flow line to property line) is at least 16.5′ or more and sidewalk is attached.

**Illustration 3: D-C, D-TD, D-LD, D-CV, D-AS and D-GT Zone Districts**



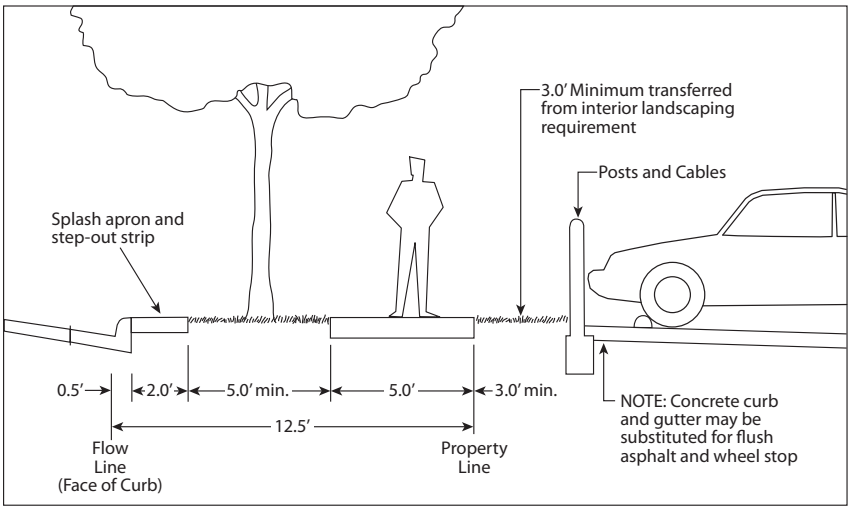

Applicable where right-of-way (flow line to property line) is 15.5′ or more and sidewalk is detached.

**Illustration 4: D-C, D-TD, D-LD, D-CV, D-AS and D-GT Zone Districts**




Applicable where right-of-way (flow line to property line) is at least 13.5′ and sidewalk is attached.

**Illustration 5: D-C, D-TD, D-LD, D-CV, D-AS and D-GT Zone Districts**




Applicable where right-of-way (flow line to property line) is at least 12.5′ or more and sidewalk is attached.

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# DIVISION 8.11 USES AND MINIMUM/MAXIMUM PARKING REQUIREMENTS

## SECTION 8.11.1 APPLICABILITY

8.11.1.1 This Division 8.11 sets forth the land uses permitted, the required zoning procedure, and the minimum/maximum parking requirements in all the Downtown Neighborhood Context zone districts with the exception of the D-LD zone district (see Section 8.4.1.4).

8.11.1.2 See Section 8.3.1.5 for more information on vehicle and bicycle parking in the D-C, D-TD and D-CV zone districts.

8.11.1.3 Maximum parking requirements apply only in the D-CPV-T, D-CPV-R and D-CPV-C zone districts as set forth in Section 8.11.5.

8.11.1.4 Note that the D-C, D-TD, D-CV, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R and D-CPV-C zone districts have no minimum off-street vehicle parking requirement.

8.11.1.5 Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

8.11.1.6 For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Uses and Structures Allowed per Zone Lot.

## SECTION 8.11.2 ORGANIZATION OF USE & MINIMUM PARKING TABLE

### 8.11.2.1 Organized by Primary, Accessory and Temporary Uses

The Use and Minimum Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### 8.11.2.2 Primary Use Classifications, Categories & Specific Use Types

**A. Primary Use Classifications**

All primary land uses in the Use and Minimum Parking Table are organized into one of the following five general land use classifications:

1. Residential Uses
2. Civic, Public & Institutional Uses
3. Commercial Sales, Service & Repair Uses
4. Industrial, Manufacturing & Wholesale Uses
5. Agriculture

**B. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Minimum Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**C. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Minimum Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## SECTION 8.11.3 EXPLANATION OF USE & MINIMUM PARKING TABLE ABBREVIATIONS

### 8.11.3.1 General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### 8.11.3.2 Permitted, Limited, Not Permitted

**A. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**B. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**C. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

### 8.11.3.3 Zoning Procedure

**A. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**B. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**C. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**D. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 8.11.3.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

# SECTION 8.11.4 DISTRICT SPECIFIC STANDARDS (USE & MINIMUM PARKING TABLE)

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

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• D-GT & D-AS Districts - Vehicle: 0.75/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Multi-Unit<br>• D-GT & D-AS Districts - Vehicle: 0.75/unit<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/2 units (80/20)<br>• D-CPV-T/R/C Districts - Bicycle: 1.1/unit (80/20) | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Live / Work<br>• D-GT & D-AS Districts - Vehicle: 0.75/unit<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/2 units (80/20)<br>• D-CPV-T/R/C Districts - Bicycle: 1.1/unit (80/20) | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | § 11.2.4; §11.2.6 |
| Group Living | Assisted Living Facility<br>• D-GT & D-AS Districts - Vehicle: .75/unit<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: 1/10 units (50/50) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Community Corrections Facility<br>• D-GT & D-AS Districts - Vehicle: No requirement<br>• D-GT, D-AS-12+/20+ & D-CPV-T/R/C Districts: -Bicycle: 1/10 units (50/50) | L-ZPIN | L-ZPIN | L-ZPIN | NP | NP | NP | § 11.2.10 |
| | Nursing Home, Hospice<br>• D-GT & D-AS Districts - Vehicle: .75/unit<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: 1/10 units (50/50) | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | |
| | Residence for Older Adults<br>• D-GT & D-AS Districts - Vehicle: No requirement<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: 1/10 units (50/50) | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | |
| | Residential Care Use, Small or Large<br>• D-GT & D-AS Districts - Vehicle: No requirement<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: 1/10 units (50/50) | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.2.9 |
| | Rooming and Boarding House<br>• No Parking Requirements | NP | NP | NP | NP | NP | P-ZP | |
| | Shelter for the Homeless<br>• D-GT & D-AS Districts - Vehicle: No requirement<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• D-GT & D-AS Districts - Vehicle: 0.75/unit<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/2 units (80/20)<br>• D-CPV-T/R/C Districts - Bicycle: 1.1/unit (80/20) | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.3 |
| | Day Care Center<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Hospital | P-ZP | P-ZP | NP | NP | NP | D-AS-12+/20+ & D-CPV-T/R: NP<br>D-CPV-C: P-ZP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | |
| | Library<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• D-GT & D-AS Districts - Vehicle- Elementary: 1/1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle-Elementary: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle-Elementary: 1/5,000 s.f. GFA (0/100)<br>• D-GT & D-AS Districts - Vehicle-Secondary: 1/1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle-Secondary: 1/ 5,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | University or College<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8; § 11.3.8 |
| | Vocational or Professional School<br>• D-GT & D-AS Districts - Vehicle: 1/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/10,000 s.f. GFA (0/100)<br>• D-CPV-T/R/C Districts - Bicycle: 1/5,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Public and Religious Assembly | All Types<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• D-GT & D-AS Districts - Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• D-GT & D-AS Districts - Vehicle - All Others: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | L-ZP | L-ZP | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | NP | D-AS-12+/20+ & D-CPV-T/R: NP<br>D-CPV-C: P-ZP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones | | Not Applicable | | | | | | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | L-ZP | L-ZP | NP | NP | L-ZP/ ZPIN | P-ZP | § 11.4.7 |
| | Parking, Surface*<br>• No Parking Requirements | L-ZP | L-ZP | NP | NP | D-GT: L-ZPIN<br>D-AS: P-ZPIN | NP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• D-GT & D-AS Districts - Vehicle: 2.5/ 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: 1/1,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• D-AS & D-GT Districts - Vehicle - MS only: 2/ 1,000 s.f. GFA<br>• D-GT & D-AS Districts - Vehicle: 0.875/guest room or unit<br>• D-GT, D-AS, D-AS-12+/20+, & D-CPV-T/R/C Districts - Bicycle: 1/7,500 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | NP | P-ZPIN | P-ZP | |
| | Lodging Accommodations, All Others<br>• D-GT & D-AS Districts - Vehicle: 0.875/ guest room or unit<br>• D-GT, D-AS, D-AS-12+/20+, & D-CPV-T/R/C Districts - Bicycle: 1/7,500 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | NP | P-ZPIN | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.4.10 |
| | Office, All Others<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.4.12 |
| | Animal Sales and Services, All Others<br>• No Parking Requirements | P-ZP | P-ZP | NP | NP | NP | NP | |
| | Food Sales or Market<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Pawn Shop<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | L-ZP | L-ZP | NP | NP | L-ZPIN | L-ZPIN | §11.4.15 |
| | Retail Sales, Service & Repair -- Outdoor* | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair - Firearms Sales | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair, All Others<br>• D-GT & D-AS Districts - Vehicle: 1.25/ 1,000 s.f. GFA<br>• D-GT, D-AS, & D-AS-12+/20+ Districts - Bicycle: 1/7,500 s.f. GFA (20/80)<br>• D-CPV-T/R/C Districts - Bicycle: 1/4,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | |
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• D-GT & D-AS Districts - Vehicle: .5/ 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZP | L-ZP | NP | NP | L-ZP | NP | § 11.4.17 |
| | Automobile Services, Light<br>• D-GT & D-AS Districts - Vehicle: .5/ 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | NP | NP | NP | NP | L-ZPIN | L-ZP | §11.4.18; §11.4.19 |
| | Automobile Services, Heavy | NP | NP | NP | NP | NP | NP | |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• D-GT & D-AS Districts - Vehicle: .5/ 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZPIN | L-ZP | §11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | NP | NP | NP | NP | NP | NP | |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• D-GT & D-AS Districts - Vehicle: .5/ 1,000 s.f. GFA<br>• D-GT, D-AS, D-AS-12+/20+ & D-CPV-T/R/C Districts - Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• D-GT & D-AS Districts - Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | |
| | Food Preparation and Sales, Commercial<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | § 11.5.5 |
| Industrial Services | Laboratory, Research, Development and Technological Services<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.5.6 |
| | Service/Repair, Commercial<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L -ZP | L -ZP | L -ZP | NP | L -ZP | L-ZP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• D-GT & D-AS Districts - Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZPIN/ ZPSE | NP | L-ZPIN/ ZPSE | L-ZP/ZPSE | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.13 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZP | L-ZP | NP | L-ZP | L-ZP/ ZPSE | L-ZP | §11.5.14 |
| | Railroad Facilities*<br>• D-GT & D-AS Districts - Vehicle: .5 /1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | NP | L-ZP | L-ZP | NP | §11.5.14.2 |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• D-GT & D-AS Districts - Vehicle: .5/1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Freight, Air Courier Services<br>• D-GT & D-AS Districts - Vehicle: .5 /1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZPIN | NP | § 11.5.17 |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | NP | NP | |
| | Recycling Collection Station | NP | NP | NP | NP | NP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• D-GT & D-AS Districts - Vehicle: 0.1/1,000 s.f. GFA<br>• Bicycle: No requirement | L -ZP | L -ZP | L -ZP | NP | L -ZP | L-ZP | §11.5.23 |
| | Vehicle Storage, Commercial*<br>• D-GT & D-AS Districts - Vehicle: .5/1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | § 11.5.24 |
| | Wholesale Trade or Storage, General | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• D-GT & D-AS Districts - Vehicle: .5 /1,000 s.f. GFA<br>• Bicycle: No requirement | P -ZP | P -ZP | P -ZP | NP | P -ZP | L-ZP/ZPIN/ZPSE | § 11.5.26 |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | NP | NP | |
| | Garden, Urban*<br>• D-GT & D-AS Districts - Vehicle: .5/1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• D-GT & D-AS Districts - Vehicle: .5/1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.6.5 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | §11.7 |
| | Accessory Dwelling Unit | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.7; §11.8.2 |
| | Domestic Employee | L | L | L | NP | L | L | §11.7.1; §11.8.3 |
| | Garden* | L | L | L | NP | L | L | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | NP | L/L-ZPIN | L/L-ZPIN | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | NP | L | L | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | NP | L | L | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | Not Applicable - See Permitted Primary Uses | | | | | | §11.7; §11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.7; §11.8.9 |
| | Short-term Rental | L | L | L | NP | L | L | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | NP | L | L | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | Not Applicable - See Permitted Primary Uses | | | | | | |
| | Yard or Garage Sales* | L | L | L | NP | L | L | §11.7; §11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | |
| Home Occupations Accessory to a Primary Residential Use (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | NP | L-ZPIN | L-ZPIN | §11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | §11.9; §11.9.4 |
| | Unlisted Home Occupations | L-ZPIN | L-ZPIN | L-ZPIN | NP | L-ZPIN | L-ZPIN | §11.9; §11.9.5 |

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When no ZP, ZPIN, ZPSE listed = No Zoning Permit required

| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement<br>(% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | Not Applicable - See Permitted Primary Uses | | | NP | Not Applicable - See Permitted Primary Uses | | |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | L | L | L | §11.7; §11.10.4 |
| | Car Wash Bay Accessory to Automobile Services | NP | NP | NP | NP | NP | NP | |
| | College accessory to a Place for Religious Assembly | L | L | L | L | L | L | §11.7; §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | L | L | L | L | L | L | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses* | NP | NP | NP | NP | L-ZP | NP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP/L-ZPSE | NP | §11.7; §11.10.9 |
| | Garden* | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/ L-ZP/ L-ZPIN | L/ L-ZP/ L-ZPIN | L/ L-ZP/ L-ZPIN | L/ L-ZP/ L-ZPIN | L/ L-ZP/ L-ZPIN | L/L-ZP/L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | Not Applicable | | | | | | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | NP | NP | |
| | Outdoor Storage, Limited* | L | L | L | L | L | L | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | L | L | L | L | L | L | §11.7; §11.10.18 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>D-C, D-TD, D-CV, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4.<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | D-C | D-TD | D-LD | D-CV | D-GT<br>D-AS | D-AS-12+<br>D-AS-20+<br>D-CPV-T<br>D-CPV-R<br>D-CPV-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | | | |
| Temporary Uses<br><br>(Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Temporary Uses | L - Applicable to all Zone Districts | | | | | | §11.11.1 |
| | Ambulance Service - Temporary | Not Applicable - See Permitted Primary Uses | | | | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | NP | NP | |
| | Bazaar, Carnival, Circus or Special Event* | 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 | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | 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 | §11.11.7 |
| | Health Care Center | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | L-ZP | §11.11.8 |
| | Noncommercial Concrete Batching Plant* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | L-ZP | L-ZP | L-ZP | NP | NP | L-ZP | §11.11.10 |
| | Outdoor Retail Sales* | NP | NP | NP | NP | NP | NP | |
| | Outdoor Sales, Seasonal* | L-ZP | L-ZP | L-ZP | 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 | §11.11.13 |
| | Retail Food Establishment, Mobile* | L-ZP | L-ZP | L-ZP | NP | NP | L-ZP | §11.11.14 |
| | Temporary Construction Office | 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 | §11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | NP | NP | |

# SECTION 8.11.5 MAXIMUM VEHICLE PARKING REQUIREMENTS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER AND CENTER DISTRICTS

## A. Intent

1. To promote active, transit-supportive development that leverages the regional transit infrastructure investment in the Downtown Central Platte Valley - Auraria districts.

2. To reduce the number of vehicle trips within and around the Downtown Central Platte Valley - Auraria districts and encourage alternative travel modes such as walking, biking, and transit.

3. To promote the efficient development of land in the Downtown Central Platte Valley - Auraria districts by limiting the amount of land dedicated to vehicle parking.

## B. Applicability

This Section 8.11.5 applies to all Structures in the D-CPV-T, D-CPV-R and D-CPV-C zone districts.

## C. Vehicle Parking Standards

The following table establishes the maximum vehicle parking allowed in the D-CPV-T, D-CPV-R and D-CPV-C zone districts based on the allowed primary uses by zone district.

| USE CATEGORY | SPECIFIC USE TYPE | MAXIMUM VEHICLE PARKING: # SPACES PER UNIT OF MEASUREMENT |
|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | |
| Household Living | Dwelling, Single Unit | No Maximum |
| | Dwelling, Two Unit | No Maximum |
| | All other specific use types within the Household Living Use Category | 0.7/Unit for each unit with 0-1 bedrooms<br>1.0/Unit for each unit with 2 bedrooms<br>1.3/Unit for each unit with 3+ bedrooms |
| Group Living | Residence for Older Adults | 0.7/Unit for each unit with 0-1 bedrooms<br>1.0/Unit for each unit with 2 bedrooms<br>1.3/Unit for each unit with 3+ bedrooms |
| | Rooming and Boarding House | 1.25/1,000 sf GFA |
| | Shelter for the Homeless | 1.25/1,000 sf GFA |
| | All other specific use types within the Group Living Use Category | 0.7/Unit |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | |
| | All specific use types within the Civic, Public & Institutional Primary Use Classification | 1.25/1,000 sf GFA |
| **COMMERCIAL SALES, SERVICE & REPAIR PRIMARY USE CLASSIFICATION** | | |
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor | 1.25/1,000 sf GFA |
| | Arts, Recreation and Entertainment Services, Outdoor | 6.0/1,000 sf GFA |
| | Sports and/or Entertainment Arena or Stadium | 6.0/1,000 sf GFA |
| Parking of Vehicles | Parking, Garage | No Maximum* |
| Eating & Drinking Establishments | All Types | 2.0/1,000 sf GFA |
| Lodging Accommodations | Bed and Breakfast Lodging | 0.5/guest room or unit |
| | Lodging Accommodations, All Others | 0.5/guest room or unit |
| | All other specific use types within the Commercial Sales, Service, & Repair Primary Use Classification | 1.25/1,000 sf GFA |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | |
| Transportation Facilities | Terminal, Station or Service Facility for Passenger Transit System | No Maximum* |
| | All other specific use types within the Industrial, Manufacturing & Wholesale Primary Use Classification | 1.25/1,000 sf GFA |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | |
| | All specific use types within the Agriculture Primary Use Classification | 1.25/1,000 sf GFA |
| *See Section 10.4.5.4 for Shared Vehicle Parking Requirements | | |

# ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS

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## ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS


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# DIVISION 9.1 INDUSTRIAL CONTEXT (I-MX, I-A, I-B)

## SECTION 9.1.1 INDUSTRIAL CONTEXT DESCRIPTION





**General Character:** The Industrial Context consists of areas of light industrial, heavy industrial and general industrial areas, as well as areas subject to transitions from industrial to mixed-use. The Industrial Context includes parts of the city where outdoor uses and activities are accommodated, with appropriate screening , including outdoor storage, heavy commercial services, and waste services. Forms are often tall single-story buildings or multi-story buildings with tall ceilings that accommodate industrial processes, loading bays, and specialized equipment. Industrial uses are primarily located along or in proximity to highway or arterial streets, and often include heavy rail access.

**Street, Block, and Access Patterns:** The Industrial Context consists of an irregular pattern of large blocks. Vehicle access is typically a drive from the street to a surface parking lot. Truck access, loading, and parking are important attributes. The Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access.

**Building Placement and Location:** Industrial buildings are typically placed to accommodate the specific activity, often with parking surrounding the building. In many cases, the Industrial Context incorporates existing buildings with raised loading docks presenting particular access and parking challenges. Building placement in the Industrial Mixed Use districts is closer to the street with parking, loading and access in the rear of the site. Reuse of existing industrial buildings with street facing loading presents design challenges.

**Building Height and Form:** Building heights range from 1-8 stories which utilize simple forms to maximize open floor space to accommodate warehousing, although older industrial areas include multi-story warehouse buildings, manufacturing uses, adaptive re-use of industrial structures, and multi-storied mixed use buildings.

**Mobility:** The Industrial Context has typically had a relatively low level of access to the multi-modal transit system, although many areas are adjacent to transitioning Areas of Change associated with new or existing rail transit lines.

## SECTION 9.1.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established in the Industrial Context and are applied to property as set forth on the Official Map.

| **Industrial Context** | |
|---|---|
| I-MX-3, -5, -8 | Industrial Mixed Use District |
| I-A | Light Industrial District |
| I-B | General Industrial District |

### 9.1.2.1 Purpose

The following paragraphs explain the general purpose and intent of the Industrial Context zone districts.

#### A. I-MX Industrial Mixed Use Districts (I-MX-3,-5, -8)

##### 1. General Purpose

a. The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level.

b. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.

c. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.

##### 2. Industrial Mixed Use 3 (I-MX-3)

I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.

##### 3. Industrial Mixed Use 5 (I-MX-5)

I-MX-5 applies to industrially-dominated areas served primarily by collector streets with a maximum building height of 5 stories.

##### 4. Industrial Mixed Use 8 (I-MX-8)

I-MX-8 applies to industrially-dominated areas served primarily by collector or arterial streets with a maximum building height of 8 stories.

#### B. I-A Light Industrial District

This district is intended to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use Commercial Zone Districts. No new residential uses may be established in the I-A zone district in order to promote a stable employment base for the city. Accordingly, I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas, which may be zoned I-B General Industrial. All uses conducted in this zone district must be enclosed within a structure, unless specifically allowed to operate out of doors.

#### C. I-B General Industrial District

This district is intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A zone district. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B zone district in order to promote and continue a stable employment base for the city.

### 9.1.2.2 Specific Building Form Intent

**A. Town House**
Establish standards for buildings containing Side-by-Side Dwelling Units that require Dwelling Units located near the street to be oriented to the street. Additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street.

**B. General**
Establishes a base set of standards to define and activate the public street. The building form requires a minimum of one pedestrian entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-side Dwelling Units.

**C. Industrial**
Establishes standards that allow for greater flexibility to accommodate industrial uses as allowed by the zone district.

## SECTION 9.1.3 DESIGN STANDARDS

### 9.1.3.1 Applicability
All development in the I-MX, I-A, I-B zone districts.

### 9.1.3.2 Primary Building Form

**A. General Standards**

1. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

B. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

**C. District Specific Standards Summary**
The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Industrial (I-) Neighborhood Context Zone Districts | | Building Forms | | |
|---|---|---|---|---|
| | | Town House | General | Industrial |
| Max Number of Primary Structures per Zone Lot | | No Maximum | | |
| Industrial Mixed Use | I-MX -3, -5, -8 | ■ | ■ | ■ |
| Light Industrial | I-A | | ■ | ■ |
| General Industrial | I-B | | ■ | ■ |

■ = Allowed

## 9.1.3.3 District Specific Standards

### A. Town House



## TOWN HOUSE

| | HEIGHT | I-MX-3 | I-MX-5<br>I-MX-8 |
|---|---|---|---|
| A | Stories (max) | 3 | 5 |
| A | Feet (max) | 38′ | 70′ |

| | SITING | I-MX-3 | I-MX-5<br>I-MX-8 |
|---|---|---|---|
| | **REQUIRED BUILD-TO** | | |
| B | Primary Street (min % within min/max) | 70%<br>(10'/15′) | 70%<br>(10'/15′) |
| | **SETBACKS** | | |
| C | Primary Street (min) | 10′ | 10′ |
| D | Side Street (min) | 7.5′ | 7.5′ |
| E | Side Interior (min) | 5′ | 5′ |
| F | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| | Rear (min) | 0′ | 0′ |
| | Rear Setback adjacent to Protected District alley/ no alley (min) | 5′/10′ | 5′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | |
| | Surface Parking Screening | See Sec. 10.5.4.4 | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present | |

| | DESIGN ELEMENTS | I-MX-3 | I-MX-5<br>I-MX-8 |
|---|---|---|---|
| G | Dwelling Units Oriented to the Street | Required if any portion of the Dwelling Unit is located within 20′ of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line. | |
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units | |
| H | Upper Story Setback Above 27′, adjacent to Protected District: alley/no alley and Side Interior (min) | 20′/25′ | 20′/25′ |
| | Upper Story Setback Above 51′, adjacent to Protected District: alley/no alley and Side Interior (min) | na | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | |
| I | Transparency, Primary Street (min) | 40% | 40% |
| | Transparency, Side Street (min) | 25% | 25% |
| J | Pedestrian Access, Primary Street | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature. | |

| USES | I-MX-3 | I-MX-5<br>I-MX-8 |
|---|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Section 9.1.5 Uses and Parking | |

**See Sections 9.1.3.5 - 9.1.3.9 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

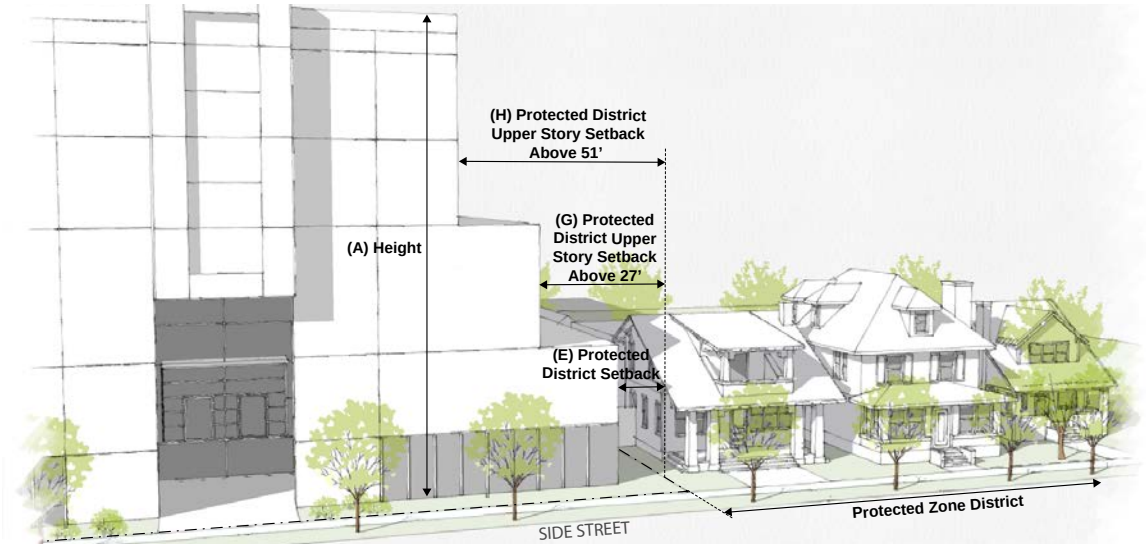
## D. General

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## GENERAL

| | HEIGHT | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 8 | na | na |
| | Feet (max) | 45′ | 70′ | 110′ | na | na |
| | Feet within 175′ of a Protected District (max) | na | na | 75′ | 75′ | 75′ |

| | SITING | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | |
| | Floor Area Ratio (FAR) (max) | na | na | na | 2.0 | 2.0 |
| | **REQUIRED BUILD-TO** | | | | | |
| B | Primary Street (min % within min/max) | 50% (0/10′) | 50% (0/10′) | 50% (0/10′) | na | na |
| | **SETBACKS** | | | | | |
| C | Primary Street (min) | 0′ | 0′ | 0′ | 20′ | 20′ |
| D | Side Street (min) | 0′ | 0′ | 0′ | 10′ Can reduce to 5′ on lot less than 100ft in width on the long side of the block | 10′ Can reduce to 5′ on lot less than 100ft in width on the long side of the block |
| E | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| F | Rear (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear Setback adjacent to Protected District alley, no alley (min) | 5′/10′ | 5′/10′ | 5′/10′ | 10′ | 10′ |
| | **PARKING** | | | | | |
| | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed | | | Allowed/Allowed | |
| | Surface Parking Screening | See Sec. 10.5.4.4 | | | | |
| | Vehicle Access | Access determined as part of Site Development Plan Review | | | | |

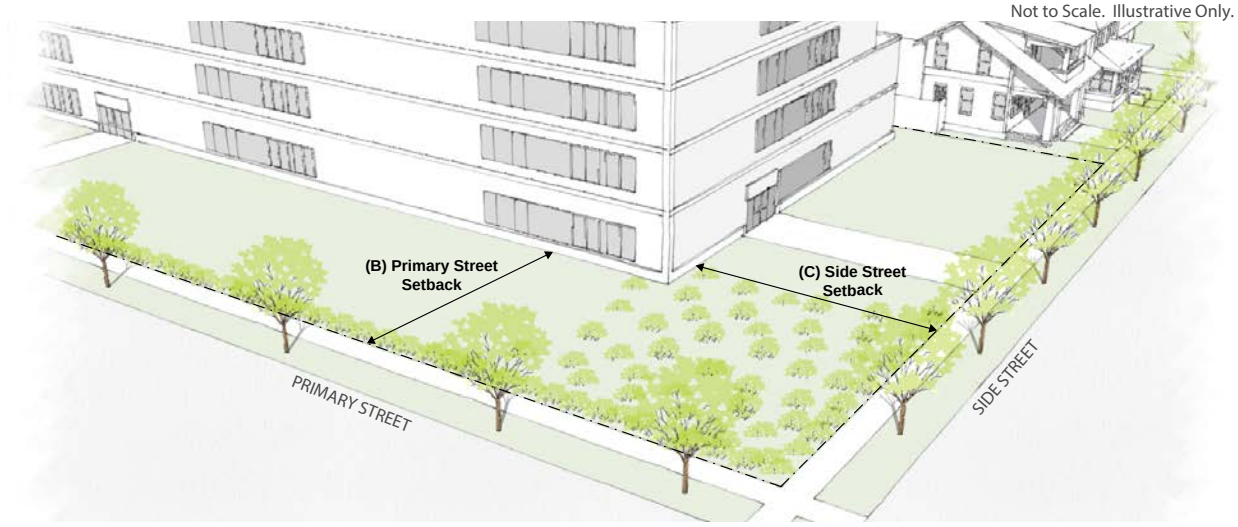
| | DESIGN ELEMENTS | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| | Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units<br>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA | | | | |
| G | Upper Story Setback Above 27′, adjacent to Protected District: alley/no alley and Side Interior (min) | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District: alley/no alley and Side Interior (min) | na | 35′/40′ | 35′/40′ | 35′/40 | 35′/40 |
| | **STREET LEVEL ACTIVATION** | | | | | |
| I | Transparency, Primary Street (min) | 40% | 40% | 40% | na | na |
| | Transparency, Side Street (min) | 25% | 25% | 25% | na | na |
| | Pedestrian Access, Primary Street | Entrance | | | na | na |

| USES | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|
| | All permitted Primary Uses shall be allowed within this building form.<br>See Section 9.1.5 Uses and Parking | | | | |

**See Sections 9.1.3.5 - 9.1.3.9 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

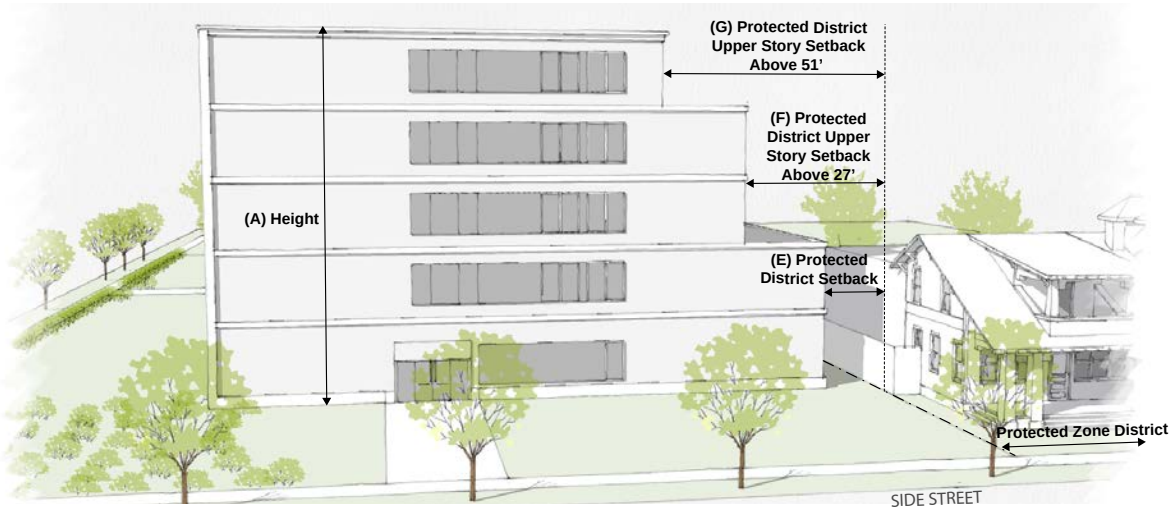
## E. Industrial

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# INDUSTRIAL

| | HEIGHT | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 8 | na | na |
| A | Feet (max) | 45′ | 70′ | 110′ | na | na |
| | Feet within 175′ of a Protected District (max) | na | na | 75′ | 75′ | 75′ |

| | SITING | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| | **ZONE LOT** | | | | | |
| | Floor Area Ratio (FAR) (max) | na | na | na | 2.0 | 2.0 |
| | **SETBACKS** | | | | | |
| B | Primary Street (min) | 0′ | 0′ | 0′ | 20′ | 20′ |
| C | Side Street (min) | 0′ | 0′ | 0′ | 10′ | 10′ |
| | | Can reduce to 5′ on lot less than 100ft in width on the long side of the block | | | | |
| D | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| E | Rear (min) | 0′ | 0′ | 0′ | 0′ | 0′ |
| | Rear Setback adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| | **PARKING** | | | | | |
| | Surface Parking Screening | See Sec. 10.5.4.4 | | | | |
| | Vehicle Access, 3 or more side-by side dwelling units in one structure | From Alley, or Street access allowed when no Alley present (Sec. 9.1.3.8) | | | | |
| | Vehicle Access | Access determined as part of Site Development Plan Review | | | | |

| | DESIGN ELEMENTS | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|---|
| F | Upper Story Setback Above 27′, adjacent to Protected District: alley/no alley and side, interior (min) | 20′/25′ | 20′/25 | 20′/25 | 20′/25 | 20′/25 |
| G | Upper Story Setback Above 51′, adjacent to Protected District: alley/no alley and side, interior (min) | na | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| | Transparency, Primary Street (min) | na | na | na | na | na |
| | Transparency, Side Street (min) | na | na | na | na | na |
| | Pedestrian Access, Primary Street | Pedestrian Connection | | | na | na |

| USE | I-MX-3 | I-MX-5 | I-MX-8 | I-A | I-B |
|---|---|---|---|---|---|
| | For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010 Vehicle/Equipment Sales, Rentals, Service & Repair Use Category Uses and Industrial, Manufacturing & Wholesale Primary Use Classification Uses Only. | | | All permitted Primary Uses shall be allowed within this building form. See Section 9.1.5 Uses and Parking | |

**See Sections 9.1.3.5 - 9.1.3.9 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

### 9.1.3.4 Detached Accessory Building Form Standards

Detached Accessory Structures shall comply with the following standards:

## DETACHED ACCESSORY STRUCTURES

| HEIGHT | All I-MX | I-A | I-B |
|---|---|---|---|
| Stories (max) | 1 | na | na |
| Feet (max) | 17′ | na | na |

| SITING | All I-MX | I-A | I-B |
|---|---|---|---|
| **ZONE LOT** | | | |
| Allowed Number of Dwelling Units (min/max) | 0/0 | 0/0 | 0/0 |
| **SETBACKS** | | | |
| Primary Street (min) | 10′ | 20′ | 20′ |
| Side Street (min) | 10′ | 10′ | 10′ |
| | | Can reduce to 5′ on Zone Lot less than 100′ in width along the long side of the block | |
| Side Interior (min) | 0′ | 0′ | 0′ |
| Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| Rear (min) | 0′ | 0′ | 0′ |
| Rear, adjacent to Protected District (min) | 10′ | 10′ | 10′ |

| DESIGN ELEMENTS | All I-MX | I-A | I-B |
|---|---|---|---|
| Gross Floor Area (max) | Shall Not Exceed 10% of the Zone Lot Area; does not apply to detached accessory structures with vehicle access doors | Shall Not Exceed 10% of the Zone Lot Area | |

| USE | All I-MX, I-A, I-B |
|---|---|
| | Accessory Uses Only. See Section 9.1.5 for permitted Accessory Uses. |

# SECTION 9.1.4 SUPPLEMENTAL DESIGN STANDARDS

## 9.1.4.1 Surface Parking Between the Building and the Primary/Side Street

### A. Intent

Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

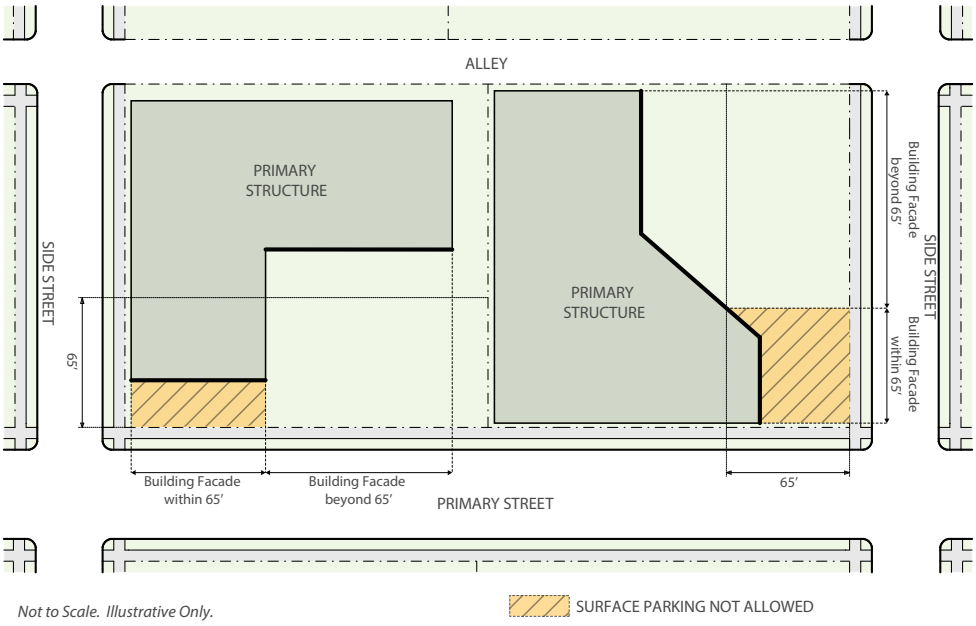
### B. Applicability

This Section 9.1.4.1 applies to the General and Town House building forms in the I-MX zone districts.

### C. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.

Figure 9.1-1




## 9.1.4.2 Rooftop and/or Second Story Decks

### A. Intent

To protect the privacy of adjacent rear yards when adjacent to low-scale residential neighborhoods.

### B. Applicability

Town House building form in all the I-MX zone districts when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

### C. Supplemental Design Standard

1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the Zone Lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the Zone Lot depth, including detached or freestanding structures but excluding the detached

accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

### 9.1.4.3 Dwelling Units Oriented to the Street

#### A. Intent

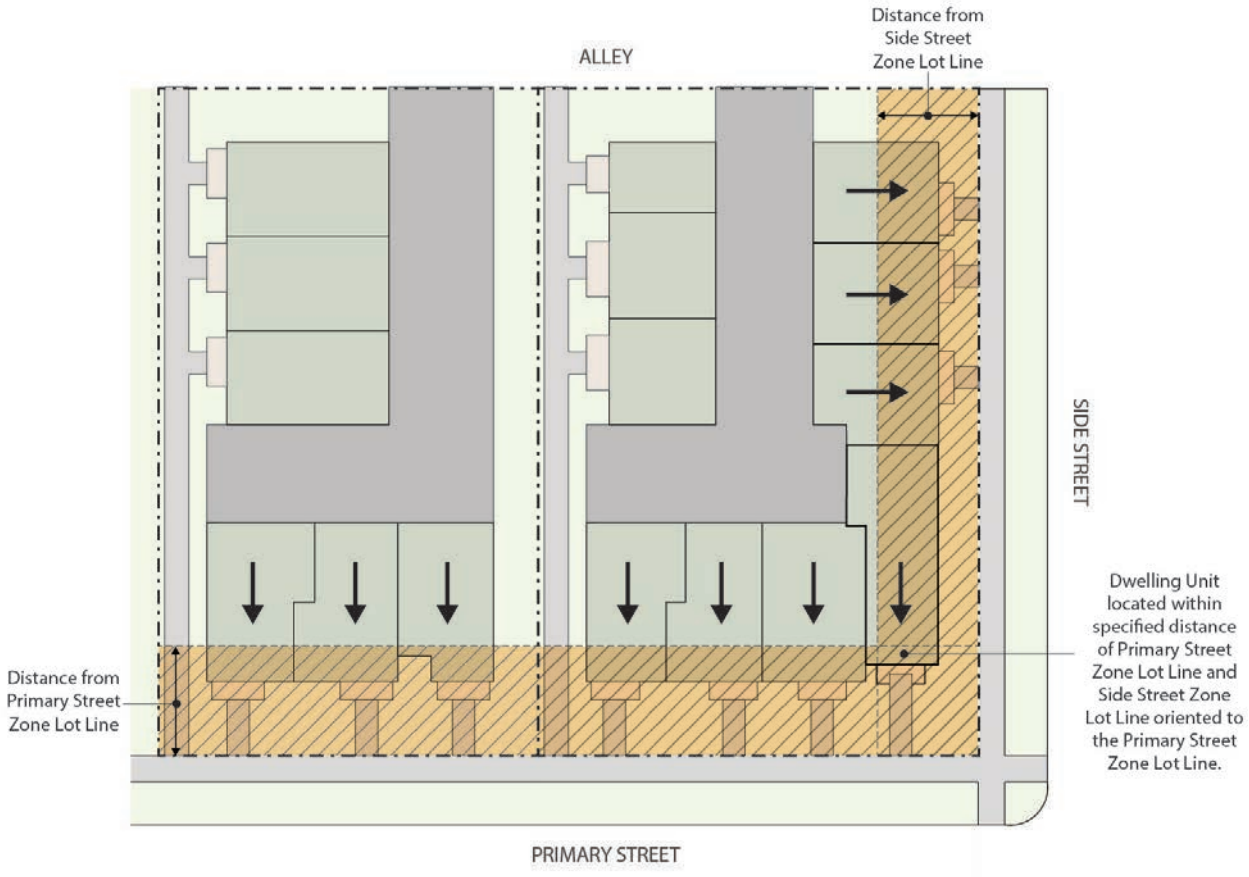
To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

#### B. Applicability

This Section 9.1.4.3 shall apply to development under the Town House building form in all I-MX zone districts when required by the building form standards.

#### Supplemental Design Standard

1. On an Interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.
2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or the Side Street Zone Lot Line.
    a. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
    b. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.
    c. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.



d. On a Zone Lot with more than one Primary Street, the Zoning Administrator shall determine the street to which the Dwelling Unit shall orient based on an analysis, at a minimum, of:

i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;

ii. Block and lot shape;

iii. The functional street classification of all abutting streets as adopted by the Public Works Department;

iv. The future street classification of all abutting streets as adopted in Blueprint Denver; and

v. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

### 9.1.4.4 Height for Sloped Roofs

**A. Intent**

To allow for design flexibility for sloped roofs that promote variations within the building forms.

**B. Applicability**

The I-MX-3 zone districts in the Town House building form.

**Supplemental Design Standard**

1. For any portion of a primary building's roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be 45 feet in the I-MX-3 zone districts.

2. Development of a primary building with a roof with a minimum pitch that takes advantage of the maximum height allowed per this Section 9.1.4.4 may apply one or more height exceptions allowed in Section 9.1.4.6, except that such height exceptions shall be measured from an allowed maximum of height of 38 feet in the I-MX-3 zone district.



## 9.1.4.5 Design Standards Alternatives

### A. Required Build-To Alternatives

#### 1. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when alley access is not feasible per Section 9.1.4.7 in the Town House building form.

#### 2. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | BUILDING FORMS | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| I-MX | Town House | na | na | na | na | na | na | 30% | 12 feet |
| I-MX | General | na | na | 25%* | 30%* | 30%* | 100% | na | na |

***If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.**

### B. Transparency Alternatives

#### 1. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

#### 2. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| I-MX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |

***Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.**

### C. Pedestrian Access (Entrance) Alternatives

#### 1. Intent

To provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building.

#### 2. Allowance

In all I-MX zone districts for the General building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.3.B.4:

a. Courtyard or Plaza

b. Covered Walkway

## 9.1.4.6 Design Standard Exceptions

### A. Height Exceptions

#### 1. Intent

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

#### 2. Applicability and Standards:

a. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 9.1.3.6.

b. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

c. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

d. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

e. Where a building feature exceeds the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All I- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All I- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story or greater I-MX Zone Districts, I-A, I-B | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment. | I-MX-3 Zone District in the Town House Building Form | Yes | Yes, from the perimeter of the portion of the building Facing the Primary Street, Side Street, Side Interior or Rear Zone Lot Line.<br><br>No, from the perimeter of the portion of the building that does not face a Zone Lot Line. | 12' | 1 story | Not Allowed | Not Allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | I-MX-3, all other building forms | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story or greater I-MX Zone Districts, I-A, I-B | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | I-MX-3 | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story or greater I-MX Zone Districts, I-A, I-B | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | I-MX-3 | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story or greater I-MX Zone Districts, I-A, I-B | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All 5-Story or greater I-MX Zone Districts, I-A, I-B | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All I- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All I- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All I- Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All I- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

## B. Required Build-To Exceptions

### 1. Civic, Public & Institutional Uses

#### a. Intent

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**b. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Uses Classification are not required to meet the Primary Street and Side Street Build-To standards.

**2. Parkways**

**a. Intent**

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**b. Standard**

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

## C. Setback Exceptions

**1. Intent**

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**2. Standard**

In all I- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

a. The street setback required by the applicable building form standards in this Code; or

b. The required Parkway setback established under D.R.M.C., Chapter 49.

## D. Setback Permitted Encroachments

**1. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**2. Standard**

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

**a. Architectural Elements**

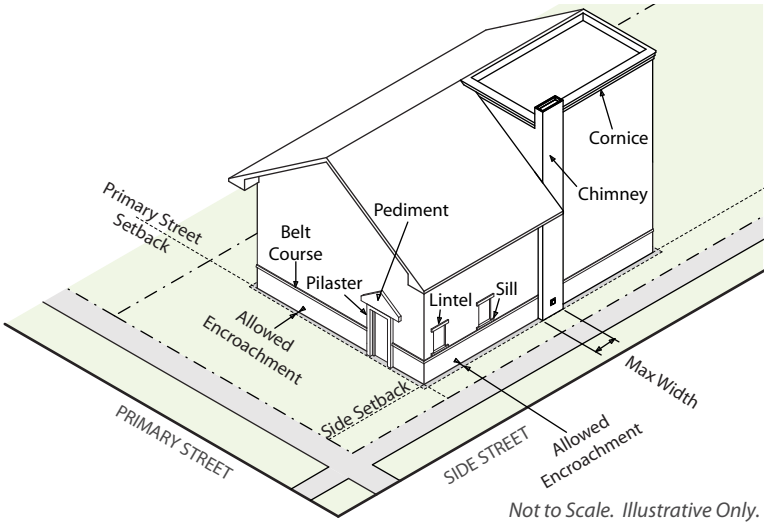
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All I- Zone Districts | All building forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

Intent: To allow common, minor decorative elements which are integral to a building.



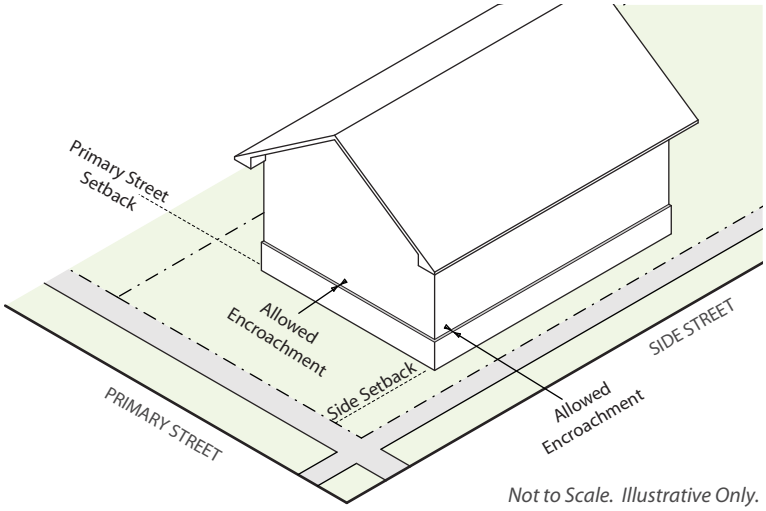
*Illustrative only*




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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All I- Zone Districts | All building forms | 6″ | 6″ | 6″ | 6″ |

Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback.



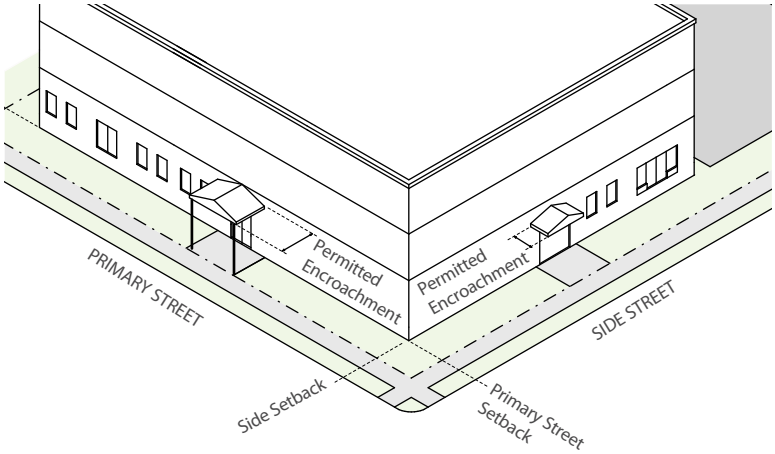

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All I- Zone Districts | Town House | Any distance | Any distance | 2' and at no point closer than 3' to the Zone Lot line | Not allowed |
| | | All Others | Any distance | Any distance | Not allowed | Not allowed |

Intent: Provide protection from the weather for pedestrian entering the building and define street entrances to the building



*Illustrative only*



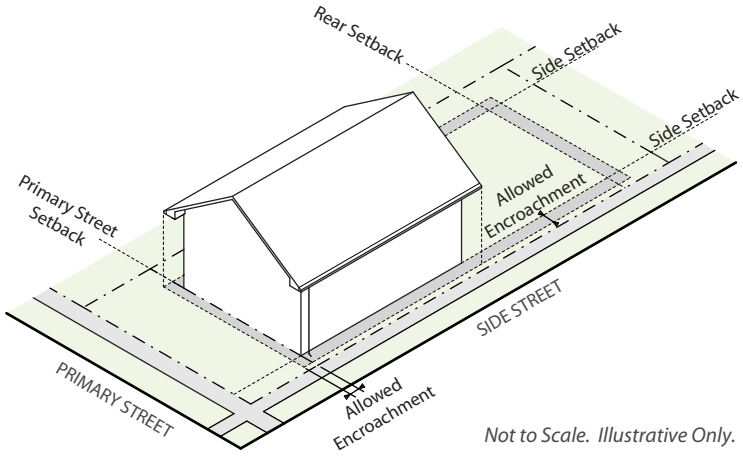

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All I- Zone Districts | All building forms | 3' | 3' | 3'; if setback is less than 5': 2' | 5' |

Intent: To allow features of structures intended to repel weather



*Illustrative only*



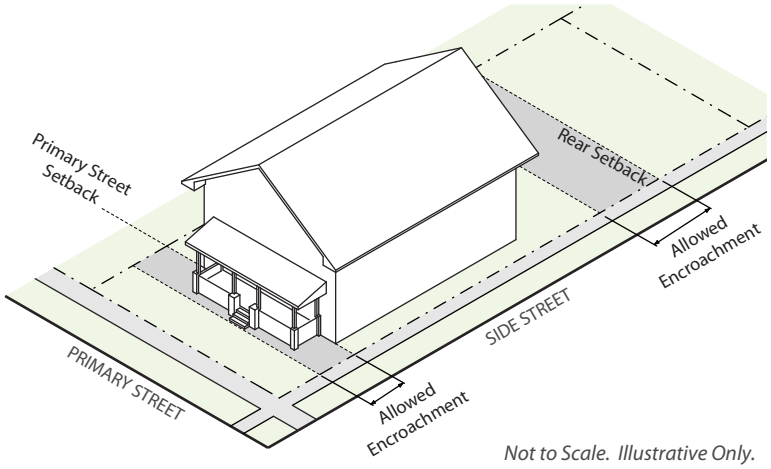

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All I- Zone Districts | All building forms | 8′ and minimum of 1′ between right-of-way and first riser of above- grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |

Intent: To promote elements which provide for street activation and human scale.



*Illustrative only*



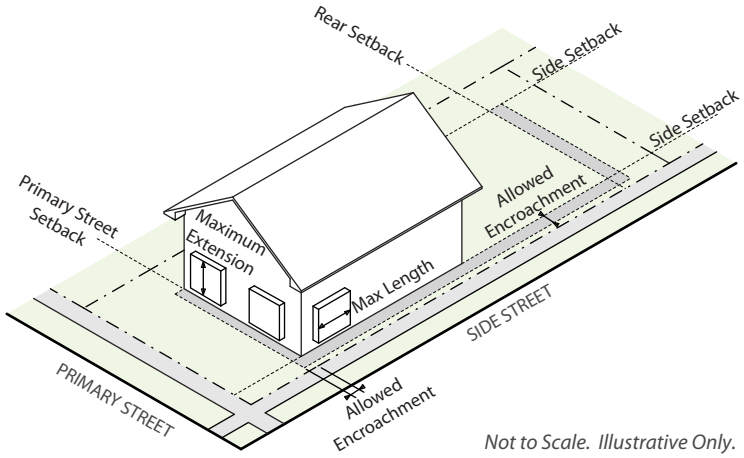

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All I- Zone Districts | Town House | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| | | All Others | 1.5' | 1.5' | Not Allowed | 1.5' |

Intent: To allow for improved interior daylighting.



*Illustrative only*



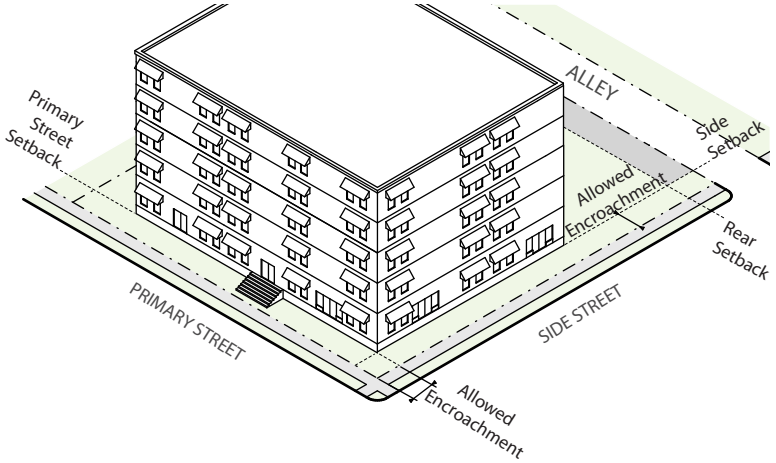

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: Building elements, such as awnings, designed and intended to control light entering a building | All I- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To allow for elements either integral or attached to a building which control light entering through windows.



*Illustrative only*




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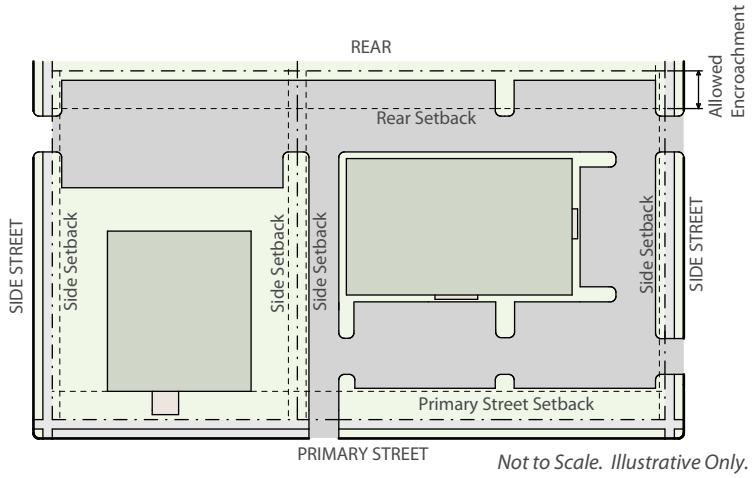
**b. Site Elements**

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Surface Parking | All I- Zone Districts | All building forms | I-A and I-B: 10'; 15' when garden wall screening is provided following Section 10.5.4.4<br><br>I-MX: Not applicable | Not allowed | Not allowed | Any distance |

Intent: To restrict surface parking where it is impactful due to the number of required parking spaces.



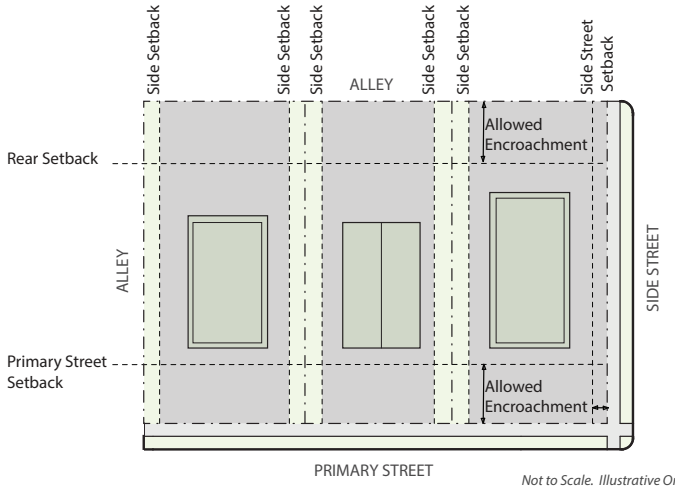

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All I- Zone Districts | All building forms | Any distance | Any distance | Not allowed | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



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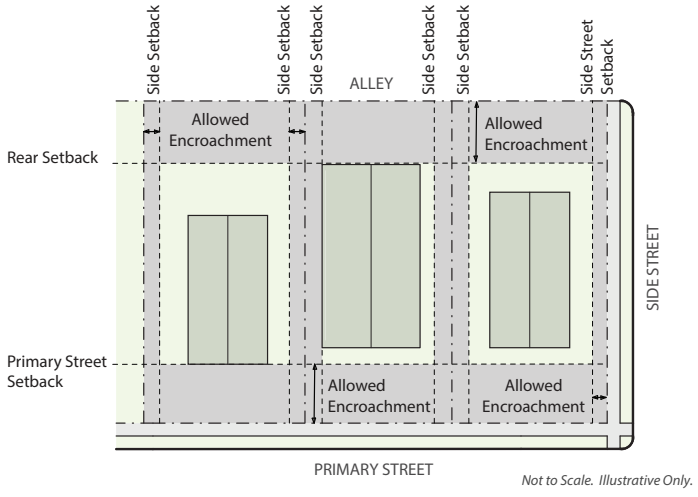

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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All I- Zone Districts | All building forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



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**c. Service & Utility Elements**

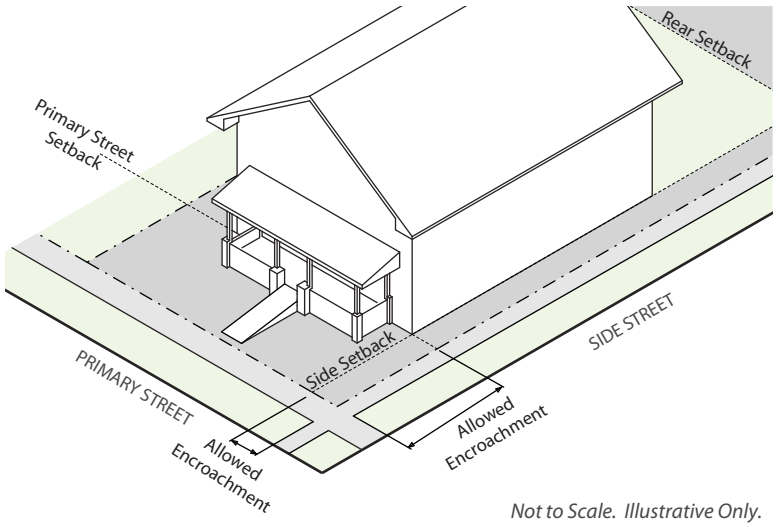
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

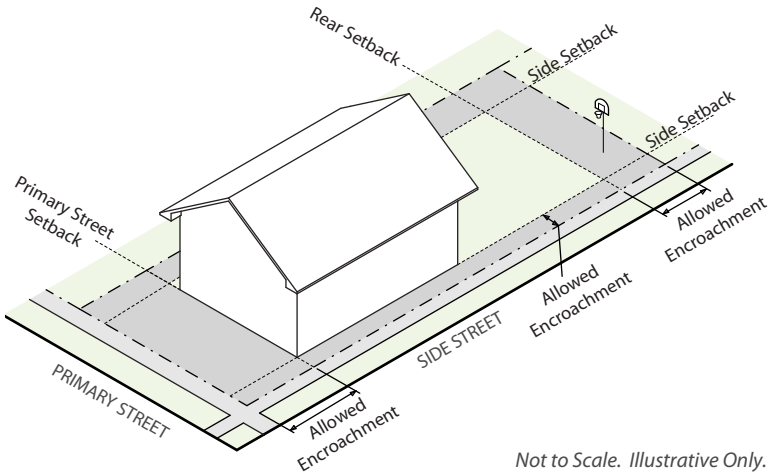


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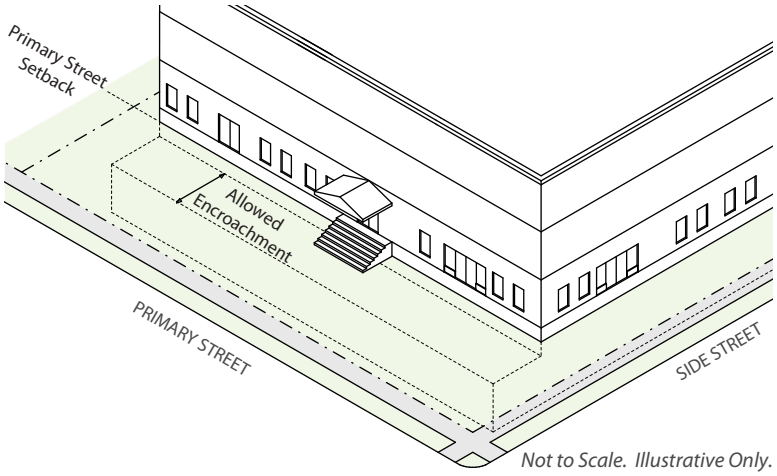


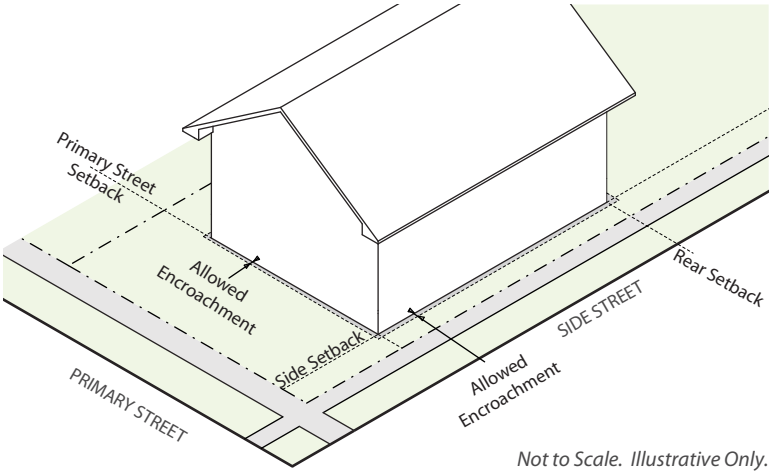

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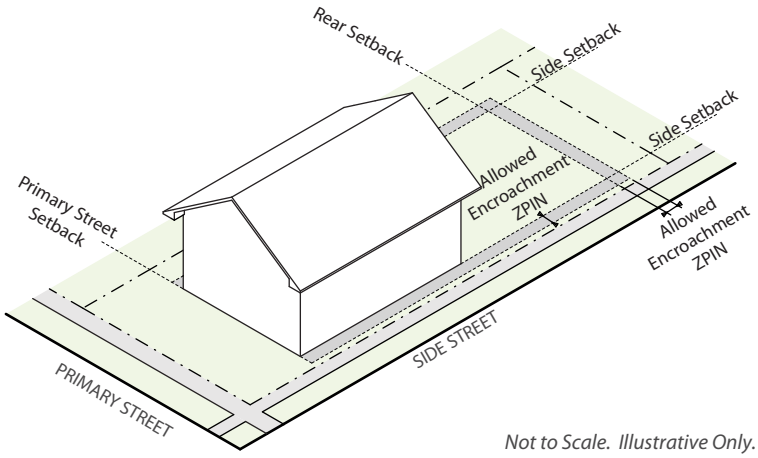
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

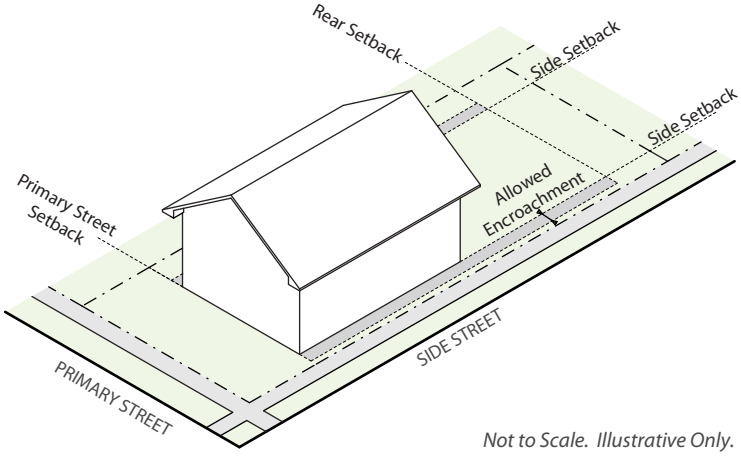



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  *Not to Scale. Illustrative Only.* | | | | | |

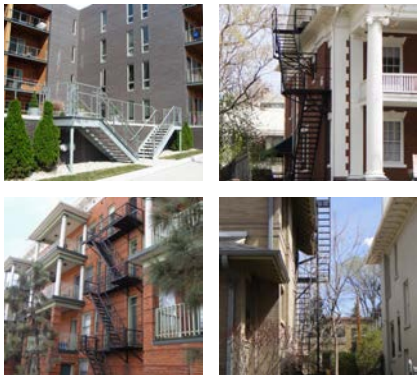
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All I- Zone Districts | All building forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All I- Zone Districts | All building forms | Not allowed | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice | 3'; subject to Zoning Permit Review with Informational Notice |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the D.R.M.C.;<br>• Does not exceed 4' in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

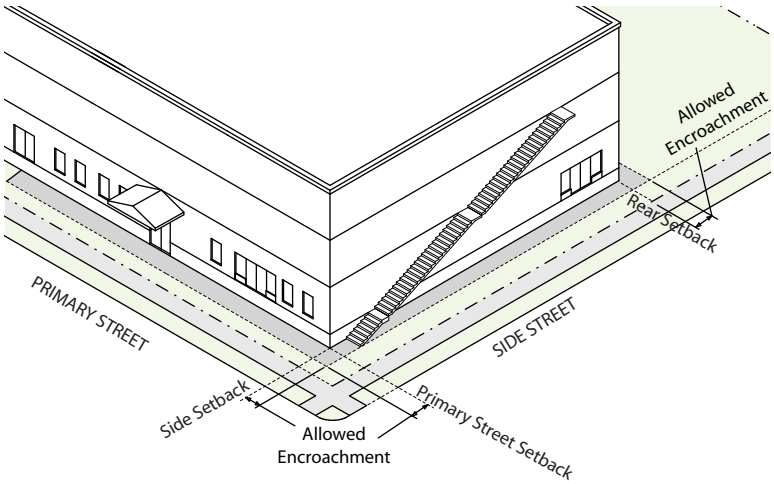
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All I- Zone Districts | All building forms | Not allowed | 3' | 3' | Not allowed |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All I- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



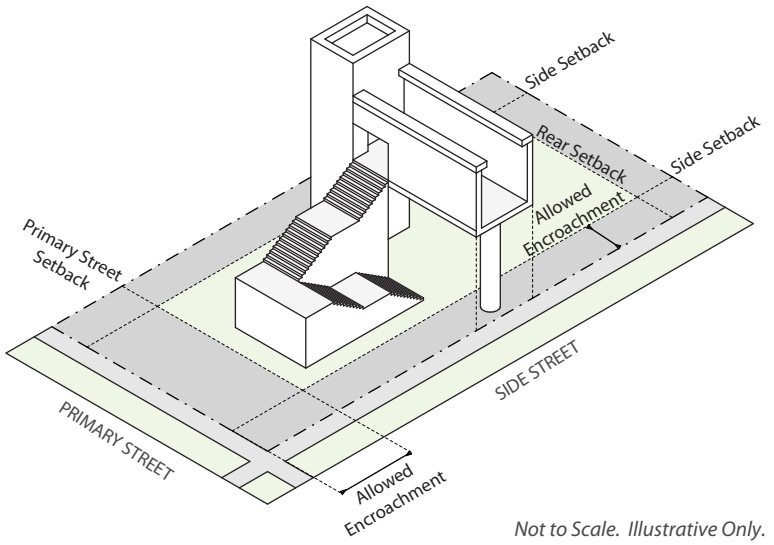

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes..



*Illustrative only*

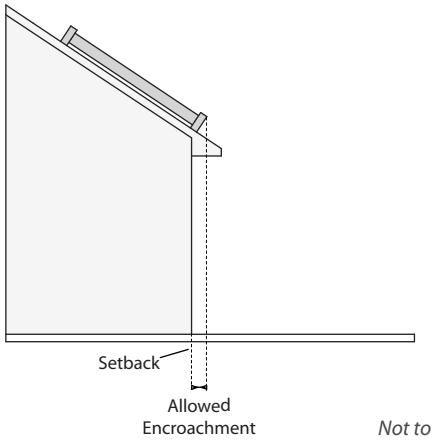



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback. | | | | | | |

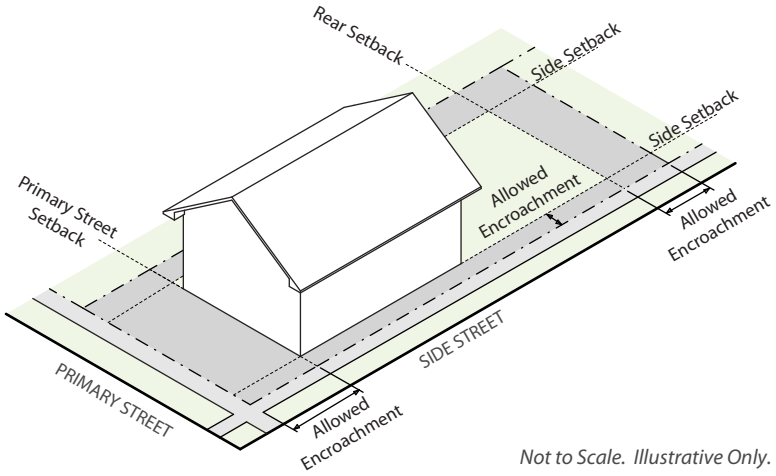


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All I- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |

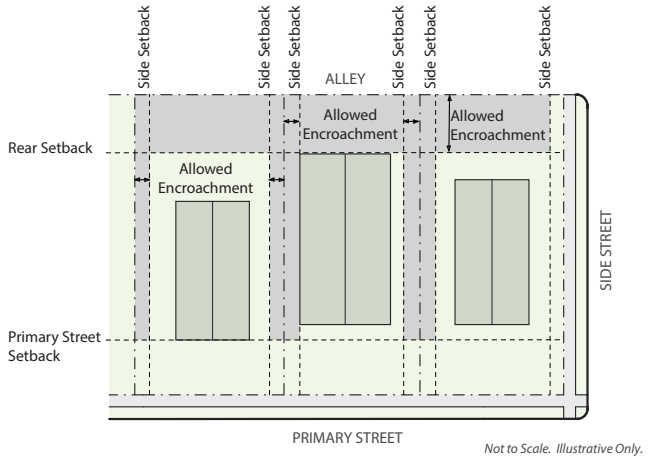



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All I- Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting. | | | | | | |



*Illustrative only*

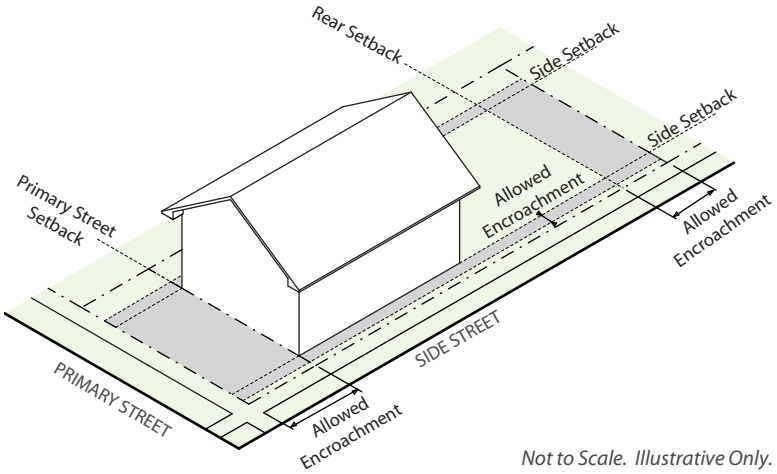



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All I- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



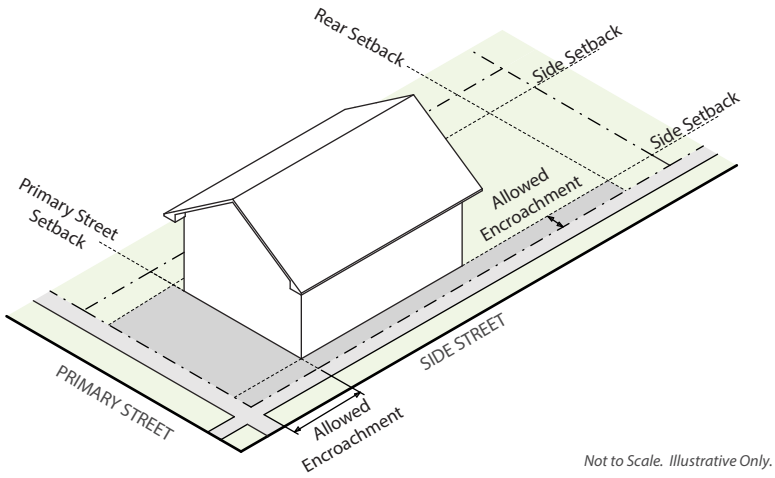
*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All I-Zone Districts | All building forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting | | | | | | |




## 9.1.4.7 Required Screening and Enclosure Standards

### A. Solid Wall or Fence Screens

When required by this Code, screening shall comply with the following minimum requirements:

1. Fences and walls used for required screening shall be a minimum of 6 feet in height.
2. Fences and walls must be of wood, brick, masonry, textured concrete or aggregate concrete. Materials such as corrugated or sheet metal, tires, car doors, or other discarded materials are not permitted. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a year round opaque screen.
3. Other materials may be used upon approval by the Zoning Administrator according to Section 12.4.5, Administrative Adjustment.
4. In flood-prone areas, the Zoning Administrator may approve the use of open materials, such as open bars or chain link, at the bottom of required screening up to the flood elevation.
5. The requirement for a solid wall or fence may be satisfied by an equivalent visual barrier consisting of chain link fence containing an approved sight-obscuring material.
6. Within 50 feet of the intersection of the right-of-way lines of intersecting streets, the height and location of such walls or fences shall be determined by Public Works.
7. All walls or fences shall be maintained in good condition at all times.

## 9.1.4.8 Vehicle Access From Alley Required - Exceptions

### A. No Alley

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The Alley is less than 12 feet in width;
3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;
4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;
5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or
6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 9.1.3.8, then vehicular Alley access is required.

### 9.1.4.9 Reference to other Design Standards

**A. Article 10: General Design Standards**

Refer to the following Divisions for other applicable design standards:

1. Parking and Loading: Division 10.4
2. Landscaping, Fences, Walls and Screening: Division 10.5
3. Site Grading: Division 10.6
4. Outdoor Lighting: Division 10.7
5. Signs: Division 10.10

# SECTION 9.1.5 USES AND REQUIRED MINIMUM PARKING

## 9.1.5.1 Applicability

A. This Section 9.1.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Industrial Context zone districts.

B. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

C. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## 9.1.5.2 Organization

### A. Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### B. Primary Use Classifications, Categories & Specific Use Types

#### 1. Primary Use Classifications

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

a. Residential Uses

b. Civic, Public & Institutional Uses

c. Commercial Sales, Service & Repair Uses

d. Industrial, Manufacturing & Wholesale Uses

e. Agriculture

#### 2. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

#### 3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## 9.1.5.3 Explanation of Table Abbreviations

### A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use standards and limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### B. Permitted, Limited, Not Permitted

#### 1. Permitted Use - No Use Limitations Apply ("P")
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

#### 2. Permitted Use - Subject to Use Limitations ("L")
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

#### 3. Uses Not Permitted ("NP")
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

#### 4. Zoning Procedure Use Subject to Zoning Permit Review ("ZP")
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

#### 5. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

#### 6. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

#### 7. Uses Where More Than One Zoning Procedure Is Indicated
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

## 9.1.5.4 Enclosure of Uses
All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## 9.1.5.5 District Specific Standards

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | §11.2.1, §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle - I-MX only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.2.2, §11.2.6 |
| | Dwelling, Multi-Unit<br>• Vehicle - I-MX only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1/ 5 units (80/20) | L-ZP | L-ZP | L-ZP | §11.2.3, §11.2.6 |
| | Dwelling, Live / Work<br>• Vehicle - I-MX only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1/ 5 units (80/20) | L-ZP | L-ZP | L-ZP | §11.2.4, §11.2.6 |
| Group Living | Assisted Living Facility | P-ZP | NP | NP | §11.2.6; §11.2.7 |
| | Community Corrections Facility<br>• Vehicle - I-MX only: 0.125/unit<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | §11.2.10 |
| | Nursing Home, Hospice | NP | NP | NP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | P-ZP | NP | NP | |
| | Residential Care Use, Small or Large<br>• Vehicle - I-MX only: 0.125/unit<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | L-ZPIN | NP | NP | § 11.2.9 |
| | Rooming and Boarding House<br>• Vehicle: 3.75/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | NP | NP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle - I-MX only: 1/unit<br>• Vehicle: 1.25/unit<br>• Bicycle: 1 / 5 units (80/20) | P-ZP | NP | NP | |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | § 11.3.2 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | |
| | Day Care Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/ 20,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 20,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | |
| | Hospital | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | §11.3.6 |
| | Library<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | NP | |
| | Museum<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle - I-MX only: 1/ 1,000 s.f. GFA<br>• Vehicle - High School, I-A and I-B: 2/1,000 s.f. GFA<br>• Bicycle - High School, I-A and I-B: 1/ 20,000 s.f. GFA (0/100)<br>• Vehicle - All Others, I-A and I-B: 1/ 1,000 s.f. GFA<br>• Bicycle - All Others, I-A and I-B: 1/ 10,000 s.f. GFA (0/100) | L-ZP | L-ZP | NP | § 11.3.8 |
| | University or College<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP | P-ZP | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | |
| Adult Business | All Types | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation and Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle - All Others: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA(20/80) | P-ZP | P-ZP | P-ZP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | L-ZP | L-ZP | L-ZP | §11.4.2 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium*<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA(20/80) | L-ZP | L-ZP | L-ZP | §11.4.5 |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | Not Applicable | | | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | |
| Eating & Drinking Establishments | All Types<br>• Vehicle - I-MX only: 3.75/ 1,000 s.f. GFA<br>• Vehicle: 5/ 1,000 s.f. GFA<br>• Bicycle: 1/5,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle - I-MX only: 1/guest room or unit<br>• Vehicle: 1.25/guest room or unit<br>• Bicycle: 1/20,000 s.f. GFA (60/40) | P-ZP | NP | NP | |
| | Lodging Accommodations, All Others<br>• Vehicle - I-MX only: 1/guest room or unit<br>• Vehicle: 1.25/guest room or unit<br>• Bicycle: 1/20,000 s.f. GFA (60/40) | P-ZP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (60/40) | L-ZP | L-ZP | L-ZP | §11.4.10 |
| | Office, All Others<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (60/40) | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | P-ZP | P-ZP | P-ZP | |
| | Animal Sales and Services, All Others<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA(20/80) | L-ZP | L-ZP | L-ZP | §11.4.13 |
| | Food Sales or Market<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | L-ZP | P-ZP | P-ZP | §11.4.14 |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Pawn Shop | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | L-ZP | L-ZP | L-ZP | §11.4.16; §11.4.11 |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | P-ZP | L-ZP | L-ZP | §11.4.11 |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (20/80) | P-ZP | P-ZP | L-ZP | §11.4.11 |
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.4.18; §11.4.19 |
| | Automobile Services, Heavy<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.4.18; §11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPIN | L-ZP | §11.4.22 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | |
| | Telecommunications Towers*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPIN | L-ZP | L-ZP | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.4 |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | P-ZP | P-ZP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP/ZPSE | L-ZP | L-ZP | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.10 |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.11 |
| | Sand or Gravel Quarry*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.12 |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | §11.5.13 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| Transportation Facilities | Airport* | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.14 |
| | Railroad Facilities*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L -ZP | L -ZP | L ZP | §11.5.14.1 |
| | Railway Right-of-Way*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | |
| | Terminal, Freight, Air Courier Services<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.17 |
| Waste Related Services | Automobile Parts Recycling Business*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.18 |
| | Junkyard*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP | §11.5.19 |
| | Recycling Center<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPIN | L-ZP | L-ZP | §11.5.20 |
| | Recycling Collection Station<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | |
| | Recycling Plant, Scrap Processor<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.21 |
| | Solid Waste Facility<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | P-ZPIN | P-ZP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.22 |
| | Mini-storage Facility<br>• Vehicle: 0.1/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.5.23 |
| | Vehicle Storage, Commercial*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.24 |
| | Wholesale Trade or Storage, General<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.5.25 |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | §11.5.26 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | |
| Agriculture | Aquaculture*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.6.1 |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | §11.6.2 |
| | Husbandry, Animal*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP | §11.6.3 |
| | Husbandry, Plant*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | §11.6.4 |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP* | L-ZP* | §11.6.5 |
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | |
| Accessory to Primary Residential Uses<br><br>In the I-A and I-B Zone Districts, see Sections 11.2.1 through 11.2.3 for additional limitations on accessory uses.<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable in all Zone Districts | | | §11.7 |
| | Accessory Dwelling Unit | L-ZP | NP | NP | §11.7; §11.8.2 |
| | Domestic Employee | L | NP | NP | §11.8.3 |
| | Garden* | L | L | L | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | NP | NP | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | Not Applicable - See Permitted Primary Uses | NP | NP | §11.7; §11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | §11.8.9 |
| | Short-term Rental | L | L | L | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | Not Applicable - See Permitted Primary Uses | | | |
| | Yard or Garage Sales* | L | L | L | §11.7; §11.8.11 |

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|---|---|---|---|---|---|
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | |
| Home Occupations | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | §11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | §11.9; §11.9.4 |
| | Unlisted Home Occupations | L - ZPIN - Applicable in all Zone Districts | | | §11.9; §11.9.5 |
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable in all Zone Districts | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | Not Applicable - See Permitted Primary Uses | L | L | §11.7 |
| | Car Wash Bay Accessory to Automobile Services | L-ZP | L-ZP | L-ZP | §11.7; §11.10.5 |
| | College Accessory to a Place for Religious Assembly | Not Applicable - See Permitted Primary Uses | | | §11.7; §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | L | L | L | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | L-ZP | L-ZP | L-ZP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | |
| | Garden* | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | Not Applicable | | | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/ Drinking Establishment Use* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | L-ZP | L-ZP | L-ZP | |
| | Outdoor Storage, Limited* | L-ZP | P-ZP | P-ZP | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Use | L | NP | NP | §11.7; §11.10.18 |

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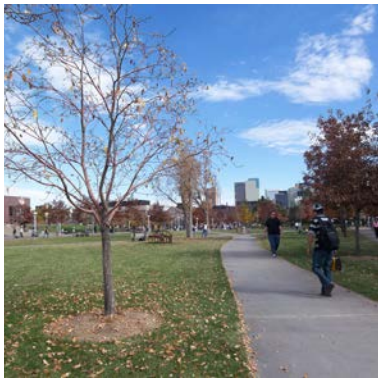
| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | I-MX-3<br>I-MX-5<br>I-MX-8 | I-A | I-B | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | |
| Temporary Uses | Unlisted Temporary Uses | L - Applicable to all Zone Districts | | | §11.11.1 |
| | Ambulance Service - Temporary | Not Applicable - See Permitted Primary Uses | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | L-ZP | L-ZP | L-ZP | §11.11.3 |
| | Bazaar, Carnival, Circus or Special Event* | L-ZP | L-ZP | L-ZP | §11.11.4 |
| | Building or yard for construction materials* | L-ZP | L-ZP | L-ZP | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | L-ZP | L-ZP | L-ZP | §11.11.6 |
| | Fence for Demolition or Construction Work | L-ZP | L-ZP | L-ZP | §11.11.7 |
| | Health Care Center | P-ZP | P-ZP | P-ZP | |
| | Noncommercial Concrete Batching Plant* | L-ZP | L-ZP | L-ZP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | |
| | Outdoor Retail Sales* | L-ZP | L-ZP | L-ZP | §11.11.11 |
| | Outdoor Sales, Seasonal* | L-ZP | L-ZP | L-ZP | §11.11.12 |
| | Parking Lot Designated for a Special Event* | L-ZP | L-ZP | L-ZP | §11.11.13 |
| | Retail Food Establishment, Mobile* | L-ZP | L-ZP | L-ZP | §11.11.14 |
| | Temporary Construction Office | L-ZP | L-ZP | L-ZP | §11.11.15 |
| | Temporary Office - Real Estate Sales | L-ZP | NP | NP | §11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | L-ZP | L-ZP | L-ZP | §11.11.18 |

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# DIVISION 9.2 CAMPUS CONTEXT (CMP)

## SECTION 9.2.1 CAMPUS CONTEXT DESCRIPTION





**General Character:** The Campus Context generally consists of midsize to large medical, institutional, educational, or entertainment sites. The context is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements that may be recognized through an urban design plan that expresses stakeholder visions for the campus and its surrounding area. Campus contexts tend to have transitional areas that taper off in intensity towards adjacent residential neighborhood contexts, but can also incorporate and be adjacent to more intense development.

**Street, Block, and Access Patterns:** While Campus sites are often connected to the City via the traditional street grid, transportation and access patterns within the campus site are widely varied.

**Building Placement and Location:** Campus buildings are typically placed to accommodate the specific activity, with multiple buildings often oriented in a way appropriate to their use. Buildings may be oriented toward an internal public space or central courtyard. In some cases, buildings are used to line the perimeter of a campus to introduce pedestrian-oriented uses.

**Building Height:** Buildings are compatible with the scale of the surrounding neighborhood context with greater variation in massing and height in the interior of the site.

**Mobility:** Priority is often given to pedestrians. Vehicular access can be disconnected from the grid within the campus zone, but pedestrian and vehicular permeability should be encouraged. Shared structured and surface parking often exist internal to the campus to serve multiple buildings and uses, while internal pedestrian ways connect the campus structures. The Campus Context often has high levels of access to the multimodal transit system.

## SECTION 9.2.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established in the Campus Context and are applied to property as set forth on the Official Map.

| CAMPUS CONTEXT | |
|---|---|
| CMP-H | Campus - Healthcare |
| CMP-H2 | Campus - Healthcare 2 |
| CMP-EI | Campus - Education Institution |
| CMP-EI2 | Campus - Education Institution 2 |
| CMP-ENT | Campus - Entertainment |
| CMP-NWC | Campus - National Western Center |
| CMP-NWC-C | Campus - National Western Center - Core |
| CMP-NWC-G | Campus - National Western Center - General |
| CMP-NWC-F | Campus - National Western Center - Flex |
| CMP-NWC-R | Campus - National Western Center - Riverfront |

## SECTION 9.2.3 CAMPUS HEALTHCARE AND HEALTHCARE 2 (CMP-H, CMP-H2)

### 9.2.3.1 Intent

These districts are intended to promote and encourage the maintenance and concentration of existing and proposed healthcare facilities and their related uses. Buildings should be designed to orient outward to the surrounding area to encourage public safety.

The CMP-H district is intended to include the principal structures and related facilities of each healthcare institution. The district is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods.

The CMP-H2 district is generally adjacent to a single unit, two unit, or row house residential zone district to act as a transition zone by requiring more open space and limiting building height more than in the CMP-H zone. In all other respects, the CMP-H2 is similar to the CMP-H district. Any CMP-H2 District shall be incorporated into the Zone Lot plan for the adjacent CMP-H District.

## 9.2.3.2 Design Standards

### A. Applicability

All development in the CMP-H, CMP-H2 zone districts.

### B. General Standards

#### 1. Campus Design Standards

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Plan Review when available.

#### 2. Zone Lot

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.5.2, Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All zone districts EXCEPT CC, MX, and MS, and Division 1.2, Zone Lots. The area shall include the primary use in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

#### 3. Reference to Article 10 Design Standards

Refer to the following Divisions for other applicable design standards

a. Parking and Loading: Division 10.4

b. Landscaping, Fences, Walls and Screening: Division 10.5

c. Site Grading: Division 10.6

d. Outdoor Lighting: Division 10.7

e. Signs: Division 10.10

## C. District Specific Standards

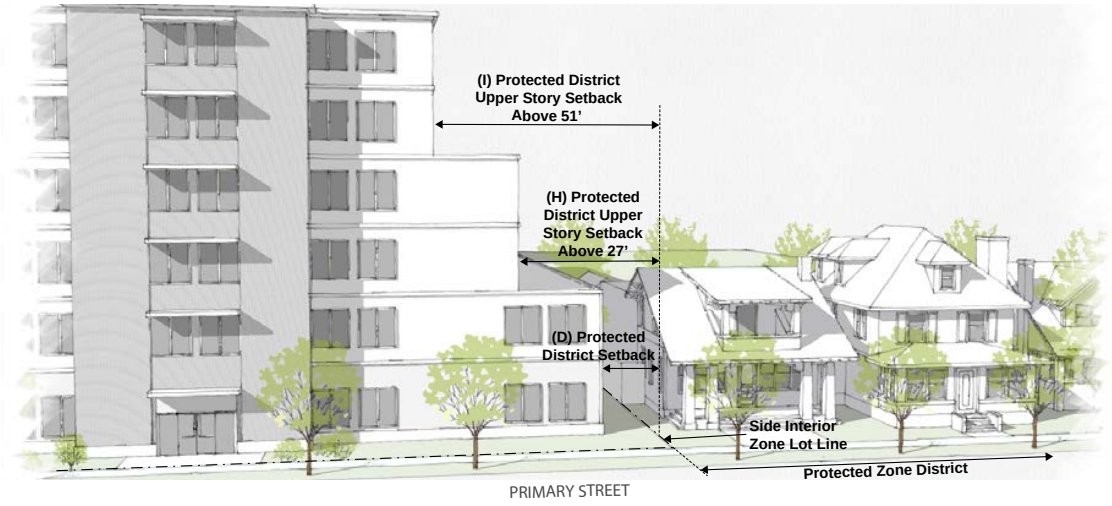
### 1. General (1 of 2)

Not to Scale. Illustrative Only.









## GENERAL (1 OF 2)

| | HEIGHT | CMP-H |
|---|---|---|
| A | Feet, (max) | 200′ |
| A | Feet, within 125′ of Protected District (max) | 75′ |

| | SITING | CMP-H |
|---|---|---|
| | **SETBACKS** | |
| B | Primary Street (min) | 10′ |
| C | Side Street (min) | 7.5′ |
| D | Side Interior (min) | 7.5′ |
| | Side Interior, adjacent to Protected District (min) | 10′ |
| E | Rear, alley/rear no alley, (min) | 10′/20′ |
| | **PARKING** | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4) |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | CMP-H |
|---|---|---|
| F | Upper Story Setback Above 40′, Side Interior (min)* | 15′ |
| G | Upper Story Setback Above 65′, Rear, alley/rear, no alley and side interior (min)* | 20′/30′ |
| H | Upper Story Setback Above 27′ adjacent to Protected District, Side Interior (min) | 25′ |
| H | Upper Story Setback Above 40′ adjacent to Protected District, Rear, alley/Rear, no alley (min) | 30′/40′ |
| I | Upper Story Setback Above 51′ adjacent to Protected District, Side Interior (min) | 40′ |

| USES | CMP-H |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking |

* When CMP-H and CMP-H2 are abutting, the bulk plane and upper story setback required along that shared zone district boundary are not applicable

## 2. General (2 of 2)

Not to Scale. Illustrative Only.






## GENERAL (2 OF 2)

| | HEIGHT | CMP-H2 |
|---|---|---|
| A | Feet, (max) | 140′ |
| A | Feet, within 125′ of Protected District (max) | 75′ |
| B | Bulk Plane Vertical Height at Centerline of Primary Street* | 10′ |
| C | Bulk Plane Vertical Height at Centerline of Side Street* | 10′ |
| D | Bulk Plane Vertical Height at Side Interior Property Line* | 10′ |
| E | Bulk Plane Vertical Height at Rear Property Line, or Centerline of alley if present | 10′ |
| | Bulk Plane Slope* | 45° |

| | SITING | CMP-H2 |
|---|---|---|
| | **SETBACKS AND BUILDING COVERAGE** | |
| F | Primary Street (min) | 20′ |
| G | Side Street (min) | 7.5 |
| H | Side Interior (min) | 7.5′ |
| I | Rear, alley/no alley (min) | 10′/20′ |
| | Building Coverage, including all accessory structures (max) | 60% |
| | **PARKING** | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4) |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review |

| USES | CMP-H2 |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking |

* When CMP-H and CMP-H2 are abutting, the bulk plane and upper story setback required along that shared zone district boundary are not applicable

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# SECTION 9.2.4 CAMPUS-EDUCATION/INSTITUTION (CMP-EI, CMP-EI2)

## 9.2.4.1 Intent

The Campus Education/Institution Districts are intended for educational institutions that incorporate primary, intermediate, high school, college and university uses and associated programming including student boarding facilities. This district also accommodate other types of large scale civic, public and institutional uses such as museums, public and religious assembly uses. The district is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods.

The CMP-EI district is intended to be applied to institutions and campuses of larger area and scale, where additional flexibility is desired to accommodate the unified treatment of master planned campus elements, such as flexible placement of buildings, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas and green spaces, signage, and site landscaping.

The CMP-EI2 district is intended to be applied to smaller- to medium-scale campus sites generally adjacent to a single unit, two unit, town house, or row house residential zone district, where it is important to require more open space and more limited building height than in the CMP-EI zone to assure adequate transitions to adjacent, lower-scale residential neighborhoods. In addition, certain land uses with the potential for off-site impacts are more strictly limited in the CMP-EI2 district than in the CMP-EI district. In all other respects, the CMP-EI2 is similar to the CMP-EI district.

## 9.2.4.2 Design Standards

### A. Applicability

All development in the CMP-EI, CMP-EI2 zone districts.

### B. General Standards

#### 1. Campus Design Standards

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Development Plan Review where available.

#### 2. Zone Lots

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.5.2, Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All zone districts EXCEPT CC, MX, and MS, and Division 1.2, Zone Lots. The area shall include the primary use in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

#### 3. Reference to Article 10 Design Standards

Refer to the following Divisions for other applicable design standards

a. Parking and Loading: Division 10.4

b. Landscaping, Fences, Walls and Screening: Division 10.5

c. Site Grading: Division 10.6

d. Outdoor Lighting: Division 10.7

e. Signs: Division 10.10

## C. District Specific Standards

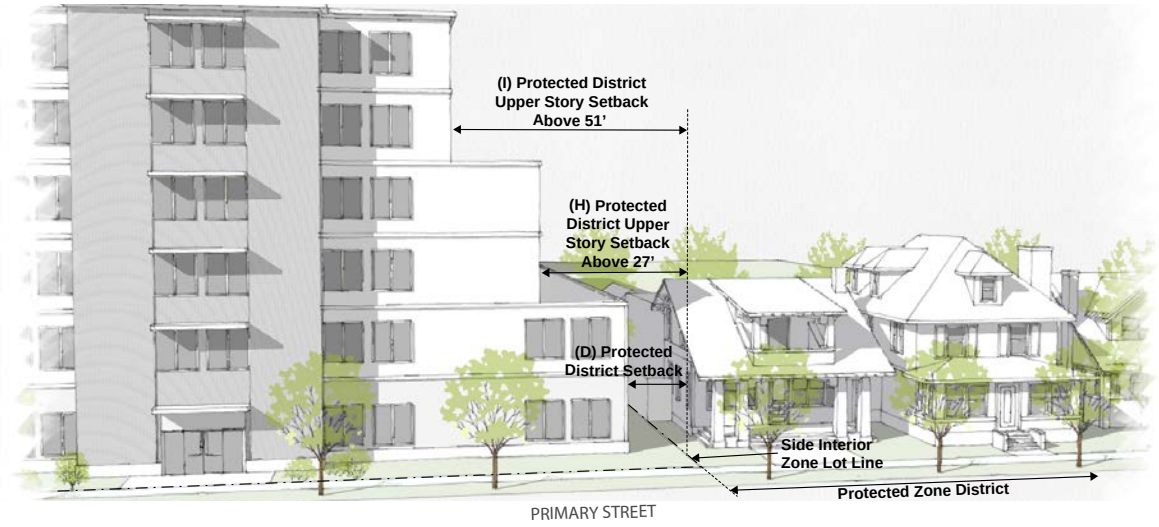
### 1. General (1 of 2)

Not to Scale. Illustrative Only.









## GENERAL (1 OF 2)

| | HEIGHT | CMP-EI |
|---|---|---|
| A | Feet, (max) | 150′ |
| A | Feet, within 175′ of Protected District (max) | 75′ |

| | SITING | CMP-EI |
|---|---|---|
| | **SETBACKS** | |
| B | Primary Street (min) | 10′<br>0′ abutting Speer Boulevard, Auraria Parkway, or 5th Street or 7th Street between Auraria and Colfax |
| C | Side Street (min) | 7.5′ |
| D | Side Interior (min) | 7.5′ |
| | Side Interior, adjacent to Protected District (min) | 10′ |
| E | Rear, alley/no alley (min) | 10′/20′ |
| | **PARKING** | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4) |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | CMP-EI |
|---|---|---|
| F | Upper Story Setback Above 40′, Side Interior (min) | 15′ |
| G | Upper Story Setback Above 65′, Rear, alley/rear, no alley and side interior (min) | 20′/30′ |
| H | Upper Story Setback Above 27′ adjacent to Protected District, Side Interior (min) | 25′ |
| H | Upper Story Setback Above 40′ adjacent to Protected District, Rear, alley/ Rear, no alley (min) | 30′/40′ |
| I | Upper Story Setback Above 51′ adjacent to Protected District, Side Interior (min) | 40′ |

| USES | CMP-EI |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking |

## 2. General (2 of 2)

Not to Scale. Illustrative Only.






## GENERAL (2 OF 2)

| | HEIGHT | CMP-EI2 |
|---|---|---|
| A | Feet (max) | 150′ |
| A | Feet, within 175′ of Protected District (max) | 75′ |
| B | Bulk Plane Vertical Height at Centerline of Primary Street | 10′ |
| C | Bulk Plane Vertical Height at Centerline of Side Street | 10′ |
| D | Bulk Plane Vertical Height at Side Interior Property Line | 10′ |
| E | Bulk Plane Vertical Height at Rear Property Line, or Centerline of alley if present | 10′ |
| | Bulk Plane Slope | 45° |

| | SITING | CMP-EI2 |
|---|---|---|
| | **SETBACKS AND BUILDING COVERAGE** | |
| F | Primary Street (min) | 20′ |
| G | Side Street (min) | 7.5′ |
| H | Side interior (min) | 7.5′ |
| I | Rear, alley/no alley (min) | 10′/20′ |
| | Building Coverage, including all accessory structures (max) | 60% |
| | **PARKING** | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4)) |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review |

| USES | CMP-EI2 |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking |

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# SECTION 9.2.5 CAMPUS- ENTERTAINMENT (CMP-ENT)

## 9.2.5.1 Intent

This district is intended to promote and encourage the maintenance and concentration of existing and proposed entertainment venues, including sports arenas and amusement parks. The CMP-ENT district is intended to include primary buildings, independent amusement structures and associated accessory buildings. The maximum height within this district is 200 feet subject to a bulk plane to place taller structures and buildings toward the interior of the site unless otherwise exempted through the Special Review process outlined in this Article.

## 9.2.5.2 Design Standards

### A. Applicability

All development in the CMP-ENT zone district.

### B. General Standards

#### 1. Campus Design Standards

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Plan Review where available.

#### 2. Zone Lot

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.5.2, Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All zone districts EXCEPT CC, MX, and MS, and Division 1.2, Zone Lots. The area shall include the primary use in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

#### 3. Reference to Article 10 Design Standards

Refer to the following Divisions for other applicable design standards

a. Parking and Loading: Division 10.4

b. Landscaping, Fences, Walls and Screening: Division 10.5

c. Site Grading: Division 10.6

d. Outdoor Lighting: Division 10.7

e. Signs: Division 10.10

## C. District Specific Standards

### 1. General

Not to Scale. Illustrative Only.









## GENERAL

| | HEIGHT | CMP-ENT |
|---|---|---|
| A | Feet (max) | 200′ |
| A | Feet, within 175′ of Protected District (max) | 75′ |

| | SITING | CMP-ENT |
|---|---|---|
| | **SETBACKS** | |
| B | Primary Street (min) | 10′ |
| C | Side Street (min) | 7.5′ |
| D | Side Interior (min) | 7.5′ |
| D | Side Interior, adjacent to Protected District (min) | 10′ |
| E | Rear, alley/no alley(min) | 10′/20′ |
| | **PARKING** | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure, | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4) |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review |

| | DESIGN ELEMENTS | CMP-ENT |
|---|---|---|
| F | Upper Story Setback Above 40′, Side Interior (min) | 15′ |
| G | Upper Story Setback Above 65′, Rear, alley/rear, no alley and side interior (min) | 20′/30′ |
| H | Upper Story Setback Above 27′ adjacent to Protected District, Side Interior (min) | 25′ |
| | Upper Story Setback Above 40′ adjacent to Protected District, Rear, alley/Rear, no alley (min) | 30′/40′ |
| I | Upper Story Setback Above 51′ adjacent to Protected District, Side Interior (min) | 40′ |

| USES | CMP-ENT |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking |

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# SECTION 9.2.6 CAMPUS - NATIONAL WESTERN CENTER (CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R)

## 9.2.6.1 Intent

The Campus-National Western Center (CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R) zone district is intended to facilitate the creation of a year-round destination that brings together cultural, educational, research, entertainment, food, agricultural, human and animal health, recreational, competition, commerce, industry, history, science, and art activities. The zone district is intended to encourage development of a unified campus that includes structures and facilities that accommodate a vibrant and pedestrian-friendly mix of agricultural activities, cultural, research and educational uses, entertainment venues, civic, public and institutional, residential and commercial uses.

### A. Campus-National Western Center (CMP-NWC)

This district is specifically intended to implement the land use and development objectives in the National Western Center Master Plan, as amended from time to time. The building form standards for this district are intended to allow the flexible placement of multiple building types within the boundaries of the campus while providing compatible height transitions to adjacent communities. This district also is intended to accommodate the unified treatment of master planned campus elements, internal pedestrian walkways and connections, indoor and outdoor recreational facilities, open plazas and green spaces, signage, and site landscaping while implementing the community and neighborhood integration guiding principles identified in the National Western Center Master Plan, as amended from time to time.

### B. Campus-National Western Center-Core (CMP-NWC-C)

The CMP-NWC-C District is intended to establish the area generally surrounding east-west streets connecting Globeville to Elyria-Swansea Neighborhoods through the National Western Center campus as the key pedestrian-oriented streets. Buildings will house a variety of indoor uses. Development will contribute to an engaging pedestrian experience by creating safe, comfortable and visually interesting neighborhood connections through the heart of campus. This area will provide critical pedestrian access points to site interiors. Anchor buildings will house more permanent uses as compared to other districts where activities change signficantly from event to event.

### C. Campus-National Western Center-General (CMP-NWC-G)

The CMP-NWC-G District is intended to accommodate a wide range of facilities that support the activities of the National Western Stock Show and other events throughout the year in highly flexible, large floorplate buildings. A wide range of outdoor and service activities will be accommodated by flexible plaza spaces and loading areas, including some spaces where access may be restricted during events. Development will contribute to a safe, comfortable and visually interesting experience along adjacent public streets, and particularly those streets that provide critical connections across the campus and to nearby neighborhoods.

### D. Campus-National Western Center-Flex (CMP-NWC-F)

The CMP-NWC-F District is intended to accommodate the widest variety of uses on campus, including short- and long-term outdoor and indoor events, service- and maintenance-oriented activities, and complementary enclosed uses. This district will be home to the Stockyards, which will accommodate livestock pens during the National Western Stock Show and provide flexible space for small and large-scale outdoor events and/or surface parking during other times. This zone district will be home to "back-of-the-house" activities that are required for the campus to operate successfully. Complementary enclosed campus uses may include artist studios, professional offices, utility buildings or light industrial facilities. Streets flanking properties in this district will meet their service requirements while establishing comfortable and safe pedestrian routes. Given the functional requirements of roadways in this zone district, additional flexibility for the design of sites and buildings adjacent to the street is appropriate.

### E. Campus-National Western Center-Riverfront (CMP-NWC-R)

The CMP-NWC-R District is intended to accommodate passive open space, activity nodes, pedestrian circulation, natural riparian habitat and formal green and plaza spaces. It will accommodate small format, low scale buildings intended to activate the area and support outdoor functions. The Riverfront zone district will facilitate safe and direct access to the South Platte River and serve as an amenity for users of the National Western Center and the surrounding neighborhoods. Buildings in this district will be visually subordinate to the open space amenity and establish a strong visual and physical relationship to National Western Drive and the South Platte River.

### 9.2.6.2 Primary Building Form Intent

#### A. Height

1. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.

2. Arrange building heights, and scaling devices to provide transitions to surrounding areas.

#### B. Siting

1. Required Build-To
   a. Provide a consistent street edge to enhance character of the context.
   b. Define streets to promote pedestrian activity and sense of place.
   c. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

2. Setbacks
   a. Site buildings to be consistent with the intended character and functional requirements of the urban context.
   b. Site buildings to define the street edge/public realm.
   c. Ensure adequate separation of uses that may have negative environmental or urban design impacts from the South Platte River, public streets and Residential Zone Districts.
   d. Promote flexibility within site interiors of the campus to meet operational and programming requirements.

3. Parking Location
   a. Minimize the visual impact of parking areas on streets and adjoining properties.
   b. Minimize conflicts between pedestrians and vehicles.

### C. Design Elements

1. Building Configuration
   a. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
   b. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
   c. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
2. Transparency
   a. Maximize transparency of windows at the Street Level to activate the street.
   b. Utilize doors and windows to establish scale, variation and patterns on building facades that provide visual interest and reflect the uses within the building.
   c. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.
3. Entrances
   a. Give prominence to the pedestrian realm as a defining element of neighborhood character.
   b. Provide convenient access to buildings and active uses from the street.
   c. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
   d. Provide a positive relationship to the street through access, orientation and placement of entries.
   e. Create visually interesting and human-scaled facades.

## 9.2.6.3 Primary Building Form Standards

### A. Applicability

All development in the CMP-NWC zone district. All development, except detached accessory structures, in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

### B. General Standards

#### 1. Design Review

Campus design review processes and standards (such as those outlined in City administered urban design standards and guidelines) that address campus building height transitions, architectural elements, parking plans, site landscaping and open spaces, and vehicular and pedestrian access shall be applied during Site Development Plan Review. The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

#### 2. Zone Lot

a. The area within a designated zone lot within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, and CMP-NWC-G zone districts shall include one or more primary uses.

b. An Accessory Use to a Primary Use within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, or CMP-NWC-F or CMP-NWC-R zone districts may be located in any of the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R districts unless it is expressly prohibited by Section 9.2.8 of this Code.

### 3. Reference to Article 10 Design Standards

Refer to the following Divisions for other applicable design standards

a. Parking and Loading: Division 10.4

b. Landscaping, Fences, Walls and Screening: Division 10.5

c. Site Grading: Division 10.6

d. Outdoor Lighting: Division 10.7

e. Signs: Division 10.10

## C. District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district are summarized below:

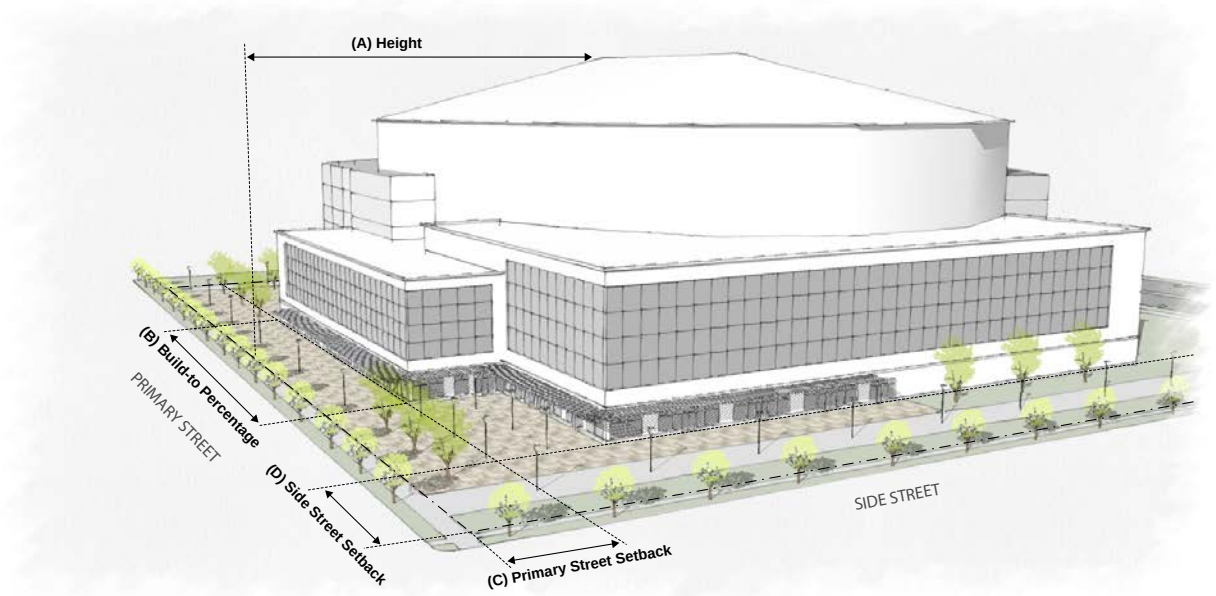
| Campus-National Western Center Districts (CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R) | Building Form |
|---|---|
| | General |
| **Max Number of Primary Structures per Zone Lot** | **No Maximum** |
| Campus National Western Center (CMP-NWC) | ■ |
| Campus National Western Center - Core (CMP-NWC-C) | ■ |
| Campus National Western Center - General (CMP-NWC-G) | ■ |
| Campus National Western Center - Flex (CMP-NWC-F) | ■ |
| Campus National Western Center - Riverfront (CMP-NWC-R) | ■ |

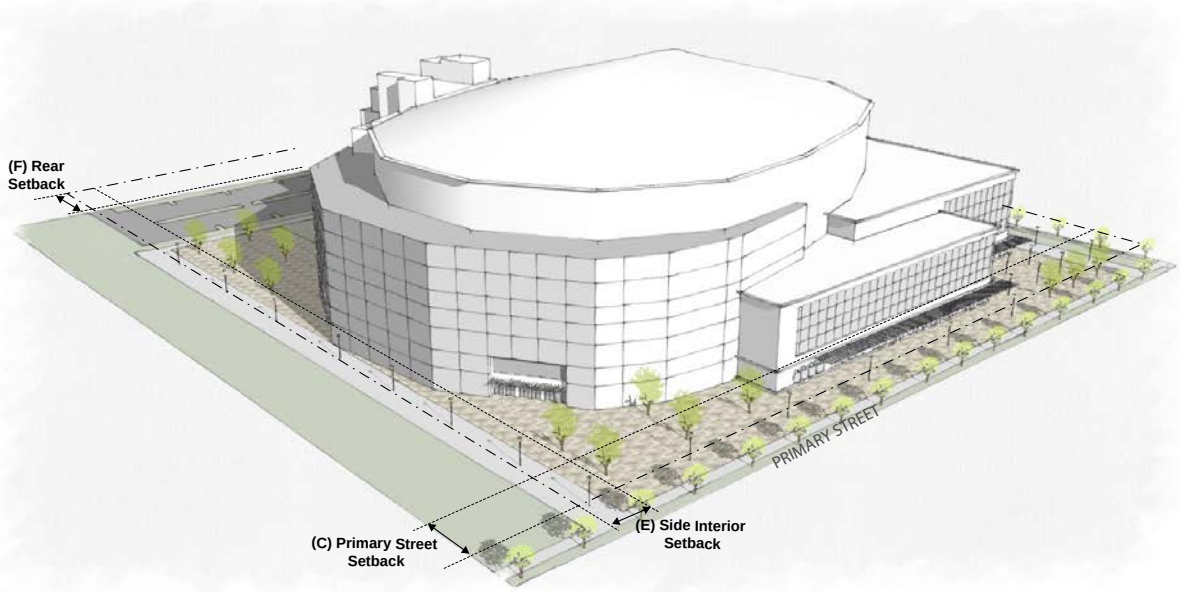
■ = Allowed

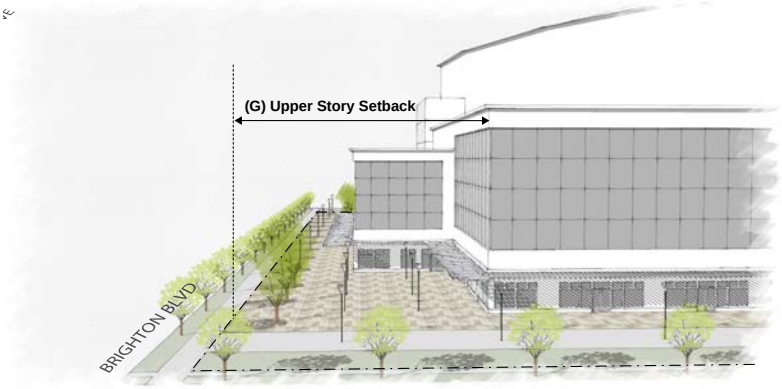
## D. District Specific Standards

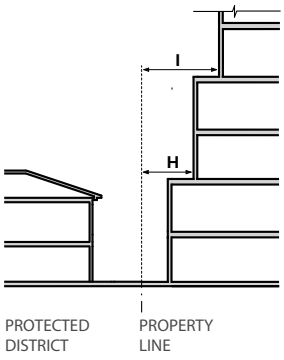
### 1. General

Not to Scale. Illustrative Only.



## GENERAL

| | HEIGHT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R |
|---|---|---|---|---|---|---|
| A | Feet (max) | 150′ | 150' | 150' | 150' | 40' |
| A | Feet, within 175′ of Protected District (max) | 75′ | 75' | 75' | 75' | 40' |

| | SITING | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R |
|---|---|---|---|---|---|---|
| B | **REQUIRED BUILD-TO** | | | | | |
| | Primary Street (min build-to % within min/max range) | na | 60% 0′/25′ | 50% 0′/25′ | na | na |
| | South Platte River Primary Street (min build-to % within min/max range) | na | na | na | na | na |
| | Side Street (min build-to % within min/max range) | na | 35% 0′/25′ | na | na | na |
| | **SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH** | | | | | |
| C | Primary Street (min) | 5′ | 0′ | 0′ | 5′ | 5′ |
| C | South Platte River Primary Street (min) | na | 25′ | na | 25′ | 25′ |
| D | Side Street (min) | 5′ | 0′ | 0′ | 5′ | 10′ |
| E | Side Interior (min) | 0′ | 0′ | 0′ | 0′ | 10′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ | 10′ |
| F | Rear, alley/no alley (min) | 0′/0′ | 0′/0′ | 0′/0′ | 0′/0′ | 0′/0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 5/10' | 5′/10′ | 5′/10′ | 5′/10′ | 5′/10′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | na | na | na | na | 30% |
| | **PARKING** | | | | | |
| | Surface Parking between Building and Primary Street/Side Street | na | Not Allowed/ Not Allowed | Not Allowed/ Not Allowed | Allowed/ Allowed | Not Allowed/ Not Allowed |
| | Primary Street Parking Setback, Surface/Structured (min) | na | 65′/40' | na | na | na |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.2.7.4) | | | | |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review | | | | |

| | DESIGN ELEMENTS | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R |
|---|---|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | | | |
| **G** | Upper Story Setback above 5 stories or 70′ (min); only applicable to a Zone Lot Line abutting Brighton Boulevard | 25′ | 25′ | 25′ | 25′ | na |
| **H** | Upper Story Setback Above 27′ adjacent to Protected District, alley/no alley and Side Interior (min) | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ | 20′/25′ |
| **I** | Upper Story Setback Above 51′ adjacent to Protected District, alley/no alley and Side Interior (min) | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ | 35′/40′ |
| | **STREET LEVEL ACTIVATION** | | | | | |
| | Transparency, Primary Street (min) | na | 60% | 10% | na | 40% |
| | Transparency, South Platte River Primary Street (min) | na | 60% | 10% | 40% | 40% |
| | Transparency, Side Street (min) | na | 35% | na | na | na |
| | Pedestrian Access, Primary Street | na | Entrance | Entrance | Pedestrian Connection | Entrance |
| | Pedestrian Access, Side Street | na | Entrance | na | na | na |

| | USES | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R |
|---|---|---|---|---|---|---|
| | Street Level Active Uses (minimum percentage of Primary Street building frontage meeting build-to requirement, see Section 9.2.6.4.B) | na | 100% | 20% | na | na |
| | Permitted Primary Uses | All permitted uses shall be allowed within this building form. See Section 9.2.8 Uses and Parking | | | | |

**See Sections 9.2.6.5 -9.2.6.6 for Supplemental Design Standards and Design Standard Alternatives. See Sections 9.2.6.7 and 9.2.7 for Design Standard Exceptions.**

### 9.2.6.4 Detached Accessory Building Form Standards

#### A. Applicability

All detached accessory structures in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

#### B. General Standards

1. Combining standards from different building forms in the same structure is prohibited.

**2. Design Review**

Campus design review processes and standards (such as those outlined in City administered urban design standards and guidelines) for detached accessory structures shall be applied during Site Development Plan Review. The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

**3. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**a. Stuctures, Completely Enclosed**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**b. Stuctures, Partially Enclosed**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**c. Stuctures, Open**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**d. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

i. Radio and Television Receiving Antennas and Support Structures

ii. Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

iii. Solar thermal and photo-voltaic energy systems

iv. Air conditioning units

v. Pool pumps, heating and water filtration systems

vi. Mailboxes including individual mailbox structures and cluster box units (CBUs)

vii. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**e. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 9.2.6.7.

**f. Accessory Structures Not Listed**

i. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 9.2.6.7.

ii. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

iii. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

iv. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 9.2.6.7.

## C. District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

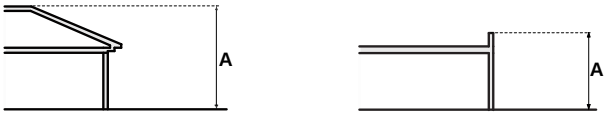
| CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | | |
|---|---|---|---|---|---|
| | | Detached Accessory Dwelling Unit | Detached Garage | Other Detached Accessory Structures | Detached Accessory Structures |
| Campus-National Western Center-Core (CMP-NWC-C) | no max | | | | ■ |
| Campus-National Western Center-General (CMP-NWC-G) | no max | | | | ■ |
| Campus-National Western Center-Flex (CMP-NWC-F) | no max | | | | ■ |
| Campus-National Western Center-Riverfront (CMP-NWC-R) | no max | | | | ■ |

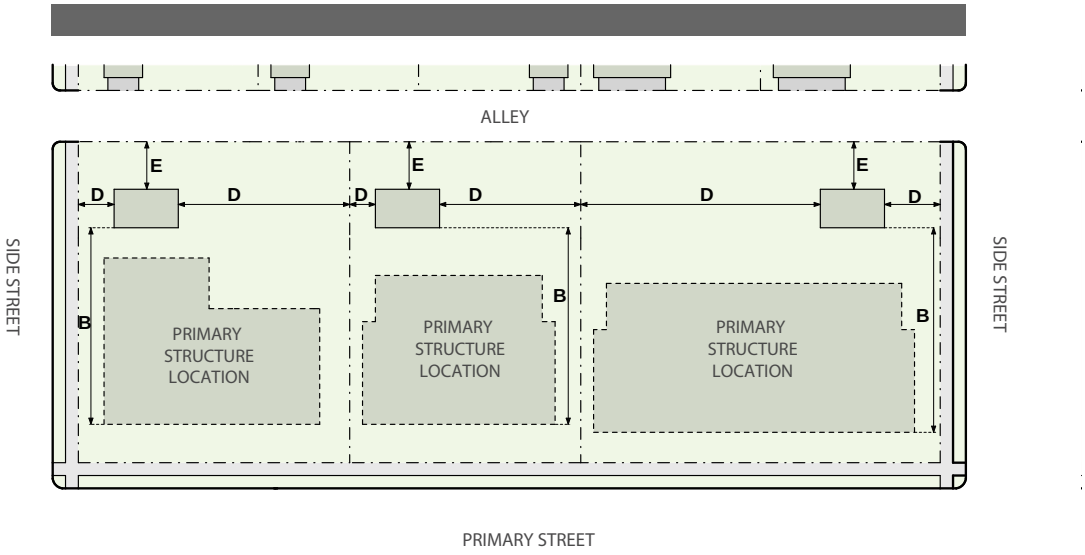
■ = Allowed

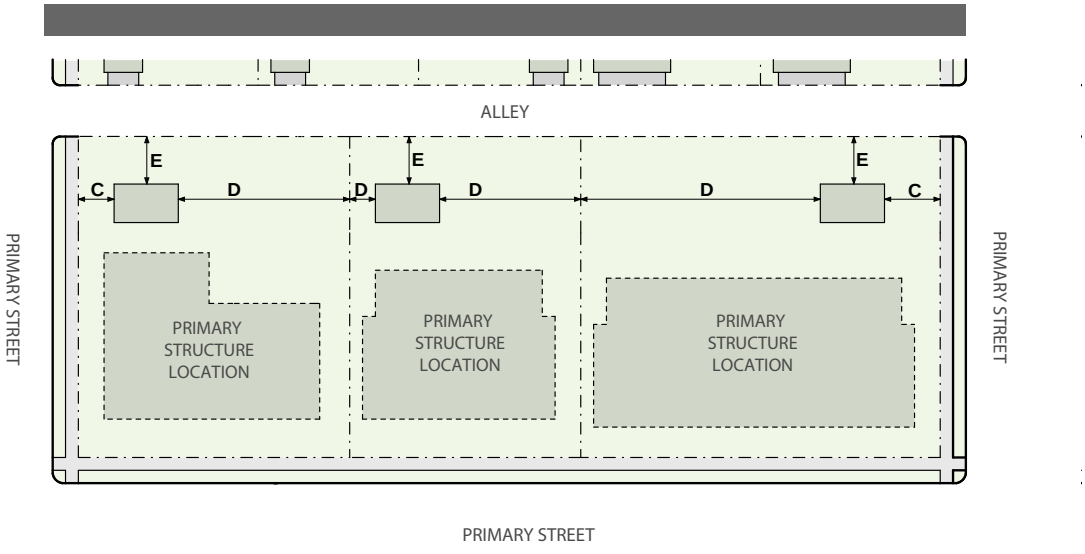
## D. District Specific Standards

### 1. Detached Accessory Structures

Not to Scale. Illustrative Only.



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, | CMP-NWC-R |
|---|---|---|---|
| A | Feet (max) | 150' | 40' |

| | SITING | CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | na |
| C | Primary Street | 0' |
| D | Side Interior and Side Street (min) | 0' |
| E | Rear, no alley (min) | 0' |

| | DESIGN ELEMENTS | CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|
| | Gross Floor Area (max) | 10% of the Zone Lot, provided this restriction shall not apply to the parking of vehicles. |

| | USES | CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|
| | | Accessory Uses Only |

## 9.2.6.5 Supplemental Design Standards

### A. Surface Parking Between a Building and the Primary/Side Street

#### 1. Intent

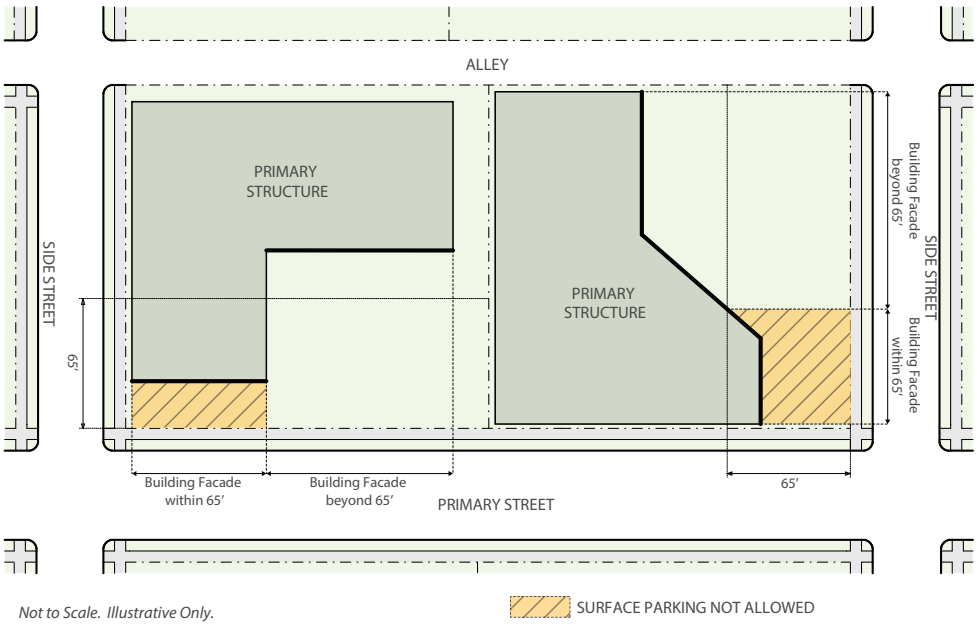
Allow for the functional siting of Buildings and Surface Parking while minimizing the impacts of Surface Parking on the pedestrian experience.

#### 2. Applicability

This section 9.2.6.5.A applies to the General building form in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

#### 3. Surface Parking Not Allowed

Where a building form specifies that Surface Parking is not allowed between a Building and a Primary and/or Side Street, Surface Parking shall not be located in the area directly between the applicable Street and any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street.




### B. Street Level Active Uses

#### 1. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant pedestrian enviornment.

#### 2. Applicability

a. This section 9.2.6.4.B applies to the General building form in the CMP-NWC-C and CMP-NWC-G zone districts.

b. This section shall not apply to a South Platte River Primary Street Zone Lot Line.

#### 3. Street Level Active Uses

a. Street Level active uses include all permitted primary uses.

b. Street Level active uses include all permitted accessory uses except the following:

i. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.

c. Street Level active uses shall not include Parking Spaces or Parking Aisles.

d. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet in the CMP-NWC-G District and a minimum depth of 30 feet in the CMP-NWC-C District.

e. The required depth for a Street Level active use may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards.

f. The length of any build-to alternatives permitted by Section 9.2.6.5 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level Active Use.

### 9.2.6.6 Design Standard Alternatives

#### A. Required Build-To Alternatives

##### 1. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

##### 2. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | |
|---|---|---|
| ZONE DISTRICT | BUILDING FORM | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) |
| CMP-NWC-C | General | 15% |
| CMP-NWC-G | General | 30% |

## B. Transparency Alternatives

### 1. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

### 2. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | |
|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| CMP-NWC-C | Primary Street | 10% | 10% | 10% | 15% |
| | Side Street | 20% | 20% | 30% | 40% |
| CMP-NWC-R | Primary Street | 15% | 15% | 20% | 30% |
| | Side Street | na | na | na | na |

## 9.2.6.7 Design Standard Exceptions for the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

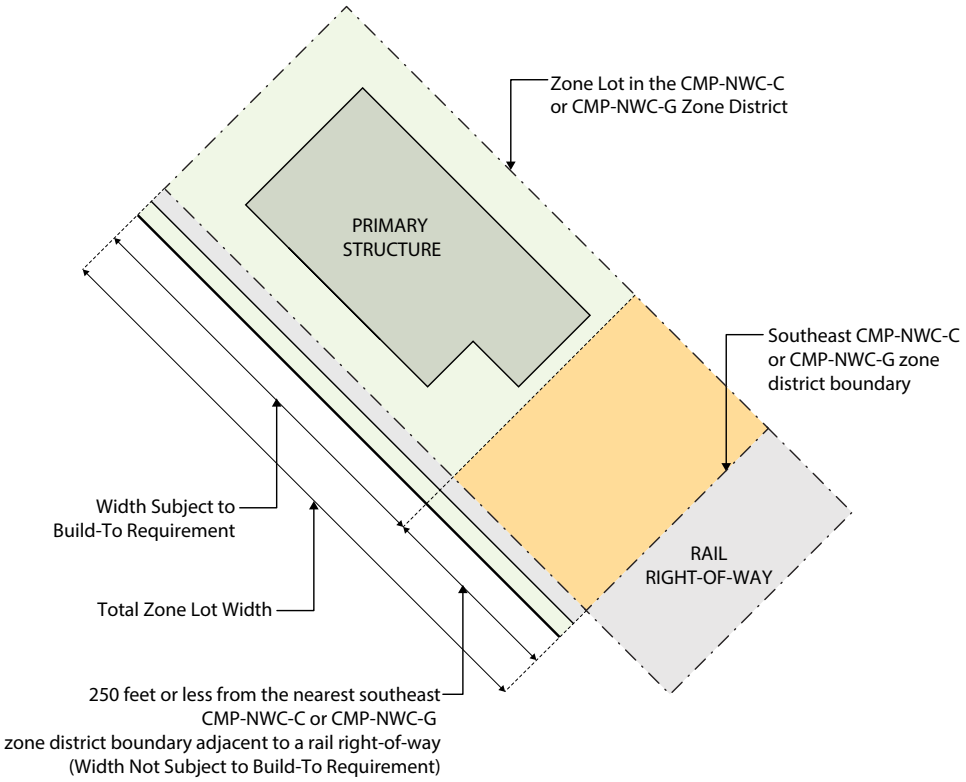
### A. Required Build-to

#### 1. Intent

a. To allow flexibility for Required Build-to standards in areas where the grade of a zone lot or a portion of the zone lot abutting the street is significantly greater in elevation than the elevation of the adjacent public street.

#### 2. Standard

a. In the CMP-NWC-C and CMP-NWC-G zone districts only, no portion of the zone lot line abutting the applicable street right-of-way 250 feet or less from the nearest southeast boundary of the CMP-NWC-C or CMP-NWC-G zone district adjacent to a railroad right-of-way shall be used to calculate Required Build-to.



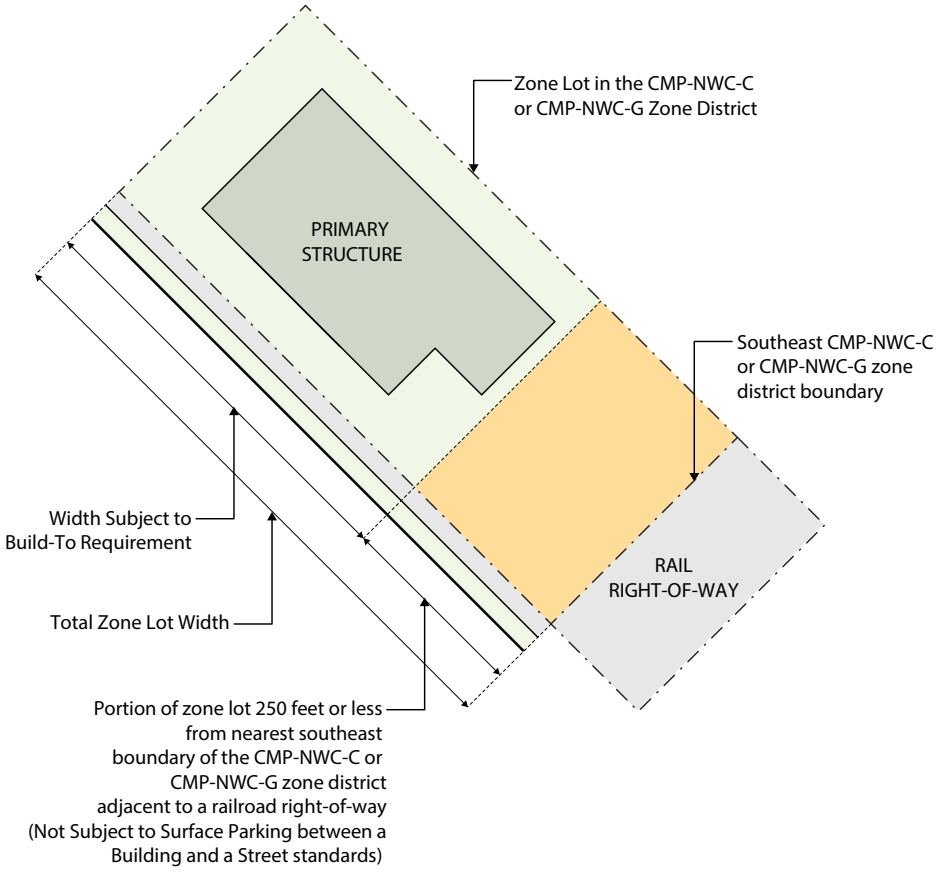
### B. Surface Parking Between a Building and a Primary/Side Street

#### 1. Intent

To allow flexibility for Surface Parking Between a Building and a Primary Street/Side Street standards in areas where the grade of a zone lot or a portion of the zone lot abutting the street is significantly greater in elevation than the elevation of the adjacent public street.

#### 2. Standard

In the CMP-NWC-C and CMP-NWC-G zone districts only, where a building form specifies that Surface Parking is not allowed between a Building and a Primary and/or Side Street, no portion of the zone lot 250 feet or less from the nearest southeast boundary of the CMP-NWC-C or CMP-NWC-G zone district adjacent to a railroad right-of-way shall be required to meet this standard.



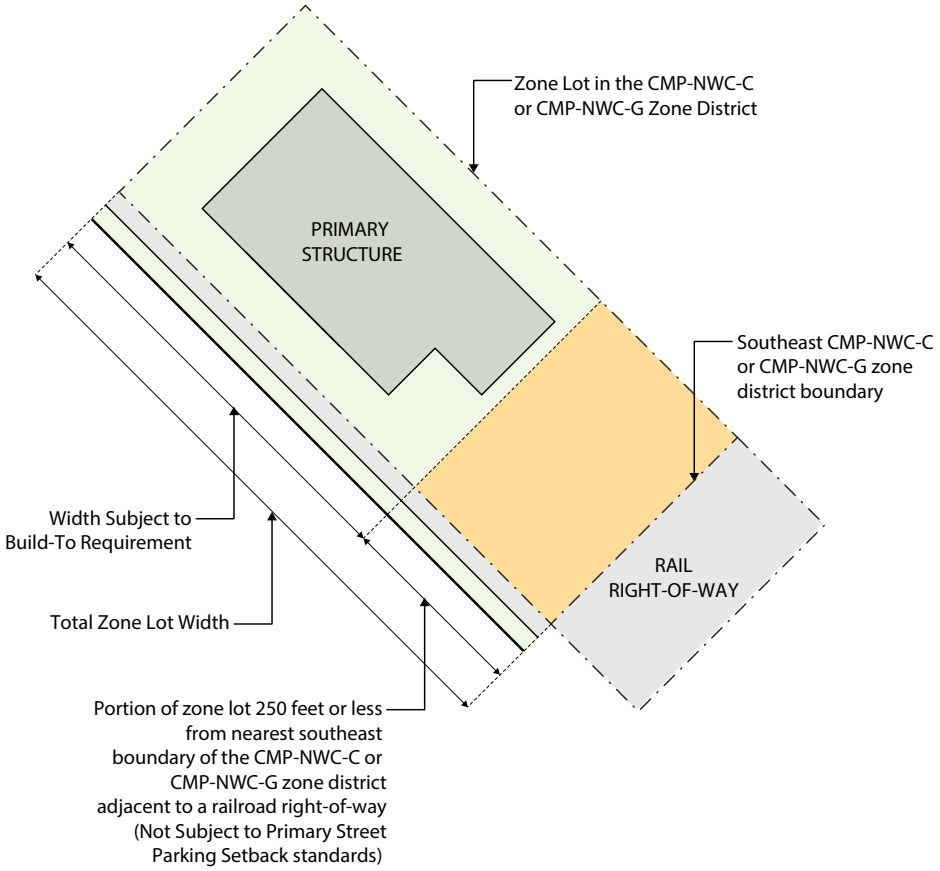
## C. Primary Street Parking Setback

### 1. Intent

To allow flexibility for Parking Setback standards in areas where the grade of a zone lot or a portion of the zone lot abutting the street is significantly greater in elevation than the elevation of the adjacent public street.

### 2. Standard

In the CMP-NWC-C and CMP-NWC-G zone districts only, where a building form specifies a Primary Street Parking Setback from the zone lot line abutting the applicable street, no portion of the zone lot 250 feet or less from the nearest southeast boundary of the CMP-NWC-C or CMP-NWC-G zone district adjacent to a railroad right-of-way shall be required to meet this standard.



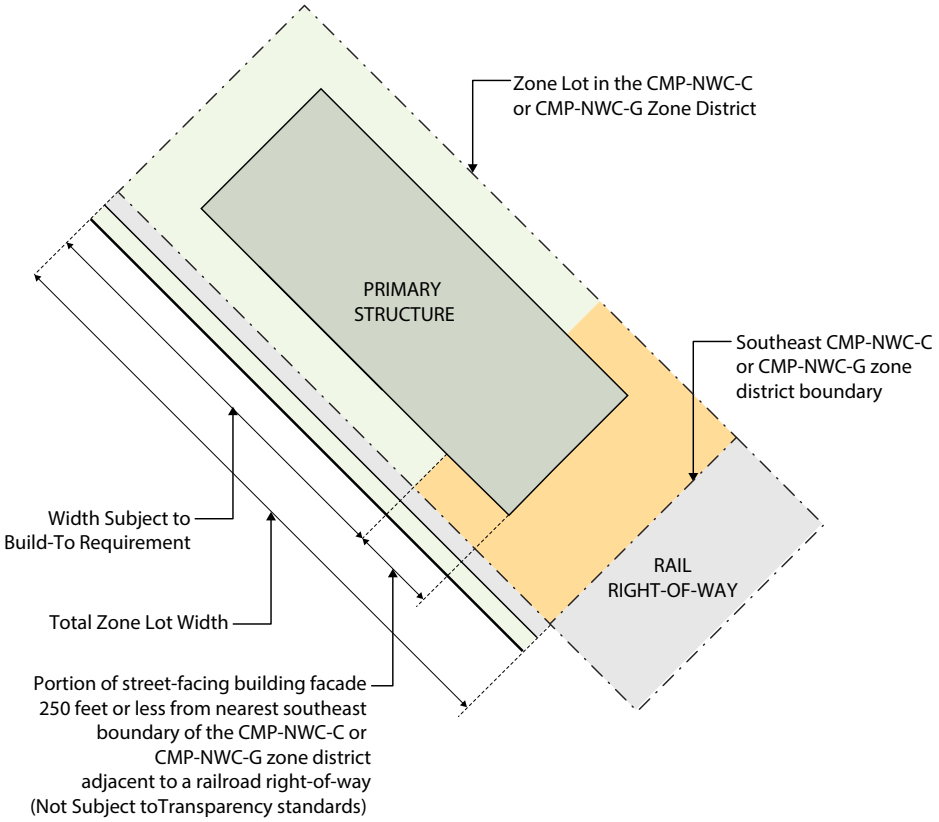
## D. Transparency

### 1. Intent

To allow flexibility for Transparency standards in areas where the grade of a zone lot or a portion of the zone lot abutting the street is significantly greater in elevation than the elevation of the adjacent public street.

### 2. Standard

In the CMP-NWC-C and CMP-NWC-G zone districts only, no portion of a street-facing building facade 250 feet or less from the nearest southeast boundary of the CMP-NWC-C or CMP-NWC-G zone district adjacent to a railroad right-of-way shall be required to meet this standard.




## E. Pedestrian Access

### 1. Intent

To allow flexibility in the orientation of buildings and placement of pedestrian entries relative to a South Platte River Primary Street while still ensuring visual interest is provided on a building facade that faces a South Platte River Primary Street..

### 2. Standard

In the CMP-NWC-C, CMP-NWC-F and CMP-NWC-R zone districts only, Pedestrian Access standards shall not be required between the South Platte River Primary Street and the primary uses within the building.

# SECTION 9.2.7 DESIGN STANDARD EXCEPTIONS CMP-H, CMP-H2; CMP-EI, CMP-EI2; CMP-ENT; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R

## 9.2.7.1 Height Exceptions

### A. Intent

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

### B. Applicability and Standards:

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 9.2.7.1.

2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds either the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All CMP- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All CMP- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All CMP- Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All CMP- Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All CMP- Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | All CMP- Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Parapet Wall and/or Safety Railing | All CMP- Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All CMP- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All CMP- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All CMP- Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All CMP- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 9.2.7.2 Setback Exceptions

**A. Intent**

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**B. Standard**

In all CMP zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 9.2.7.3 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

**1. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**2. Standard**

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

**a. Architectural Elements**

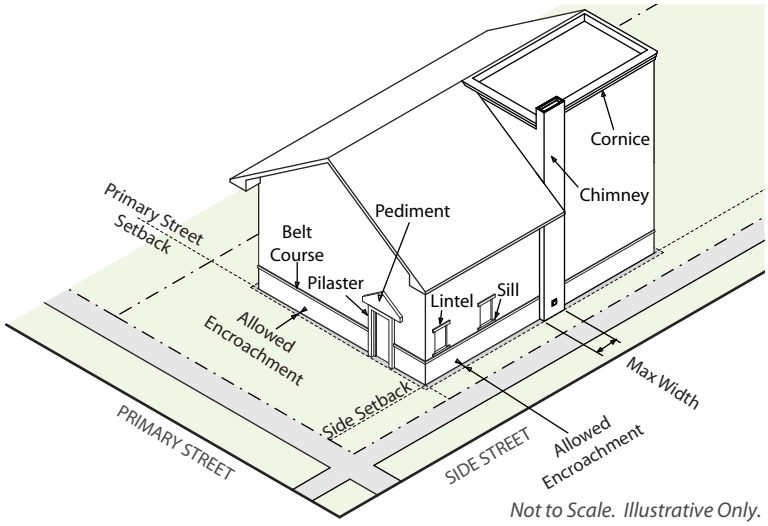
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6′ in width | All CMP- Zone Districts | All Building Forms | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′ | 1.5′ Cornices only: 3′; if setback is less than 5′: 2′ | 1.5′ Cornices only: 5′ |

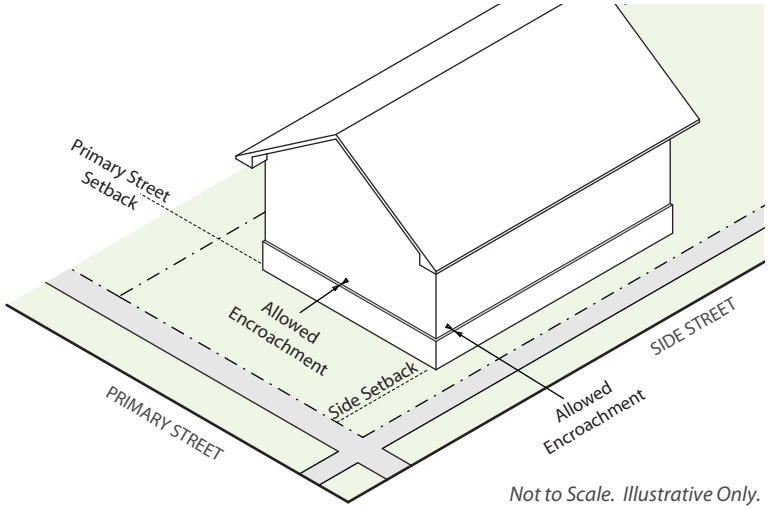
Intent: To allow common, minor decorative elements which are integral to a building.

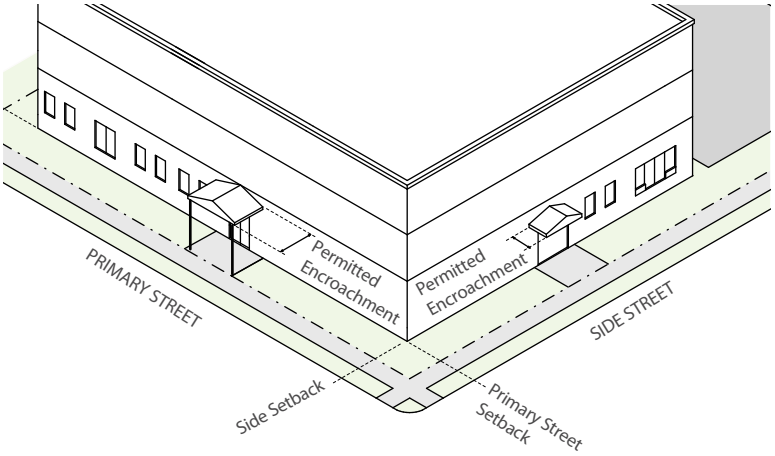


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All CMP- Zone Districts | All Building Forms | 6″ | 6″ | 6″ | 6″ |
| Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building. |  *Not to Scale. Illustrative Only.* | | | | | |



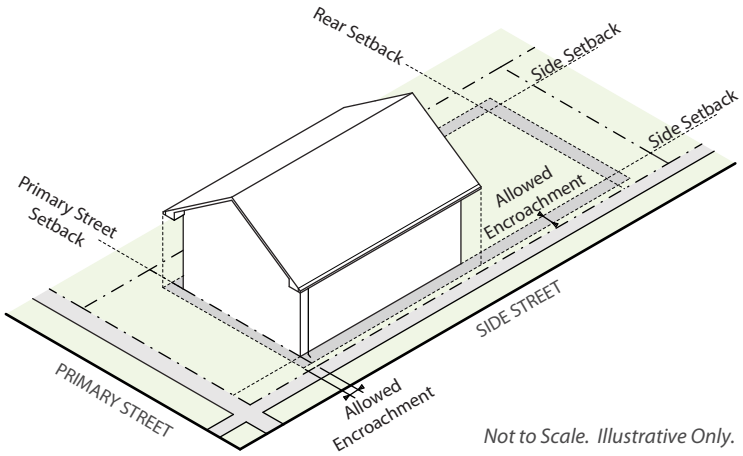
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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All CMP- Zone Districts | All Building Forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ | 5′ |

Intent: To allow features of structures intended to repel weather



*Illustrative only*



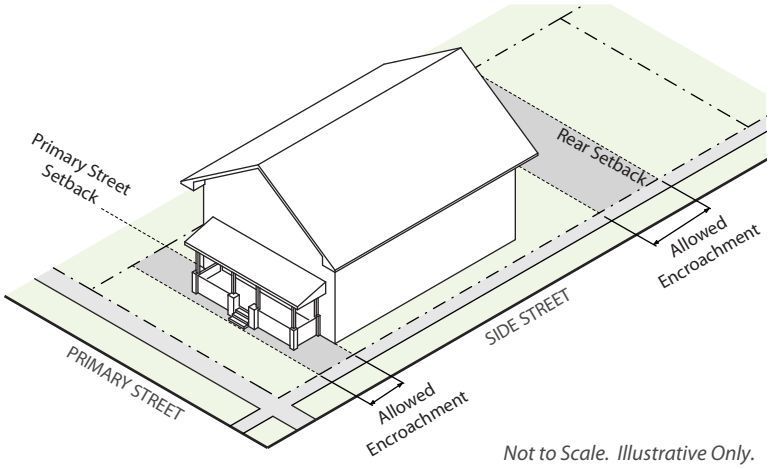

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All CMP- Zone Districts | All Building Forms | 8′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | 5′ and minimum of 1′ between right-of-way and first riser of above-grade stairway | Not allowed | 5′ |

Intent: To promote elements which provide for street activation and human scale.



*Illustrative only*

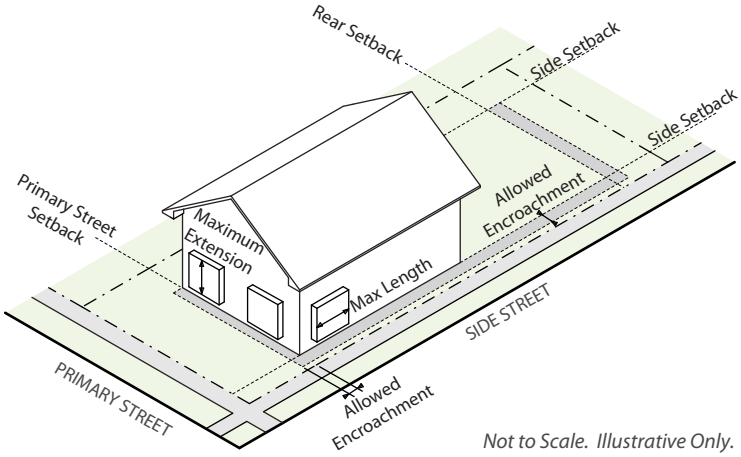



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5′ above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10′ in horizontal length at the opening along the face of the building. | All CMP- Zone Districts | All Building Forms | 1.5′ | 1.5′ | Not allowed | 1.5′ |
| Intent: To allow for improved interior daylighting. | | | | | | |

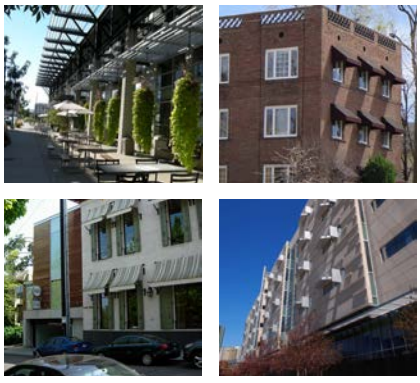


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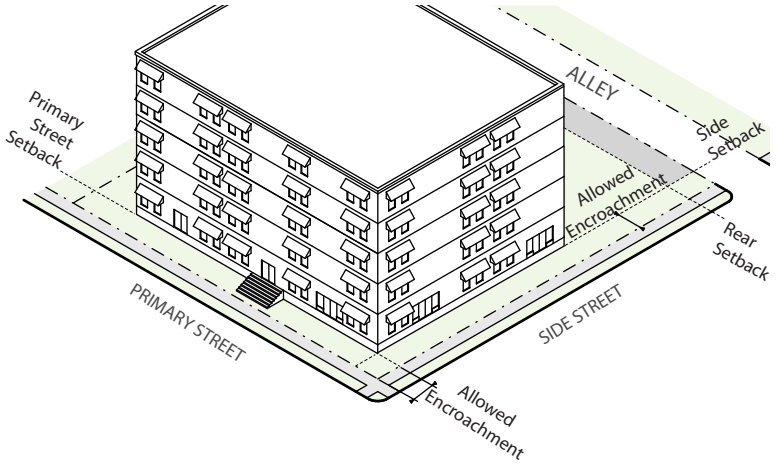



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| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: building elements, such as awnings, designed and intended to control light entering a building | All CMP- Zone Districts | All Building Forms | 5′ | 3′ | 3′ | 10′ |
| Intent: To allow for elements either integral or attached to a building which control light entering through windows. | | | | | | |



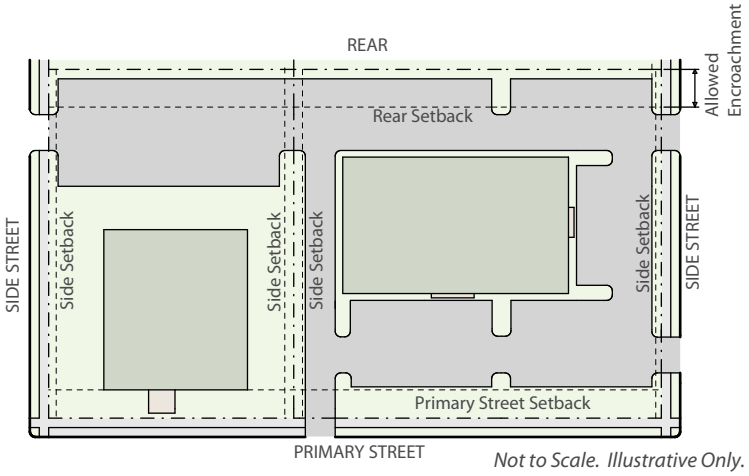
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*Not to Scale. Illustrative Only.*

**b. Site Elements**

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

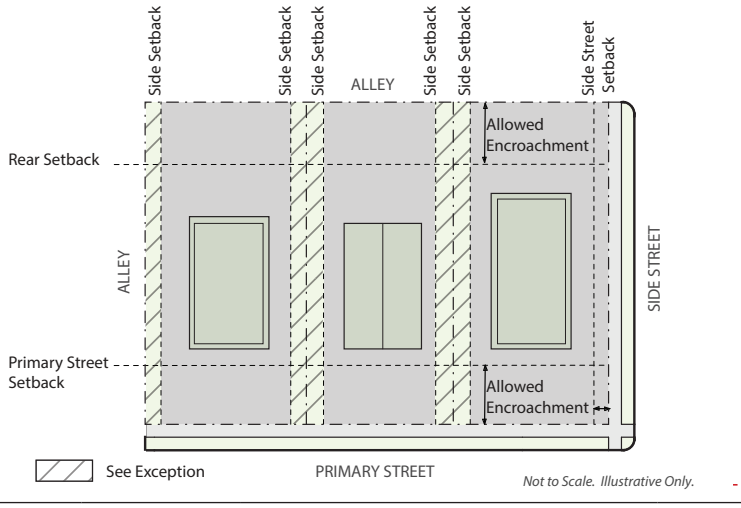
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |
| | **ZONE DISTRICTS** | **BUILDING FORMS** | **PRIMARY STREET** | **SIDE STREET** | **SIDE INTERIOR** | **REAR** |
| Surface Parking | All CMP- Zone Districts | All Building Forms | Not allowed | Not allowed | Not allowed | Any distance |
| Intent: To restrict surface parking where it is impactful due to the number of required parking spaces. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Not allowed (*see exception below) | Any distance |

Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties.



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

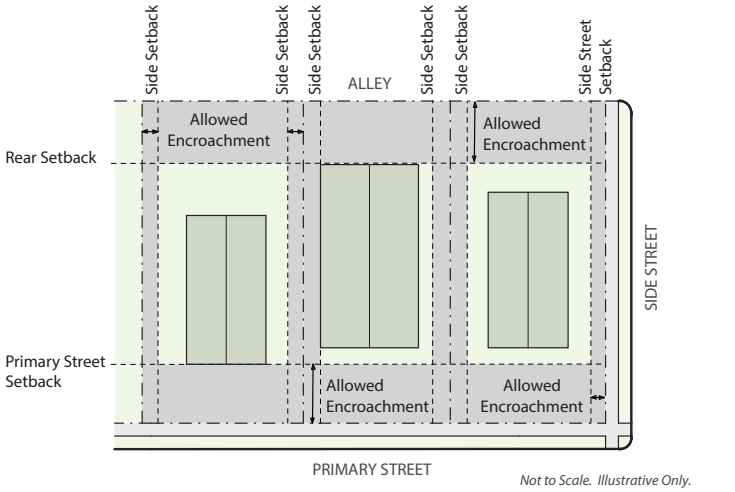
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All CMP- Zone Districts | All Building Forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



### c. Service & Utility Elements

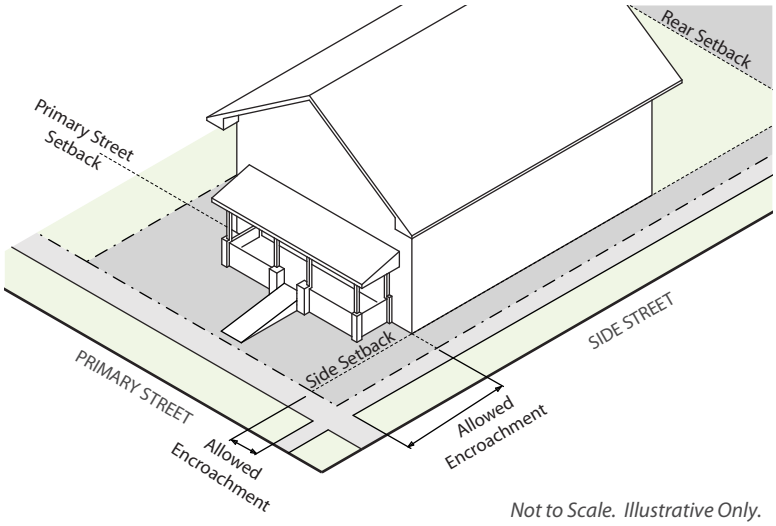
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

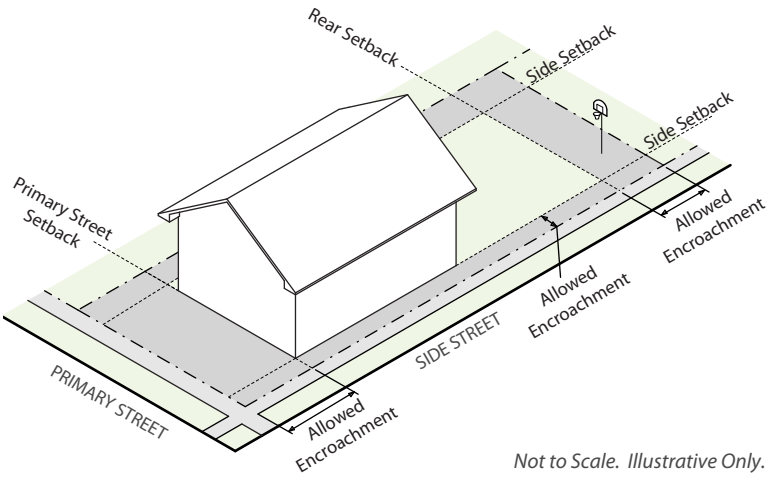
Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

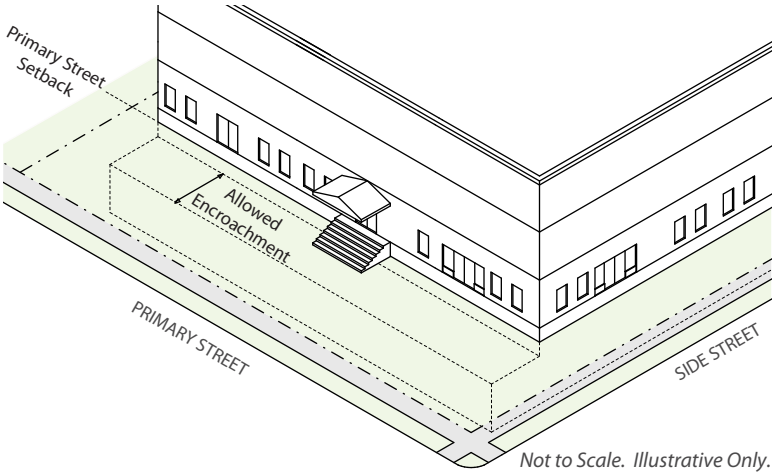


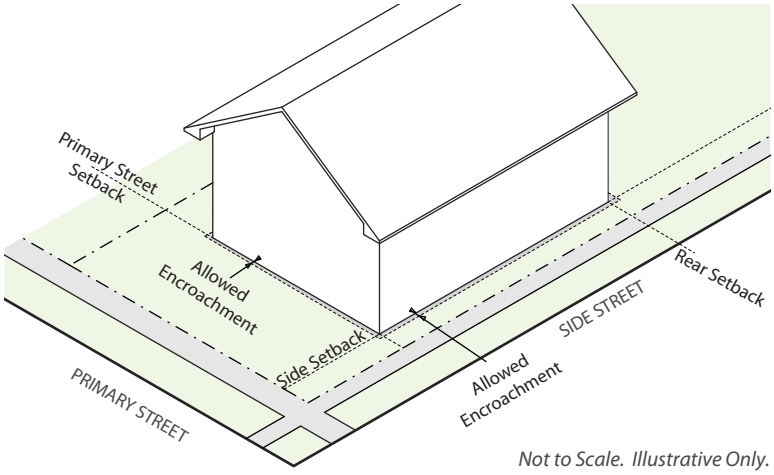
*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| |  | | | | | |

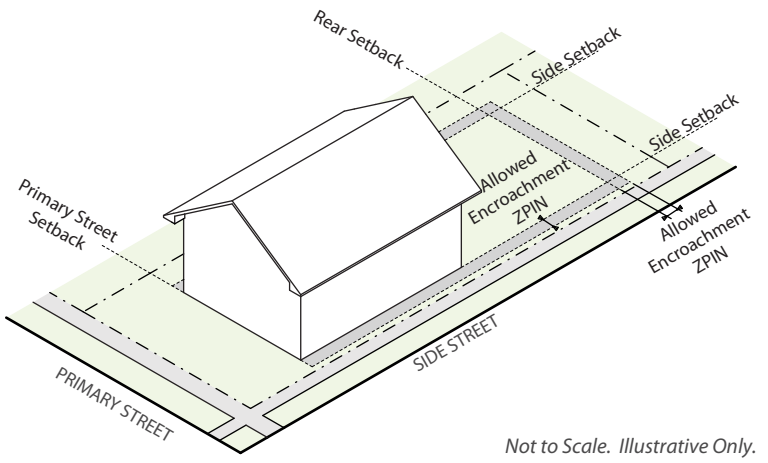
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All CMP- Zone Districts | All Building Forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All CMP- Zone Districts | All Building Forms | Not allowed | 3′; subject to Zoning Permit Review with Informational Notice | 3′; subject to Zoning Permit Review with Informational Notice | 3′; subject to Zoning Permit Review with Informational Notice |

- Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the D.R.M.C.;
- Does not exceed 4′ in height or 10 square feet in area per unit;
- Does not exceed 2 units per zone lot;
- Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and
- The location of the unit(s) minimizes the impacts on adjoining properties.

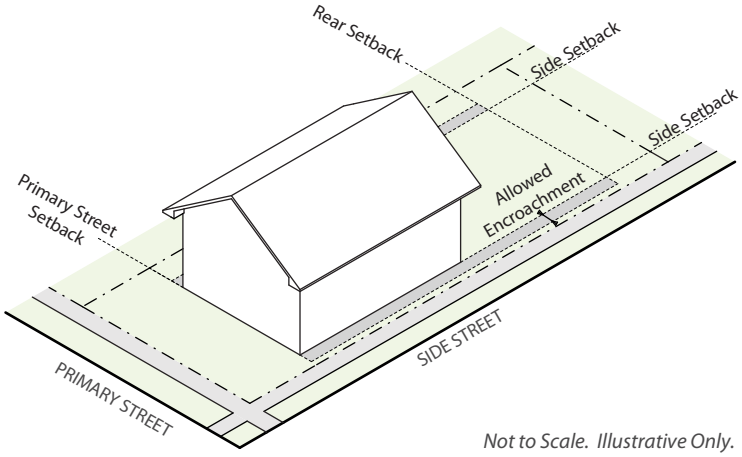
Intent: To allow for functional siting.



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All CMP- Zone Districts | All Building Forms | Not allowed | 3′ | 3′ | Not allowed |

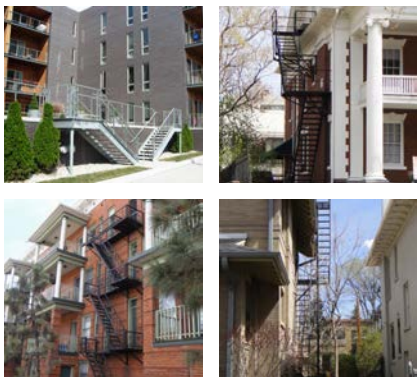
Intent: To allow for functional siting.



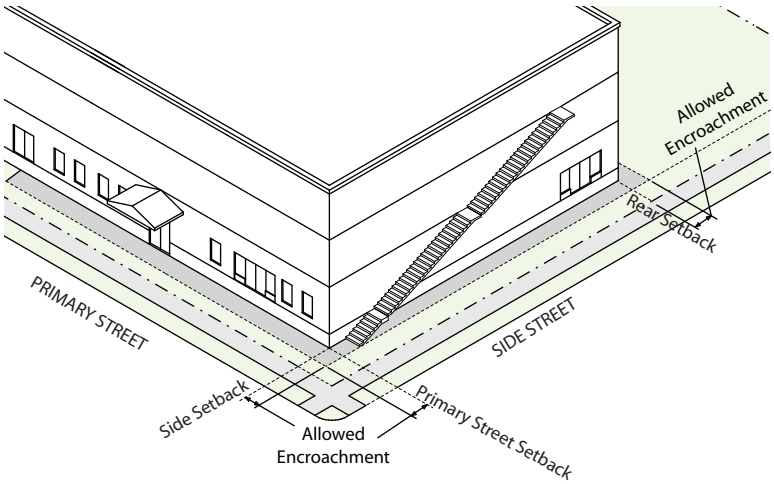

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All CMP- Zone Districts | All Building Forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



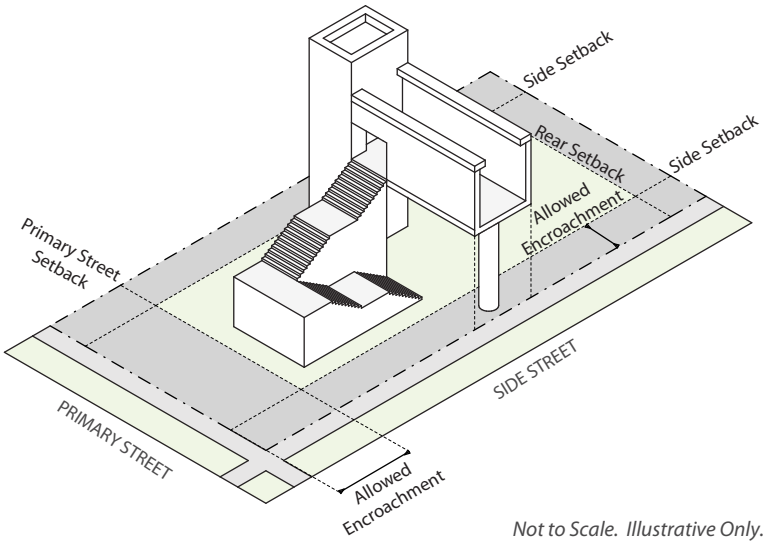

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route, provided Public Works has approved a right-of-way encumbrance. | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*



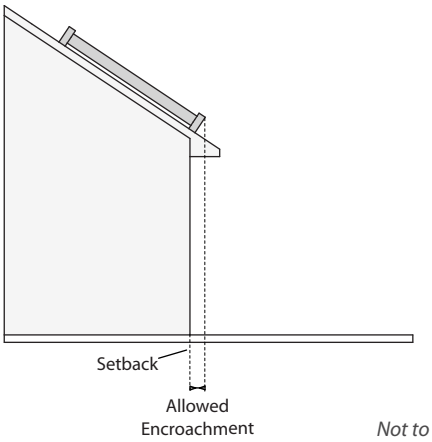

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

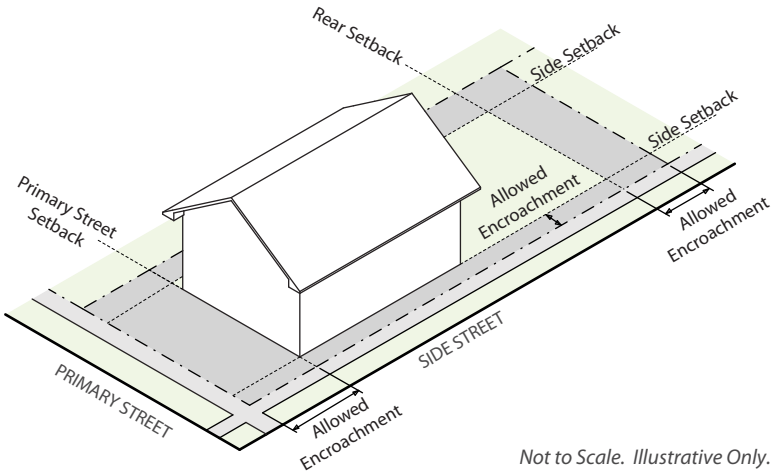
Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback.

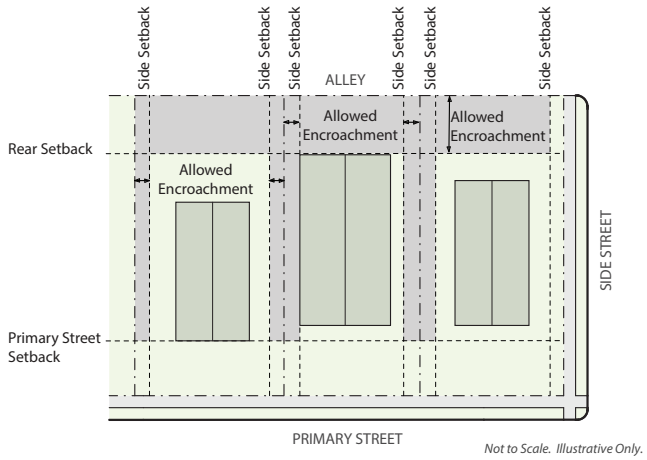


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All CMP- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

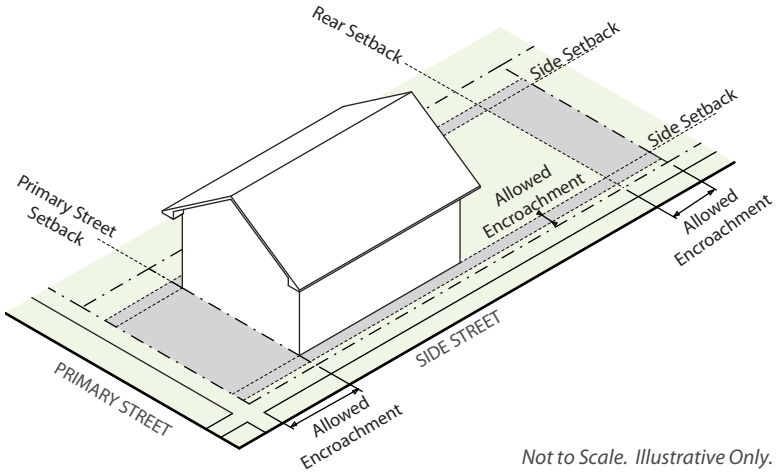
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All CMP- Zone Districts | All Building Forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting.<br>  *Illustrative only* |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All CMP- Zone Districts | All Building Forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/side street zone lot line | | Any distance for any width |

Intent: To allow for emergency egress



*Illustrative only*




*Not to Scale. Illustrative Only.*

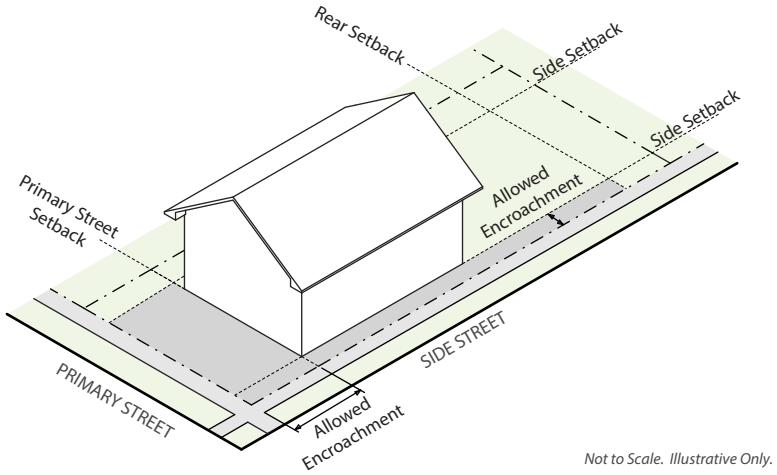
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All I-Zone Districts | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |

Intent: To all for functional siting






*Illustrative only*




*Not to Scale. Illustrative Only.*

### 9.2.7.4 Vehicle Access From Alley Required - Exceptions

**A. No Alley**

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;

4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or

6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 9.2.7.4, then vehicular Alley access is required.

# SECTION 9.2.8 USES AND REQUIRED MINIMUM PARKING

## 9.2.8.1 Applicability

A. This Section 9.2.8 sets forth the land uses permitted, the required zoning procedures and the required minimum parking for all the Campus Context zone districts.

B. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

C. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## 9.2.8.2 Organization

### A. Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### B. Primary Use Classifications, Categories & Specific Use Types

#### 1. Primary Use Classifications

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

a. Residential Uses

b. Civic, Public & Institutional Uses

c. Commercial Sales, Service & Repair Uses

d. Industrial, Manufacturing & Wholesale Uses

e. Agriculture

#### 2. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

#### 3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## 9.2.8.3 Explanation of Table Abbreviations

### A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

### B. Permitted, Limited, Not Permitted

#### 1. Permitted Use - No Use Limitations Apply ("P")

A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**2. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**3. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

**C. Zoning Procedure**

**1. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**2. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**3. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**4. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 9.2.8.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## 9.2.8.5 District Specific Standards

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H<br>CMP-H2 | CMP-EI<br>CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | NP | L-ZP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | L-ZP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.2.6 |
| | Dwelling, Multi-Unit<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 2 units (80/20) | L-ZPIN | EI: L-ZP<br>EI2: L-ZPIN | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.2.6 |
| | Dwelling, Live / Work<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 2 units (80/20) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| Group Living | Assisted Living Facility<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Community Corrections Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZP | P-ZPIN | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Residence for Older Adults<br>• Vehicle: 0.75/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Residential Care Use, Small or Large<br>• Vehicle: .25/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | NP | § 11.2.9 |
| | Rooming and Boarding House<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Shelter for the Homeless<br>• No Parking Requirements | L | L-ZPIN/L | L | L | L | L | L | L | § 11.2.11 |
| | Student Housing<br>• Vehicle: 1.25/unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1 / 5 units (100/0) | P-ZPIN | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H CMP-H2 | CMP-EI CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: No requirement<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Postal Processing Center | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Hospital | P-ZP | NP | NP | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H CMP-H2 | CMP-EI CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Education | Elementary or Secondary School<br>• Vehicle: 1/1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle - High School: 1/ 5,000 s.f. GFA (0/100)<br>• Bicycle-All Others: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | University or College<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Public and Religious Assembly | All Types<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (20/80) | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (20/80) | NP | NP | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | L-ZP | L-ZP | NP | §11.4.4 |
| | Sports and/or Entertainment Arena or Stadium*<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (20/80) | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use) | | Not Applicable | | | | | | | | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Parking, Surface*<br>• No Parking Requirements | L-ZP | L-ZP | P-ZP | P-ZP | NP | P-ZP | P-ZP | NP | §11.4.8 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H CMP-H2 | CMP-EI CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| Eating & Drinking Establishments | All Types<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/1,500 s.f. GFA (0/100) | H: P-ZP<br>H2: L-ZP | EI: P-ZP<br>EI2: L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.4.9 |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 0.875/guest room or unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (60/40) | P-ZP | EI: P-ZP<br>EI2: NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Lodging Accommodations, All Others<br>• Vehicle: 0.5/ guest room or unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (60/40) | P-ZPIN | EI: P-ZPIN<br>EI2: NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (60/40) | L-ZP | L-ZP/P-ZPIN | NP | L-ZP | P-ZP | P-ZP | P-ZP | NP | §11.4.10 |
| | Office, All Others<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/7,500 s.f. GFA (60/40) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 7,500 s.f. GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Animal Sales and Services, All Others*<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 7,500 s.f. GFA (20/80) | NP | NP | NP | L-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Food Sales or Market*<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 7,500 s.f. GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Pawn Shop | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle: 1.25/1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 7,500 s.f. GFA (20/80) | NP | NP | NP | L-ZP | NP | L-ZP | L-ZP | NP | §11.4.16 |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: 1/ 7,500 s.f. GFA (20/80) | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle: 1.25/ 1,000 s.f. GFA<br>• Bicycle: 1/7,500 s.f. GFA (20/80) | ZPIN | NP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |

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|---|---|---|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Automobile Services, Light | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.4.18 |
| | Automobile Services, Heavy | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.4.18 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | NP | NP | NP | NP | NP | NP | NP | NP | |
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | NP | §11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | L-ZP/ ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure<br>• No Parking Requirements | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | L-ZP/ ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.5.3 |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.5.4 |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | P-ZPIN | EI: P-ZPIN<br>EI2: NP | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | §11.5.6 |
| | Service/Repair, Commercial | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.5.7 |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | NP | §11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.5.13 |

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|---|---|---|---|---|---|---|---|---|---|---|
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZP/ ZPSE | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.5.14 |
| | Railroad Facilities*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | NP | L-ZP | L-ZP | NP | §11.5.15 |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System | NP | NP | NP | P-ZP | P-ZP | P-ZP | P-ZP | NP | |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | NP | NP | NP | NP | |
| Waste Related Services | Automobile Parts Recycling Business | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Recycling Center<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | NP | L-ZP | L-ZP | NP | §11.5.20 |
| | Recycling Collection Station<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | P-ZP | NP | P-ZP | P-ZP | NP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Mini-storage Facility | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Vehicle Storage, Commercial* | NP | NP | NP | NP | NP | NP | L-ZP | NP | §11.5.24 |
| | Wholesale Trade or Storage, General | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | NP | NP | L-ZP | NP | §11.5.26 |

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|---|---|---|---|---|---|---|---|---|---|---|
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | | | | |
| Agriculture | Aquaculture*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.6.1 |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.2 |
| | Husbandry, Animal*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.6.3 |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.6.5 |
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | §11.7 |
| | Accessory Dwelling Unit<br>• Vehicle: 1 / Unit<br>• CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Districts - Vehicle: No requirement<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.7; §11.8.2 |
| | Domestic Employee | L | L | L | L | L | L | L | NP | §11.8.3 |
| | Garden* | L | L | L | L | L | L | L | NP | §11.7; §11.8.4 |
| | Keeping of Household Animals* | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | NP | §11.7; §11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | NP | NP | NP | NP | L | L | L | NP | §11.7; §10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | L | L | NP | §11.7; §11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.7; §11.8.7 |
| | Outdoor Storage, Residential | L | L | L | L | L | L | L | NP | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.7; §11.8.9 |
| | Short-term Rental | L | L | L | L | L | L | L | NP | §11.7; §11.8.10 |
| | Vehicle Storage, Repair and Maintenance Accessory to a Dwelling Use* | L | L | L | L | L | L | L | NP | §11.7; §10.9 |
| | Wind Energy Conversion Systems* | Not Applicable - See Permitted Primary Uses | | | | | | | | |
| | Yard or Garage Sales* | L | L | L | L | L | L | L | NP | §11.7; §11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Home Occupations | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | NP | §11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.9; §11.9.4 |
| | Unlisted Home Occupations | L-ZPIN - Applicable to all Zone Districts | | | | | | | | §11.9; §11.9.5 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H CMP-H2 | CMP-EI CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable to all Zone Districts | | | | | | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating / Drinking Establishments, College / University and Theater Uses | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | L | L | L | L | L | L | L | NP | §11.7; §11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | L | L | L | L | L | L | L | § 11.7 |
| | Car Wash Bay Accessory to Automobile Services | L-ZP | L-ZP | L-ZP | NP | NP | NP | L-ZP | NP | §11.7; §11.10.5 |
| | College Accessory to a Place for Religious Assembly | L | L | NP | L | L | L | L | NP | §11.7; §11.10.6 |
| | Conference Facilities Accessory to Hotel Use | L | L | L | L | L | L | L | NP | §11.7; §11.10.7 |
| | Drive Through Facility Accessory to Eating / Drinking Establishments and to Retail Sales, Service, and Repair Uses* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.7; §11.10.8 |
| | Emergency Vehicle Access Point | L-ZPSE | NP | NP | NP | NP | NP | NP | NP | §11.7; §11.10.9 |
| | Garden* | L | L | L | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L | L | L | L | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | Not Applicable | | | | | | | | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating / Drinking Establishments Use* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to Eating / Drinking Establishments Use* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | L-ZP/ ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | NP | NP | L-ZP | NP | |
| | Outdoor Storage, Limited* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | NP | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | L | L | L | L | L | L | L | L | §11.7; §11.10.18 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | CMP-H<br>CMP-H2 | CMP-EI<br>CMP-EI2 | CMP-ENT | CMP-NWC | CMP-NWC-C | CMP-NWC-G | CMP-NWC-F | CMP-NWC-R | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | | | | | |
| Temporary Uses | Unlisted Temporary Uses | L - Applicable in all Zone Districts | | | | | | | | §11.11.1 |
| | Ambulance Service - Temporary | Not Applicable - See Permitted Primary Uses | | | | | | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | L-ZP | P-ZP | P-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.3 |
| | Bazaar, Carnival, Circus or Special Event* | 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 | §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 | §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 | §11.11.7 |
| | Health Care Center | P-ZP | P-ZP | P-ZP | P-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.8 |
| | Noncommercial Concrete Batching Plant* | 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* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.10 |
| | Outdoor Retail Sales* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.11 |
| | Outdoor Sales, Seasonal* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | 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 | NP | §11.11.13 |
| | Retail Food Establishment, Mobile* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.14 |
| | Temporary Construction Office | 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 | §11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | P-ZP | P-ZP | P-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.18 |

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# DIVISION 9.3 OPEN SPACE CONTEXT (OS-A, OS-B, OS-C)

## SECTION 9.3.1 OPEN SPACE CONTEXT DESCRIPTION







**General Character:** The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

**Street, Block, and Access Patterns:** The Open Space Context can be widely varied, ranging from active parks with extensive access to environmentally sensitive areas where only limited access is appropriate.

**Building Placement and Location:** Buildings in the Open Space Context are typically placed where access is highest, and are often located away from view of the general public.

**Building Height:** Buildings are typically low in scale, although some open space areas with active recreational uses support large-scale facilities.

**Mobility:** Priority is given to pedestrians and bicyclists. The automobile is accommodated through fringe parking areas. The Open Space Context has varying levels of access to the multi-modal transit system.

## SECTION 9.3.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established in the Open Space Context and are applied to property as set forth on the Official Map.

**Open Space Context**

| | |
|---|---|
| OS-A | Open Space Public Parks District |
| OS-B | Open Space Recreation District |
| OS-C | Open Space Conservation District |

### 9.3.2.1 Purpose

The following paragraphs explain the general purpose and intent of the individual zone districts.

**A. Open Space Public Parks District (OS-A)**
The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes.

**B. Open Space Recreation District (OS-B)**
The OS-B district is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City, and generally intended for active or passive recreation use. The district allows more building coverage and a variety of active recreational facilities than in the OS-C district.

**C. Open Space Conservation District (OS-C)**
To allow for conservation of open space and natural areas, regardless of ownership, which are not intended for development. Limited passive recreation is allowed, and only limited structures incidental to and supportive of the conservation purpose of the zone district , such as visitor's/educational center, are allowed.

## SECTION 9.3.3 PRIMARY BUILDING FORM STANDARDS

### 9.3.3.1 OS-A District

A. In the OS-A zone district, the City Council shall have final approval authority over the form of certain building according to D.R.M.C., Chapter 39 (Parks). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards.

B. Design and development standards governing structures in the OS-A zone district, including but not limited to landscaping, parking, and signage, shall be determined by either the City Council according to their authority in D.R.M.C., Chapter 39 (Parks) or by the Manager of Parks and Recreation.

### 9.3.3.2 Primary Building Forms in OS-B and OS-C

Building form standards are applicable in the OS-B and OS-C zone districts, as set forth below.

| HEIGHT | OS-B, OS-C |
|---|---|
| Stories (max) | 3 |
| Feet, pitched or Low-Slope Roof (max) | 40′ |

| SITING | OS-B, OS-C |
|---|---|
| **SETBACKS** | |
| Primary Street (min) | 20′ |
| Side Street (min) | 20′ |
| Side, interior (min) | 20′ |
| Rear (min) | 20′ |
| **PARKING** | |
| Primary Street Setback (min) | 30′ |
| Side Street Setback (min) | 10′ |
| Setback Adjacent Protected District (min) | 5′ |

| DESIGN ELEMENTS | OS-B, OS-C |
|---|---|
| Required Entrance, Primary Street | No |

| USES | OS-B, OS-C |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form. See Section 9.3.4 Uses and Required Minimum Parking |

## 9.3.3.3 Design Standard Exceptions

### A. Height Exceptions

#### 1. Intent

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

#### 2. Applicability and Standards:

a. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 9.3.3.3.2.

b. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

c. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

d. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

e. Where a building feature exceeds either the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | OS-B, OS-C | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | OS-B, OS-C | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | OS-B, OS-C | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | OS-B, OS-C | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perimeter of the portion of the building facing the zone lot line adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | OS-B, OS-C | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Open Structures | OS-B, OS-C | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Parapet Wall and/or Safety Railing | OS-B, OS-C | No | No | Any distance | Not applicable | Any distance | Any distance |
| Flush-mounted solar panels | OS-B, OS-C | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | OS-B, OS-C | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | OS-B, OS-C | No | Yes | 28′ | Not applicable | Any distance | Any distance |

**B. Setback Exceptions**

**1. Intent**
To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**2. Standard**
In the OS-B and OS-C zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

a. The street setback required by the applicable building form standards in this Code; or

b. The required Parkway setback established under D.R.M.C., Chapter 49.

## SECTION 9.3.4 USES AND REQUIRED MINIMUM PARKING

### 9.3.4.1 Applicability

**A. OS-A Zone District**
Permitted uses, number of uses and applicable use limitations, in the OS-A zone district, shall be determined by the manager of Parks and Recreation.

**B. OS-B, OS-C Zone Districts**

1. This Section 9.3.4 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for the OS-B, OS-C zone districts.

2. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

3. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

### 9.3.4.2 Organization

**A. Organized by Primary, Accessory and Temporary Uses**
The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

**B. Primary Use Classifications, Categories & Specific Use Types**

**1. Primary Use Classifications**
All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

a. Residential Uses

b. Civic, Public & Institutional Uses

c. Commercial Sales, Service & Repair Uses

d. Industrial, Manufacturing & Wholesale Uses

e. Agriculture

**2. Primary Use Categories & Specific Use Types**
Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**3. Classifications & Categories Are Mutually Exclusive**
The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## 9.3.4.3 Explanation of Table Abbreviations

**A. General Explanation of Table Cell Entries**
In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

**B. Permitted, Limited, Not Permitted**

**1. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**2. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**3. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

**C. Zoning Procedure**

**1. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**2. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Ap-

plicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**3. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**4. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 9.3.4.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## 9.3.4.5 District Specific Standards

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | OS-A | OS-B | OS-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | |
| Household Living | Dwelling, Single Unit | See Section 9.3.4.1 | NP | NP | |
| | Dwelling, Two Unit | | NP | NP | |
| | Dwelling, Multi-Unit | | NP | NP | |
| | Dwelling, Live / Work | | NP | NP | |
| Group Living | Assisted Living Facility | | NP | NP | |
| | Community Corrections Facility | | NP | NP | |
| | Nursing Home, Hospice | | NP | NP | |
| | Residence for Older Adults | | NP | NP | |
| | Residential Care Use, Small or Large | | NP | NP | |
| | Rooming and Boarding House | | NP | NP | |
| | Shelter for the Homeless | | L | L | § 11.2.11 |
| | Student Housing | | NP | NP | |
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | See Section 9.3.4.1 | L-ZPSE | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | | L-ZP | NP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | | L-ZP | NP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | P-ZP | NP | |
| | Postal Facility, Neighborhood | | NP | NP | |
| | Postal Processing Center | | NP | NP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | P-ZP | NP | |
| | Hospital | | NP | NP | |
| | Correctional Institution | | NP | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Requirement -# of spaces per unit of measurement<br>• Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility) | OS-A | OS-B | OS-C | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery*<br>• No Parking Requirements | See Section 9.3.4.1 | L-ZP | NP | §11.3.6 |
| | Library<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | L-ZP | NP | §11.3.7 |
| | Museum<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | L-ZP | NP | §11.3.7 |
| | City Park*<br>• No Parking Requirements | L-ZP | NP | NP | §9.3.3.1; §9.3.4.1 |
| | Open Space - Conservation*<br>• No Parking Requirements | See Section 9.3.4.1 | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | L-ZP | NP | §11.3.8 |
| | University or College | | NP | NP | §11.3.8 |
| | Vocational or Professional School | | NP | NP | §11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: 0.5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | | P-ZP | NP | |

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|---|---|---|---|---|---|
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | |
| Adult Business | All Types | See Section 9.3.4.1 | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (60/40) | | L-ZP | NP | §11.4.1 |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle: 2.5/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (60/40) | | L-ZPSE | NP | §11.4.1; §11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium*<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | | L-ZPSE | NP | §11.4.5 |
| Nonresidential Uses in Existing Business Structures In Residential Zones | | | Not Applicable | | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | | P-ZP | NP | |
| | Parking, Surface* | | NP | NP | |
| Eating & Drinking Establishments | All Types | | NP | NP | |

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|---|---|---|---|---|---|
| Lodging Accommodations | Bed and Breakfast Lodging | See Section 9.3.4.1 | NP | NP | |
| | Lodging Accommodations, All Others | | NP | NP | |
| Office | Dental / Medical Office or Clinic | | NP | NP | |
| | Office, All Others | | NP | NP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only | | NP | NP | |
| | Animal Sales and Services, All Others | | NP | NP | |
| | Food Sales or Market | | NP | NP | |
| | Pawn Shop | | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor* | | NP | NP | |
| | Retail Sales, Service & Repair - Firearms Sales | | NP | NP | |
| | Retail Sales, Service & Repair, All Others | | NP | NP | |
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility | | NP | NP | |
| | Automobile Services, Light | | NP | NP | |
| | Automobile Services, Heavy | | NP | NP | |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* | | NP | NP | |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | | NP | NP | |

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|---|---|---|---|---|---|
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | See Section 9.3.4.1 | L-ZP | NP | § 11.5.2 |
| | Communication Services | | NP | NP | |
| | Telecommunications Towers*<br>• No Parking Requirements | | L-ZP/ ZPIN/ ZPSE | NP | §11.5.2 |
| | Telecommunications Tower - Alternative Structure<br>• No Parking Requirements | | L-ZP/L-ZPIN | NP | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | | L-ZPIN | NP | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General | | NP | NP | |
| | Contractors, Special Trade - Heavy/Contractor Yard* | | NP | NP | |
| | Food Preparation and Sales, Commercial | | NP | NP | |
| | Laboratory, Research, Development and Technological Services | | NP | NP | |
| | Service/Repair, Commercial | | NP | NP | |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom | | NP | NP | |
| | Manufacturing, Fabrication & Assembly -- General | | NP | NP | |
| | Manufacturing, Fabrication & Assembly -- Heavy | | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | | NP | NP | |
| | Sand or Gravel Quarry* | | NP | NP | |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | | L-ZP | NP | §11.5.13 |
| Transportation Facilities | Airport* | | NP | NP | |
| | Helipad, Helistop, Heliport* | | NP | NP | |
| | Railroad Facilities* | | NP | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | | P-ZP | P-ZP | |
| | Terminal, Station or and Service Facility for Passenger Transit System | | NP | NP | |
| | Terminal, Freight, Air Courier Services | | NP | NP | |

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|---|---|---|---|---|---|
| Waste Related Services | Automobile Parts Recycling Business | See Section 9.3.4.1 | NP | NP | |
| | Junkyard* | | NP | NP | |
| | Recycling Center | | NP | NP | |
| | Recycling Collection Station | | NP | NP | |
| | Recycling Plant, Scrap Processor | | NP | NP | |
| | Solid Waste Facility | | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | | NP | NP | |
| | Mini-storage Facility | | NP | NP | |
| | Vehicle Storage, Commercial* | | NP | NP | |
| | Wholesale Trade or Storage, General | | NP | NP | |
| | Wholesale Trade or Storage, Light | | NP | NP | |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | |
| Agriculture | Aquaculture*<br>• Vehicle: 0.5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | See Section 9.3.4.1 | L-ZP | NP | §11.6.1 |
| | Garden, Urban*<br>• Vehicle: 0.5/ 1,000 s.f. GFA<br>• Bicycle: No Requirement | | L-ZP | NP | §11.6.2 |
| | Husbandry, Animal*<br>• Vehicle: 0.5/ 1,000 s.f. GFA<br>• Bicycle: No Requirement | | L-ZP | NP | §11.6.3 |
| | Husbandry, Plant*<br>• Vehicle: 0.5/ 1,000 s.f. GFA<br>• Bicycle: No Requirement | | L-ZP | NP | §11.6.4 |
| | Plant Nursery*<br>• Vehicle: 0.5/ 1,000 s.f. GFA<br>• Bicycle: No Requirement | | L-ZP | NP | §11.6.5 |

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|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | | NP | NP | |
| | Accessory Dwelling Unit | See Section 9.3.4.1 | NP | NP | |
| | Domestic Employee | | NP | NP | |
| | Garden* | | NP | NP | |
| | Keeping of Household Animals* | | NP | NP | |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | | NP | NP | |
| | Kennel or Exercise Run* | | NP | NP | |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | | NP | NP | |
| | Outdoor Storage, Residential* | | NP | NP | |
| | Second Kitchen Accessory to Single Unit Dwelling Use | | NP | NP | |
| | Short-term Rental | | NP | NP | |
| | Vehicle Storage, Repair and Maintenance* | | NP | NP | |
| | Wind Energy Conversion Systems* | | Not Applicable - See Permitted Primary Uses | | |
| | Yard or Garage Sales* | | NP | NP | |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | |
| Home Occupations | Child Care Home, Large | See Section 9.3.4.1 | NP | NP | |
| | All Other Types | | NP | NP | |
| | Unlisted Home Occupations | | NP | NP | |

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|---|---|---|---|---|---|
| ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION | | | | | |
| Accessory to Primary Nonresidential Uses | Unlisted Accessory Uses | See Section 9.3.4.1 | L - Applicable to all Zone Districts | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | | NP | NP | |
| | Automobile Rental Services Accessory to Certain Retail Uses* | | NP | NP | |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | | L | NP | § 11.7 |
| | Car Wash Bay Accessory to Automobile Services | | NP | NP | |
| | College accessory to a Place for Religious Assembly | | NP | NP | |
| | Conference Facilities Accessory to Hotel Use | | NP | NP | |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | | NP | NP | |
| | Emergency Vehicle Access Point | | NP | NP | |
| | Garden* | | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | | L/L-ZP/L-ZPIN | L/L-ZP/L-ZPIN | §11.7; §11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | | Not Applicable | | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | | L | NP | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | | NP | NP | |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | | NP | NP | |
| | Outdoor Retail Sale and Display* | | NP | NP | |
| | Outdoor Storage, General* | | NP | NP | |
| | Outdoor Storage, Limited* | | NP | NP | |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | | NP | NP | |

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|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | |
| Temporary Uses | Unlisted Temporary Uses | See Section 9.3.4.1 | L-ZP | L-ZP | §11.11.1 |
| | Ambulance Service - Temporary | | NP Not Applicable - See Permitted Primary Uses | NP | |
| | Amusement / Entertainment - Temporary* | | L-ZP | NP | §11.11.3 |
| | Bazaar, Carnival, Circus or Special Event* | | L-ZP | NP | §11.11.4 |
| | Building or yard for construction materials* | | L-ZP | NP | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | | L-ZP | NP | §11.11.6 |
| | Fence for Demolition or Construction Work | | L-ZP | NP | §11.11.7 |
| | Health Care Center | | NP | NP | |
| | Noncommercial Concrete Batching Plant* | | L-ZP | NP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | | NP | NP | |
| | Outdoor Retail Sales* | | NP | NP | |
| | Outdoor Sales, Seasonal* | | L-ZP | NP | §11.11.12 |
| | Parking Lot Designated for a Special Event* | | L-ZP | NP | §11.11.13 |
| | Retail Food Establishment, Mobile* | | L-ZP | NP | §11.11.14 |
| | Temporary Construction Office | | L-ZP | NP | §11.11.15 |
| | Temporary Office - Real Estate Sales | | NP | NP | |
| | Temporary Tiny Home Village | | NP | NP | |
| | Tent for Religious Services | | L-ZP | NP | §11.11.18 |

# DIVISION 9.4 OVERLAY ZONE DISTRICTS

## SECTION 9.4.1 GENERAL INTENT

Overlay Zone Districts are generally intended, in special and unique cases, to provide a vehicle to supplement otherwise generally applicable zone district standards with additional use or design limits, allowances, and prohibitions.

## SECTION 9.4.2 OVERLAY ZONE DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following overlay zone districts have been established and are applied to property as set forth on the Official Map.

| OVERLAY ZONE DISTRICTS | |
|---|---|
| CO- | Conservation Overlay District |
| UO- | Use Overlay District |
| DO- | Design Overlay District |
| IO- | Incentive Overlay District |

### 9.4.2.1 Process to Establish Overlay Zone Districts - Text Amendment & Rezoning Required

Creation of an overlay zone district shall be by text amendment according to Section 12.4.11, Text Amendment, to codify the standards established within the overlay, and by an official map amendment (rezoning) according to Section 12.4.10. With the Manager's approval, the map amendment may be filed and reviewed concurrent with the text amendment according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall the map amendment be approved until the text amendment creating the overlay zone district is approved.

### 9.4.2.2 Effect of Underlying Zone District Designation

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable overlay zone district; provided, however, except in an approved use overlay zone district (-UO), an overlay zone district shall not be used to add to the specific permitted uses in the underlying district, nor shall it be used to prohibit specific permitted uses in the underlying district.

### 9.4.2.3 Effect of Overlay Zone District Designation

All zoning applications within a specific overlay zone district shall comply with the applicable provisions of that overlay zone district, and the underlying zone district, and shall be reviewed under this Code to assure such compliance. Where the provisions of the overlay zone district are different from (e.g., in the case of an overlay use district), or more restrictive than (e.g., in the case of a neighborhood conservation overlay zone district) the provisions of the underlying zoning designation, the provisions of the overlay zone district shall apply. A change in the underlying zone district does not change the content or applicability of the overlay zone provisions.

## SECTION 9.4.3 CONSERVATION OVERLAY DISTRICT (CO-)

### 9.4.3.1 Purpose

The Conservation Overlay District is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of specific areas within Denver possessing distinctive features, identity, or character worthy of retention and enhancement. A Conservation Overlay District takes effect through adoption of area specific standards that will facilitate maintenance and protection of the area's existing character and the development of vacant or under used lots. The overlay may also be used to establish specific design guidelines that are more detailed than the standards of this Code for use during review of development within the overlay zone district.

### 9.4.3.2 Minimum Requirements for Establishment

In addition to the minimum criteria for official map amendment applications specified in Article 12, Section 12.4.10, an application for a rezoning to apply a Conservation Overlay District shall comply with the following provisions:

#### A. Multiple Conservation Overlays Prohibited

A property may only be located within one Conservation Overlay District.

#### B. Application Requirements

An application to rezone to a Conservation Overlay District shall include, in addition to other rezoning submittal requirements, the following information:

1. A statement of purpose and an explanation of how the zone district criteria stated in this Section are met.

2. An ordinance and map indicating the boundaries of all lots in the proposed Conservation Overlay District and the underlying zone districts contained within the proposed overlay zone district.

3. A Conservation Overlay District map and such other textual and graphic material as may be necessary to indicate and govern building forms and features, site development requirements, circulation, off-street parking and modifications to underlying zone district development and design standards.

#### C. Review Criteria for Approval of District

In addition to the review criteria applicable to rezonings stated in Section 12.4.10, Official Map Amendment (Rezoning), and to text amendments stated in Section 12.4.11, Text Amendment, the Conservation Overlay District shall meet one or more of the following criteria:

1. The district contains distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material; and/or

2. The district contains distinctive site planning and natural features, such as lot platting, building lot coverage, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens.

### 9.4.3.3 Modification of Underlying Zone District Standards

#### A. Modification of Permitted Uses Not Allowed

Uses permitted in the underlying zone district shall not be modified in any way.

#### B. Modification of Standards Allowed

A Conservation Overlay District may allow for the modification of any of the following standards within this Code to enhance the area's identity and character consistent with the plan criteria stated above in Sec. 9.4.3.2:

##### 1. Use Limitations

Use limitations otherwise applicable to permitted uses in the underlying zone district may be modified.

##### 2. Building Form Standards

a. Building form standards otherwise applicable to new development in the underlying zone district may be modified.

b. A Conservation Overlay District may add new restrictions on building form and building or site design, including but not limited to restrictions on building materials and architectural style.

#### 3. All Other Design Standards

All other development and design standards applicable to new development in the underlying zone district may be modified.

### 9.4.3.4 Conservation Overlay Districts Established

The following conservation overlay zone districts are established:

| CONSERVATION OVERLAY DISTRICT NAME | ZONING MAP DESIGNATOR |
|---|---|
| Hilltop Heritage Conservation Overlay District | CO-1 |
| Curtis Park Conservation Overlay District | CO-2 |
| Scottish Village Conservation Overlay District | CO-3 |
| Potter Highlands Conservation Overlay District | CO-4 |
| Krisana Park Conservation Overlay District | CO-5 |

### 9.4.3.5 Effect of Approval

#### A. Zoning Map Designator

Each Conservation Overlay District shall be shown on the official map by an "CO-#" designator and an appropriate number placed after the underlying zone district designation.

#### B. Limitation on Permit Issuance

No zoning permit for development or for a use within a Conservation Overlay District shall be issued by Community Planning and Development unless the development or use meets the standards set forth in the adopted Conservation Overlay District.

### 9.4.3.6 Hilltop Heritage Conservation Overlay District (CO-1)

#### A. Creation

There is hereby created a conservation overlay zone district designated as Hilltop Heritage Conservation Overlay District CO-1.

#### B. Limitation on the Establishment of Zone Lots in the Overlay District

Any zone lots in this overlay zone district that existed on July 21, 2000, may be amended or subdivided only if each of the zone lots that are created or result therefrom is not less than 75 feet wide at any street (Side Street or Primary Street) setback line for structures and are not less than 9,300 square feet in lot size.

#### C. Exceptions Inapplicable

The exceptions from zone lot width and area requirements for zone lots in Section 1.2.3.3, Flag Zone Lots, shall not apply in this overlay zone district, provided however, zone lots containing at least 27,900 square feet existing on March 7, 2000, may be amended into zone lots in compliance with the zone lot width reduction for flag lots contained in Section 1.2.3.3, Flag Zone Lots, if the resultant zone lots contain at least 9,300 square feet.

### 9.4.3.7 Curtis Park Conservation Overlay District (CO-2)

#### A. Creation

There is hereby created a Conservation Overlay District designated as the Curtis Park Conservation Overlay District.

#### B. Intent

Accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.

#### C. Applicability

This Curtis Park Conservation Overlay District shall apply only to zone lots zoned to an -RH zone district.

**D. Building Form Standards for Zone Lots with a Historic Structure**
For any zone lot occupied by a Historic Structure, as defined in Article 13, Rule of Measurements and Definitions, development of a detached accessory structure is allowed subject to the following allowances and conditions:

1. The structure may comply with the U-RH-2.5 Detached Garage building form standards and exceed the maximum building coverage; and
2. The structure may comply with the U-RH-2.5 Detached Accessory Dwelling Unit building form standards and:
   a. May exceed the maximum building coverage,
   b. Shall be exempt from the bulk plane, and
   c. May exceed the maximum height in stories not to exceed two stories.
3. The structure shall be located in the rear one-half of the zone lot; and
4. The design and location of the building shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

**E. Building Form Standards for Zone Lots without a Historic Structure**
For zone lots not occupied by a Historic Structure, development of a detached accessory structure is allowed using the U-RH-2.5 Detached Accessory Dwelling Unit building form, subject to the following allowances and conditions:

1. The structure shall be exempt from the bulk plane,
2. The structure may exceed the maximum height in stories not to exceed two stories,
3. The structure shall be located in the rear one-half of the zone lot, and
4. The design and location of the structure shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

## 9.4.3.8 Scottish Village Conservation Overlay (CO-3)

**A. Creation**
There is hereby created a Conservation Overlay District designated as the Scottish Village Conservation Overlay (CO-3).

**B. Intent**
To allow setback, building coverage, and lot depth building form standards that are consistent with the character of the Scottish Village.

**C. Applicability**
This Scottish Village Conservation Overlay shall apply only to those areas designated as CO-3 on the Official Zone Map.

**D. Primary Building Form Standards Applicable to Urban House, Duplex and Tandem House Building Forms Only**

**1. Side Interior Setback**
The minimum side interior setback shall be 3 feet.

**2. Building Coverage**
a. Building coverage maximum per zone lot shall be 60%.
b. An exemption from the maximum building coverage shall not be given for a portion of the zone lot area occupied by a Detached Accessory Dwelling Unit or a Detached Garage form.

#### 3. Shallow Lot Standards

##### a. Applicability

i. Zone lots established prior to July 10, 2015 where at least one side interior or side street zone lot line is 90 feet or less deep, measured from the intersection of the primary street zone lot line and a side interior or side street zone lot line to the intersection of a zone lot line opposite the primary street.

##### b. Standards

i. Rooftop and/or Second Story Decks are allowed in 100% of zone lot depth.

ii. The following underlying zone district primary building form height standards applicable in the front 65% of zone lot depth shall apply to 100% of zone lot depth:

a) Height in stories;

b) Height in feet;

c) Allowable height increase; and

d) Bulk plane vertical height at side interior and side street zone lot line.

### E. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only

#### 1. Side Interior Setback

a. The minimum side interior setback shall be 0 feet.

b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

## 9.4.3.9 Potter Highlands Conservation Overlay (CO-4)

### A. Creation

There is hereby created a Conservation Overlay District designated as the Potter Highlands Conservation Overlay District.

### B. Intent

To apply additional building form standards that are consistent with the established character of the Potter Highlands Historic District.

### C. Applicability

This Potter Highlands Conservation Overlay shall apply only to those areas designated as CO-4 on the Official Zone Map.

### D. Primary Building Form Standards Applicable to Urban House, Duplex, and Tandem House Building Forms

#### 1. Side Interior Setbacks

a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 5 feet.

#### 2. Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines

a. For zone lots 30 feet or less in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 15 feet.

b. For zone lots greater than 30 feet in width, the maximum bulk plane vertical height at the side interior and the side street zone lot line in the front 65% of the zone lot shall be 13 feet.

### 3. Rooftop Decks

a. Rooftop deck on roof of second story or above

i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the second story or on the roof of any story above the second story of a structure shall be prohibited in 100% of zone lot depth.

b. Rooftop deck on roof of Street Level story

i. Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element located on the roof of the Street Level story of a structure shall be permitted in the front 65% of zone lot depth.

### 4. Low-Slope Roof Height Limit and Bulk Plane Exception

a. In the front 65% of zone lot depth:

i. Low-Slope Roof structures shall have a maximum height of 25 feet.

ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.

b. In the rear 35% of zone lot depth:

i. Low-Slope roof structures shall have a maximum height of 14 feet.

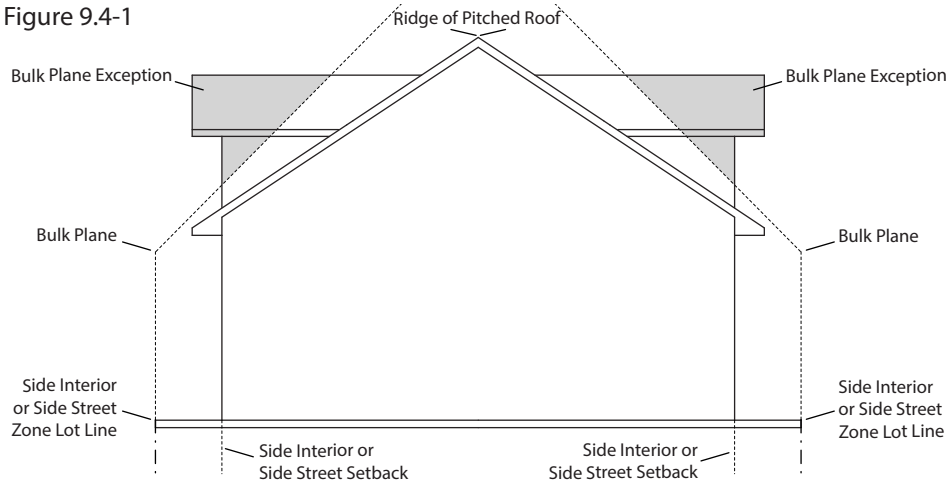
ii. Bulk Plane shall not apply to structures having a Low-Slope Roof.

### 5. Bulk Plane Exception

Any portion of structures extending through and exceeding bulk plane standards shall be subject to the following limitations:

a. The highest point of an exception shall not exceed the height of the ridge of the pitched roof. (See Figure 9.4-1)

Figure 9.4-1




*Not to Scale. Illustrative Only.*

b. An exception shall contain at least one window that faces a side interior or side street zone lot line.

c. An exception may only project through and exceed bulk plane standards in the front 65% of zone lot depth.

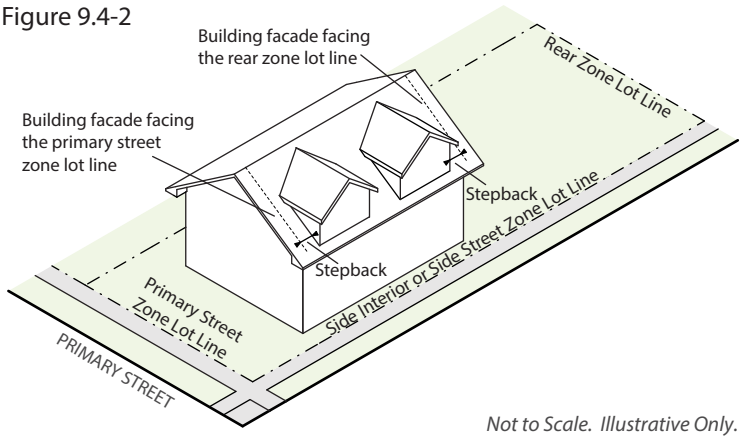
d. An exception shall not have a Low-Slope Roof.

e. An exception's roof overhangs shall not exceed 3 feet, measured perpendicular from the exterior wall of the exception to the edge of the roof overhang.

f. An exception shall step back a minimum of 5 feet from the building facade located between an exception and the primary street zone lot line, measured perpendicular from an exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)

g. An exception shall step back a minimum of 3 feet from the building facade located between an exception and the rear zone lot line, measured perpendicular from the exception to the building facade. Roof overhangs may encroach into the stepback. (See Figure 9.4-2)

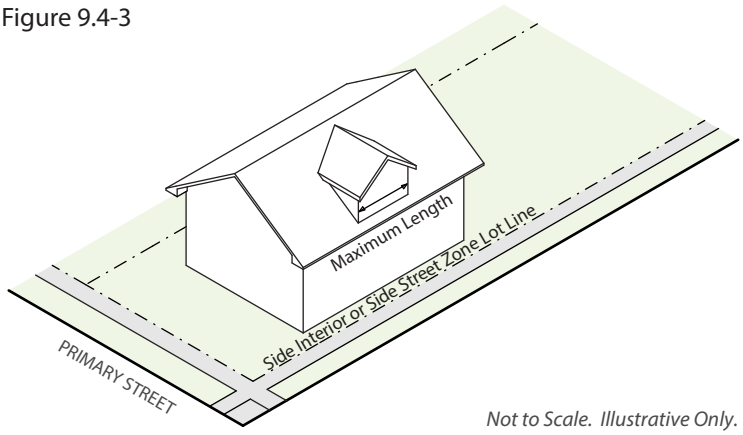
Figure 9.4-2




*Not to Scale. Illustrative Only.*

h. The maximum length of an individual exception shall be 12 feet, measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of maximum length. (See Figure 9.4-3)

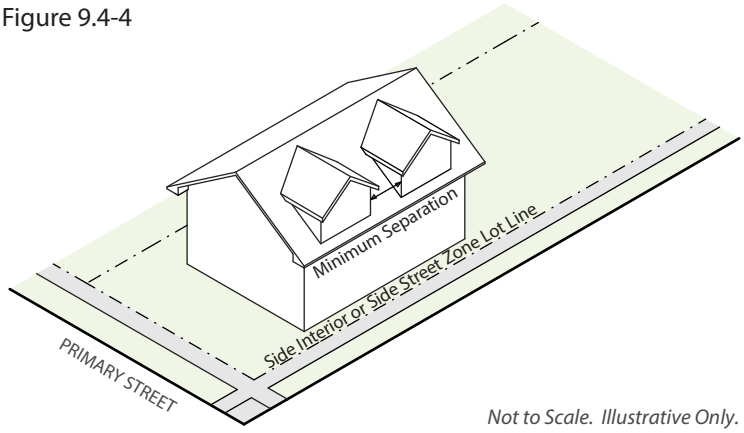
Figure 9.4-3




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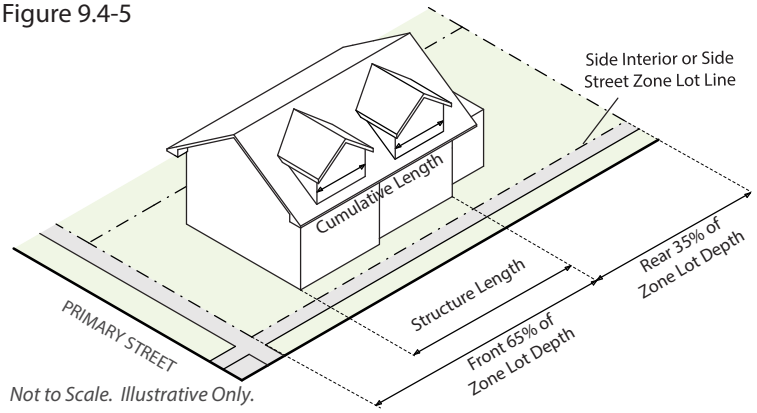
i. The minimum separation between exceptions shall be 4 feet, measured parallel to the building facade facing the side interior or side street zone lot line. Roof overhangs shall be excluded from the calculation of minimum separation. (See Figure 9.4-4)

Figure 9.4-4




j. The maximum cumulative length of all exceptions shall not exceed 50% of the overall structure length facing the side interior or side street zone lot line within the front 65% of zone lot depth. Maximum cumulative length shall be calculated using the sum of the length of all exceptions divided by the structure length in the front 65% of zone lot depth facing the side interior or side street zone lot line. (See Figure 9.4-5)

Figure 9.4-5




## E. Primary Building Form Standards Applicable to Structures Containing Two Unit Dwelling Uses

### 1. Applicability

a. Two Unit Dwelling uses legally established and Continuously Maintained prior to July 10, 2015 shall be considered conforming uses and shall not be subject to the zone lot standards in this subsection 9.4.3.9.E. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards of the underlying zone district, provided:

i. The zone lot shall not be reduced, expanded, or enlarged, and

ii. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

b. Two Unit Dwelling uses established after July 10, 2015 shall be subject to the standards in this subsection 9.4.3.9.E.

#### 2. Zone Lot Standards

**a. Zone Lot Size**
The minimum zone lot size shall be 5,500 square feet.

**b. Zone Lot Width**
The minimum zone lot width shall be 50 feet.

### F. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only

#### 1. Applicability
The following standards shall replace the side interior setback standards found in the accessory building form tables in the underlying Zone District.

#### 2. Side Interior Setbacks

a. The minimum side interior setback shall be 0 (zero) feet.

b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

## 9.4.3.10 Krisana Park Conservation Overlay (CO-5)

### A. Creation
There is hereby created a Conservation Overlay District designated as the Krisana Park Conservation Overlay District.

### B. Intent
The intent of the Krisana Park Conservation Overlay District is to apply additional building form standards that are consistent with the established character of the Krisana Park neighborhood, while allowing some flexibility consistent with the overall character. The established character of the neighborhood includes single-story or split-level single family houses with low-pitched roof-line profiles and a strong horizontal emphasis, without rooftop decks. Additions are intended to be compatible in scale and proportion with original buildings.





### C. Applicability
This Krisana Park Conservation Overlay District shall apply only to those areas designated as CO-5 on the Official Zone Map.

### D. Rule of Measurement for Two Base Planes

#### 1. Front Base Plane
The Front Base Plane shall be the base for measuring height in the front 50% of the Zone Lot Depth.

#### 2. Rear Base Plane
The Rear Base Plane shall be the base for measuring height in the rear 50% of the Zone Lot Depth.

## E. Primary Building Form Standards Applicable to Suburban House Building Form

### 1. Height in Stories

The maximum height in stories shall be 1.5 stories.

### 2. Height in Feet

a. The maximum height in feet shall be 18 feet. See Figure 9.4-6.

b. There shall be no permitted height increase for lot width over 50'.

### 3. Bulk Plane

a. In the front 50% of the zone lot depth:

i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 10 feet.

ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).

See Figure 9.4-6.

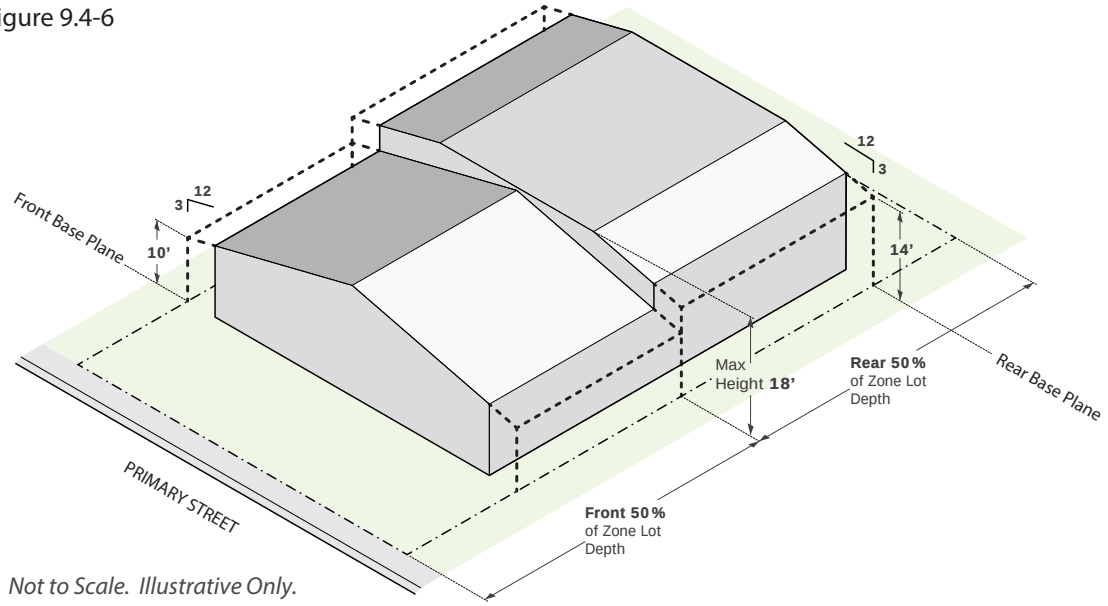
b. In the rear 50% of the zone lot depth:

i. The Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Lines shall be 14 feet.

ii. The Bulk Plane Slope from Side Interior and Side Street Zone Lot Lines shall be 14 degrees 2 minutes 10 seconds (a pitch of 3:12, or three feet additional vertical rise for each twelve additional feet of horizontal run).

See Figure 9.4-6.

Figure 9.4-6

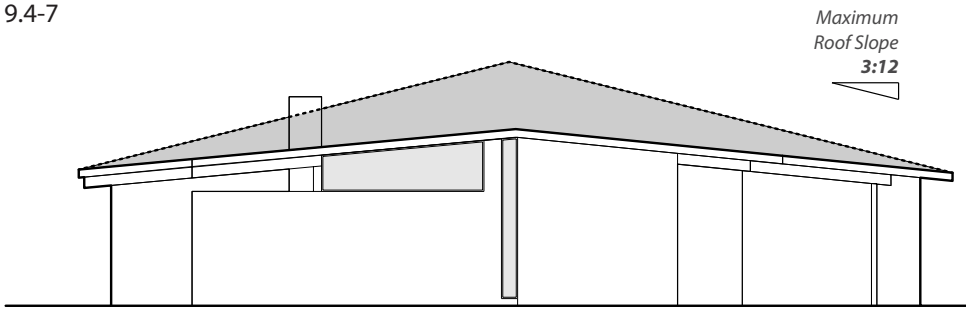



*Not to Scale. Illustrative Only.*

**4. Roof Pitch**

No Roof shall have a sloping plane greater than 3:12. See Figure 9.4-7.

Figure 9.4-7

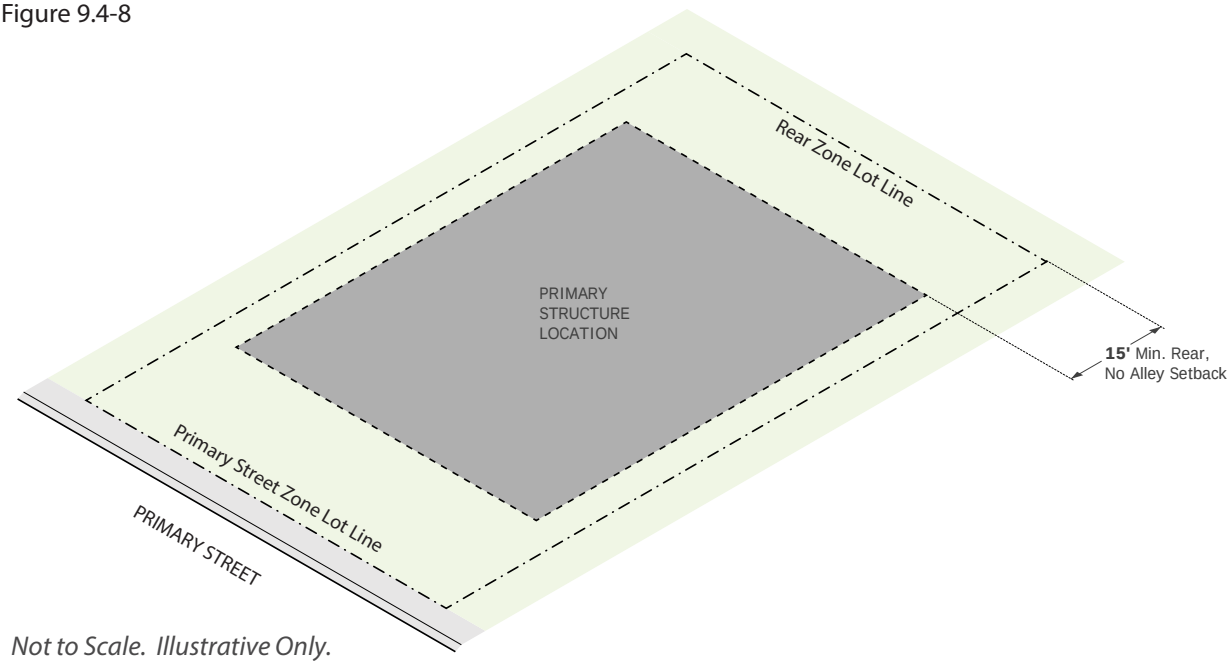



*Not to Scale. Illustrative Only.*

**5. Setback, Rear, No Alley**

The minimum Setback, Rear, no alley, shall be 15 feet. See Figure 9.4-8.

Figure 9.4-8




*Not to Scale. Illustrative Only.*

**6. Rooftop and/or Second Story Decks**

Rooftop and/or Second Story Decks are prohibited on the entirety of the zone lot.

# SECTION 9.4.4 USE OVERLAY DISTRICTS (UO-)

## 9.4.4.1 Purpose

Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying zone districts and portions of zone districts. The purpose of the Adult Use and Billboard Use overlay zone districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010. Because variation of permitted uses in an underlying zone district is most appropriately the focus of a legislative rezoning or an amendment to the underlying zone district, future application of the use overlay zone districts created herein is strictly limited and the establishment of new use overlay zone districts is prohibited.

## 9.4.4.2 Modification of Underlying Zone District Standards

### A. Modification of Permitted Uses and Use Limitations Allowed

1. A Use Overlay District may be used to add to the specific permitted uses in the underlying zone district, or prohibit specific permitted uses in the underlying district.

2. Use limitations otherwise applicable to permitted uses in the underlying zone district may be modified.

### B. Applicable Standards -- Modification Not Allowed

All of the provisions of the underlying zone district shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay zone district.

## 9.4.4.3 Use Overlay Districts Established

The following Use Overlay Districts are established:

| USE OVERLAY DISTRICT NAME | ZONING MAP DESIGNATOR |
|---|---|
| Adult Use Overlay District | UO-1 |
| Billboard Use Overlay District | UO-2 |
| Historic Structure Use Overlay District | UO-3 |

## 9.4.4.4 Limitation on Applicability of Use Overlay Zone Districts

A. Except for the three use overlay zone districts expressly established in Section 9.4.4.6, 9.4.4.7, and 9.4.4.8 below, no new use overlay zone districts may be established after June 25, 2010.

B. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, a use overlay district's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.

C. No properties may be rezoned to either the Adult Use Overlay District or to the Billboard Use Overlay District after June 25, 2010.

D. The Historic Structure Use Overlay District may be applied to properties through a rezoning application approved after June 25, 2010.

## 9.4.4.5 Effect of Approval

### A. Official Map Designator

Each Use Overlay District shall be shown on the official map by an "UO-" designator and an appropriate number placed after the underlying zone district designation.

**B. Limitation on Permit Issuance**
No zoning permit for development or a use within a Use Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable.

### 9.4.4.6 Adult Use Overlay District (UO-1)

**A. Creation**
There is hereby created a Use Overlay District designated as the Adult Use Overlay District.

**B. Allowance for Adult Business Uses**
Notwithstanding the limitations applicable in the underlying zone district, adult business uses shall be permitted in this overlay zone district. See Section 11.12.4.1.A for the definition of "adult business use."

**C. Distance and Spacing Requirements**
All Adult Business uses shall comply with the following distance and spacing requirements, shown in the table below. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

| ADULT BUSINESS OR OTHER RESTRICTED USE | DISTANCE OR SPACING REQUIREMENT |
|---|---|
| Adult Amusement or Entertainment<br>Adult Bookstore<br>Adult Photo Studio<br>Adult Theater<br>Eating place with adult amusement or entertainment | No adult business use listed in this table row shall be established within 500 feet of one or more of the following zone districts or uses (see related definitions in subsection C below):<br>• All Residential Zone Districts<br>• Dwelling Use, Single-Unit<br>• Dwelling Use, Multi-Unit<br>• Dwelling Use, Two-Unit<br>• Religious Assembly<br>• Elementary or Secondary School<br>• Arts Education Center<br>• Learning Center<br>• Day Care Center<br>• Amusement or Special Interest Park<br>• Children's Indoor Play Center |
| Adult Amusement or Entertainment<br>Adult Bookstore<br>Adult Photo Studio<br>Adult Theater<br>Amusement Center<br>Eating place with adult amusement or entertainment | Not more than 2 of the uses listed in this table row shall be established within 1,000 feet of each other |

**D. Use Definitions for Purposes of Distance/Spacing Requirements**
For purposes of applying the distance and spacing requirements for adult business uses stated in this Section, the uses listed below shall be defined as follows:

1. "Arts education center" solely for purposes of adult use separation requirements, shall mean a place where instruction is regularly provided to persons less than 18 years of age in the fields of painting, drawing, sculpture, etching, craft work, fine arts, dance, drama, photography, music, martial arts, or other similar fields of art.

2. "Amusement center" shall mean a commercial establishment having four or more amusement devices.

3. "Amusement/special interest park" shall mean a complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.

4. "Children's indoor play center" shall mean a commercial establishment providing active play facilities for children generally under the age of 12 years old. Such facilities shall consist generally of muscle-powered equipment. No pinball, foosball, video or electronic games or similar equipment shall be permitted.

5. "Learning center" shall mean a commercial business that regularly provides on site, specialized or intensive educational services or tutoring to persons less than 18 years of age.

**E. Parking Requirement**

| NEIGHBORHOOD CONTEXT | VEHICLE PARKING<br><br>Vehicle Parking Requirement: # of spaces per unit of measurement | BICYCLE PARKING<br><br>Bicycle Parking Requirement: # of spaces per unit of measurement (% required spaces in indoor facility / % required spaces in fixed facility) |
|---|---|---|
| Suburban (S-) | 2.5 / 1,000 ft² GFA<br>MS only: 2 / 1,000 ft² GFA | 1 / 20,000 ft² GFA (20/80) |
| Urban Edge (E-) | 2.5 / 1,000 ft² GFA<br>MS only: 2 / 1,000 ft² GFA | 1 / 20,000 ft² GFA (20/80) |
| Urban (U-) | 2.5 / 1,000 ft² GFA<br>MS only: 2 / 1,000 ft² GFA | 1 / 10,000 ft² GFA (20/80) |
| General Urban (G-) | 1.875 / 1,000 ft² GFA | 1 / 10,000 ft² GFA (20/80) |
| Urban Center (C-) | 1.25 / 1,000 ft² GFA | 1 / 7,500 ft² GFA (20/80) |
| Downtown (D-) D-GT & D-AS only | 1.25 / 1,000 ft² GFA | 1 / 7,500 ft² GFA (20/80) |
| Industrial (I-) | 2.5 / 1,000 ft² GFA | 1 / 20,000 ft² GFA (20/80) |
| Campus (CMP-) | 1.25 / 1,000 ft² GFA | 1 / 7,500 ft² GFA (20/80) |
| Master Planned (M-) | 1.875 / 1,000 ft² GFA | 1 / 10,000 ft² GFA (20/80) |

## 9.4.4.7 Billboard Use Overlay District (UO-2)

**A. Creation**
There is hereby created a use overlay district designated as the Billboard Use Overlay District.

**B. Allowance for Billboards**
Notwithstanding the limitations applicable in the underlying zone district, "outdoor general advertising device" signs, also known as "billboards", shall be permitted in this overlay zone district. See Article 13 for the definition of "outdoor general advertising device."

**C. Applicable Use Limitations**
All outdoor general advertising device uses in this Use Overlay District shall comply with the sign standards and limitations applicable to "outdoor general advertising devices" stated in Division 10, Signs, and Section 10.10.21, Outdoor General Advertising Devices in the Billboard Use Overlay District, including but not limited to minimum separation and distance requirements.

## 9.4.4.8 Historic Structure Use Overlay District (UO-3)

**A. Creation**
There is hereby created a use overlay district designated as the Historic Structure Use Overlay District.

**B. Intent**
To encourage preservation, protection, adaptive use, and enhancement of Historic Structures, or otherwise to promote the Landmark Preservation purposes as stated in DRMC Sec. 30-1.

**C. Establishment**
The Historic Structure Use Overlay District may only be established in conjunction with an underlying Residential Zone District.

### D. Allowance for Certain Commercial Uses

Notwithstanding the limitations applicable in the underlying zone district, the following commercial uses shall be permitted in this overlay zone district:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

### E. Applicable Use Limitations - Office and Art Studio Uses

Office (not including dental/medical office or clinic) or art studio uses in this overlay zone district are permitted only in an Historic Structure and subject to compliance with the following conditions:

1. The applicant for establishment of the office or art studio use is the owner of record of the subject structure.
2. The subject structure was legally erected.
3. The subject structure contains a minimum of 5,000 square feet of gross floor area.
4. For any modifications to the structure that require landmark approval, the modification shall have been reviewed and approved by the Landmark Preservation Commission before submittal for zoning approval.
5. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the district in which the structure is located.
6. All uses operated in the structure involved shall comply with this Code's off-street parking and off-street loading requirements for each such use in the MS-2 zone district; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive so much of those requirements as are impossible of fulfillment according to the Administrative Adjustment procedures in Section 12.4.5. The parking exemption for Historic Structures in Section 10.4.5.1.C of this Code shall not be applicable to office and art studio uses permitted in an UO-3 overlay zone district.
7. All uses permitted in the structure shall comply with limitations on permitted signs applicable to uses in the MS-2x zone district.

### F. Applicable Use Limitations - Bed and Breakfast Lodging

Bed and breakfast lodging uses in this overlay zone district are permitted only in a Historic Structure, as defined in Article 13, Rules of Measurement and Definitions, and subject to compliance with the following conditions:

1. The applicant for establishment of the bed and breakfast lodging use is the owner of record and uses the structure as his/her principal residence.
2. The subject structure contains no more than 10 guest rooms or suites and that the use of the dining room shall be restricted to use by overnight guests, employees, the owner's family and/or nonpaying guests.
3. Off-street parking shall be provided at a ratio of 1 parking space for each of the following: Each guest room or suite, each nonresident employee and the owner. The Zoning Administrator may reduce this ratio by up to 20 percent of the requirement according to the Administrative Adjustment procedure in Section 12.4.5, Administrative Adjustment. The parking exemption for Historic Structures in Section 10.4.5.1.C of this Code shall not be applicable to bed and breakfast lodging uses permitted in an UO-3 overlay zone district.

4. No other such lodging is located within 500 feet of the proposed use as measured along the same face block from zone lot line to zone lot line.

5. The structure contains a minimum of 1,000 square feet of gross floor area and no guest room or suite contains less than 100 square feet of floor area.

6. The lodging shall provide breakfast as part of the room price.

7. The interior and exterior of the structure shall be maintained in a manner that reflects the original architectural character of the building, and the property shall be landscaped in a manner that protects the appearance and value of surrounding properties and neighborhoods and improves environmental conditions, thereby promoting the general welfare. The landscaping shall be Continuously Maintained which includes necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement shall occur in the next planting season; but, in any event, replacement time shall not exceed one year.

8. The sign regulations of Division 10.10, Signs, shall apply; provided, however, the maximum sign area permitted on any one street front shall not exceed 10 square feet. The maximum height of any ground sign shall be 4 feet.

9. Related retail sales may be conducted within the structure; however, the floor area allocated to this retail use shall not exceed 10 percent of the gross floor area of the structure. Access to this retail area shall be limited to use by overnight guests only.

10. No social activities, such as weddings, receptions, private parties or similar events, will be permitted unless at least 90 percent of the participants are overnight guests.

## SECTION 9.4.5 DESIGN OVERLAY DISTRICTS (DO-)

### 9.4.5.1 General Purpose

Design Overlay Districts are intended to serve one or more of the following purposes:

A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;

B. To reinforce the desired character for newly developing or redeveloping areas.

C. To provide uniformity in the design standards applicable to arterial streets or to river corridors having varied underlying zoning;

D. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;

E. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and

F. To implement design standards in a geographically specific area or multiple areas or districts with similar conditions and objectives throughout the city.

### 9.4.5.2 Applicable Standards and Modifications Allowed

#### A. Applicable Standards - In General

A design overlay zone district includes standards that modify otherwise applicable standards in the underlying zone district. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may include new zoning standards not otherwise applicable in the underlying zone district, but not including new limitations on a permitted use. Any changes or modifications to the standards

in a design overlay zone district are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments.

**B. Modification of Underlying Zone District Standards**

**1. Modification of Permitted Uses and Use Limitations Not Allowed**
A Design Overlay District shall not be used to add to the specific permitted uses in the underlying zone district, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations applicable to specific permitted uses in the underlying zone district.

**2. All Other Applicable Standards -- Modification Allowed**
All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay zone district, in which case the standard in the design overlay zone district shall apply.

### 9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

| DESIGN OVERLAY DISTRICT NAME | ZONING MAP DESIGNATOR |
|---|---|
| Uptown Design Overlay District | DO-1 |
| Washington Street Design Overlay District | DO-2 |
| Lafayette Street Design Overlay District | DO-3 |
| Side Interior Setback Design Overlay District | DO-4 |
| South Sloan's Lake Design Overlay District | DO-5 |
| Peña Station Next Design Overlay District | DO-6 |
| River North Design Overlay District | DO-7 |

### 9.4.5.4 Effect of Approval

**A. Official Map Designator**
Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying zone district designation.

**B. Limitation on Permit Issuance**
No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

### 9.4.5.5 Uptown Design Overlay District (DO-1)

**A. Creation**

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.

2. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.

**B. Lower Floor Building Design**
All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated Historic Structure, or is a contributing struc-

ture in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

**1. Lower Floor Design Standards**

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street frontages, to reflect Denver's history of primarily solid and masonry building material, and shall address the following:

a. The percentage of the building that must be built within a short distance of property lines along public streets and sidewalks;

b. Building and building entry orientation;

c. Appearance of parking garages;

d. The percentage of glass to solid materials;

e. The required use of scaling elements, insets, and projections to break up flat or monotonous facades, to emphasize entries, and to respond to older buildings nearby;

f. Building and glazing materials;

g. Location and appearance of access ramps for the handicapped;

h. Location of adjacent structures; and

i. Fence height, appearance and materials.

**2. Optional Lower Floor Design Review**

As an alternative to compliance with specific design standards adopted pursuant to this subsection, any new structure or any renovated structure meeting the conditions set forth in Section 9.4.5.5.B may elect to have the lower 80 feet of the building reviewed by the Zoning Administrator according to Section 12.4.3, Site Development Plan Review, and guided by the following standards:

a. To allow more variation and architectural creativity than the design standards described in Section 9.4.5.5.B.1 above;

b. To provide human scale through change, contrast, and intricacy in facade form, color, and/or material where lower levels of buildings face public streets and sidewalks;

c. To spatially define the street space in order to promote pedestrian activity; and

d. To require building facades to respond to existing building types in the area.

## 9.4.5.6 Washington Street Design Overlay (DO-2)

**A. Creation**

There is hereby created a Design Overlay District designated as the Washington Street Design Overlay District.

**B. Intent**

To provide additional height limitations that create a transition from the adjacent residential properties along Clarkson Street.

**C. Building Height Standard**

The maximum building height in the DO-2 district shall be 45 feet.

### 9.4.5.7 Lafayette Design Overlay (DO-3)

**A. Creation**

There is hereby created a Design Overlay District designated as the Lafayette Design Overlay District (DO-3). The DO-3 District includes Lots 1 through 3, and Lots 20 through 38, Block 27, Park Avenue Addition to Denver.

**B. Intent**

To provide additional height and upper story setback form standards that create a transition from the adjacent residential properties along Humboldt Street.

**C. Height and Upper Story Setback Building Form Standard**

1. The maximum building height shall be 60 feet
2. There shall be an upper story building setback that shall prevent any portion of a building on the eastern 55 feet of lots 20 through 36, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
    a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
    b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines
    c. Flush mounted solar panels may encroach any distance into the upper story setback space.
3. There shall be an upper story building setback that shall prevent any portion of a building on lots 2 and 3, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
    a. Terraces at the level of the upper story setback may extend no closer than 30 feet to the southern lot lines
    b. Unwalled balconies in the upper story building setback may extend no closer than 40 feet to the southern lot lines.
    c. Flush mounted solar panels may encroach any distance into the upper story setback space.
4. There shall be an upper story building setback that shall prevent any portion of a building on the southern 25 feet of the eastern 55 feet of lot 37, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high.
    a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
    b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines.
    c. Flush mounted solar panels may encroach any distance into the upper story setback space.

### 9.4.5.8 Side Interior Setback Design Overlay (DO-4)

**A. Creation**

There is hereby created a Design Overlay District designated as the Side Interior Setback Design Overlay (DO-4).

**B. Intent**

To require side interior setbacks that are consistent with the established character of neighborhoods containing structures with narrow side interior setbacks.

**C. Applicability**

This Overlay applies only to those areas designated as DO-4 on the Official Zone Map.

**D. Primary Building Form Standards Applicable to Urban House, Duplex and Tandem House Building Forms**

**1. Side Interior Setbacks**

a. For zone lots greater than 30 feet and up to 40 feet in width, the minimum side interior setback shall be 3 feet.

**E. Accessory Building Form Standards Applicable to Detached Accessory Dwelling Unit Building Form Only**

**1. Side Interior Setbacks**

a. The minimum side interior setback shall be 0 feet.

b. Side interior setbacks less than 5 feet may be subject to more restrictive building and fire code review.

## 9.4.5.9 South Sloan's Lake Design Overlay (DO-5)

**A. Creation**

There is hereby created a Design Overlay District designated as the South Sloan's Lake Design Overlay District (DO-5). This applies only to those areas that are mapped DO-5.

**B. Intent**

To apply additional building height limitations that create a transition down in height from new higher-intensity development to surrounding lower-intensity residential neighborhoods and uses, and Sloan's Lake Park.

**C. Primary Buildings - Maximum Height**

**1. Stuart Street - West 17th Avenue to West 16th Avenue**

**a. Applicability**

This Section 9.4.5.9.C.1's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 17th Avenue and West 16th Avenue.

**b. Maximum Primary Building Height**

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-9.

**c. Height Exceptions**

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-9




### 2. Stuart Street- West 16th Avenue to West Conejos Place

#### a. Applicability

This Section 9.4.5.9.C.2's standards shall apply on the east side of Stuart Street, only for that portion of Stuart Street between West 16th Avenue and West Conejos Place.

#### b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Stuart Street zone lot line shall be 4 stories and 60 feet. See Figure 9.4-10.

Figure 9.4-10




#### c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 4 stories and 60 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Stuart Street. Such projection shall be measured perpendicular to the zone lot line abutting Stuart Street. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

### 3. West 17th Avenue

#### a. Applicability

This Section 9.4.5.9.C.3's standards shall apply on the south side of West 17th Avenue between Stuart Street and Quitman Street, except that area subject to the standards in Section 9.4.5.9.C.1. above.

#### b. Maximum Primary Building Height

The maximum height of primary structures located within 43 feet of the West 17th Avenue zone lot line shall be 5 stories and 70 feet. See Figure 9.4-11.

Figure 9.4-11




#### c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-5 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 35 feet from the zone lot line abutting West 17th Avenue. Such projection shall be measured perpendicular to the zone lot line abutting 17th Avenue. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

### 4. Quitman Street

#### a. Applicability

This Section 9.4.5.9.C.4's standards shall apply on the west side of Quitman Street between West 17th Avenue and West Conejos Place.

#### b. Maximum Primary Building Height

The maximum height of primary structures located within 60 feet of the Quitman Street zone lot line shall be 5 stories and 70 feet. See Figure 9.4-12.

Figure 9.4-12




#### c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-5 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 5 stories and 70 feet, they shall be located a minimum of 52 feet from the zone lot line abutting Quitman Street. Such projection shall be measured perpendicular to the zone lot line abutting Quitman Street. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable base zone district.

### 5. Perry Street

#### a. Applicability

This Section 9.4.5.9.C.5's standards shall apply on the west side of Perry Street between West 17th Avenue and West Conejos Place.

#### b. Maximum Primary Building Height

The maximum height of primary structures located within 80 feet of the Perry Street zone lot line shall be 3 stories and 45 feet. See Figure 9.4-13.

Figure 9.4-13




#### c. Height Exceptions

The height exceptions listed in Section 7.3.7.1 of this Code, as applicable to a "C-MX-3 zone district" and "All C-zone districts", shall apply. In addition, Exterior Balconies are allowed as a height exception, subject to the following limitations:

i. If Exterior Balconies (or any portion thereof) are provided that are located above the maximum allowed height of 3 stories and 45 feet, they shall be located a minimum of 72 feet from the zone lot line abutting Perry Street. Such projection shall be measured perpendicular to the zone lot line abutting Perry Street. See Figure 9.4-14.

ii. No portion of the Exterior Balcony allowed under this height exception shall exceed the maximum height in feet otherwise allowed in an applicable underlying zone district.

Figure 9.4-14




## 9.4.5.10 Peña Station Next Design Overlay District (DO-6)

### A. Creation

There is hereby created a design overlay district designated as the Peña Station Next Design Overlay District (DO-6).

### B. Intent

The intent of this Section 9.4.5.10 is to:

1. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to showcase ever-evolving, cutting-edge technology and sustainability in a model transit-oriented development located at the commuter rail station at 61st Avenue near Peña Boulevard. Such ever-evolving, cutting-edge technology and elements supporting sustainability within the District are intended to be incorporated and displayed in ways that will foster civic pride and economic vitality, which may include:
   a. Creative and artistic signs,
   b. Special Lighting Elements,
   c. Signs fused with art,
   d. Self-illuminated signs,
   e. Signs integrated with one or more iconic or distinctive features, and
   f. Non-standard or one-of-a-kind advertising opportunities.

2. The flexibility referenced in Section 9.4.5.10.B.1 is intended to facilitate development of a coordinated program of signage and illumination elements that enhances the aesthetic values of the city and ensures quality design; enhances the city's attraction to and creates greater excitement and anticipation for residents, employees, and visitors; and promotes good urban design. Further, the processes to establish or amend a District Plan, and the review criteria in this Section 9.4.5.10, are intended to mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on residential uses and on users of Peña Boulevard, thereby protecting property values.

3. Signs permitted under the District Plan established in this section are intended to be in addition to signage permitted according to Division 10.10 Signs.

### C. Applicability

1. The provisions of this Section 9.4.5.10, shall apply only with respect to:
   a. Signs that are located within the DO-6 zone district and permitted by the District Plan, and
   b. Special Lighting Elements that are located within the DO-6 zone district and permitted by the District Plan.

2. Notwithstanding Section 9.4.5.10.C.1., except to the extent otherwise stated in the District Plan, the provisions of this Section 9.4.5.10 shall not apply to signs permitted in Division 10.10 Signs, except Section 9.4.5.10.F Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and

3. Notwithstanding Sections 9.4.5.10.C.1 and 9.4.5.10.C.2, the provisions of this Section 9.4.5.10 shall not apply to any signs or Special Lighting Elements located on land retaining an underlying zone district designation under Former Chapter 59 until such property is rezoned (through an Official Map Amendment) to an underlying zone district under this Code.

4. A sign or Special Lighting Element that does not require a zoning permit or a building permit under the provisions of either the D.R.M.C. or this Code (other than this Section 9.4.5.10) shall not be deemed to require a zoning permit or a building permit, as appropriate, due to the provisions of this Section 9.4.5.10.

### D. Conflicting Provisions

In addition to the provisions of Sections 9.4.2.2 and 9.4.2.3, if any provision of this Code (other than this Section 9.4.5.10) that is applicable to the underlying zone district is varied by, or conflicts with, the provisions of the District Plan adopted in accordance with the requirements of this Section 9.4.5.10, then the provisions of the District Plan shall control.

### E. Glare

Signs and Special Lighting Elements permitted under this Section 9.4.5.10 or under the terms of the District Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

### F. Minimum Pixel Pitch for Signs Using Digital Illumination

A sign using digital illumination shall have a minimum pixel pitch of 11 millimeters, unless otherwise specified in the District Plan.

### G. Maximum Height

1. Except as provided by Section 9.4.5.10.G.2 and 9.4.5.10.G.3 below, the District Plan shall not allow the height of any sign or equipment constituting any Special Lighting Element to exceed the maximum height specified in the allowed building form with the highest maximum height in feet, not including height exceptions, in the applicable underlying zone district.

2. The District Plan may allow temporary portable signs of any maximum height, subject to any limitations on time, area, size, number, design, illumination, location or other standards specified in the District Plan. Such portable signs shall require a zoning permit.

3. Temporary portable signs and equipment for Special Lighting Elements may extend above the maximum allowable height for the zone district within which the sign or such equipment is located for limited timeframes for special events approved by the City for a period not to exceed the duration of the permitted special event.

4. Roof signs, and equipment for Special Lighting Elements, may extend above the Roof Line of the building to which the sign or Special Lighting Element is attached to the extent allowed by the District Plan; however, the District Plan shall not allow any sign or equipment for Special Lighting Elements to extend above the maximum allowable building form height for the zone district within which the sign is located.

**H. Signs and Special Lighting Elements Subject to the District Plan**

The DO-6 zone district may have signs and Special Lighting Elements in accordance with the approved District Plan. Proposals for individual signs and Special Lighting Elements for which the applicant therefor elects in the subject application to have the provisions of this Section 9.4.5.10 shall comply with the requirements stated in the District Plan.

**I. Sign Types and Special Lighting Elements**

1. All sign types allowed by or defined in this Code, including but not limited to off-premises signs and outdoor general advertising devices, are allowed in the DO-6 zone district. In addition, the District Plan may define and allow other sign types not otherwise allowed or defined in this code. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the DO-6 according to an approved District Plan.

2. Special Lighting Elements are allowed in the DO-6 zone district. For purposes of this Section 9.4.5.10, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or medium are located within the DO-6 District, the illumination of:

   a. The outside surface of any building, structure, part of any building or structure, or

   b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.

3. In the DO-6 zone district, Outdoor General Advertising Device Ground Signs shall not be supported only by a pole or poles unless sufficient architectural enhancements are included as approved in the District Plan.

**J. Maximum Number**

There is no maximum on the number of signs or Special Lighting Elements that are allowed, unless otherwise stated in the District Plan.

**K. Maximum Area**

Unless otherwise stated in the District Plan, there is no maximum on: (1) the amount of area for any individual sign or Special Lighting Element, (2) the cumulative area of signage for any building or area, or (3) the cumulative area covered by Special Lighting Elements.

**L. Locations**

1. There is no requirement that signage or equipment for any Special Lighting Element be setback from the zone lot line or any built feature, however, signs and equipment for Special Lighting Elements shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Elements may project into public rights-of-way if such signs and equipment comply with applicable provisions of the D.R.M.C. pertaining to encroachments within public rights-of-way.

2. Signs allowed under this Section 9.4.5.10 may be sited on vacant zone lots.

**M. Illumination**

1. Illumination of signs and illumination integrated into Special Lighting Elements are allowed.

2. Flashing signs and flashing Special Lighting Elements are allowed.

3. Subject to the provision of this Section 9.4.5.10, illumination for or of signs and Special Lighting Elements may be from a concealed light source that may flash, blink or fluctuate by means of movement, changes in colors, changes in the intensity of light, changes in letters, numbers, symbols, designs or other images, ambient conditions such as fog, snow or wind, or otherwise. The frequency, cycle, or movement of any such flashing, blinking or fluctuation shall not be limited except as stated in the District Plan.

4. It is not a violation of this Section 9.4.5.10 if the illumination from or of any sign or Special Lighting Element is visible from beyond the boundaries of the zone lot or the separately-conveyable parcel of land upon which such sign or Special Lighting Element is located. However, the District Plan shall require louvers or other brightness reduction strategies to reduce the luminance of signs comprised of self-illuminated digital screens when viewed at Off-axis Angles.

   a. For purposes of this Section 9.4.5.10, the term "Off-axis Angle", with respect to any screen or portion of a screen, as applicable, means any angle other than the angle perpendicular to such screen or portion of such screen, as applicable.

**N. Animation, Dynamic Elements and Full-Motion Video**

Animated Signs and animation, dynamic elements, and full-motion video as part of a Special Lighting Element are allowed.

**O. Materials**

1. The District Plan shall require that signs and equipment for Special Lighting Elements be professionally designed and fabricated from quality, durable materials, including a requirement that only quality illumination equipment be used for illuminated signs and Special Lighting Elements.

2. The District Plan shall not permit internally illuminated, translucent face box signs.

**P. Projecting Signs**

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building wall.

**Q. Accessory Uses**

Signs for accessory uses are allowed to the extent stated in the District Plan.

**R. Prohibition**

As a matter of public necessity, the City must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon unwilling audiences of adults and children, such displays constitute assaults upon individual privacy. Therefore, signs (including signs incorporated into a Special Lighting Element) subject to the District Plan shall not be displayed or exhibited in a manner that exposes to public view from any public streets, sidewalks, transportation facilities, and other public rights-of-way any:

1. Pictorial material that is obscene;

2. Statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;

3. Pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or

4. Pictorial material depicting explicit sexual acts.

### S. Varying Regulations by Subareas within the District Plan

1. The District Plan shall contain geographically defined areas within the plan that have different regulations from those applicable to other geographic areas within the District Plan.

2. The District Plan shall identify a methodology to identify and characterize subareas within the DO-6 zone district distinguished from one another based on factors including but not limited to:

   a. The intensity and mix of land uses existing or planned to occur within such subareas,

   b. The density of the built environment existing or planned within such subareas, and

   c. The subarea's location within, or in proximity to, (1) existing or planned major gateways or entrances to a rail station, or (2) other existing or planned publicly accessible spaces, major arterials, or major entrances to the DO-6 zone district, such that allowances for signage and Special Lighting Elements are greater and/or more flexible for subareas located closest to existing or planned gateways, major entrances, publicly-accessible spaces, or major arterials.

3. Based on the methodology described above, the District Plan shall assign differing standards to each such subarea, as appropriate, which will result in signage and Special Lighting Elements within each subarea consistent with the differences in character of each such subarea. Differing standards may include, but are not limited to, appropriate scale, permitted sign types, maximum sign areas, appropriate locations, and appropriate illumination levels or animation.

### T. Supplemental Plans

The District Plan may establish a convention whereby certain signs or and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and replaced unless a Supplemental Plan is approved under Section 9.4.5.10.W with respect to such signs and/or Special Lighting Elements, as appropriate. The District Plan may establish a convention whereby certain signs and/or Special Lighting Elements may be installed, operated, maintained, repaired, and replaced without the need for approval of a Supplemental Plan.

### U. Process to Establish or Amend the District Plan

#### 1. Definition

For purposes of this Section 9.4.5.10, the term "District Plan" means the plan approved in accordance with this Section 9.4.5.10.U, as such plan may be amended from time to time in accordance with the provisions of this Section 9.4.5.10.

#### 2. Intent of District Plan Approach

a. The DO-6 zone district is envisioned to showcase ever-evolving, cutting-edge technologies and sustainability in a unified, cohesive and integrated program throughout the DO-6 zone district. The District Plan is the mechanism that efficiently reconciles the vision for the DO-6 zone district with the reality that the district will be built over a long period of time during which technology and best practices for sustainability will evolve.

b. The DO-6 zone district will be developed and constructed in multiple phases over time. It is impractical to require detailed plans for signage and Special Lighting Elements to be provided for the entirety of the DO-6 zone district at the very outset of its development. Such a requirement would thwart the design intent for the DO-6 zone district.

**3. Regulatory Construct**

The District Plan shall establish standards applicable to a wide range of allowed signs and Special Lighting Elements within the DO-6 zone district. As a general matter, the District Plan will contain two levels of specificity with respect to signs and Special Lighting Elements.

**a. Detailed Level**

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, applicants for signs and Special Lighting Elements that are included in the more detailed of such two levels, and that elect to have the provisions of this 9.4.5.10 apply to such signs and Special Lighting Elements, will be allowed to request zoning and building permits for such signs and Special Lighting Elements (if such permits are required) without the need for obtaining additional approval of a Supplemental Plan, consistent with the District Plan.

**b. General Level**

Once the District Plan is approved in accordance with this Section 9.4.5.10.U, applicants for signs or Special Lighting Elements that are included in the more general of such two levels, will not be permitted to apply for zoning or buildings permits (to the extent such permits are required) until a Supplemental Plan for such signs and Special Lighting Elements providing the higher level of specificity is approved in accordance with Section 9.4.5.10.W.

**4. One District Plan**

The City shall approve no more than one District Plan within the DO-6 zone district. The District Plan's boundaries shall include all land area within the DO-6 zone district.

**5. Initiation**

a. Any of the following persons may initiate a request to establish a District Plan or amend the District Plan:

i. A member of the City Council;

ii. A member of the Planning Board;

iii. The City Attorney;

iv. The Manager;

v. The manager or director of any other city department or agency; or

vi. One or more owners of real property located within the DO-6 zone district or their authorized representative.

**6. Submittal**

a. To establish the District Plan, or amend the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W), the applicant shall submit to Community Planning and Development a District Plan and accompanying materials that incorporate:

i. The locations of residential uses, off-street parking areas, landscaped areas, streets, and alleys, to the extent known, within the boundaries and within 200' of the District Plan,

ii. Identifications and/or descriptions of all signs and Special Lighting Elements allowed,

iii. As part of the review procedure for Supplemental Plans, authority for the review body to require specific mitigation measures reasonably necessary to mitigate possible material adverse impacts, when it finds such possible impacts. For purposes of this provision, "material adverse impacts" include, but are not limited to, nuisance or distraction to near-by permitted land uses or to motor vehicles on Peña Boulevard and other major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.

iv. Provisions allowing technology and elements supporting sustainability and "smart-cities" components to be incorporated and displayed in many ways, which may include:

a) Creative and artistic signs,

b) Special Lighting Elements,

c) Signs fused with art,

d) Self-illuminated signs,

e) Signs integrated with one or more iconic or distinctive features,

f) Non-standard or one-of-a-kind advertising opportunities, and

g) Smart signs

v. Provisions addressing design review for signs and Special Lighting Elements,

vi. Design standards and guidelines that include:

a) The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;

b) The parameters for acceptable sign shape, size, typography, lighting, exposed structures, animation, luminance, colors and materials, and the frequency of changeable copy, graphics, or lighting;

c) Identification of areas from which signs and Special Lighting Elements are intended to be viewed;

d) General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and

e) Review criteria that ensure all features of signs, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to and/or integrated into the architecture and architectural features of the building on which it is located or to which it relates.

vii. Design standards and guidelines for allowable Special Lighting Elements, including:

a) A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;

b) A general description of the surfaces of any existing or proposed buildings, structures, or other surfaces, materials, mediums or substrates that may be illuminated by Special Lighting Elements; and

c) General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.

viii. Information describing the general locations where signs and Special Lighting Elements are allowed,

ix. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements,

x. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and

xi. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Plan or amendment consistent with the criteria stated in Section 9.4.5.10.U.11.

**7. Review**

Community Planning and Development will review information received in the applicant's submittal and forward a recommendation to the Planning Board within 45 days after the submittal of a complete application for the District Plan or amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) unless the applicant agrees in writing to an extension of time.

**8. Notice of Complete Application**

a. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Plan or any proposed amendment to the District Plan (other than amendments effected through Section 9.4.5.10.V or Section 9.4.5.10.W) to:

i. Neighborhood organizations registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,

ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and

iii. The at-large City Council members.

b. No later than 10 days after receipt of a determination of a complete application from Community Planning and Development, the applicant shall send informational notice of the proposed District Plan or a proposed amendment to the District Plan (other than amendments effected through Sections 9.4.5.10.V or 9.4.5.10.W) to each property owner within the DO-6 zone district according to the address stated in records of the Denver Assessor's Office as of the date the applicant checked such records, which date shall not be earlier than the date the applicant submitted its application to Community Planning and Development, and not later than 10 days after the applicant's receipt of a determination that the application is complete from Community Planning and Development. However, for property included within any condominimum or cooperative, as such terms are defined in C.R.S. Section 38-33.3-103, the applicant shall only be required to send notice to the owners association for such condominium or cooperative and not to each property owner.

c. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

d. Notification shall include the location and general description of the poposed action; and the process to be followed, including the date, time and place of the Planning Board public meeting, if such has been scheduled; and information concerning when and where written comments may be submitted.

e. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly

construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**9. Notice of Planning Board Public Meeting**

a. No later than 15 days before the required Planning Board public meeting, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

b. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

c. Notification shall include the location and general description of the proposed action and the process to be followed, including the date, time and place of the scheduled public meeting.

d. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

**10. Adoption of a Plan or Plan Amendment**

The Planning Board shall review Community Planning and Development's recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions, or deny such District Plan or amendment.

**11. Appeals**

The Planning Board's decision on an application for a District Plan or an amendment thereto may be appealed to the District Court.

**12. Criteria for Review**

The Planning Board may approve an application for the District Plan or an amendment to the District Plan (other than minor deviations through Section 9.4.5.10.V or through approval of Supplemental Plans under Section 9.4.5.10.W) if the application complies with all of the following criteria:

a. The District Plan complies with all applicable standards contained in this Code.

b. The cumulative effect of the District Plan's allowances for signs and Special Lighting Elements:

i. Encourages exciting, iconographic, and inventive signage, attention-getting devices, and special elements that distinguish the DO-6 zone district from other places in Denver;

ii. Creates excitement and anticipation for residents, employees, and visitors of the DO-6 zone district;

iii. Exhibits design excellence, inventiveness, and sensitivity to the existing or planned character of a specific subarea;

iv. Ultimately assists in attracting employers and visitors to the DO-6 zone district; and

v. Establishes a coordinated program of signage for signage subject to the District Plan.

c. Sign allowance and design reflects the existing or planned character of the District Plan subarea in which such signs are proposed.

d. The District Plan contains specific mitigation measures reasonably necessary to mitigate possible material adverse impacts of signs and Special Lighting Elements, on existing nearby residential uses or structures or motor vehicles on major roadways located within the DO-6 zone district.

e. The District Plan contains restrictions to prevent the cumulative effect of signs approved in reliance on the standards set forth in this Section 9.4.5.10 (as opposed to signs approved in reliance on Division 10.10 Signs or Former Chapter 59) from being visually overwhelming when viewed from various residential areas, major public use roadways and/or other significant public areas outside the DO-6 zone district when used in their ordinary course. Such restrictions may include limitations on signage area, spacing between signs, sign locations, and/or sign heights.

### V. Minor Deviations to the District Plan

#### 1. Allowed

Minor deviations from the District Plan for individual signs or individual Special Lighting Elements may be allowed by Community Planning and Development if:

a. Such deviations appear necessary in light of technical or engineering considerations, or to accommodate the implementation of future technology that is generally consistent with the intent of the District Plan and Section 9.4.5.10.B, and

b. The at-large city council members and the city council members and registered neighborhood organizations whose boundaries are within 200 feet of the subject sign(s) and/or Special Lighting Element(s) are first notified.

c. Notwithstanding the foregoing, no minor deviation shall be allowed which violates the Denver Building Code, Denver Fire Code, or any applicable provision of the D.R.M.C.

#### 2. Not Allowed

Minor deviations for individual signs and or individual Special Lighting Elements shall not be allowed under any of the following circumstances:

a. The individual sign or Special Lighting Element is oriented or illuminated so that it adversely affects existing nearby residential uses or structures beyond what is allowed by the District Plan.

b. For projecting signs, a projection greater than 6 inches above the maximum otherwise allowed.

c. A change in signage type, illumination, or animation that is not allowed by the District Plan.

#### 3. Plan Amendment Required

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Plan and is not allowed under Section 9.4.5.10.V.1 shall require an amendment to the District Plan, approved under Section 9.4.5.10.U.

### W. Supplemental Plans

#### 1. Definition

For purposes of this Section 9.4.5.10, the term "Supplemental Plan" means a supplement to the District Plan that is approved in accordance with this Section 9.4.5.10.W.

**2. Intent**

The intent of Supplemental Plans is to allow for a coordinated program with respect to numerous buildings, signs and Special Lighting Elements that will be designed, developed, constructed and installed within the DO-6 zone district over time in phases.

**3. Requirement**

To the extent the District Plan provides that any sign and/or Special Lighting Element may not be installed within certain areas until a Supplemental Plan for such area is approved, then no sign and/or Special Lighting Element, as appropriate, may be installed in such area until a Supplemental Plan for such area is approved or such sign and/or Special Lighting Element is exempt from such requirement as stated in the District Plan.

**4. Submittal Requirements**

An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:

a. Information as required by the District Plan, and

b. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criterion stated in Section 9.4.5.10.W.7.

**5. Review**

The Zoning Administrator will review information received in the applicant's submittal and, within 45 days after the submittal of a complete application for a Supplemental Plan, make a final decision to approve, approve with conditions or deny such plan unless the applicant agrees in writing to an extension of time.

**6. Notice to Others**

a. The Zoning Administrator shall send notice of the Supplemental Plan to:

   i. Neighborhood organizations which are registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,

   ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and

   iii. The at-large City Council members.

b. Notices required by this Section 9.4.5.10.V.6. shall be sent at least 14 days prior to the Zoning Administrator's decision to approve, approve with conditions or deny such plan.

**7. Criterion for Review**

The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan is consistent with the provisions of the District Plan.

**8. Appeals**

Any decision of the Zoning Administrator under this Section 9.4.5.10.W may be appealed to the Planning Board. Thereafter, the Planning Board's decision may be appealed to the District Court.

**9. Effect of Approval of a Supplemental Plan**

Upon the Zoning Administrator's approval of a Supplemental Plan, such Supplemental Plan shall be deemed an amendment to, and shall be deemed to have become part of, the District Plan. An approved Supplemental Plan shall be incorporated into the next Amended District Sign Plan, at which time the Supplemental Plan shall expire.

**10. Intent**

The intent of Supplemental Plans is to allow for a coordinated program with respect to numerous buildings, signs and Special Lighting Elements that will be designed, developed, constructed and installed within the DO-6 zone district over time in phases.

**11. Requirement**

To the extent the District Plan provides that any sign and/or Special Lighting Element may not be installed within certain areas until a Supplemental Plan for such area is approved, then no sign and/or Special Lighting Element, as appropriate, may be installed in such area until a Supplemental Plan for such area is approved or such sign and/or Special Lighting Element is exempt from such requirement as stated in the District Plan.

**12. Submittal Requirements**

An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:

a. Information as required by the District Plan, and

b. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criterion stated in Section 9.4.5.10.W.7.

**13. Review**

The Zoning Administrator will review information received in the applicant's submittal and, within 45 days after the submittal of a complete application for a Supplemental Plan, make a final decision to approve, approve with conditions or deny such plan unless the applicant agrees in writing to an extension of time.

**14. Notice to Others**

a. The Zoning Administrator shall send notice of the Supplemental Plan to:

   i. Neighborhood organizations which are registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of, the DO-6 zone district,

   ii. Each City Council member representing a district within the DO-6 zone district or within 200 feet of the DO-6 zone district, and

   iii. The at-large City Council members.

b. Notices required by this Section 9.4.5.10.V.6. shall be sent at least 14 days prior to the Zoning Administrator's decision to approve, approve with conditions or deny such plan.

**15. Criterion for Review**

The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan is consistent with the provisions of the District Plan.

**16. Appeals**

Any decision of the Zoning Administrator under this Section 9.4.5.10.W may be appealed to the Planning Board. Thereafter, the Planning Board's decision may be appealed to the District Court.

**17. Effect of Approval of a Supplemental Plan**

Upon the Zoning Administrator's approval of a Supplemental Plan, such Supplemental Plan shall be deemed an amendment to, and shall be deemed to have become part of, the District Plan. An approved Supplemental Plan shall be incorporated into the next Amended District Sign Plan, at which time the Supplemental Plan shall expire.

## 9.4.5.11 River North Design Overlay District (DO-7)

### A. Creation

There is hereby created a design overlay district designated as the River North (RiNo) Design Overlay District (DO-7).

### B. General Purpose of Overlay District

1. Implement adopted plans; and
2. Promote creative, high-quality, design in the general area covered by the adopted 38th and Blake Station Area Height Amendments and the RiNo Business Improvement District;
3. Provide flexibility to support the diverse design traditions of RiNo;
4. Activate the South Platte River frontage to promote the river as a neighborhood asset;
5. Maintain human scale and access to daylight as heights and densities increase throughout the district;
6. Promote vibrant pedestrian street frontages with active uses and street-fronting building entries;
7. Provide transitions between residential frontages and mixed-use streets;
8. Ensure that buildings are designed to adapt to new uses as the district changes and evolves;
9. Promote active transportation options, such as walking and biking;
10. Minimize potential conflict points between pedestrians and motor vehicles;
11. Minimize the visibility of surface and structured parking areas for vehicles; and
12. Encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity.

### C. Applicability of Overlay District

The provisions of this DO-7 district shall apply only to those areas within Denver Zoning Code Mixed Use Commercial, Industrial Mixed Use and Residential Mixed Use Underlying Zone Districts that are designated with the DO-7 Overlay Zone District on the Official Zone Map.

### D. Building Form Intent Within Overlay District

#### 1. Siting

**a. Required Build-To**

i. Provide a consistent street edge.
ii. Define streets to promote pedestrian activity and sense of place.
iii. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

**b. Residential Setbacks**

i. Promote a vibrant and safe pedestrian experience.
ii. Provide transitional space between the edge of a public sidewalk and a Street Level building frontage containing residential dwellings.
iii. Activate the street while providing privacy for residents.

**c. Parking Location and Access**

i. Minimize the visual impact of parking areas on streets and adjoining properties where parking is needed.
ii. Minimize conflict between pedestrians, cyclists and vehicles where parking is needed.
iii. Ensure that surface parking is well integrated into to the streetscape.

### 2. Design Elements

#### a. Street Level Height

i. Promote Street Level designs that can be adapted to a wide array of future uses.

ii. Ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.

#### b. Limitation on Visible Parking Above the Street Level

i. Promote structured parking designs that are compatible in character and quality with the overall building facade, adjoining buildings and streetscapes.

ii. Promote visual interest on upper story building facades.

#### c. Incremental Mass Reduction

i. Reduce the perceived mass and scale of buildings.

ii. Preserve access to daylight.

iii. Promote creative building designs.

iv. Incentivize provision of Private Open Space.

#### d. Transparency

i. Maximize transpart windows at the Street Level to activate the street.

ii. Utilize doors and windows to establish scale, variation,and patterns on building facades that provide visual interest and connecto to uses within the building.

iii. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

#### e. Dwelling Unit Entrance with Entry Feature

i. Ensure that individual residential units contribute to activation of the street.

ii. Promote frontage designs with a traditional semi-public transition area between the public street frontage and private residential units.

iii. Promote visually interesting and human-scaled facades.

## E. Primary Building Form Standards Within Overlay District

### 1. Applicability

All development, except detached accessory structures, in the DO-7 district.

### 2. General Standards

Except as modified in this Section 9.4.5.11.E, the primary building form standards set forth in the Underlying Zone District shall apply.

### 3. District Specific Standards Summary

The maximum number of structures per Zone Lot and building forms allowed in the Underlying Zone District are modified as summarized below:

| | Building Forms | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Suburban House | Urban House | Duplex | Tandem House | Row House | Garden Court | Town House | Apartment | Drive Thru Services | Drive Thru Restaurant | General | Shopfront | Industrial |
| Max Number of Primary Structures per Zone Lot | No Maximum | | | | | | | | | | | | |
| Underlying Zone District | | | | | | | ■ | | | | ■ | ■ | |

■ = Allowed □ = Allowed subject to geographic limitations

**4. District Specific Standards Within Overlay Zone District**

The district-specific standards of the Underlying Zone District are modified as set forth in the following table.

| HEIGHT | DO-7 Overlay District |
|---|---|
| Height in feet and stories, height adjacent to a Protected District and height exceptions | See Underlying Zone District or Other Applicable Overlay |

| SITING | DO-7 Overlay District |
|---|---|
| **REQUIRED BUILD-TO** | |
| Primary Street (min build-to %) | 70% |
| Primary Street (min/max build-to range) | 0'/15'<br>Frontage Subject to a Residential Setback: 7'/20' |
| Build-to Exceptions and Alternatives | See Section 9.4.5.11.G.1 |
| **SETBACKS** | |
| Primary Street, Side Street, Side Interior, Rear, Setback adjacent to Protected District and Setback exceptions/encroachments | See Underlying Zone District |
| **RESIDENTIAL SETBACKS** | |
| Primary and Side Street (min) | 7' |
| **PARKING** | |
| Surface Parking between building and Primary Street | Not Allowed<br>See Section 7.3.5.1.C |
| Surface Parking Screening Required | See Section 9.4.5.11.F.1 |
| Vehicle Access | See Underlying Zone District |

| DESIGN ELEMENTS | DO-7 Overlay District | |
|---|---|---|
| **BUILDING CONFIGURATION** | | |
| Street Level Height (min) | 16' | |
| Limitation on Visible Parking Above Street Level for Structures Over 5 stories or 70' feet in height (min % of Primary and Side Street-facing Zone Lot Width) | 70%<br>See Section 9.4.5.11.F.2 | |
| Alternative to Limitation on Visible Parking Above Street Level | See Section 9.4.5.11.G.2 | |
| Upper Story Setback adjacent to Primary Street and Protected District | See Underlying Zone District | |
| **INCREMENTAL MASS REDUCTION BY ZONE LOT SIZE/WIDTH** | **≤18,750 Sq. Ft/ ≤150'** | **>18,750 Sq. Ft/ >150'** |
| Incremental Mass Reduction for Stories 3-5 | na | 10% |
| Incremental Mass Reduction for Stories 6-8 | na | 15% |
| Incremental Mass Reduction for Stories 9-12 | na | 20% |
| Incremental Mass Reduction for Stories 13-16 | na | 30% |
| Alternative to Incremental Mass Reduction | na | See Section 9.4.5.11.G.3 |
| **STREET LEVEL ACTIVATION** | | |
| Transparency, Primary Street (min for all uses) | 50% | |
| Transparency, Side Street (min for all uses) | 40% | |
| Transparency Alternatives | See Section 9.4.5.11.G.4 | |
| Pedestrian Access, Primary Street | See Underlying Zone District | |
| Additional Pedestrian Access, Primary and Side Street | Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature | |

| USES | DO-7 Overlay District |
|---|---|
| (1) On all Zone Lot Sizes and Widths,100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 7.3.5.5.C; (2) Where Zone Lot Size is greater than 18,750 square feet, or Zone Lot Width is greater than 150 feet, 70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied only by Street Level non-residential active uses as described in Section 9.4.5.11.F.3 (note that the remaining 30% shall be occupied by Street Level active uses as described in Section 7.3.5.5.C); and (3) The exterior of the Structure shall not have individual entrances to storage units within a Mini-Storage Facility use. | |

## F. Supplemental Design Standards for the DO-7 Overlay District

### 1. Perimeter Surface Parking Lot Landscaping Standards

#### a. Applicability

i. Whenever the area of an existing surface parking lot is expanded or when a new area is constructed, the entire Off-Street Parking Area shall be landscaped according to this Section 9.4.5.11.F.1 rather than Section 10.5.4.4 Perimeter Surface Parking Lot Landscaping Standards.

ii. Section 10.5.4.1,B Exceptions, shall apply to the standards in this Section 9.4.5.11.F.1.

#### b. Allowance for Perimeter Surface Parking Lots Abutting Street Right-of-Way

Perimeter Surface Parking Lots Abutting Street the Right-of-Way shall be landscaped to the following standards:

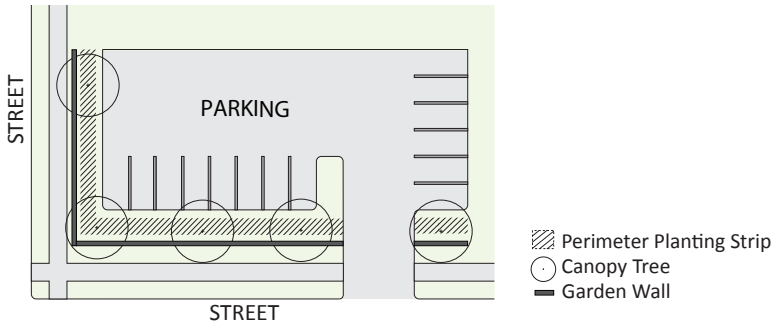
a) To the maximum extent feasible, on-site drainage required for a Zone Lot shall be integrated into the perimeter planting strip.

b) Alternatives to required landscape and wall materials may be allowed to better match primary building materials used on the site according to Section 12.4.5 Administrative Adjustment.

c) The following shall be provided within Zone Lot boundaries between the boundary of any surface parking lot and street rights-of-way. See Figure 9.4-15.

| PERIMETER PLANTING STRIP REQUIRED | PLANTINGS REQUIRED WITHIN THE PERIMETER PLANTING STRIP | GARDEN WALL REQUIRED | GARDEN WALL HEIGHT | GARDEN WALL MATERIALS | PEDESTRIAN ACCESS REQUIRED |
|---|---|---|---|---|---|
| Yes, minimum width of 8' | 1 deciduous canopy tree for every 25' of linear frontage. Spacing of trees may vary; the maximum spacing is 40' | Yes | Min. 30 inches; Max. 42 inches | Masonry or Ornamental fence with masonry piers spaced not more than 25' | Yes; Min. 3' wide access at max. of 80' intervals along all public street and alley frontages of the parking lot |

Figure 9.4-15




#### c. Allowance for Perimeter Surface Parking Lot Landscaping Standards Adjacent to a Residential Use or Zone

The fence requirements set forth in Section 10.5.4.4.C shall apply to off-street parking areas adjacent to a residential use or zone district in addition to the standards set forth in this Section 9.4.5.11.F.1.

### 2. Limitation on Visible Parking Above Street Level in the DO-7 District

#### a. Intent

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

**b. Applicability**

This Section 9.4.5.11F.2 applies to all Structures in the DO-7 district that are greater than 5 stories or 70 feet in height (excluding permitted height exceptions) and include structured parking above Street Level, except where an exception has been used as set forth in Section 9.4.5.11.G.2.

**c. Allowance**

i. Uses that meet the Limitation on Visible Parking Above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary or Side Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth) to wrap structured parking.

ii. Uses that meet the Limitation on Visible Parking Above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum specified percentage of the Primary or Side Street-facing Zone Lot Width.

### 3. Street Level Active Non-Residential Use in the DO-7 District

**a. Intent**

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment with uses accessible to the general public.

**b. Applicability**

This Section 9.4.5.11.F.3 applies to all Structures in the DO-7 district that are greater than 3 stories or 45 feet in height (excluding permitted height exceptions) and are located on Zone Lots that are:

i. Greater than 18,750 square feet in Zone Lot Size; or

ii. Greater than 150 feet in Zone Lot Width.

**c. Allowance**

i. Street Level active non-residential uses include all permitted primary uses except the following:

a) Dwelling, Single Unit;

b) Dwelling, Two Unit

c) Dwelling, Multi-Unit;

d) Dwelling, Live / Work;

e) Automobile Services, Light;

f) Mini-storage Facility; or

g) Wholesale Trade or Storage, Light.

ii. Street Level active non-residential uses include all permitted accessory uses except the following:

a) Accessory uses associated with primary uses prohibited by Section 9.4.5.11.F.3.c.i;

b) Outdoor Storage, General;

c) Outdoor Storage, Limited;

d) Car Wash Bay Accessory to Automobile Services or Hotel Uses; or

e) Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.

iii. Street Level active non-residential uses shall not include Parking Spaces or Parking Aisles.

iv. Street Level active nonresidential uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).

v. The length of any build-to alternatives permitted by Section 9.4.5.11.G.1, except the Private Open Space alternative, shall not apply toward the required percentage of Street Level building frontage that must be occupied by Street Level active nonresidential uses.

## G. Design Standard Alternatives and Exceptions for the DO-7 District

### 1. Required Build-to Alternatives in the DO-7 District

#### a. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

#### b. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard in the DO-7 district and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| | REQUIRED BUILD-TO ALTERNATIVES | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| BUILDING FORM | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) | VEHICLE ACCESS (MAX FEET OF BUILD-TO) |
| Town House | na | na | na | na | na | na | na | 12 feet |
| All Others | na | 25% | 25%* | 30%* | 30%* | 100% | na | na |

*If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.

### 2. Limitation on Visible Parking Above Street Level Alternative for Integrated Facade Design

**a. Intent**

To ensure structured parking designs that are compatible with the character and quality of the overall building facade where it is not possible to wrap or screen structured parking with other uses.

**b. Allowance**

Where 100% of a street-facing building facade containing structured parking meets the standards set forth in i-iii below, the resulting integrated facade design may be used as an alternative to the Limitation on Visible Parking Above Street Level in the DO-7 district. See Figure 9.4-16.

i. Where the alternative is used, Street-facing facades containing structured parking shall be integrated into the overall facade design through use of:

a) Similar building materials to those used on adjacent facade areas that do not contain structured parking

b) Facade articulation and fenestration patterns that integrate with portions of the building facade that do not contain structured parking

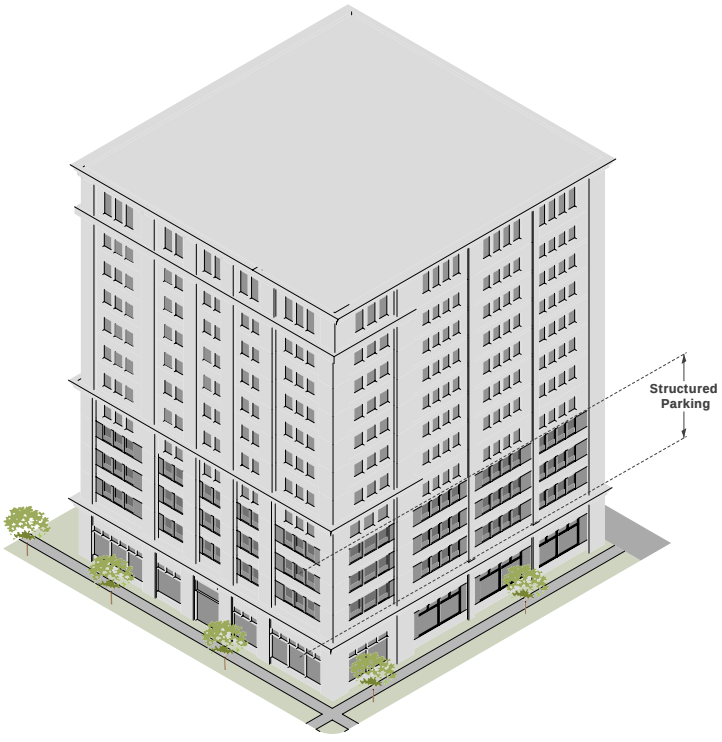
ii. Where the alternative is used, Street-facing facades containing structured parking shall minimize the visibility of parking areas through use of:

a) Non-transparent facade materials for a minimum height of 4 feet from the finished floor of each story

b) Fully-shielded LED or other lighting not exceeding 6,500 lumens in any parking aisle behind a street-facing facade

iii. Where the alternative is used, Section 10.4.6.5 Parking Structure Design Standards shall apply in addition to the Standards set forth in this Section 9.4.5.11.G.2.

Figure 9.4-16



### 3. Incremental Mass Reduction Alternative for Provision of Private Open Space in the DO-7 District

**a. Intent**

To encourage provision of active, pedestrian-oriented courtyards and plazas while allowing maximum flexibility for creative building massing.

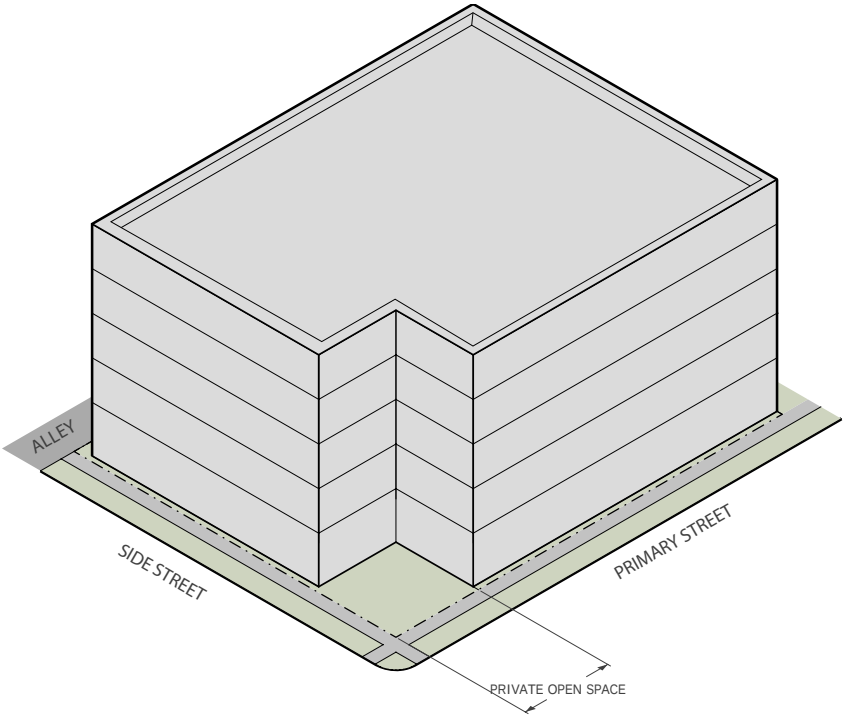
**b. Allowance**

Where the minimum percentage of the gross area of a Zone Lot set forth in i-ii below is provided as Private Open Space meeting the rules of measurement set forth in Section 13.1.6.1.B, all Structures on the Zone Lot are not required to meet Incremental Mass Reduction standards. See Figure 9.4-17.

i. Structures that are up to 150 feet or 12 stories in height (excluding permitted height exceptions): 10% Private Open Space

ii. Structures that are greater than 150 feet or 12 stories in height (excluding permitted height exceptions): 15% Private Open Space

Figure 9.4-17




### 4. Street Level Transparency Alternatives in the DO-7 District

**a. Intent**

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

**b. Allowance**

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard in the DO-7 district and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
|---|---|---|---|---|---|
| Primary Street | 0% | 50% | 0% | 50% | 80% |
| Primary Street B | 0% | 50% | 0% | 50% | 80% |
| Side Street | 0% | 50% | 0% | 50% | 80% |

## H. Vehicle Parking Exception for Transit Oriented Development in the DO-7 District

### 1. Intent

To promote multi-modal transportation options near major transit investments and provide flexibility for development with reduced automobile orientation.

### 2. Applicability

a. The vehicle parking exception set forth below shall apply all to all uses located within the boundary of this DO-7 district that are also located within 1/2 mile of the outer boundary of the Rail Transit Station Platform at the 38th and Blake commuter rail station.

b. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11 Measurement of Separation or Distance.

### 3. Exemption Allowed

a. Uses in the area described by Section 9.4.5.11.H.2.a shall be exempt from providing the minimum amount of vehicle parking otherwise required by this Code.

b. Minimum bicycle parking requirements set forth in the Underlying Zone District shall apply.

### 4. Relationship to Maximum Vehicle Surface Parking for Transit Oriented Development

Where Section 10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development applies, maximum parking standards shall apply, based on the minimum amount of parking set forth in the Underlying Zone District for such use or structure absent any exemption or reduction.

# SECTION 9.4.6 INCENTIVE OVERLAY DISTRICTS (IO-)

## 9.4.6.1 General Purpose

Incentive Overlay Districts are intended to serve one or more of the following purposes:

A. Provide flexibility in zoning standards for projects that deliver specified community or citywide benefits beyond what is required by the Denver Zoning Code and other regulations, including, but not limited to:

1. Affordable housing;
2. Community amenities;
3. Cultural facilities; or
4. Publicly-accessible open space.

B. Incentivize provision of community benefits specified in an adopted neighborhood or small area plan that sets forth community priorities and is adopted as part of the Comprehensive Plan.

C. Incentivize provision of community benefits that are not attainable through other requirements or programs.

D. Provide clear and predictable development outcomes.

## 9.4.6.2 Minimum Requirements for Establishment

In addition to the minimum criteria for official map amendment applications specified in Section 12.4.10 Official Map Amendment (Rezoning), an application for a rezoning to apply an Incentive Overlay District shall comply with the following provisions:

### A. Application Requirements

An application to rezone to an Incentive Overlay District shall include, in addition to other submittal requirements, the following information:

1. A statement of purpose and an explanation of how the review criteria stated in Section 9.4.6.2.B are met.
2. A map indicating the boundaries of all lots located within the proposed Incentive Overlay District and the Underlying Zone Districts contained within the proposed Incentive Overlay District.

### B. Review Criteria for Approval of District

In addition to the review criteria applicable to rezonings stated in Section 12.4.10, Official Map Amendment (Rezoning), and to text amendments stated in Section 12.4.11 Text Amendment, the Incentive Overlay District shall meet the following criteria:

1. Application of an Incentive Overlay District will provide community benefits that further one or more adopted city policies; and
2. Such community benefits have been determined by the City to be best achieved though incentives, rather than requirements; and
3. Application of an Incentive Overlay District will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and
4. Application of an Incentive Overlay District will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted City policies.

### 9.4.6.3 Modification of Underlying Zone District Standards

#### A. Modification of Permitted Uses

1. An Incentive Overlay District shall not modify uses permitted in the Underlying Zone District.

2. An Incentive Overlay District may modify use limitations otherwise applicable to permitted uses in the Underlying Zone District.

#### B. Modification of Standards

1. An Incentive Overlay District may modify building form standards and general design standards otherwise applicable in the Underlying Zone District to incentivize specified community benefits. Allowed modifications include, but are not limited to:
   a. Increased building height; and/or
   b. Increased floor area; and/or
   c. Reduced setbacks; and/or
   d. Reduced minimum vehicular parking.

2. An Incentive Overlay District shall not introduce new building form standards or general design standards that are not applicable in the Underlying Zone District. However, the adoption of an Incentive Overlay District may be accompanied by the adoption of a Conservation Overlay District or Design Overlay District that includes the introduction of new building form standards and/or general design standards.

### 9.4.6.4 Incentive Overlay Districts Established

The following Incentive Overlay Districts are established:

| INCENTIVE OVERLAY DISTRICT NAME | ZONING MAP DESIGNATOR |
|---|---|
| 38th and Blake Station Area Incentive Overlay | IO-1 |

### 9.4.6.5 Effect of Approval

#### A. Official Map Designator

Each Incentive Overlay District shall be shown on the official map by an "IO-#" designator and an appropriate number placed after the Underlying Zone District designation.

#### B. Limitation on Permit Issuance

No building permit for development within an Incentive Overlay District shall be issued by the City unless the development meets the standards set forth in the adopted Incentive Overlay District, any applicable incentive requirements set forth in the Denver Revised Municipal Code (D.R.M.C) and any applicable approved Rules and Regulations. Coordination with, and approval from other City agencies, such as the Office of Economic Development, may be required prior to permit issuance in an Incentive Overlay District.

### 9.4.6.6 38th and Blake Station Area Incentive Overlay District (IO-1)

#### A. Creation

There is hereby created an Incentive Overlay District designated as the 38th and Blake Station Area Incentive Overlay District (IO-1).

#### B. General Purpose of Overlay District

1. Ensure that higher-intensity development in the area covered by the adopted 38th and Blake Station Area Height Amendments complements public transit investments by providing specific community-benefits as recommended by the adopted plan; and

2. Implement specific adopted plan policies for the 38th and Blake Station area by requiring additional affordable housing and other community benefits in excess of standard requirements for development above plan-specified Base Heights; and

3. Implement an incentive-based system to that recognizes development entitlements within Underlying Zone Districts while allowing greater development potential for projects that provide community benefits in excess of standard requirements.

#### C. Applicability

1. The provisions of this IO-1 district shall apply only to those areas within Denver Zoning Code Mixed Use Commercial, Mixed Use Industrial and Residential Mixed Use Underlying Zone Districts that are designated with the IO-1 Overlay Zone District on the Official Zone Map.

2. The provisions of this IO-1 district shall apply in conjunction with applicable requirements in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

#### D. Maximum Base Height

1. Maximum Base Height shall be the maximum height in stories and feet set forth in the Underlying Zone District.

2. Structures that do not exceed the maximum Base Height shall not be subject to the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height.

### E. Maximum Incentive Height

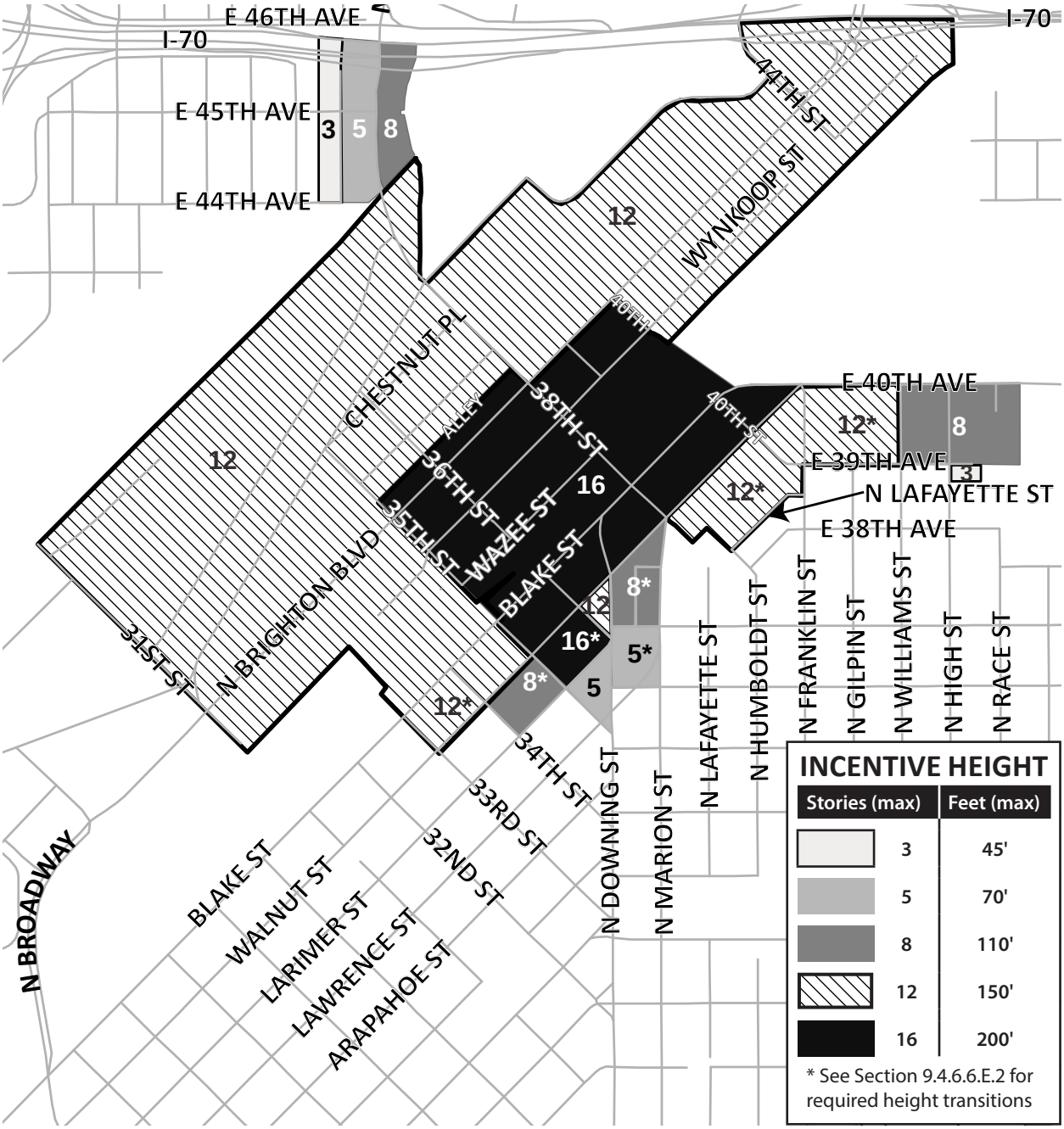
Structures that meet the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in this Section 9.4.6.6.E.

#### 1. Maximum Incentive Height Map

a. For properties in the IO-1 district, Incentive Height maximums are set forth on the map in Figure 9.4-18, except where height transitions are required by Section 9.4.6.6.E.2.

b. Community Planning and Development shall maintain a detailed map for application of Incentive Height to specific Zone Lots.

Figure 9.4-18



### 2. Incentive Height in Transition Areas

To promote compatibility with lower-scale districts, neighborhoods or street frontages, a reduced maximum Incentive Height shall apply in transitional areas as set forth in Sections a and b below. Where the provisions of both Sections a and b apply, the maximum Incentive Height shall be the lower of the applicable maximum heights.

#### a. Height Transition Adjacent to Specific Streets

The maximum Incentive Height shall be as follows within the specified distance of a Primary or Side Street Zone Lot line fronting the following streets:

| STREET | DISTANCE FROM ZONE LOT LINE | MAXIMUM INCENTIVE HEIGHT | |
|---|---|---|---|
| | | STORIES | FEET |
| **39TH AVENUE** | | | |
| West of Williams Street* | 85′ | 8 | 110′ |
| **LAFAYETTE STREET** | | | |
| West of Franklin Street* | 210′ | 8 | 110′ |
| **MARION STREET** | | | |
| From 300' South of Walnut Street to 36th Avenue | 35′ | 3 | 45′ |
| **LARIMER STREET** | | | |
| Northeast of 35th Street | 135′ | 12 | 150′ |
| Southwest of 35th Street | 135′ | 5 | 70′ |
| **33RD STREET** | | | |
| Northwest of Walnut Street | 175′ | 8 | 110′ |

*A portion of this area may be subject to a reduced maximum Incentive Height adjacent to a Protected District. See Section 9.4.6.6.E.2.b.

#### b. Height Transition Adjacent to a Protected District

The maximum Incentive Height shall be 75 feet within 175 feet of a Protected District unless further limited by Section 9.4.6.6.E.2.a.

## F. Requirements for Structures Using Incentive Height

1. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.

2. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height comprises 80% or more of the total gross square footage of all uses located above the maximum Base Height.

# DIVISION 9.5 DENVER INTERNATIONAL AIRPORT ZONE DISTRICTS AND O-1 ZONE DISTRICT

## SECTION 9.5.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established and are applied to property as set forth on the Official Map.

| | |
|---|---|
| DIA | Denver International Airport Zone |
| AIO | DIA Influence Area Overlay Zone |
| O-1 | O-1 Zone District |

### 9.5.1.1 Purpose

The following paragraphs explain the general purpose and intent of the individual zone districts.

**A. Denver International Airport Zone (DIA)**

The Denver International Airport (DIA) encompasses 53 square miles of land. This large land area is designed to limit the impacts of airport activity on the airport's neighbors and provides room for the airport to expand and grow. The enormous potential of DIA to serve a prominent role in the global aviation system is due primarily to the airport's room to grow. With this ability to grow in a city that is otherwise landlocked, development within the DIA zone district provides a path to markets around the world and providing a stimulus for economic growth in the region. Accordingly, the intent of the DIA zone district is to:

1. Ensure public safety and security.
2. Reduce exposure of residential and other sensitive land uses to airport operations.
3. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area
4. Maintain consistency with DIA's vision, mission and goals
5. Maintain consistent and coordinated development patterns that match City and regional development plans
6. Minimize impacts to airport operations
7. Optimize airport operational efficiency and flexibility
8. Allow the airport to respond to the changing needs of a dynamic aviation industry
9. Continue to support DIA's role as the key economic engine for the region and the state
10. Reserve and maintain land uses on and near the airport to permit logical, phased development that is both flexible and responsive to airport and public needs

**B. DIA Influence Area Overlay Zone (-AIO)**

The Denver International Airport is the largest airport in North America. This large land area is designed to limit the impacts of airport activity on the airport's neighbors and provides room for the airport to expand and grow. However, even at its extensive size, the influence of the airport extends beyond the property owned as part of the airport itself (see the Denver International Airport zone district). Accordingly, the intent of the DIA Influence Area Overlay Zone is to:

1. Reduce exposure of residential and other sensitive land uses to airport operations.
2. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area.

## SECTION 9.5.2 DENVER INTERNATIONAL AIRPORT ZONE DISTRICT (DIA)

### 9.5.2.1 Building Forms

The Denver Manager of Aviation shall determine all applicable building form standards in the DIA zone district.

### 9.5.2.2 Design Standards

**A. Signage**

Design and development standards governing signage in the DIA zone district shall be determined by the Denver Manager of Aviation, except that in the Peña Station Next Design Overlay District (DO-6), Section 9.4.5.10 and Division 10.10 Signs shall apply.

**B. All Other Design Standards**

All other design and development standards governing uses and structures in the DIA zone district, including but not limited to landscaping and parking, shall be determined by the Denver Manager of Aviation.

### 9.5.2.3 Permitted Uses in the DIA Zone District

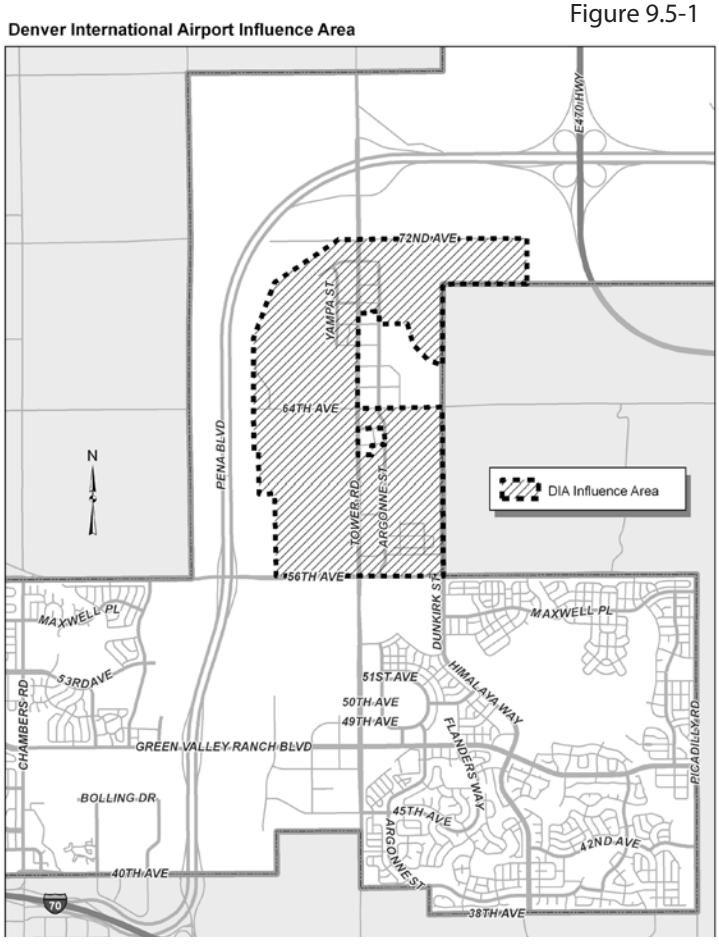
See Section 9.5.5, Uses and Required Minimum Parking.

## SECTION 9.5.3 DIA INFLUENCE AREA OVERLAY ZONE (AIO-)

### 9.5.3.1 DIA Influence Area

The DIA Influence Area is defined as the land area located north of 56th Avenue in the City and County of Denver's DIA statistical neighborhood, as shown in Figure 9.5-1, and on the Official Map.

Figure 9.5-1



### 9.5.3.2 Effective Date of Overlay District Standards

The standards and limitations applicable in the DIA Influence Area Overlay Zone District shall apply only to properties rezoned according to this Code after June 25, 2010.

### 9.5.3.3 Land Use Restrictions

A. Single unit and two unit dwellings are not permitted in the DIA Influence Area Overlay Zone District.

B. Multi-unit dwellings, live/work dwellings, all uses categorized as group living uses in this Code, hospitals, bed and breakfasts, and all educational uses that include residential accommodations are not permitted in the DIA Influence Area Overlay Zone District north of 64th Avenue.

C. Surface parking of vehicles is not permitted as a primary use of land in the DIA Influence Area Overlay Zone District. Garage parking is permitted.

### 9.5.3.4 Easement and Right-of-Way Required

On or before the date of approval of an official map amendment or approval of a site development plan for development in the DIA Influence Area Overlay Zone District, the property owner shall be required to grant an avigation easement and right-of-way to DIA for passage of aircraft in a form established by DIA and recorded in the Office of the Denver Clerk and Recorder.

### 9.5.3.5 Airport Disclosure Notice

See D.R.M.C. Chapter 5, Article IV, for disclosure notice requirements for residential dwelling units.

### 9.5.3.6 Noise Level Reduction Measures

See the Building Code of the City and County of Denver for noise mitigation construction requirements for multi-unit dwellings and schools.

# SECTION 9.5.4 O-1 ZONE DISTRICT

## 9.5.4.1 Permitted Structures

### A. Setbacks

All structures shall be set in a distance of not less than 20 feet from each front, rear and side line of the zone lot; provided, however, that no setback shall be required for electric substations, gas regulator stations and utility pumping stations except from such lines of the zone lot as abut public right-of-way. The space resulting from the foregoing setbacks shall be open and unobstructed; provided, however:

1. Fences or walls not exceeding 6 feet in height may be erected on any part of the zone lot. The height of such walls or fences shall be determined as stated in Section 13.1.7, Fence and Wall Height Measurement.
2. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
3. Canopies may project any distance into the front setback space.

### B. Setback Exceptions

#### 1. Intent

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

#### 2. Standard

In the O-1 zone district, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

a. The street setback required by the applicable building form standards in this Code; or

b. The required Parkway setback established under D.R.M.C., Chapter 49.

### C. Residential Protection Standards

1. Maximum Height Within 175 feet of Protected District: 75 feet
2. When Adjacent to Protected District:
   a. Upper Story Setback Above 27 ft (at rear alley, rear no alley or side interior): 20ft/25ft
   b. Upper Story Setback Above 51 feet (at rear alley, no alley or side interior): 35'/40'

## 9.5.4.2 Other Applicable Regulations

A. Signs: Refer to Division 10.10 Signs for regulations pertaining to permitted signs.

B. Loading: Refer to Division 10.4 for regulations pertaining to loading.

# SECTION 9.5.5 USES AND REQUIRED MINIMUM PARKING

## 9.5.5.1 Applicability

### A. DIA Zone District

Permitted uses, required minimum parking, number of uses, and any applicable use limitations in the DIA zone district, shall be determined by the Denver Manager of Aviation.

**B. O-1 Zone District**

1. This Section 9.5.5 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for the O-1 zone district.

2. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

3. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## 9.5.5.2 Organization

**A. Organized by Primary, Accessory and Temporary Uses**

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

**B. Primary Use Classifications, Categories & Specific Use Types**

**1. Primary Use Classifications**

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

a. Residential Uses

b. Civic, Public & Institutional Uses

c. Commercial Sales, Service & Repair Uses

d. Industrial, Manufacturing & Wholesale Uses

e. Agriculture

**2. Primary Use Categories & Specific Use Types**

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

**3. Classifications & Categories Are Mutually Exclusive**

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## 9.5.5.3 Explanation of Table Abbreviations

**A. General Explanation of Table Cell Entries**

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

**B. Permitted, Limited, Not Permitted**

**1. Permitted Use - No Use Limitations Apply ("P")**

A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**2. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**3. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

**C. Zoning Procedure**

**1. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**2. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**3. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**4. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

### 9.5.5.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## 9.5.5.5 District Specific Standards

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

| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | |
| Household Living | Dwelling, Single Unit | See Section 9.5.5.1 for permitted uses and required parking | NP | |
| | Dwelling, Two Unit | | NP | |
| | Dwelling, Multi-Unit | | NP | |
| | Dwelling, Live / Work | | NP | |
| Group Living | Assisted Living Facility | | P-ZP | § 11.2.6; § 11.2.7 |
| | Community Corrections Facility | | NP | |
| | Nursing Home, Hospice | | NP | |
| | Residence for Older Adults | | NP | |
| | Residential Care Use, Small or Large<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | | L-ZPIN | § 11.2.9 |
| | Rooming and Boarding House | | NP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | | L-ZPIN/L | § 11.2.11 |
| | Student Housing | | NP | |

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

| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | See Section 9.5.5.1 for permitted uses and required parking | L-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 sf GFA<br>• Bicycle: No requirement | | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | | L-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | | P-ZPIN | |
| | Postal Facility, Neighborhood | | NP | |
| | Postal Processing Center | | NP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | | P-ZP | |
| | Hospital | | NP | |
| | Correctional Institution<br>• Vehicle: .25/unit<br>• Bicycle: No requirement | | P-ZP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery*<br>• No Parking Requirements | | P-ZP | |
| | Library<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 sf GFA<br>• Bicycle: 1/ 10,000 sf GFA (0/100) | | P-ZP | |
| | City Park* | | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle-High School: 2/1,000 sf GFA<br>• Bicycle-High School: 1/ 20,000 sf GFA (0/100)<br>• Vehicle-All Others: 1/1,000 sf GFA<br>• Bicycle-All Others: 1/ 10,000 sf GFA (0/100) | | P-ZP | |
| | University or College | | NP | |
| | Vocational or Professional School | | NP | |
| Public and Religious Assembly | All Types | | NP | |

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

| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | |
| Adult Business | All Types | See Section 9.5.5.1 for permitted uses and required parking | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor | | NP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle: 2.5/ 1,000 sf GFA<br>• Bicycle: 1/20,000 sf GFA (20/80) | | L-ZP | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | | NP | |
| | Sports and/or Entertainment Arena or Stadium* | | NP | |
| Nonresidential Uses in Existing Business Structures In Residential Zones | | | Not Applicable | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | | P-ZP | |
| Eating & Drinking Establishments | All Types | | NP | |
| Lodging Accommodations | Bed and Breakfast Lodging | | NP | |
| | Lodging Accommodations, All Others | | NP | |
| Office | Dental / Medical Office or Clinic | | NP | |
| | Office, All Others | | NP | |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only | See Section 9.5.5.1 for permitted uses and required parking | NP | |
| | Animal Sales and Services, All Others | | NP | |
| | Food Sales or Market | | NP | |
| | Pawn Shop | | NP | |
| | Retail Sales, Service & Repair -- Outdoor* | | NP | |
| | Retail Sales, Service & Repair - Firearms Sales | | NP | |
| | Retail Sales, Service & Repair, All Others | | NP | |
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility | | NP | |
| | Automobile Services, Light | | NP | |
| | Automobile Services, Heavy | | NP | |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* | | NP | |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service* | | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION** | | | | |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | See Section 9.5.5.1 for permitted uses and required parking | L-ZP | § 11.5.2 |
| | Communication Services | | NP | |
| | Telecommunications Towers*<br>• No Parking Requirements | | L-ZP/ ZPIN/ ZPSE | §11.5.2 |
| | Telecommunications Tower - Alternative Structure<br>• No Parking Requirements | | L-ZP/ZPIN | §11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | | L-ZPIN | §11.5.2 |
| Industrial Services | Contractors, Special Trade - General | | NP | |
| | Contractors, Special Trade - Heavy/Contractor Yard* | | NP | |
| | Food Preparation and Sales, Commercial | | NP | |
| | Laboratory, Research, Development and Technological Services | | NP | |
| | Service/Repair, Commercial | | NP | |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom | | NP | |
| | Manufacturing, Fabrication & Assembly -- General | | NP | |
| | Manufacturing, Fabrication & Assembly -- Heavy | | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling*<br>• Vehicle: .3/ 1,000 s.f. GFA<br>• Bicycle: No requirement | | L-ZP | §11.5.11 |
| | Sand or Gravel Quarry* | | NP | |
| | Wind Energy Conversion Systems* | | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| Transportation Facilities | Airport* | P-ZP | NP | |
| | Helipad, Helistop, Heliport* | See Section 9.5.5.1 for permitted uses and required parking | NP | |
| | Railroad Facilities* | | NP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System | | NP | |
| | Terminal, Freight, Air Courier Services | | NP | |
| Waste Related Services | Automobile Parts Recycling Business | | NP | |
| | Junkyard* | | NP | |
| | Recycling Center | | NP | |
| | Recycling Collection Station | | NP | |
| | Recycling Plant, Scrap Processor | | NP | |
| | Solid Waste Facility | | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | | NP | |
| | Mini-storage Facility | | NP | |
| | Vehicle Storage, Commercial* | | NP | |
| | Wholesale Trade or Storage, General | | NP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | | P-ZP | |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | |
| Agriculture | Aquaculture* | See Section 9.5.5.1 for permitted uses and required parking | NP | |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | | L-ZP | §11.6.2 |
| | Husbandry, Animal* | | NP | |
| | Husbandry, Plant* | | NP | |
| | Plant Nursery*<br>• Vehicle: .5 / 1,000 sf GFA<br>• Bicycle: No requirement | | L-ZP | §11.6.5 |

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| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | See Section 9.5.5.1 for permitted uses and required parking | L | §11.7 |
| | Accessory Dwelling Unit | | NP | |
| | Domestic Employee | | L | §11.7; §11.8.3 |
| | Garden* | | L | §11.7; §11.8.4 |
| | Keeping of Household Pets* | | NP | |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | | NP | |
| | Kennel or Exercise Run* | | NP | |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | | NP | |
| | Outdoor Storage, Residential* | | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | | NP | |
| | Short-term Rental | | NP | |
| | Vehicle Storage, Repair and Maintenance* | | NP | |
| | Wind Energy Conversion Systems* | | Not Applicable - See Permitted Primary Uses | |
| | Yard or Garage Sales* | | NP | |
| | | | | |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | |
| Home Occupations | Child Care Home, Large (7-12) | See Section 9.5.5.1 for permitted uses and required parking | NP | |
| | All Other Types | | NP | |
| | Unlisted Home Occupations | | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | |
| Accessory to Primary Nonresidential Uses<br>Accessory to Primary Nonresidential Uses | Unlisted Accessory Uses | See Section 9.5.5.1 for permitted uses and required parking | L | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses | | NP | |
| | Automobile Rental Services Accessory to Certain Retail Uses* | | NP | |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | | L | § 11.7 |
| | Car Wash Bay Accessory to Automobile Services | | NP | |
| | College accessory to a Place for Religious Assembly | | NP | |
| | Conference Facilities Accessory to Hotel Use | | NP | |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | | NP | |
| | Emergency Vehicle Access Point | | NP | |
| | Garden* | | L | §11.7; §11.10.10 |
| | Keeping of Animals | | L/L-ZP/ L-ZPIN | §11.7; §11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | | Not Applicable | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | | NP | |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | | NP | |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | | NP | |
| | Outdoor Retail Sale and Display* | | L-ZP | §11.7; §11.10.15 |
| | Outdoor Storage, Limited* | | NP | |
| | Outdoor Storage, General* | | NP | |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | | NP | |

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| USE CATEGORY | SPECIFIC USE TYPE | DIA | O-1 | APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY |
|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | |
| Temporary Uses | Unlisted Temporary Uses | See Section 9.5.5.1 for permitted uses and required parking | L | §11.11.1 |
| | Ambulance Service - Temporary | | L-ZP Not Applicable - See Permitted Primary Uses | §11.11.2 |
| | Amusement / Entertainment - Temporary* | | NP | |
| | Bazaar, Carnival, Circus or Special Event* | | L-ZP | §11.11.4 |
| | Building or yard for construction materials* | | L-ZP | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | | L-ZP | §11.11.6 |
| | Fence for Demolition or Construction Work | | L-ZP | §11.11.7 |
| | Health Care Center | | NP | |
| | Noncommercial Concrete Batching Plant* | | L-ZP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | | NP | |
| | Outdoor Retail Sales* | | NP | |
| | Outdoor Sales, Seasonal* | | L-ZP | §11.11.12 |
| | Parking Lot Designated for a Special Event* | | L-ZP | §11.11.13 |
| | Retail Food Establishment, Mobile* | | NP | |
| | Temporary Construction Office | | L-ZP | §11.11.15 |
| | Temporary Office - Real Estate Sales | | L-ZP | §11.11.16 |
| | Temporary Tiny Home Village | | L-ZP | §11.11.17 |
| | Tent for Religious Services | | NP | |

# DIVISION 9.6 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

## SECTION 9.6.1 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

### 9.6.1.1 General Purpose and Intent

A. The general purpose of a Planned Unit Development zone district ("PUD District") District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in this Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard zone district is desirable and multiple variances, waivers, and conditions can be avoided.

B. "Unique and extraordinary circumstances" that justify use of a PUD District include, but are not limited to, the following:

1. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;

2. Where a customized zoning approach is necessary to protect and preserve the character of a Historic Structure or historic district;

3. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or

4. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.

C. A PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development's economic feasibility.

D. In return for the flexibility in site design with respect to the arrangement, heights, and setbacks of buildings, densities, open space and circulation elements, development under a PUD District should provide significant public benefit not achievable through application of a standard zone district, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

### 9.6.1.2 Application Process

**A. Rezoning Required**
Creation of a PUD District shall be by an official map amendment (rezoning) according to the process and review criteria stated in Section 12.4.10, Official Map Amendment.

**B. Concurrent Processing**
At the applicant's option, and with the Manager's approval, a site development plan for one or more stages of a General PUD District Plan (see Section 9.6.1.3 below) may be submitted with the filing of a PUD District rezoning application, according to Section 12.3.3.9, Concurrent Applications.

**C. Vested Rights**
City Council approval of a PUD District confers vested property rights, as stated in Section 9.6.1.5, Vested Property Rights, below.

### 9.6.1.3 Requirement for PUD District Plan

All applications for rezoning to a PUD District shall contain the information and representations required by this Division 9.6 and by Section 12.4.10 (Official Map Amendment), and a PUD District Plan that complies with the following:

#### A. Choice of PUD District Plan Type

##### 1. General PUD District Plan

If development is to proceed in phases or over an extended period of time, or if more general zoning is desired prior to preparation of more detailed site development and pre-construction plans, the applicant may submit a "General PUD District Plan" covering the entire PUD District area. After the PUD District rezoning with a General PUD District Plan is approved, one or more site development plans shall be submitted for each phase of development and shall follow the general development concept established in the General PUD District Plan. See Section 12.4.3, Site Development Plan, for the procedure and review criteria applicable to site development plans.

##### 2. Detailed PUD District Plan

If development is not to be completed in phases or over an extended period of time, or if an applicant is prepared to submit more detailed site development plan or pre-construction plans, the applicant may submit a "Detailed PUD District Plan" covering the entire PUD District area. After the PUD District rezoning with a Detailed PUD District plan is approved, the Detailed PUD District Plan shall constitute a site development plan, enabling the applicant to proceed directly to final zoning / building permit approval (no intervening site development plan review step under Section 12.4.3).

#### B. PUD District Plan Contents -- Permitted Uses and Procedures

All PUD District Plans shall specify permitted primary, accessory and temporary uses, and may specify applicable use and development review procedures, in compliance with the following standards.

1. A PUD District Plan shall permit any use which is a permitted use in any zone district when such use is provided for, enumerated, and approved in the PUD District Plan.

2. All use limitations in this Code shall apply to the uses in the PUD District unless expressly waived or modified in the PUD District Plan.

3. A PUD District Plan may subject the establishment of a permitted use or the development of an allowed building form to any procedure established in Article 12, Zoning Procedures and Enforcement, including Zoning Permit Review with Information Notice, Special Exception review, Site Development Plan review, or Administrative Adjustment. However, a PUD District Plan shall not establish or include any use or development review procedure different from a procedure established in Article 12, Zoning Procedures and Enforcement.

4. A PUD District Plan may provide for future amendment by subarea, platted lots, or metes and bounds parcels, as allowed in Section 9.6.1.4, Amendments to Approved PUD District Plans.

#### C. PUD District Plan Contents -- Applicable Design Standards

##### 1. Required PUD District Plan Elements

While the level of detail will vary between a General PUD District Plan and a Detailed PUD District Plan, all PUD District Plans shall include or address the following elements, through specific standards wherever possible. All design standards stated in Article 10, General Design Standards, shall apply in the PUD District Plan unless expressly waived or modified in the PUD District Plan.

a. A written statement of development and design intent for the proposed PUD District Plan, consistent with the purpose and intent of the PUD District stated in Section 9.6.1.1. above.

b. Relationship of the PUD District Plan to existing Neighborhood Context of surrounding properties

c. Building form standards, including building height, siting, and design element standards formatted similarly to the Primary Building Form Standards found in Articles 3 through 7.

d. Appropriate building, use, or other transitions to adjacent properties, development, and uses.

e. Parking for vehicles and bicycles.

f. Vehicle, bicycle, and pedestrian access and circulation, including connections to adjacent properties and public amenities or facilities (e.g., public parks, transit, open space, schools).

g. Off-street loading.

h. Landscaping, screening, fence and wall standards.

i. Grading, including tree preservation and removal.

j. Outdoor lighting.

k. Outdoor storage, sales and display.

l. Signs.

m. Limitations on external effects.

n. Mitigation of potential adverse impacts on surrounding properties.

**2. Optional PUD District Plan Elements**

In addition to the required elements stated in this subsection, a PUD District Plan may include design standards different than the type and subject matter of standards included in this Code, including without limitation, enhanced streetscape standards, minimum open space configuration or design standards, and minimum architectural design standards for buildings in the PUD District.

**D. Effect of Approval of PUD District Plan**

**1. Conformance with PUD District Plan Required**

All development in a PUD District shall conform to the approved PUD District Plan. Minor deviations may be permitted only according to this subsection.

**2. Minor Deviations from Approved PUD District Plans**

The Zoning Administrator, Manager, and Manager of Public Works jointly may authorize minor deviations from previously approved PUD District Plans during the site development plan review (see Section 12.4.3) only when such deviations are necessary in light of technical or engineering considerations. Such deviations from an approved PUD District Plan shall not include any changes that constitute "amendments" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits. Minor deviations approved according to this subsection shall not affect the vested rights status of the PUD District under Section 9.6.1.5 below.

### 9.6.1.4 Amendments to Approved PUD District Plans

Where by its terms, a registered and recorded PUD District Plan states that it may be amended by subarea, platted lots, or metes and bounds parcels, any application to amend such PUD District Plan by subarea, platted lots, or metes and bounds parcels, including an amendment to rezone any such subarea, platted lots or metes and bounds parcels to any other classification:

A. Shall include only that portion of the land area of the PUD District Plan to which the proposed amendment applies;

B. Shall contain only the names and addresses of the owners and holders of deeds of trust of the property within the subarea, platted lots, or metes and bounds parcels to which the proposed amendment applies; and

C. Shall be filed and signed only by all the owners or agents of the owners of the property within the subarea, platted lots, or metes and bounds parcels to which the proposed amendment applies.

D. All required notices relating to an application to amend any such PUD District Plan shall state that the PUD District Plan being amended allows for amendment by subarea, platted lots, or metes and bounds parcels.

E. The process for approving an amendment to a PUD District Plan is the same as for approving an application for rezoning to a PUD District. See Section 12.4.10, Official Zone Map Amendment.

### 9.6.1.5 Vested Rights

#### A. Approval of a PUD District

1. Approval of a PUD District by City Council, whether approved with a General PUD District Plan or a Detailed PUD District Plan, following notice and a public hearing shall constitute a site specific development plan under this Code.

2. Such property right shall not vest until 90 days after the effective date of the ordinance approving the PUD District. The City Clerk shall publish notice advising the general public of the PUD District approval and the creation of a vested property right no later than 14 days after the effective date of the ordinance approving the PUD District. At a minimum, final publication of the ordinance approving the PUD District shall constitute this required publication.

3. Every PUD District shall contain a statement that a vested property right shall be created 90 days after the effective date of the ordinance approving the PUD District.

#### B. Vesting Period

A property right that has been vested through approval of a PUD District shall remain vested for a period of 3 years. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than 3 years only if approved by City Council through an approved PUD District Plan or PUD District Plan amendment or through a development agreement after a public hearing.

# DIVISION 9.7 MASTER PLANNED CONTEXT (M-RH, M-RX, M-CC, M-MX, M-IMX, M-GMX)

## SECTION 9.7.1 MASTER PLANNED CONTEXT DESCRIPTION





**General Character:** The Master Planned Context is intended for developing areas that will develop or redevelop in phases over an extended period of time into entirely new residential and mixed use neighborhoods covering multiple blocks. Examples of areas in Denver that may be appropriately zoned within the Master Planned Context are the Stapleton and Gateway neighborhoods. Development may consist of single-unit, two-unit and multi-unit residential uses, mixed use centers embedded in residential areas, larger town centers, high density transit oriented developments, as well as commercial office and mixed-use industrial employment centers. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial streets but may be located at or between intersections of local streets. Office, research and industrial parks are primarily located near arterials and major highways.

**Street, Block, and Access Patterns:** The Master Planned Context consists of a variety of block shapes and patterns, often depending on the intended land use. In all cases, there is a high degree of vehicle and pedestrian connection through this context. In residential neighborhoods and town centers, blocks are sized to promote circulation and include detached sidewalks, tree lawns and/or streetscape elements, street and surface parking. Block sizes may be very large in industrial areas.

Single- and two-unit residential access is from a primary or side street, or an alley when present. Multi-unit residential access is typically from an alley, primary, side street or shared rear access lane to a surface parking lot, carport parking lot or parking structure. Commercial and industrial access is typically from a primary or side street via a shared or private drive to a surface or structured parking lot.

**Building Placement and Location:** Single- and two-unit buildings typically have consistent landscaped front setbacks along primary streets and consistent shallow setbacks along side streets. Multi-unit buildings typically have consistent landscaped front setbacks along primary streets and consistent shallow setbacks along side streets. Commercial development in town centers and transit oriented developments is typically built up to the street on at least one side of the block with buildings on other sides of the block sometimes having parking located between the building and the street. Commercial development in office, research or industrial parks may be set back from the street with parking or landscape areas between the building and the street.

**Building Height:** Single- and two-unit residential structures are 1 to 2.5 stories. Row house and town house structures are 2 to 5 stories. Multi-unit residential structures and mixed-use buildings are 1 to 8 stories. In the most intensive transit oriented development or commercial business/office centers, building heights may reach 12.

**Mobility:** Equal priority is given to pedestrians, automobile and transit activity. This context will often have has access to the multi-modal transit system in at least a portion of the context.

## SECTION 9.7.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following zone districts have been established in the Master Planned Context and are applied to property as set forth on the Official Map.

| Master Planned Context | |
|---|---|
| M-RH-3 | Row House 3 |
| M-RX-3 | Residential Mixed Use 3 |
| M-RX-5 | Residential Mixed Use 5 |
| M-RX-5A | Residential Mixed Use 5A |
| M-CC-5 | Commercial Corridor 5 |
| M-MX-5 | Commercial Mixed Use 5 |
| M-IMX-5 | Industrial Mixed Use 5 |
| M-IMX-8 | Industrial Mixed Use 8 |
| M-IMX-12 | Industrial Mixed Use 12 |
| M-GMX | General Mixed Use |

### 9.7.2.1 General Purpose

A. The intent of zone districts within the Master Planned Context is to provide flexibility for master planned development of large sites to respond to evolving market opportunities over time. The zone district regulations support phased mixed-use development and allow for a wide variety of uses and building forms. As development proceeds, the permitted uses and building forms are further defined to provide clarity and predictable development outcomes.

B. The building form standards and use standards support medium to high density development and are organized into nine distinct zone districts. Multiple building forms are allowed on a single zone lot.

### 9.7.2.2 Specific Intent

**A. Row House 3 (M-RH-3)**
M-RH-3 is a residential district intended to promote development of new neighborhoods up to 3 stories in height. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. There is a consistent front yard setback with buildings oriented either towards a primary street or to internal courtyard or open space areas. Parking access from the rear or from the front when no alley is present.

**B. Residential Mixed Use 3 (M-RX-3)**
M-RX-3 is a Residential Mixed-Use District intended to promote development of new neighborhoods up to 3 stories in height. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard or open space areas. Parking access from the rear or from the front when no alley is present. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.

**C. Residential Mixed Use 5 (M-RX-5)**
M-RX-5 is a Residential Mixed-Use District intended to promote development of new neighborhoods up to 5 stories in height. Single and two unit building forms are often located on small

lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard or open space areas. Parking access from the rear or from the front when no alley is present. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.

**D. Residential Mixed Use 5A (M-RX-5A)**

M-RX-5A is a residential mixed-use district intended to promote development of new neighborhoods up to 5 stories in height. Distinguished from the M-RX-5 zone district, the M-RX-5A zone district allows the suburban house and town house building forms to allow development in a master planned community consistent with a more Suburban or Urban Edge neighborhood context as described elsewhere in this Code. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard or open space areas. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance.

**E. Commercial Corridor (M-CC-5)**

M-CC-5 is a mixed use district where a building scale of 1 to 5 stories is desired, and which is intended to allow predominantly commercial development along arterial or collector street corridors, or at major intersections with such streets, in a master planned community consistent with a more Suburban or Urban Edge neighborhood context as described elsewhere in this Code. The M-CC-5 district is intended to balance the need for safe, active, and pedestrian-scaled mixed use areas with the need for convenient automobile access. The M-CC-5 District standards have minimum setbacks to allow maximum flexibility in building placement, vehicle circulation and parking lot layout, while ensuring new development contributes positively to adjacent residential neighborhoods and ensures appropriate transitions between commercial development and such adjacent residential neighborhoods.

**F. Commercial Mixed Use 5 (M-MX-5)**

M-MX-5 is a mixed-use district intended to promote development of new town centers and mixed-use neighborhoods up to 5 stories in height. The district is intended to be primarily commercial. Complementary uses may be embedded within the district and primarily residential uses may be located near district boundaries. Buildings are often built to the sidewalk edge, but some commercial buildings may be set back with parking located between the building and the street.

**G. Industrial Mixed Use 5 (M-IMX-5)**

M-IMX-5 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 5 stories.

**H. Industrial Mixed Use 8 (M-IMX-8)**

M-IMX-8 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 8 stories.

**I. Industrial Mixed Use 12 (M-IMX-12)**

M-IMX-5 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 12 stories.

**J. General Mixed Use (M-GMX)**

M-GMX is a mixed use district that provides, in comparison to the other Master Planned zone districts, the widest range of allowed building forms and land uses. The M-GMX District is intended to allow maximum flexibility in certain master planned communities with an extended build-out period, in order to respond to changes and innovations in market demand over time. The M-GMX District may be applied to properties only when a more detailed Regulating Plan is approved prior to site development, or when a General Development Plan for the subject property contains the same level of detail as a Regulating Plan. A Regulating Plan assigns specific building forms, permitted building heights, and a more limited range of land uses to specific blocks and zone lots within the M-GMX District.

### 9.7.2.3 Minimum Requirements for Establishment

The following requirements shall apply in addition to the requirements set forth in Section 12.4.10, Official Map Amendment (Rezoning). Where a conflict exists, the requirements of this Section shall supersede those in Section 12.4.10.

**A. General Development Plan Required**

A General Development Plan that meets the minimum standards stated Section 12.4.12, General Development Plan, shall be completed and approved prior to the City Council's approval of a rezoning to a Master Planned (M-) zone district.

**B. Regulating Plan Required for Development in the M-GMX District**

An official map amendment to a M-GMX District is contingent upon completion of one or more Regulating Plans that meet the minimum standards stated Section 12.4.13 prior to or concurrent with development of all or a portion of the approved M-GMX District. Alternately, if an approved General Development Plan for the subject property contains the same level of detail and information as required in a Regulating Plan, a rezoning to a M-GMX District may be approved without completion of a Regulating Plan.

## SECTION 9.7.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

### 9.7.3.1 General Intent

**A. Urban Design and Building Form Standards**

The Intent of Urban Design and Building Form Standards in all Districts are to:

1. Implement the Denver Comprehensive Plan.
2. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
3. Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
4. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
5. Give equal prominence to pedestrian realm as a defining element of neighborhood character.
6. Spatially define public streets and their associated open space as positive, usable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

7. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

### 9.7.3.2 Building Form Intent

#### A. Height

1. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.

2. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

#### B. Siting

##### 1. Required Build-To

a. Provide a more consistent street edge to enhance the character, quality and accessibility of new development.

b. Improve the relationship between new development and public streets to promote pedestrian activity and establish a sense of place.

c. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

##### 2. Setbacks

a. Site buildings to be consistent with intended character and functional requirements of the context.

b. Improve connections between varied uses and the public street.

##### 3. Parking Location

a. Minimize the visual impacts of parking areas on streets and adjoining property.

b. Minimize conflicts between pedestrian and vehicles.

#### C. Design Elements

##### 1. Configuration

a. Promote variation in building form that enhances access to sunlight, air and views from within and around new structures.

b. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.

c. Main Street setback: Consider the proportional scale of new development necessary to establish a well defined edge to the public street.

d. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

##### 2. Transparency

a. Maximize window area at Street Level to help activate the street.

b. To create rhythms and patterns on building facades that provide visual interest and reflect the uses within the building.

c. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

##### 3. Entrances

a. Give prominence to pedestrian realm as a defining element of district and neighborhood character.

b. Provide convenient access to buildings and active uses from the street.

c. Create a clearly articulated and varied visual hierarchy of building entrances as an aid in way-finding.

d. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

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### 9.7.3.3 Primary Building Form Standards

#### A. Applicability

All development, except detached accessory structures, in all the Master Planned Context zone districts

#### B. General Standards

1. Combining standards from different building forms for the same structure is prohibited, except where expressly allowed.

C. At an applicant's request, a primary structure with an existing assigned building form may be assigned a different permitted building form if:

1. The structure fully conforms with all applicable standards of the new building form; or,

2. The existing assigned building form is no longer a permitted form in the applicable zone district.

#### D. District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

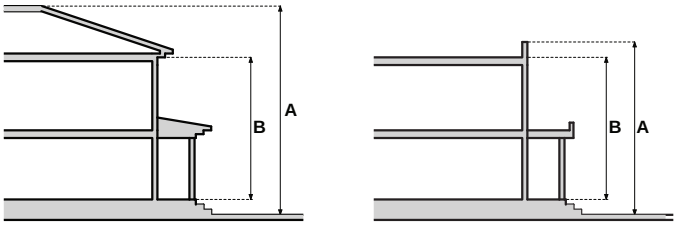
| Master Planned (M-) Neighborhood Context Zone Districts | | Max Number of Primary Structures per Zone Lot | Building Forms | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Suburban House | Urban House | Duplex | Town House | Garden Court | Row House | Apartment | General | Industrial |
| Row House (RH) | M-RH-3 | no max | | ■ | ■ | | ■ | ■ | | | |
| Residential Mixed Use (RX) | M-RX-3, -5 | no max | | ■ | ■ | | | | | ■ | |
| | M-RX-5A | no max | ■ | ■ | ■ | ■ | ■ | ■ | ■ | □ | |
| Commercial Corridor (CC) | M-CC-5 | no max | ■ | | ■ | | | | ■ | ■ | |
| Commercial Mixed Use (MX) | M-MX-5 | no max | | ■ | ■ | | | | | ■ | |
| Industrial Mixed Use (IMX) | M-IMX-5, -8, -12 | no max | | | | | | ■ | ■ | ■ | ■ |
| General Mixed Use (GMX) | M-GMX | no max | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |

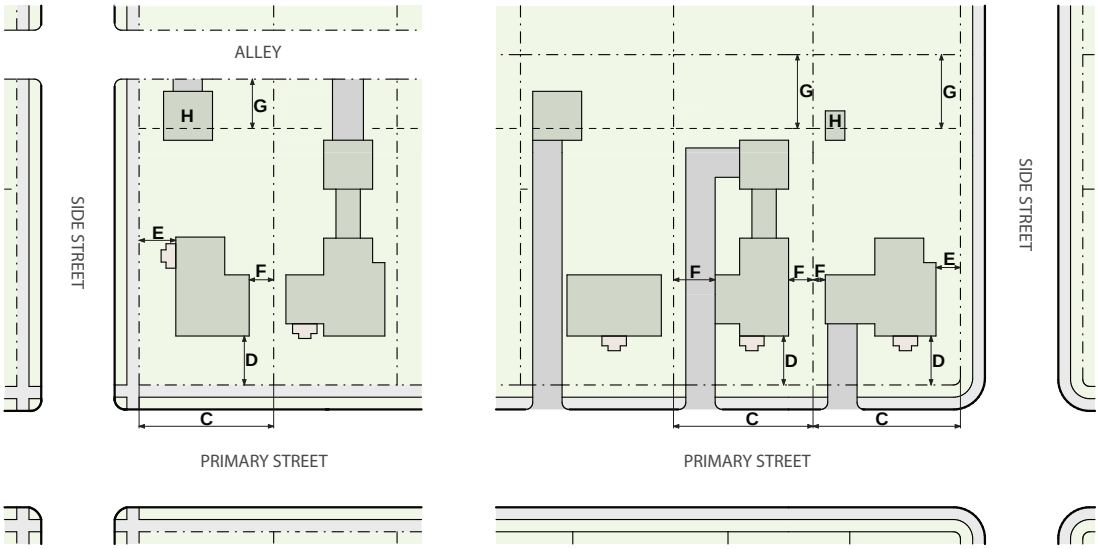
■ = Allowed □ = Allowed subject to limitations.

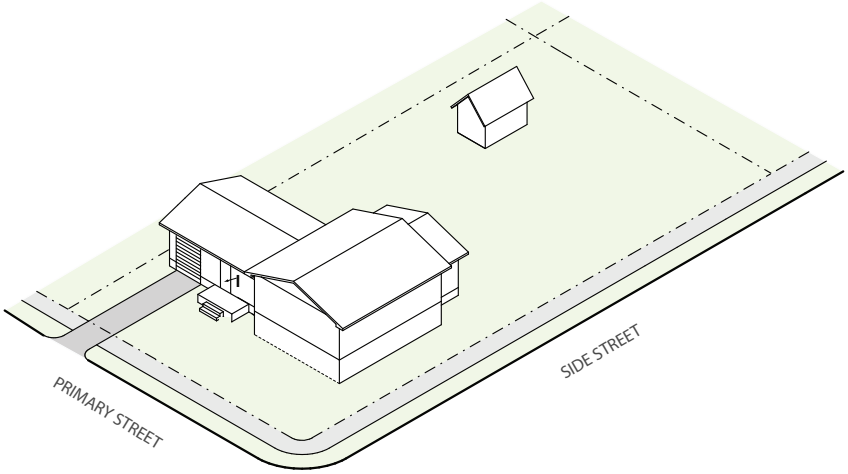
## 9.7.3.4 District Specific Standards

### A. Suburban House

*Not to Scale. Illustrative Only.*



## SUBURBAN HOUSE

| | HEIGHT | M-RX-5A<br>M-GMX, M-CC-5 |
|---|---|---|
| A | Stories (max) | 2.5 |
| A | Feet (max) | 40′ |

| | SITING | M-RX-5A<br>M-GMX, M-CC-5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 2,800 sf |
| C | Zone Lot Width (min) | 25′ |
| | **SETBACKS** | |
| D | Primary Street (min) | 10′ |
| E | Side Street (min) | 10′ |
| F | Side, interior (min) | 3′ |
| G | Rear (min) | 10′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 65% |
| | **PARKING** | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 9.7.7.6) |
| H | **DETACHED ACCESSORY STRUCTURES** | See Sec. 9.7.4 |

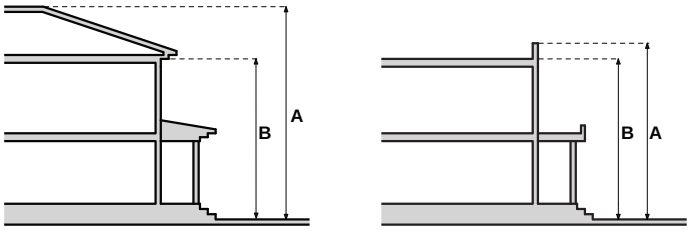
| | DESIGN ELEMENTS | M-RX-5A<br>M-GMX, M-CC-5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Attached Garage Allowed | Shall not project forward of any part of a Primary Street facing facade of a primary structure, which for purposes of this form, may include a front porch. |
| | **STREET LEVEL ACTIVATION** | |
| I | Pedestrian Access, Primary Street | Entry Feature |
| | Design Criteria | See Section 9.7.5.1 |

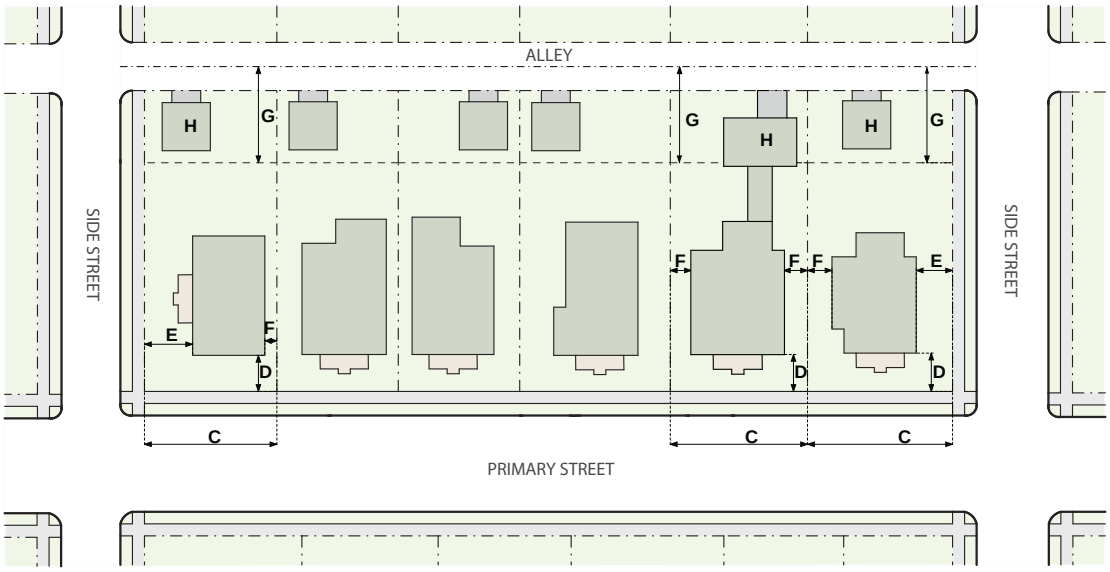
| USES | M-RX-5A<br>M-GMX, M-CC-5 |
|---|---|
| | Primary Uses shall be limited to Single Unit Dwelling. See Section 9.7.9 Uses and Parking |

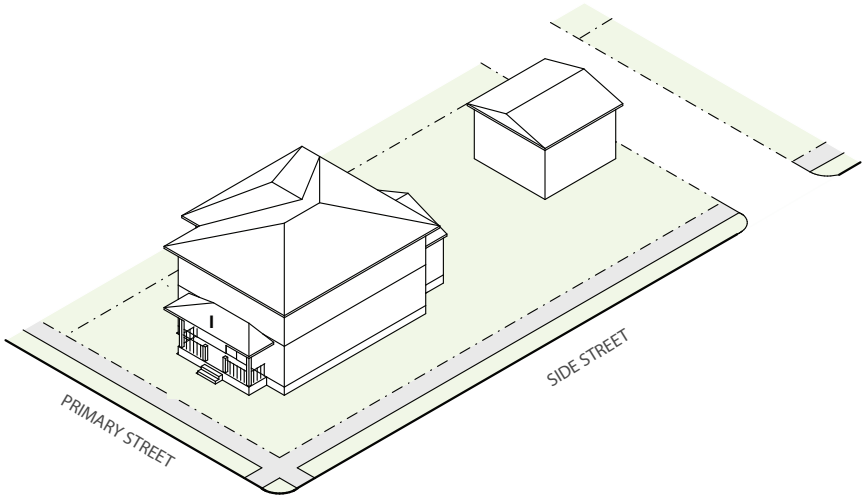
**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## B. Urban House

*Not to Scale. Illustrative Only.*



## URBAN HOUSE

| | HEIGHT | M-RH-3<br>M-RX-3, M-RX-5, M-RX-5A, M-GMX, M-MX-5 |
|---|---|---|
| A | Stories (max) | 2.5 |
| A | Feet (max) | 42′ |

| | SITING | M-RH-3<br>M-RX-3, M-RX-5, M-RX-5A, M-GMX, M-MX-5 |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | 3,000 sf |
| C | Zone Lot Width (min) | 25′ |
| | **SETBACKS** | |
| D | Primary Street (min) | 10′ |
| E | Side Street (min) | 10′ |
| F | Side, interior (min) | 3′ |
| G | Rear (min) | 0′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 75% |
| | **PARKING** | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | 2 Spaces and 320 SF |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Section 9.7.7.6) |
| H | **DETACHED ACCESSORY STRUCTURES** | (See Section 9.7.4) |

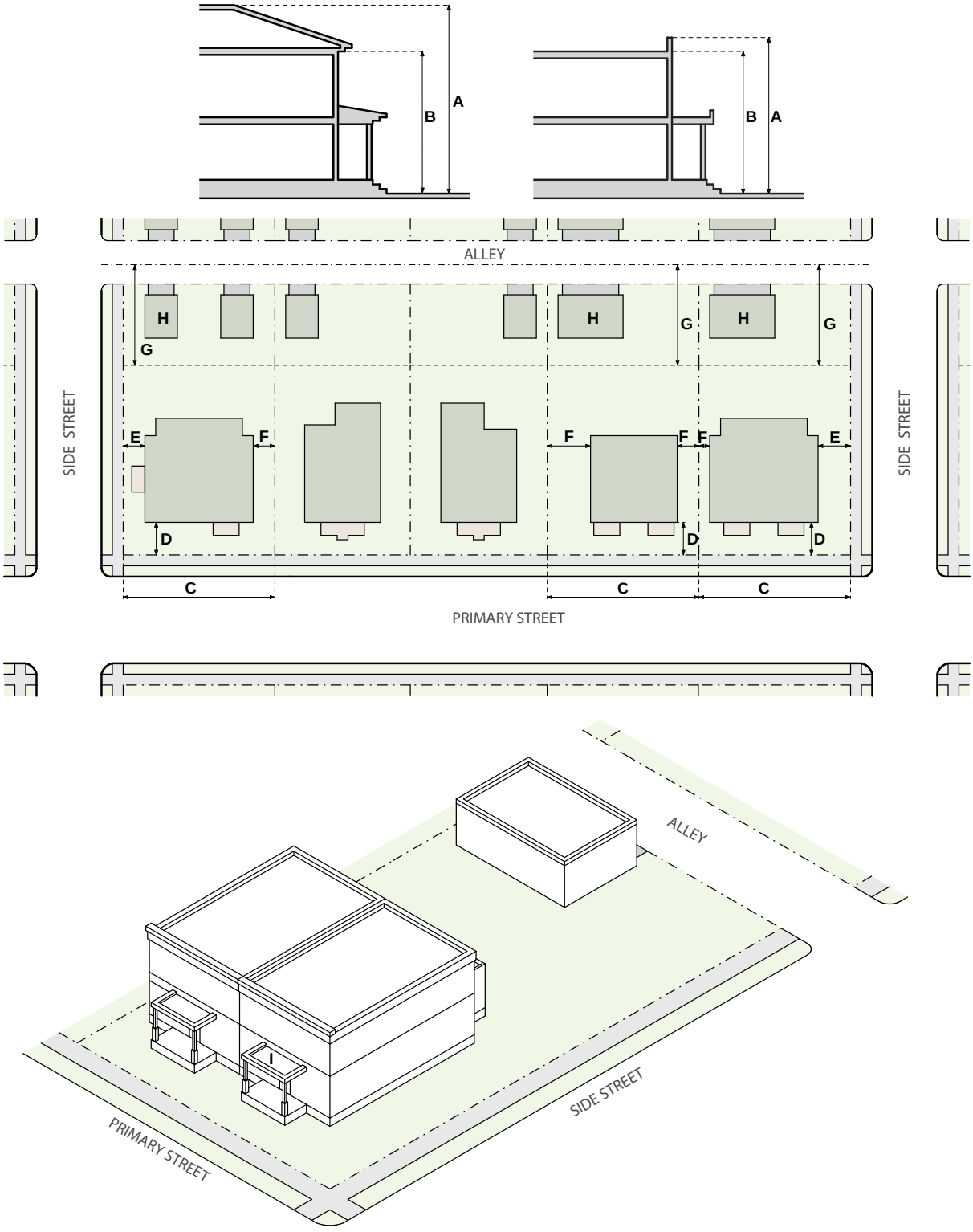
| | DESIGN ELEMENTS | M-RH-3<br>M-RX-3, M-RX-5, M-RX-5A, M-GMX, M-MX-5 |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater |
| | Attached Garage Allowed | Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. (2) Shall be setback 20′ from back of sidewalk for building walls with garage doors that are facing a street |
| | **STREET LEVEL ACTIVATION** | |
| | Design Criteria | (See Section 9.7.5.1) |
| I | Pedestrian Access, Primary Street | Entry Feature |

| USES | M-RH-3, M-RX-3, M-RX-5, M-RX-5A, M-GMX, M-MX-5 |
|---|---|
| | Primary Uses shall be limited to Single Unit Dwelling and permitted Group Living and Nonresidential uses.<br>(See Section 9.7.9 Uses and Parking) |

**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## C. Duplex

*Not to Scale. Illustrative Only.*



## DUPLEX

| | HEIGHT | M-RH-3<br>M-RX-3 | M-RX-5<br>M-MX-5<br>M-RX-5A, M-GMX, M-CC-5 |
|---|---|---|---|
| A | Stories (max) | 2.5 | 2.5 |
| A | Feet (max) | 42′ | 42′ |

| | SITING | M-RH-3<br>M-RX-3 | M-RX-5<br>M-MX-5<br>M-RX-5A, M-GMX, M-CC-5 |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Zone Lot Size (min) | 4,000 sf | 4,000 sf |
| C | Zone Lot Width (min) | 45′ | 45′ |
| | **SETBACKS** | | |
| D | Primary Street (min) | 10′ | 10′ |
| E | Side Street (min) | 10′ | 10′ |
| F | Side, interior (min) | 5′ | 3′ |
| G | Rear (min) | 0′ | 0′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 75% | na |
| | **PARKING** | | |
| | Parking and Drive Lot Coverage in Primary Street Setback (max) | | 50% |
| | Vehicle Access | | From Alley; or Street access allowed when no Alley present (See Section 9.7.7.6) |
| H | **DETACHED ACCESSORY STRUCTURES** | | (See Section 9.7.4) |

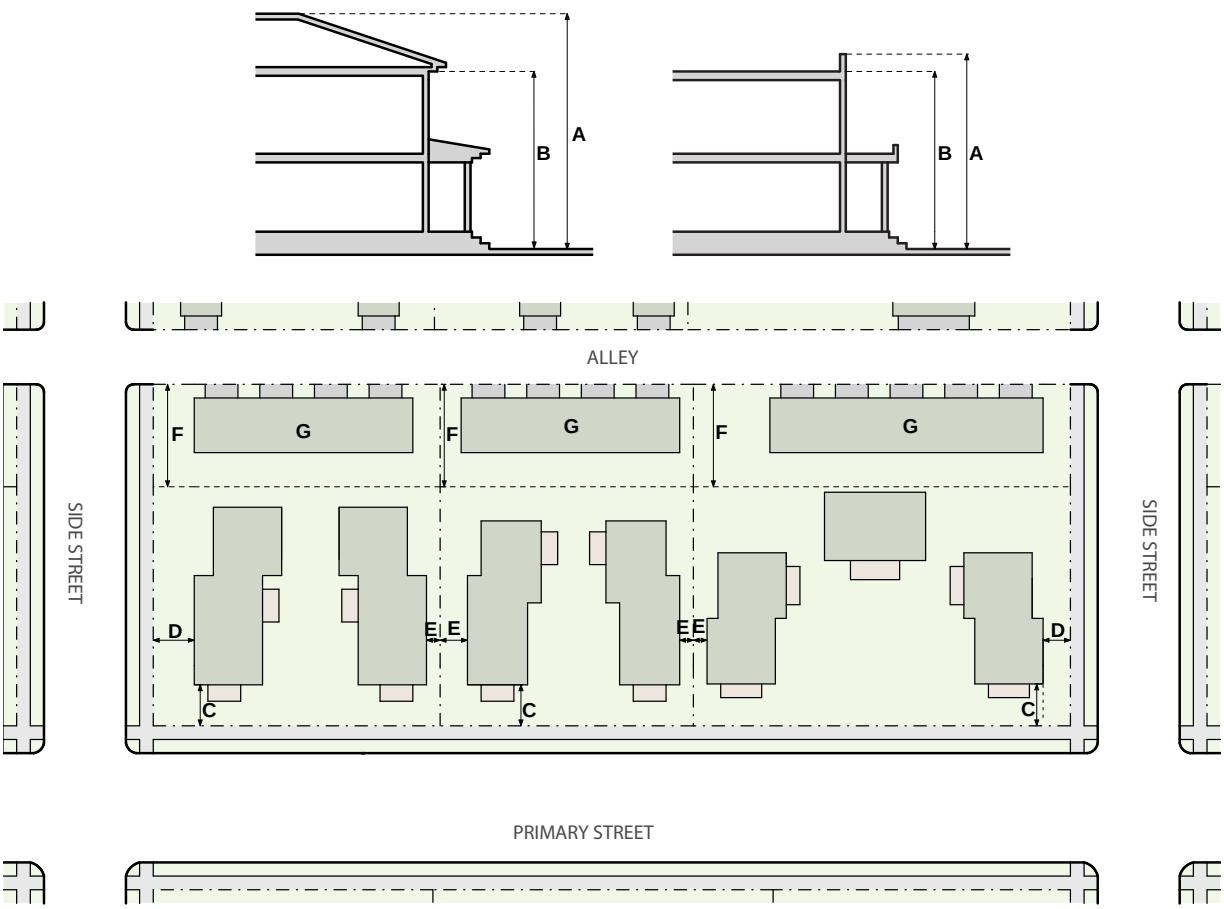
| | DESIGN ELEMENTS | M-RH-3<br>M-RX-3 | M-RX-5<br>M-MX-5<br>M-RX-5A, M-GMX, M-CC-5 |
|---|---|---|---|
| | **BUILDING CONFIGURATION** | | |
| | Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max) | | 35% of the entire width of the Primary Street facing facade of the primary structure or 16′, whichever is greater |
| | Attached Garage Allowed | | Shall not be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) comprising at least 65% of the total width of the primary structure enclosing the primary use. |
| | **STREET LEVEL ACTIVATION** | | |
| | Design Criteria | | (See Section 9.7.5.1) |
| I | Pedestrian Access, Primary Street | | Entry Feature |

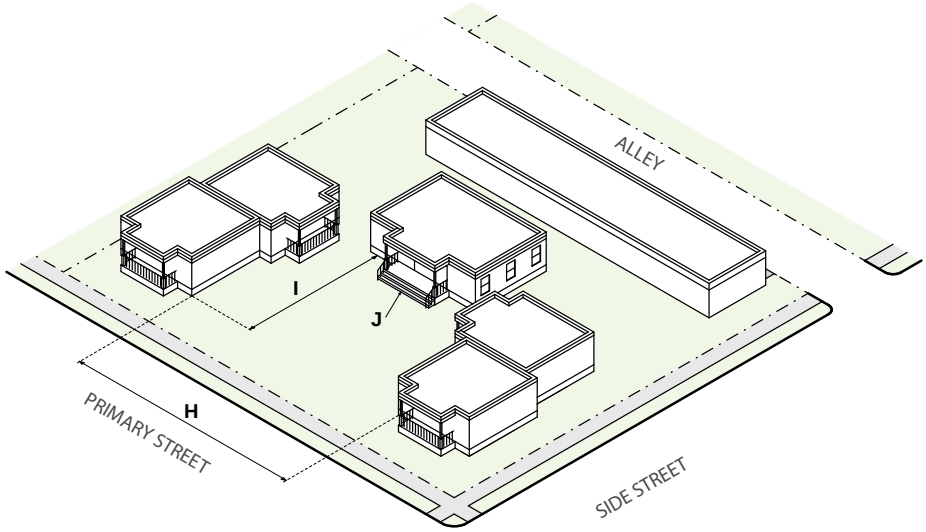
| USES | M-RH-3, M-RX-3, M-RX-5, M-RX-5A, M-MX-5, M-CC-5, M-GMX |
|---|---|
| | Primary Uses shall be limited to Two Unit Dwelling and permitted Group Living and Nonresidential uses. (See Section 9.7.9 Uses and Parking) |

**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## D. Garden Court

*Not to Scale. Illustrative Only.*



## GARDEN COURT

| | HEIGHT | M-RH-3 | M-RX-5A, M-GMX |
|---|---|---|---|
| A | Stories (max) | 2.5 | 2.5 |
| A | Feet (max) | 42′ | 42′ |
| B | Side Wall Height (Max) | 34′ | 34′ |

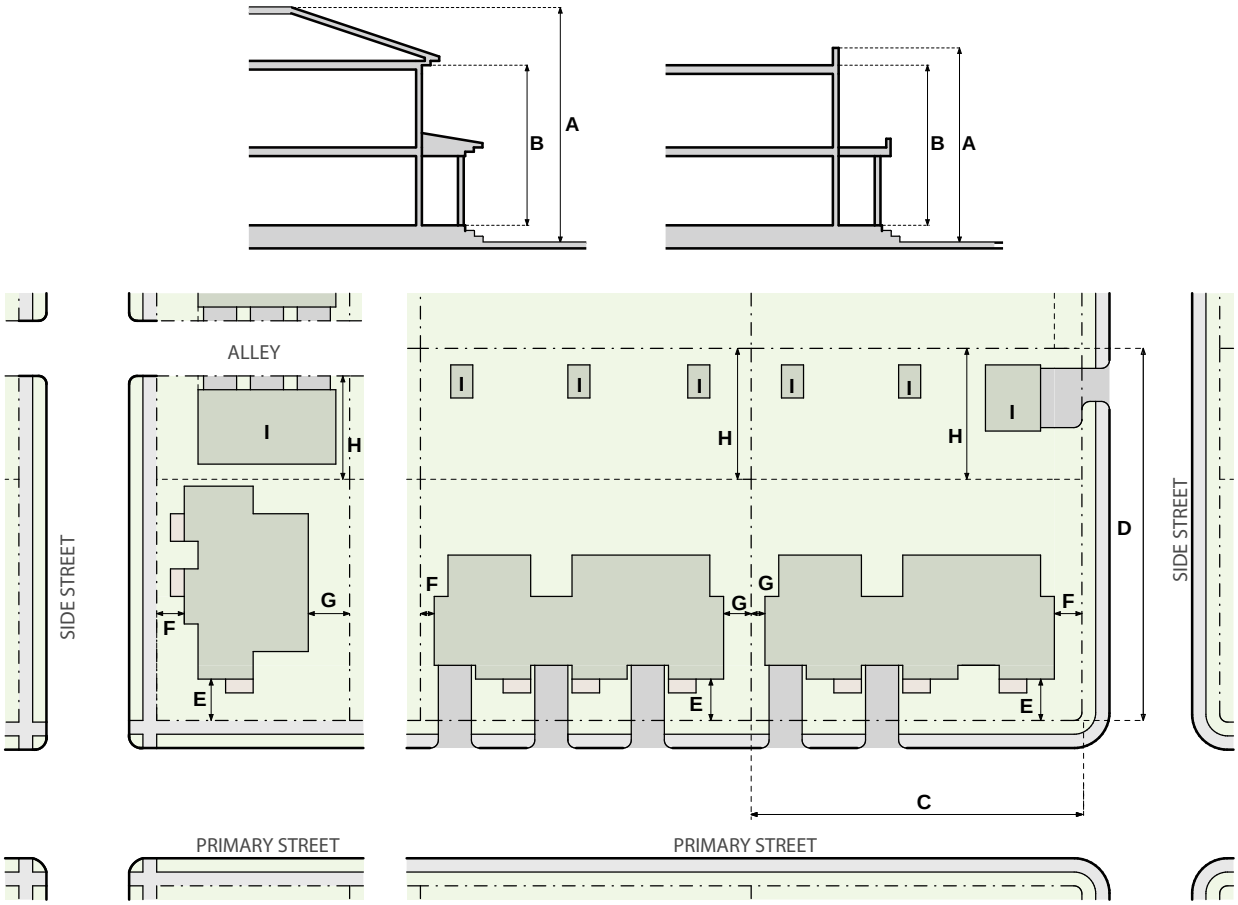
| | SITING | M-RH-3 | M-RX-5A, M-GMX |
|---|---|---|---|
| | **ZONE LOT** | | |
| | Zone Lot Size (min) | 6,000 sf | na |
| | **SETBACKS** | | |
| C | Primary Street (min) | 10′ | 10′ |
| D | Side Street (min) | 10′ | 10′ |
| E | Side, interior (min) | 5′ | 5′ |
| F | Rear alley/no alley (min) | 5′/15′ | 0′/0′ |
| | Building Coverage per Zone Lot, including all accessory structures (max) | 75% | na |
| | **PARKING** | | |
| | Surface Parking Location | No surface parking between building and Primary Street | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present (See Sec. 9.7.7.6) | |
| | **ACCESSORY STRUCTURES** | | |
| G | Detached Accessory Structures Allowed | See Sec. 9.7.4 | |

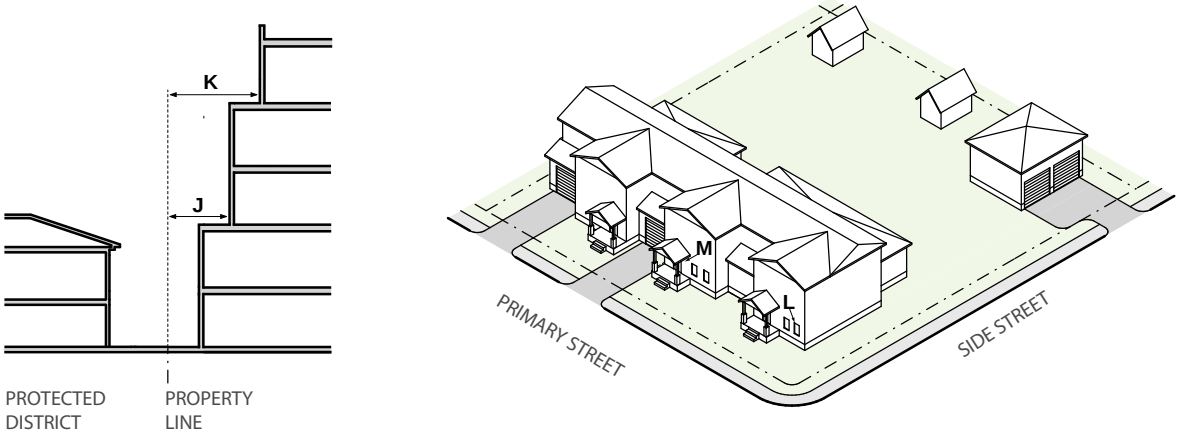
| | DESIGN ELEMENTS | M-RH-3 | M-RX-5A, M-GMX |
|---|---|---|---|
| H | Street-Facing Courtyard Width (min) | 15′ | 15′ |
| I | Street-Facing Courtyard Depth (min) | 30′ | 30′ |
| | Garden Court Design Standards | See Sec. 9.7.5.2 | |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | |
| | **STREET LEVEL ACTIVATION** | | |
| J | Pedestrian Access, Primary Street | Each dwelling unit shall have a Street Level Entrance. A minimum two dwelling units shall each have an Entrance facing the Primary Street and all other dwelling units shall have an Entrance that faces either the Primary Street or the interior courtyard. | |

| USES | M-RH-3, M-RX-5A, M-GMX |
|---|---|
| | Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Section 9.7.9 Uses and Parking |

**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## E. Town House


A
B
B
A
ALLEY
I
H
SIDE STREET
G
F
E
I
I
I
I
I
I
H
H
D
SIDE STREET
F
G
G
F
E
E
C
PRIMARY STREET
PRIMARY STREET


K
J
PROTECTED DISTRICT
PROPERTY LINE
M
L
PRIMARY STREET
SIDE STREET

## TOWN HOUSE

| | HEIGHT | M-RX-5A<br>M-GMX |
|---|---|---|
| A | Stories (max) | 5 |
| A | Feet (max) | 65′ |

| | SITING | M-RX-5A<br>M-GMX |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size (min) | na |
| | Dwelling Units per Primary Residential Structure (min/max) | 3/na |
| | **REQUIRED BUILD-TO** | |
| C | Primary Street (min % within min/max) | 50%<br>0′/80′ |
| | **SETBACKS** | |
| E | Primary Street (min) | 10′ |
| F | Side Street (min) | 10′ |
| G | Side, interior (min) | 5′ |
| | Side, interior, adjacent to Protected District (min) | 10′ |
| H | Rear, alley/no alley (min) | 10′/20′ |
| | **PARKING** | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>(See Sec. 9.7.7.6 ) |
| | **ACCESSORY STRUCTURES** | |
| I | Detached Accessory Structures Allowed | See Sec. 9.7.4 |

| | DESIGN ELEMENTS | M-RX-5A<br>M-GMX |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Primary Street-Facing Attached Garage Door Width (max per unit) | 16′ |
| | **STREET LEVEL ACTIVATION** | |
| L | Transparency, Primary Street (min)* | 20% |
| M | Pedestrian Access | Entrance or Pedestrian Connection |

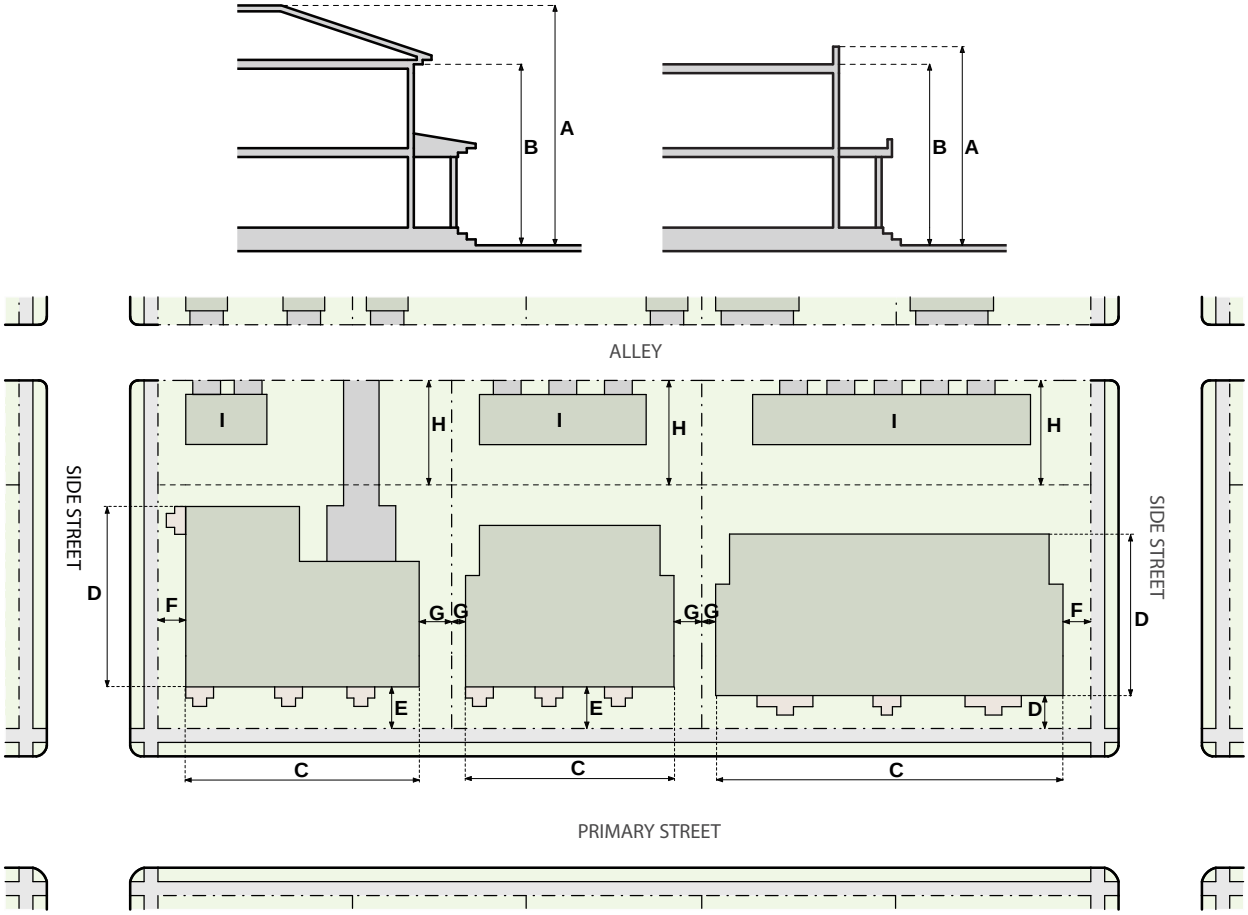
| USES | M-RX-5A<br>M-GMX |
|---|---|
| | Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential uses. See Section 9.7.9 Uses and Parking |

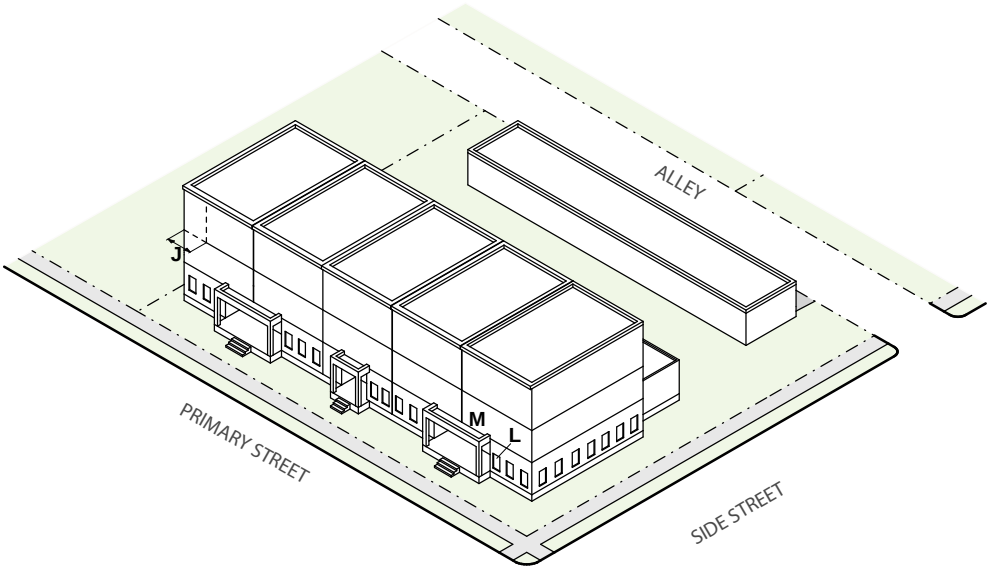
**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

*** Applies only to street-facing portions of building facade located within 80′ of the Primary and/or Side Street**

## F. Row House

*Not to Scale. Illustrative Only.*



## ROW HOUSE

| | HEIGHT | M-RH-3 | M-RX-5A | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 5 |
| A | Feet (max) | 55′ | 70′ | 70′ |
| B | Side Wall Height (max) | 49′ | na | na |

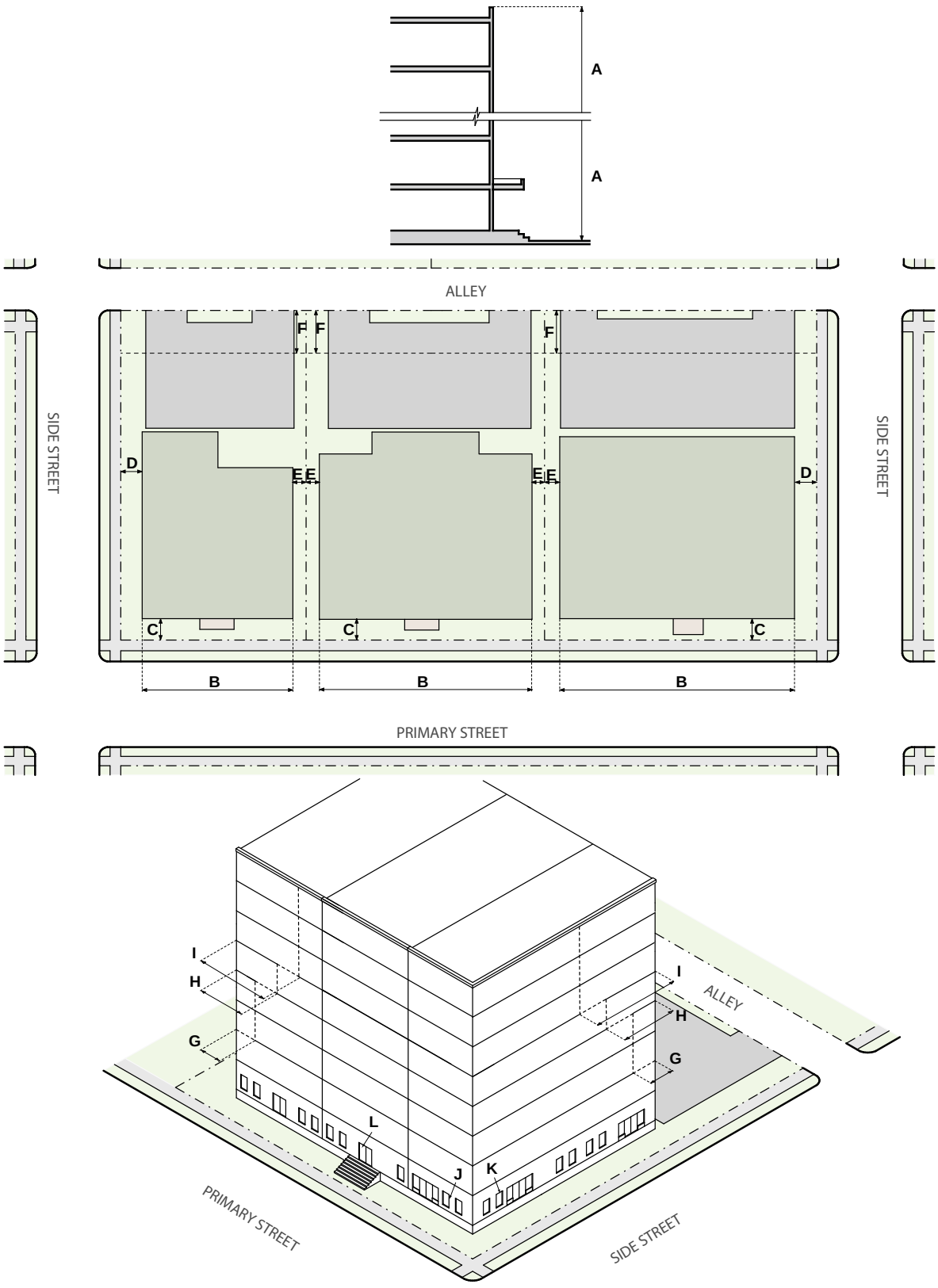
| | SITING | M-RH-3 | M-RX-5A | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| | **ZONE LOT** | | | |
| | Zone Lot Size (min) | 6,000 sf | na | na |
| | Dwelling Units per Primary Residential Structure (min/max) | 3/10 | 3/na | 3/na |
| | **REQUIRED BUILD-TO** | | | |
| C | Primary Street (min % within min/max) | na | 60% 0′/15′ | 60% 0′/15′ |
| D | Side Street (min % within min/max) | na | na | na |
| | **SETBACKS** | | | |
| E | Primary Street (min) | 10′ | 0′ | 0′ |
| F | Side Street (min) | 10′ | 0′ | 0′ |
| G | Side, interior (min) | 5′ | 0′ | 0′ |
| | Side, interior, adjacent to Protected District (min) | na | 5′ | 5′ |
| H | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | na | 5′/10′ | 5′/10′ |
| | **PARKING** | | | |
| | Surface Parking Location | Not allowed between the building and the Primary Street | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure, and/or M-RH-3 | From Alley; or Street access allowed when no Alley present. (See Sec. 9.7.7.6) | | |
| | Vehicle Access, all other uses | Shall be determined as part of Site Development Plan Review | | |
| | **ACCESSORY STRUCTURES** | | | |
| I | Detached Accessory Structures Allowed | See Sec. 9.7.4 | | |

| | DESIGN ELEMENTS | M-RH-3 | M-RX-5A | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| | **BUILDING CONFIGURATION** | | | |
| J | Upper Story Setback Above 27′ adjacent to Protected District, Rear, alley/Rear, no alley /Side, interior (min) | 15′/20′/25′ | 15′/20′/25′ | 15′/20′/25′ |
| K | Upper Story Setback Above 51′, adjacent to Protected District, Rear, alley/Rear, no alley/Side Interior (min) | na | na | 30′/35′/40′ |
| | Street facing garage door width per Primary Structure (max) | 20′ | 20′ | 20′ |
| | Attached Garage Allowed | May follow the Detached Garage building form Side Street, Side Interior and Rear setbacks | na | na |
| | **STREET LEVEL ACTIVATION** | | | |
| L | Transparency, Primary Street (min) | 20% | 20% | 20% |
| M | Pedestrian Access, Primary Street | Entrance or Pedestrian Connection | | |
| | **USES** | **M-RH-3; M-RX-5A; M-GMX and all M-IMX** | | |
| | | Permitted Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Nonresidential Uses. See Section 9.7.9 Uses and Parking | | |

**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## G. Apartment

*Not to Scale. Illustrative Only.*



## APARTMENT

| | HEIGHT | M-RX-5A | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|---|
| A | Stories (max) | 5 | 5 | 8 | 12 |
| A | Feet (max) | 70′ | 70′ | 100′ | 140′ |

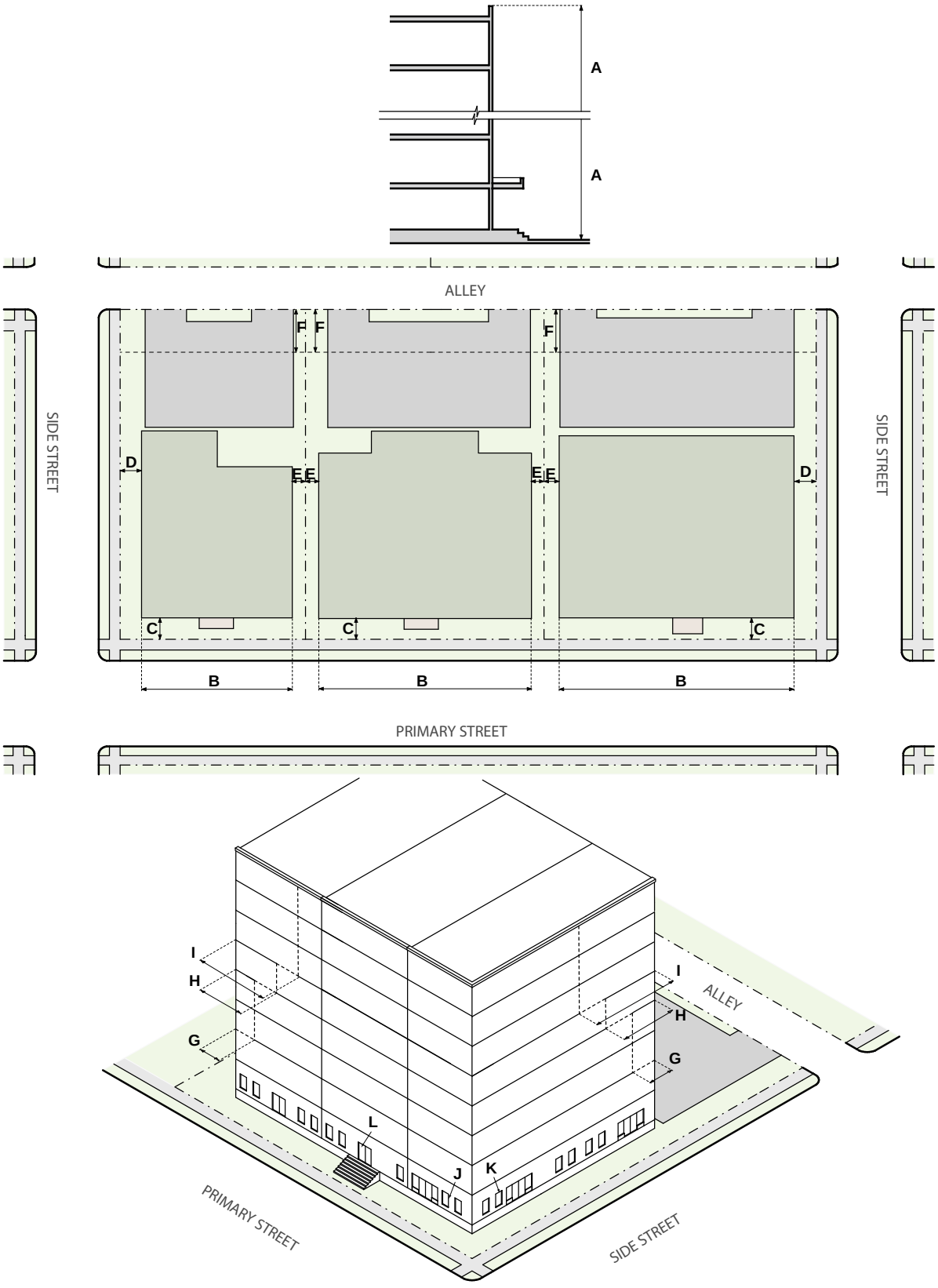
| | SITING | M-RX-5A | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|---|
| | **REQUIRED BUILD-TO** | | | | |
| B | Primary Street (% within min/max) | 50%<br>0′/20′ | 50%<br>0′/15′ | 60%<br>0′/15′ | 50%<br>0′/15′ |
| | **SETBACKS** | | | | |
| C | Primary Street (min) | 0′ | 0′ | 0′ | 0′ |
| D | Side Street (min) | 0′ | 0′ | 0′ | 0′ |
| E | Side, interior (min) | 0′ | 0′ | 0′ | 0′ |
| | Side, interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ | 10′ |
| F | Rear (min) | 0′ | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 5′/10′ | 5′/10′ | 5′/10′ | 5′/10′ |
| | **PARKING** | | | | |
| | Surface Parking Location | Not allowed between the building and the Primary Street | | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.7.7.6) | | | |
| | Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review | | | |

| | DESIGN ELEMENTS | M-RX-5A | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|---|
| | **CONFIGURATION** | | | | |
| G | Upper Story Setback Above 27′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 15′/20′/25′ | 15′/20′/25′ | 15′/20′/25′ | 15′/20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | 30′/35′/40′ | 30′/35′/40′ | 30′/35′/40′ |
| I | Upper Story Setback Above 70′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | na | 90′/90′/90′ | 90′/90′/90′ |
| | **STREET LEVEL ACTIVATION** | | | | |
| J | Transparency , Primary Street (min) | 30% | 30% | 30% | 30% |
| K | Transparency, Side Street (min) | 25% | 25% | 25% | 25% |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | | | |

| USES | M-RX-5A; M-GMX and all M-IMX |
|---|---|
| | Permitted Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Group Living and Lodging Accommodations Uses.<br>See Section 9.7.9 Uses and Parking |

## H. General (1 of 3)

*Not to Scale. Illustrative Only.*



## GENERAL (1 OF 3)

| | HEIGHT | M-RX-3 | M-RX-5 | M-RX-5A* |
|---|---|---|---|---|
| A | Stories (max) | 3 | 5 | 5 |
| A | Feet (max) | 45′ | 70′ | 70′ |

| | SITING | M-RX-3 | M-RX-5 | M-RX-5A* |
|---|---|---|---|---|
| | **SETBACKS** | | | |
| C | Primary Street (min) | 0′ | 0′ | 0′ |
| D | Side Street (min) | 0′ | 0′ | 0′ |
| E | Side, interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 0′ | 10′ | 10′ |
| F | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 5′/10′ | 5′/10′ | 5′/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street / Side Street | Residential Only Buildings: Not Allowed/Allowed<br>All Other: Allowed/Allowed | | |
| | Surface Parking Screening Required | See Article 10, Section 10.5.4.4 | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (See Section 9.7.7.6) | | |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review | | |

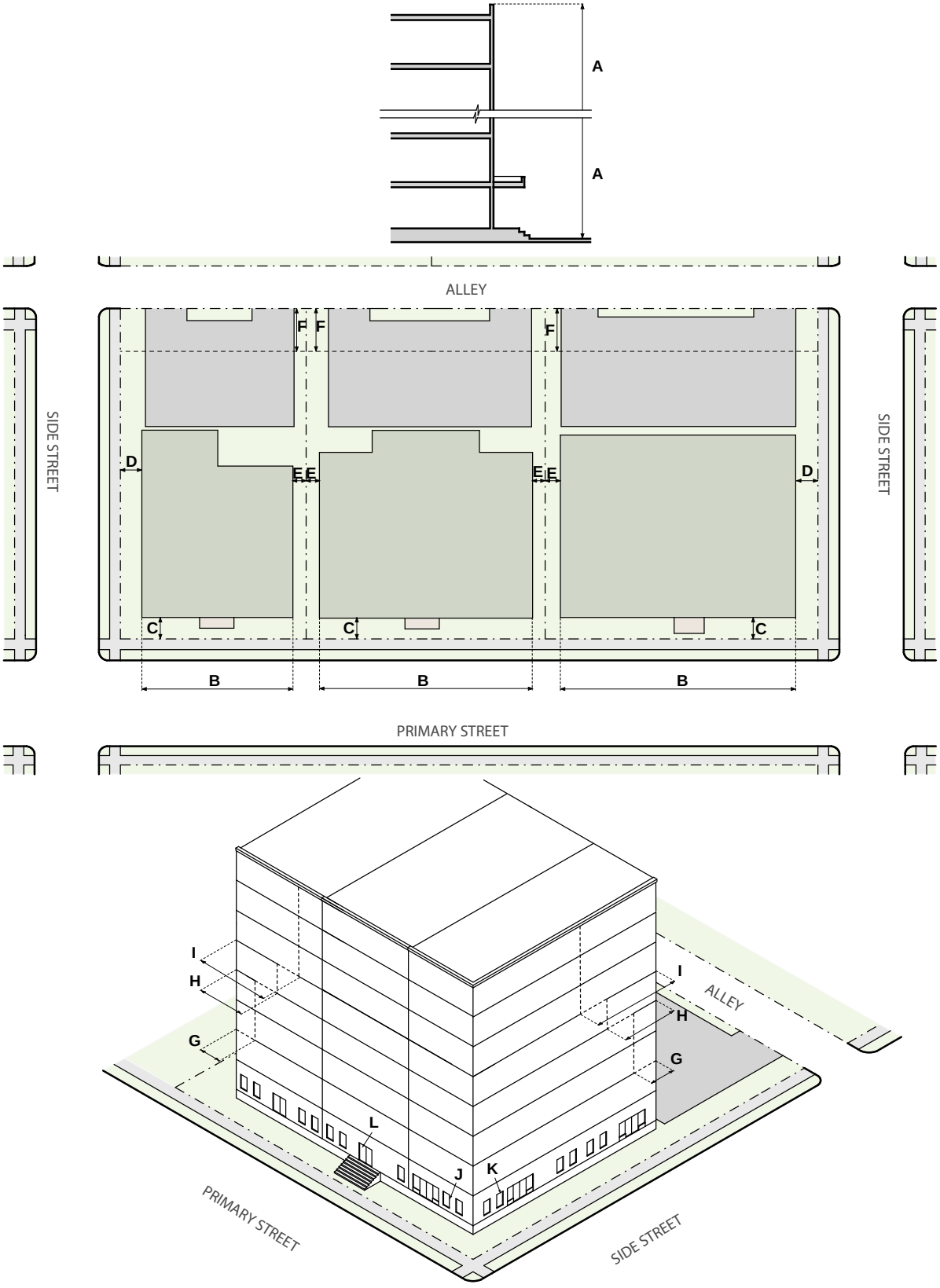
| | DESIGN ELEMENTS | M-RX-3 | M-RX-5 | M-RX-5A* |
|---|---|---|---|---|
| | **CONFIGURATION** | | | |
| G | Upper Story Setback Above 27′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 15′/20′/25′ | 15′/20′/25′ | 15′/20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | 30′/35′/40′ | 30′/35′/40′ |
| I | Upper Story Setback Above 70′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | na | na |
| | **STREET LEVEL ACTIVATION** | | | |
| | Design Criteria | See Section 9.7.5.1 | | |
| J | Transparency, Primary Street (min) | 40%**<br>Residential Only buildings: 30%** | | |
| K | Transparency , Side Street (min) | 25%** | | |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | | |

| USES | M-RX-3, M-RX-5, M-RX-5A |
|---|---|
| | All permitted Primary Uses shall be allowed within this building form, except Single Unit and Two Unit Dwelling uses ; however: (1) Second Story and Above: Residential or Lodging Accommodations uses only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max. (See Section 9.7.9 Uses and Parking) |

* Form is permitted only on corner zone lots where at least one of the intersecting streets is an arterial or collector street, according to the functional street classifications adopted by the Public Works Department.
**Applies only to buildings located within 80′ of a Primary and/or Side Street.

## I. General (2 of 3)

*Not to Scale. Illustrative Only.*



## GENERAL (2 OF 3)

| | HEIGHT | M-CC-5 | M-MX-5 |
|---|---|---|---|
| A | Stories (max) | 5 | 5 |
| A | Feet (max) | 70′ | 70′ |

| | SITING | M-CC-5 | M-MX-5 |
|---|---|---|---|
| | **SETBACKS** | | |
| C | Primary Street (min) | 0′ | 0′ |
| D | Side Street (min) | 0′ | 0′ |
| E | Side, interior (min) | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ |
| F | Rear (min) | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 5′/10′ | 5′/10′ |
| | **PARKING** | | |
| | Surface Parking between building and Primary Street / Side Street | Allowed/ Allowed | Residential Only Buildings: Not Allowed/Allowed<br>All Other: Allowed/Allowed |
| | Screening Required | See Article 10, Section 10.5.4.4 | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.7.7.6) | |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review | |

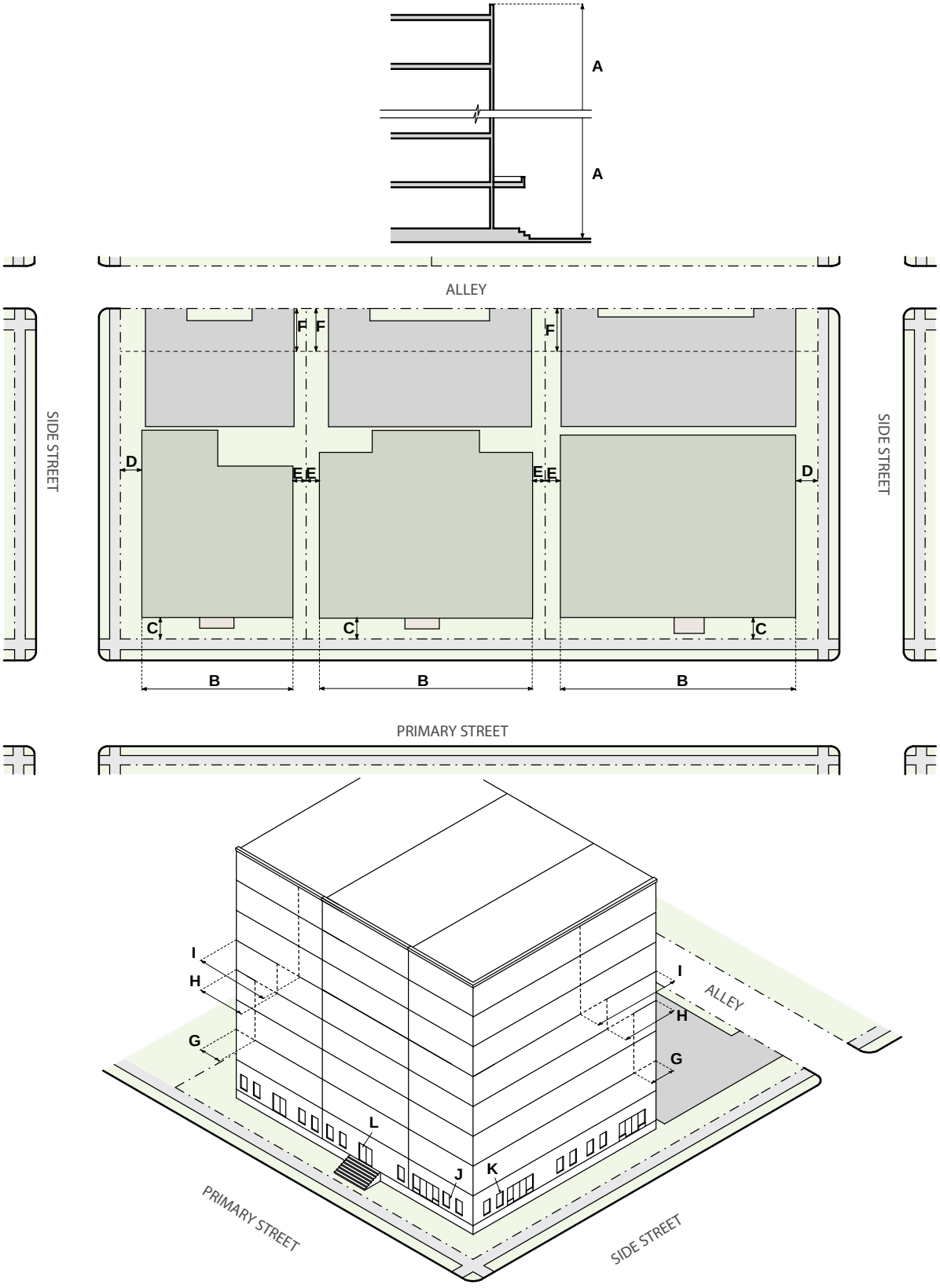
| | DESIGN ELEMENTS | M-CC-5 | M-MX-5 |
|---|---|---|---|
| | **CONFIGURATION** | | |
| G | Upper Story Setback Above 27′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 15′/20′/25′ | 15′/20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 30′/35′/40′ | 30′/35′/40′ |
| I | Upper Story Setback Above 70′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | na |
| | **STREET LEVEL ACTIVATION** | | |
| | Design Criteria | See Section 9.7.5.1 | See Section 9.7.5.1 |
| J | Transparency , Primary Street (min) | 40%**<br>Residential Only buildings: 30%** | 40%**<br>Residential Only buildings: 30%** |
| K | Transparency, Side Street (min) | 25%** | 25%** |
| | Transparency Alternatives | See Section 9.7.6.2 | |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | |

| USES | M-CC-5, M-MX-5 |
|---|---|
| | All permitted Primary Uses allowed within the applicable Zone District, except Single Unit and Two Unit Dwelling uses.<br>See Section 9.7.9 Uses and Parking |

**Applies only to buildings located within 80′ of a Primary and/or Side Street.

## J. General (3 of 3)

*Not to Scale. Illustrative Only.*



## GENERAL (3 OF 3)

| | HEIGHT | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| A | Stories (max) | 5 | 8 | 12 |
| A | Feet (max) | 70′ | 100′ | 140′ |
| | Feet, within 175′ of a Protected District (max) | na | 75′ | 75′ |

| | SITING | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| | **SETBACKS** | | | |
| C | Primary Street (min) | 0′ | 0′ | 0′ |
| D | Side Street (min) | 0′ | 0′ | 0′ |
| E | Side, interior (min) | 0′ | 0′ | 0′ |
| | Side Interior, adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| F | Rear (min) | 0′ | 0′ | 0′ |
| | Rear, adjacent to Protected District, alley/no alley (min) | 5′/10′ | 5′/10′ | 05/10′ |
| | **PARKING** | | | |
| | Surface Parking between building and Primary Street / Side Street | Residential Only Buildings: Not Allowed/Allowed<br>All Other: Allowed/Allowed | | |
| | Screening Required | See Article 10, Section 10.5.4.4 | | |
| | Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (Sec. 9.7.7.6) | | |
| | Vehicle Access, all other permitted uses | Access determined as part of Site Development Plan Review | | |

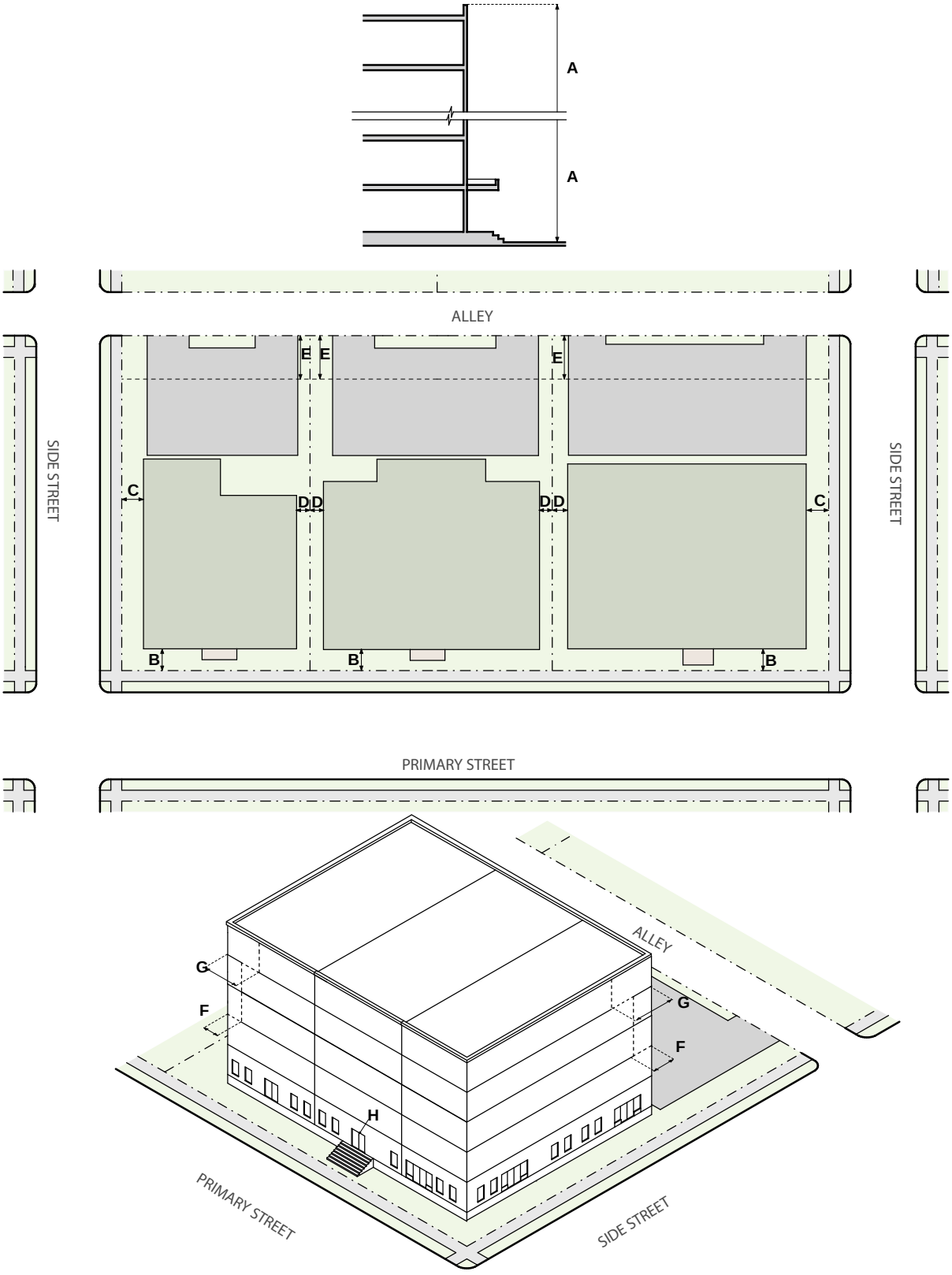
| | DESIGN ELEMENTS | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| | **CONFIGURATION** | | | |
| G | Upper Story Setback Above 27′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 15′/20′/25′ | 15′/20′/25′ | 15′/20′/25′ |
| H | Upper Story Setback Above 51′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | 30′/35′/40′ | 30′/35′/40′ | 30′/35′/40′ |
| I | Upper Story Setback Above 70′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | 90′/90′/90′ | 90′/90′/90′ |
| | **STREET LEVEL ACTIVATION** | | | |
| | Design Criteria | See Section 9.7.5.1 | | |
| J | Transparency, Primary Street (min) | 40%**<br>Residential Only buildings: 30%** | 40%**<br>Residential Only buildings: 30%** | 40%**<br>Residential Only buildings: 30%** |
| K | Transparency, Side Street (min) | 25%** | 25%** | 25%** |
| L | Pedestrian Access, Primary Street | Pedestrian Connection | | |

| USES | M-GMX, All M-IMX |
|---|---|
| | All permitted Primary Uses allowed within the applicable Zone District, except Single Unit and Two Unit Dwelling uses. See Section 9.7.9 Uses and Parking |

**Applies only to buildings located within 80′ of a Primary and/or Side Street.

## K. Industrial

*Not to Scale. Illustrative Only.*



## INDUSTRIAL

| | HEIGHT | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| A | Stories (max) | 5 | 8 | 8 |
| A | Feet (max) | 70′ | 110′ | 110′ |
| | Feet, within 175′ of a Protected District (max) | na | 75′ | 75′ |

| | SITING | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| | **SETBACKS** | | | |
| B | Primary Street (min) | 20′ | 20′ | 20′ |
| C | Side Street (min) | 10′ | 10′ | 10′ |
| | | Can reduce to 5′ on lot less than 100ft in width on the long side of the block | | |
| D | Side Interior (min) | 0′ | 0′ | 0′ |
| | Side Interior adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| E | Rear (min) | 0′ | 0′ | 0′ |
| | Rear Setback adjacent to Protected District (min) | 10′ | 10′ | 10′ |
| | **PARKING** | | | |
| | Primary Street Setback (min) | 10′ | 10′ | 10′ |
| | Side Street Setback (min) | 5′ | 5′ | 10′ |
| | Setback adjacent to Protected District (min) | 10′ | 10′ | 20′ |

| | DESIGN ELEMENTS | M-IMX-5 | M-IMX-8 | M-IMX-12<br>M-GMX |
|---|---|---|---|---|
| F | Upper Story Setback Above 27′, adjacent to Protected District, alley/no alley and side, interior (min) | 20′/25 | 20′/25 | 20′/25 |
| G | Upper Story Setback Above 51′, adjacent to Protected District, alley/no alley and side, interior (min) | 35′/40′ | 35′/40′ | 35′/40′ |
| | Upper Story Setback Above 70′, adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min) | na | 90′/90′/90′ | 90′/90′/90′ |

| USES | M-GMX<br>All M-IMX |
|---|---|
| | Industrial, Manufacturing & Wholesale Primary Uses Only.<br>See Section 9.7.9 Uses and Parking |

# SECTION 9.7.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

## 9.7.4.1 Applicability

All detached accessory structures in all the Master Planned Context zone districts

## 9.7.4.2 General Standards

A. Combining standards from different building forms for the same structure is prohibited.

**B. Detached Accessory Structures Allowed**

Allowed detached accessory structures include, but are not limited to the following:

**1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

**2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

**3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)**

Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

**4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use**

Examples include, but are not limited to the following:

a. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.

b. Solar thermal and photo-voltaic energy systems

c. Air conditioning units

d. Pool pumps, heating and water filtration systems

e. Mailboxes including individual mailbox structures and cluster box units (CBUs)

f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

**5. Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 9.7.4, Detached Accessory Building Form Standards.

**6. Accessory Structures Not Listed**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in Article 11 or this Section.

b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the

structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.

d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 9.7.4.

C. At an applicant's request, a detached accessory structure with an existing assigned building form may be assigned a different permitted detached accessory building form if:

1. The structure fully conforms with all applicable standards of the new detached accessory building form; or,

2. The existing assigned detached accessory building form is no longer a permitted building form in the applicable zone district.

### 9.7.4.3 Supplemental Standards

#### A. Additional Standards for Detached Accessory Structures in All Zone Districts

**1. Building Coverage**

All detached accessory structures on a zone lot, together with the primary structure(s) on such zone lot, shall not exceed any maximum building coverage standard (taking into account any permitted exemptions) applicable in the subject zone district for a particular primary building form (e.g., the suburban house, urban house, and duplex building forms are all subject to a maximum building coverage standard).

**2. Public Art**

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

#### B. Additional Standards for Structures Accessory to Single Unit Dwellings

**1. Required Building Materials**

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

#### C. Additional Standards for Detached Accessory Structure Building Forms

**1. Applicability**

This section applies to the Detached Accessory Structure accessory building forms only.

**2. Limit on Gross Floor Area**

If an accessory use is operated partially or entirely in one or more detached accessory structures, the gross floor area of such detached accessory structures shall not exceed 10 percent of the area of the zone lot; provided, however, that this limitation shall not apply to detached accessory structures with vehicle access doors.

### 9.7.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:

| Master Planned (M-) Neighborhood Context Zone Districts | | Max Number of Detached Accessory Structures per Zone Lot | Building Forms | | |
|---|---|---|---|---|---|
| | | | Detached Accessory Dwelling Unit | Detached Garage | Detached Accessory Structures |
| Row House (RH) | M-RH-3 | no max* | ■ | ■ | ■ |
| Residential Mixed Use (RX) | M-RX-3, -5, -5a | no max* | ■ | ■ | ■ |
| Commercial Corridor (CC) | M-CC-5 | no max | | | ■ |
| Mixed Use (MX) | M-MX-5 | no max | | | ■ |
| Industrial Mixed Use (IMX) | M-IMX-5, -8, -12 | no max | | | ■ |
| General Mixed Use (GMX) | M-GMX | no max | ■ | ■ | ■ |

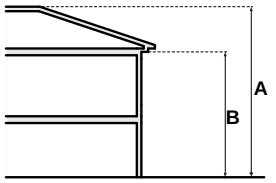
■ = Allowed *One per dwelling unit for structures with vehicle access doors. See Section 1.2.3.5

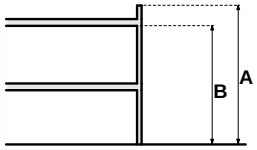
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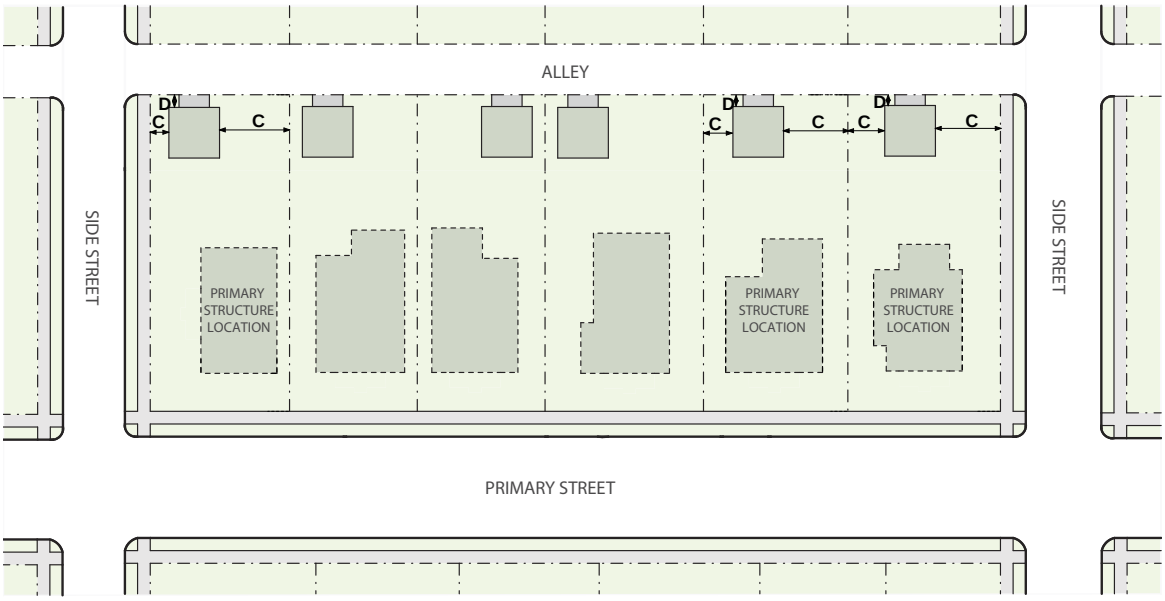
## 9.7.4.5 District Specific Standards

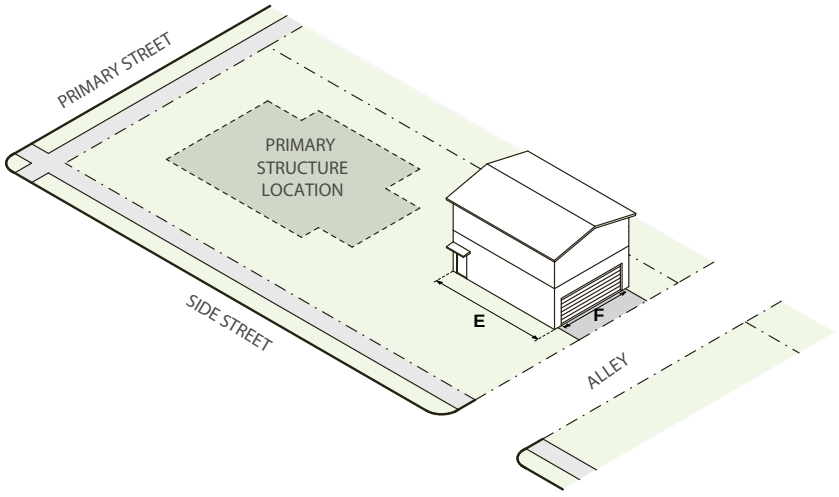
### A. Detached Accessory Dwelling Unit

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY DWELLING UNIT

| | HEIGHT | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| A | Stories (max) | 2 |
| A | Feet (max) | 42′ |

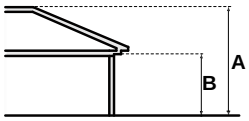
| | SITING | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| | **ZONE LOT** | |
| | Zone Lot Size for ADU (min) | 3,000 sf |
| | Building Coverage Credit (Lesser of) | 50%/500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the Detached Accessory Dwelling Unit form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 sf. To qualify, the ADU form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the ADU form shall be used for vehicle parking. |
| | Detached Accessory Dwelling Unit Location | Located in the rear 35% of the zone lot depth |
| | Additional Standards | See Section 9.7.4.3 |
| | **SETBACKS** | |
| C | Side Interior (min) | 3′ |
| | Side Street (min) | 5′ |
| D | Rear (min) | 0′ |
| | **PARKING** | |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>(See Section 9.7.7.6 for exceptions) |

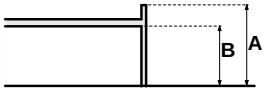
| | DESIGN ELEMENTS | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| | **CONFIGURATION** | |
| | Building Footprint (max) | 1,000 sf |
| E | Overall Structure Length (max) | 36′ |
| | Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 3 |
| | Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 28′ |

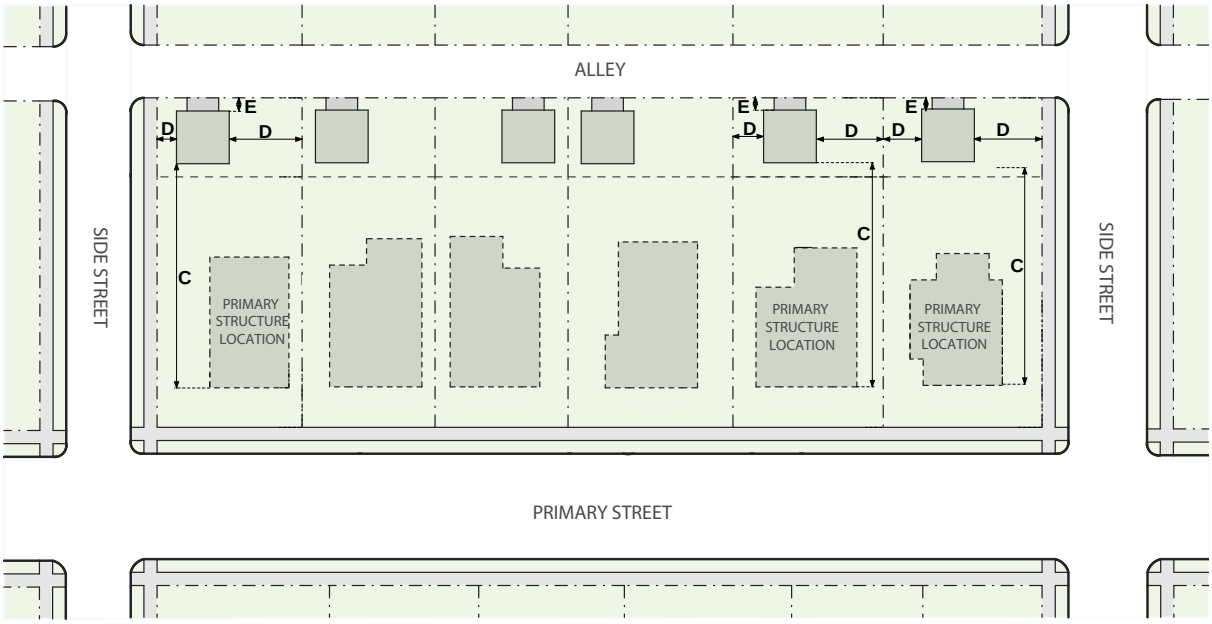
| USES | M-RH-3; M-RX-3, -5, -5A; M-GMX |
|---|---|
| | Accessory Uses Only Accessory to a Primary Single Unit Dwelling Use, including accessory dwelling units where permitted, parking of vehicles, and home occupations.<br>(See Section 9.7.9 for permitted Accessory Uses) |

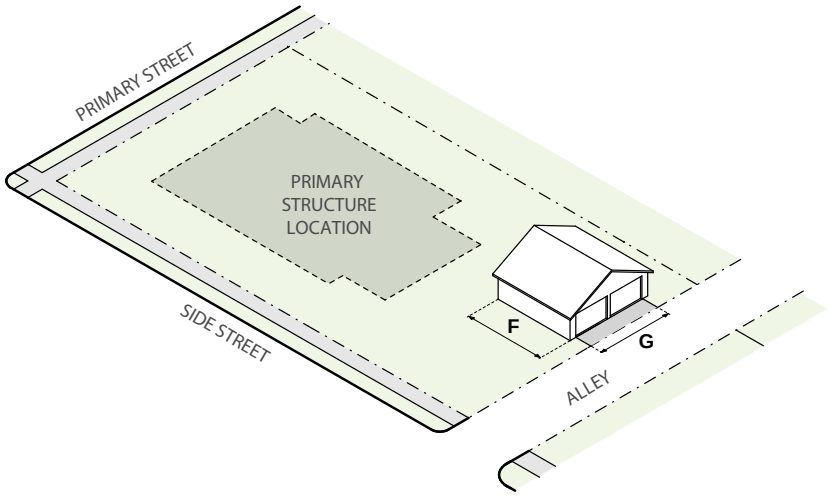
## B. Detached Garage

*Not to Scale. Illustrative Only.*



## DETACHED GARAGE

| | HEIGHT | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| A | Stories (max) | 2 |
| A | Feet (max) | 42′ |

| | SITING | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| | **ZONE LOT** | |
| | Building Coverage Credit (lesser of) | 50% / 500 sf |
| | | An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 sf. To qualify, the detached garage form shall comply with minimum 15′ building separation, as measured according to Article 13, and at least 80% of the Street Level GFA of the building form shall be used for vehicle parking. |
| | Allowed Number of Dwelling Units (min/max) | 0/0 |
| | Additional Standards | See Section 9.7.4.3 |
| | **SETBACKS** | |
| C | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| | Side Street (min) | 5′ |
| D | Side Interior (min), for structure entirely in rear 35% of zone lot depth* | 0′ |
| D | Side Interior (min), for structure not entirely in rear 35% of zone lot depth * | 5′ |
| E | Rear (min) | 0′ |
| | Vehicle Access | From Alley; or Street access allowed when no Alley present<br>See 9.7.7.6 for exceptions |

| | DESIGN ELEMENTS | M-RH-3<br>M-RX-3, -5<br>M-RX-5A<br>M-GMX |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Building Footprint (max) | 864 sf per unit** |
| F | Overall Structure Length | no max |
| | Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 3 |
| G | Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max) | 28′ |

| USES | M-RH-3; M-RX-3, -5, -5A; M-GMX |
|---|---|
| | Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 9.7.9 for permitted Accessory Uses |

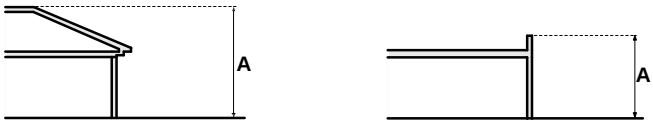
**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

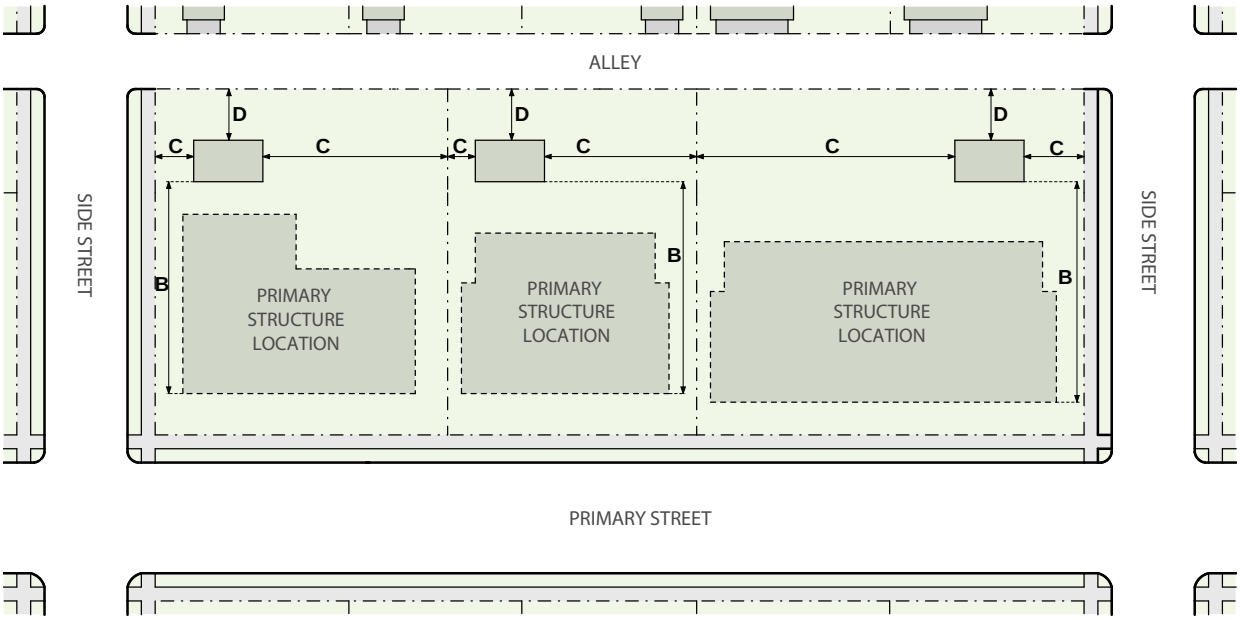
***Setbacks less than 5′ may be subject to more restrictive building and fire code review - Side facing gable roof ends are not permitted where setbacks are less than 5′**

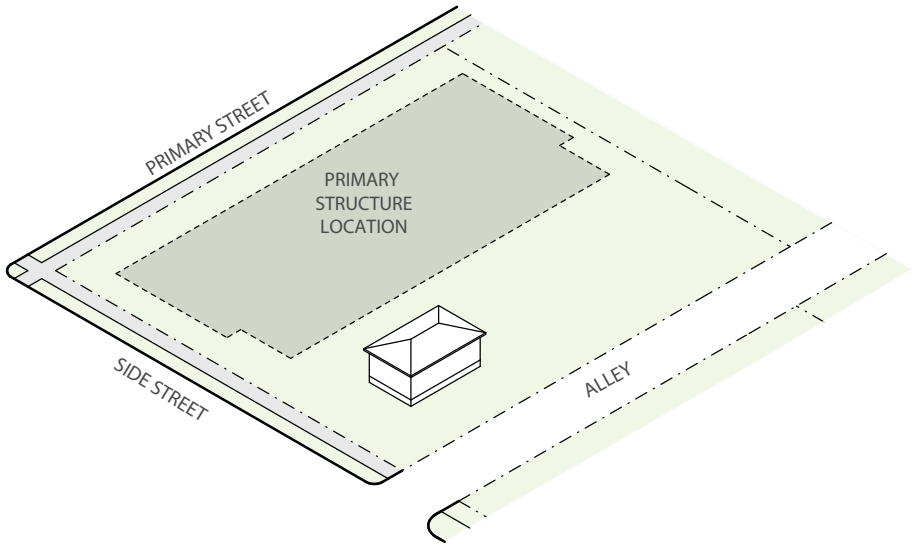
****When used with the Urban House building form, the permitted building footprint for a detached garage may be increased to 1,000 sf**

## C. Detached Accessory Structures

*Not to Scale. Illustrative Only.*



## DETACHED ACCESSORY STRUCTURES

| | HEIGHT | M-RH-3<br>M-RX-3, -5, -5A<br>M-CC-5<br>M-MX-5<br>M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|
| A | Stories (max) | 1 |
| A | Feet (max) | 17′ |

| | SITING | M-RH-3<br>M-RX-3, -5, -5A<br>M-CC-5<br>M-MX-5<br>M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|
| | **SETBACKS** | |
| B | Setback from Primary Street Facing Facade of Primary Structure (min) | 10′ |
| C | Side Street (min) | 5′ |
| | Side Interior (min) | 0′ |
| D | Rear (min) | 5′ |

| | DESIGN ELEMENTS | M-RH-3<br>M-RX-3, -5, -5A<br>M-CC-5<br>M-MX-5<br>M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX |
|---|---|---|
| | **BUILDING CONFIGURATION** | |
| | Gross Floor Area (max) | Shall not Exceed 10% of the Zone Lot Area |

| USES | ALL M- Zone Districts |
|---|---|
| | Accessory Uses Only, excluding accessory dwelling unit accessory to single and two unit primary uses and parking of vehicles accessory to single unit and two unit primary uses.<br>See Division 9.7.9 for permitted Accessory Uses |

**See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**

## SECTION 9.7.5 SUPPLEMENTAL DESIGN STANDARDS

### 9.7.5.1 Site Development Plan Review Standards and Criteria

Site development plan review shall be based on the following standards and criteria:

#### A. General Design Criteria

1. Continue Denver's physical character, including mixed use development, access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
2. Provide an adaptable and interconnected transportation system that encourages multiple modes of transportation, disperses traffic, and provides streets that accommodate multiple transportation modes including motor vehicles, transit, bicycles and pedestrians.
3. Use man-made and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and interconnections.
4. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
5. Create spatial definition of the streets with buildings and landscaping to promote pedestrian activity.
6. Design early phases of development so as to promote long-term quality and character.
7. Encourage housing in a range of densities, sizes, and types.
8. Be consistent with an approved GDP, if applicable.

#### B. Site Design Criteria

1. Locate, screen, and buffer service, storage, delivery and refuse areas to minimize the view from streets, adjacent zone lots, and open spaces.
2. Minimize the visual impacts of parking areas, parking structures, and residential garages on streets, open spaces, and adjoining development.
3. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts, and circulation drives.
4. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and transit facilities.
5. Site and design the use or utilize other technology to reduce potential adverse impacts between otherwise potentially incompatible uses.
6. Incorporate required water quality and stormwater management features into the overall site design.

#### C. Building Design Criteria

1. Create buildings that provide human scale and interest through use of varied forms, materials, details, and colors.
2. Provide architecturally finished and detailed elevations for all exposures of the building with the primary facade, typically the street-facing elevation, having appropriate architectural expression.
3. Provide a primary building entrance facing or clearly visible from the public sidewalk.
4. Use durable materials that complement Denver's tradition as a city of brick and masonry

### 9.7.5.2 Garden Court

A. The courtyard portion of the Garden Court building form shall include all of the following characteristics:

1. Located at natural grade;

2. Visually and physically accessible from the primary street; may be secured for private use;

3. Open to the sky; and

4. Bounded on not less than 3 sides with related building facades on the same Zone Lot.

B. The courtyard portion of the Garden Court building form area may be used for any of the following:

1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or

2. Public or private landscaped area; may also include entries.

C. Vehicular access is not permitted through the Garden Court area.

### 9.7.5.3 Attached Garages

**A. Intent**
To provide adequate space for parking of vehicles on driveways without blocking sidewalks.

**B. Applicability**
This section shall apply to an attached garage accessory to a Dwelling, Single Unit, or Dwelling, two unit, primary use.

**C. Standard**
The minimum primary street setback for an attached garage with a door facing the primary street shall be 20 feet.

# SECTION 9.7.6 DESIGN STANDARD ALTERNATIVES

## 9.7.6.1 Required Build-To Alternatives

### A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:

| REQUIRED BUILD-TO ALTERNATIVES | | | | | | | |
|---|---|---|---|---|---|---|---|
| ZONE DISTRICT | PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE) | PRIVATE OPEN SPACE (MAX % OF BUILD-TO) | GARDEN WALL (MAX % OF BUILD-TO) | GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO) | PERGOLA (MAX % OF BUILD-TO) | ARCADE (MAX % OF BUILD-TO) | COURTYARD (MAX % OF BUILD-TO) |
| M-RH<br>M-RX<br>M-MX<br>M-IMX<br>M-GMX | na | na | 25%* | 30%* | 30%* | 100% | 100% |

*If used in combination with each other, the garden wall, garden wall with covered seating for pedestrians and pergola alternatives may count toward no more than 30% of required build-to.

## 9.7.6.2 Transparency Alternatives

### A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.

### B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.3.A.5:

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUTDOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| M-RH<br>M-RX<br>M-CC<br>M-GMX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 50% | 80% | 40% | 80% |

| TRANSPARENCY ALTERNATIVES | | | | | | |
|---|---|---|---|---|---|---|
| ZONE DISTRICT | ZONE LOT LINE DESIGNATION | DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX) | WALL DESIGN ELEMENTS (MAX) | PERMANENT OUT-DOOR EATING / SERVING AREAS (MAX) | PERMANENT ART (MAX) | COMBINATION OF ALTERNATIVES (MAX) |
| M-MX<br>M-IMX | Primary Street | 40% | 50% | 60% | 40% | 80% |
| | Side Street | 40% | 100%, provided the wall design elements are applied to the entirety (100%) of the length of the Street Level wall. | 80% | 40% | 80%* |

*Wall design elements that are applied to the entire length of the Street Level wall may count toward up to 100% of required side street transparency.

# SECTION 9.7.7 DESIGN STANDARD EXCEPTIONS

## 9.7.7.1 Height Exceptions

### A. Intent

To allow building features to exceed maximum height for utility purposes and/or limited recreation or building amenities in the higher intensity zone districts/larger forms.

### B. Applicability and Standards

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 9.7.7.1.B.

2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.

3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.

4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. Where a building feature exceeds either the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Eaves | All M- Zone Districts | No | No | Any distance when attached to a feature that meets the definition of a Story | Not applicable | Any distance | Any distance |
| Unoccupied spires, towers, flagpoles, antennas, chimneys, flues and vents | All M- Zone Districts | No | No | 28′ | Not applicable | Any distance | Any distance |
| Unoccupied cooling towers and enclosures for tanks | All 5-Story or greater M-RX, M-CC, M-MX, M-IMX, M-GMX Zone Districts | No | Yes | 28′ | Not applicable | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | M-RH-3, M-RX-3 | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perikmeter of the portion of the building facing the Side Interior where adjacent to a Protected District.<br><br>No, all others. | 12′ | 1 story | Not allowed | Not allowed |
| Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment | All 5-Story or greater M-RX, M-CC, M-MX, M-IMX, M-GMX Zone Districts | Yes | Yes, from the perimeter of the portion of the building facing the Primary Street or Side Street.<br><br>Yes, from the perikmeter of the portion of the building facing the Side Interior where adjacent to a Protected District.<br><br>No, all others. | 28′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | M-RH-3, M-RX-3 | Yes | Yes | 12′ | 1 story | Not allowed | Not allowed |
| Elevator lobbies | All 5-Story or greater M-RX, M-CC, M-MX, M-IMX, M-GMX Zone Districts | Yes | Yes | 28′ | 1 story | Not allowed | Not allowed |
| Open Structures | M-RH-3, M-RX-3 | Yes | Yes | 12′ | Not applicable | Not allowed | Not allowed |
| Open Structures | All 5-Story or greater M-RX, M-CC, M-MX, M-IMX, M-GMX Zone Districts | Yes | Yes | 28′ | Not applicable | Not allowed | Not allowed |

| BUILDING FEATURES | ZONE DISTRICTS | THE AGGREGATE SHALL NOT EXCEED 33-1/3 PERCENT OF THE AREA OF THE SUPPORTING ROOF | SHALL BE SET BACK FROM THE PERIMETER OF THE BUILDING A MINIMUM OF ONE FOOT HORIZONTALLY FOR EVERY ONE FOOT OF VERTICAL HEIGHT | MAY EXCEED MAXIMUM HEIGHT IN FEET BY: | MAY EXCEED MAXIMUM HEIGHT IN STORIES BY: | MAY PROJECT THROUGH THE BULK PLANE | MAY ENCROACH INTO THE UPPER STORY SETBACK |
|---|---|---|---|---|---|---|---|
| Parapet Wall and/or Safety Railing | All 5-Story or greater M-RX, M-CC, M-MX, M-IMX, M-GMX Zone Districts | No | No | Any distance | Not applicable | Not allowed | Not allowed |
| Flush-mounted solar panels | All M- Zone Districts | No | No | Any distance | Not applicable | Any distance | Any distance |
| Evaporative coolers | All M- Zone Districts | No | Yes | Any distance | Not applicable | Any distance | Any distance |
| Accessory water tanks | All M-CC, M-MX, M-IMX, M-GMX Zone Districts | No | Yes | 28′ | Not applicable | Any distance | Any distance |
| Pedestrian bridge | All M- Zone Districts | Not applicable | Not applicable | 28′ | Any number | Any distance | Any distance |

### 9.7.7.2 Required Build-To Exceptions

#### A. Civic, Public & Institutional Uses

**1. Intent**

To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.

**2. Standard**

Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

#### B. Parkways

**1. Intent**

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

**2. Standard**

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

### 9.7.7.3 Setback Exceptions

**A. Intent**

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

**B. Standard**

In all M- zone districts, where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

1. The street setback required by the applicable building form standards in this Code; or
2. The required Parkway setback established under D.R.M.C., Chapter 49.

### 9.7.7.4 Setback Permitted Encroachments

**1. Intent**

To allow minor elements to encroach into a setback while maintaining an open and unobstructed minimum setback space.

**2. Standard**

Required minimum setbacks shall be open and unobstructed. The following setback encroachments, excluding required upper story setbacks, are allowed:

**a. Architectural Elements**

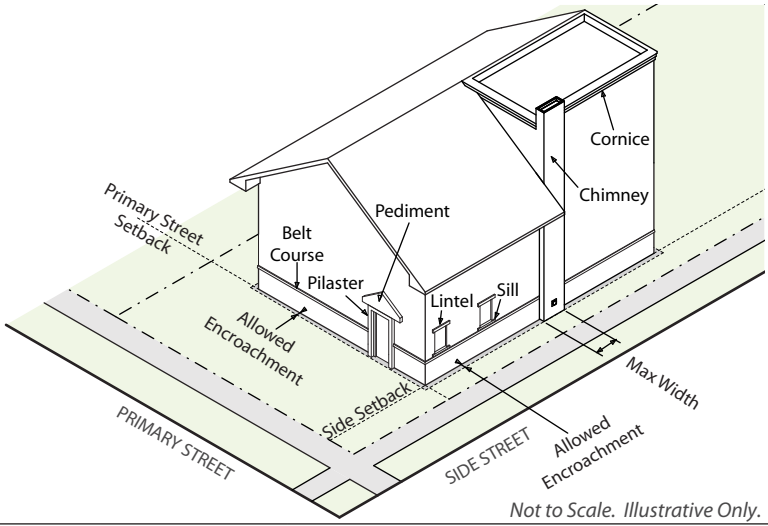
To allow for minor elements which add to the architectural character of buildings, while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Belt Courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding 6' in width | All M- Zone Districts | All Building Forms | 1.5' Cornices only: 3' | 1.5' Cornices only: 3' | 1.5' Cornices only: 3'; if setback is less than 5': 2' | 1.5' Cornices only: 5' |

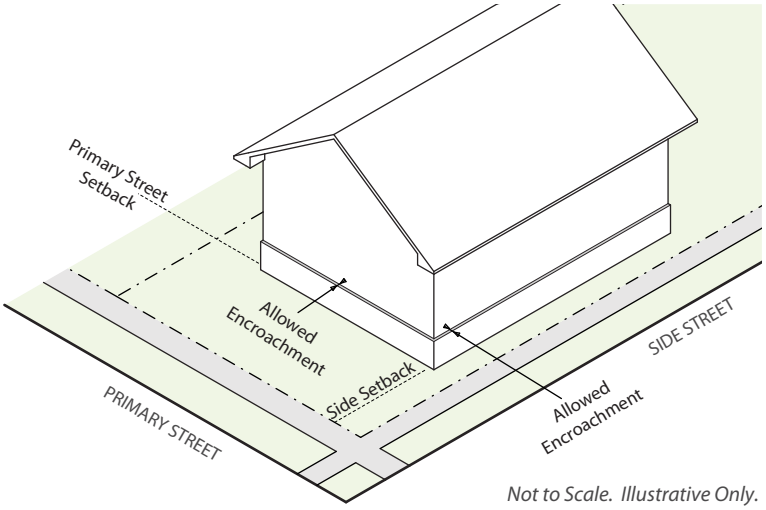
Intent: To allow common, minor decorative elements which are integral to a building.

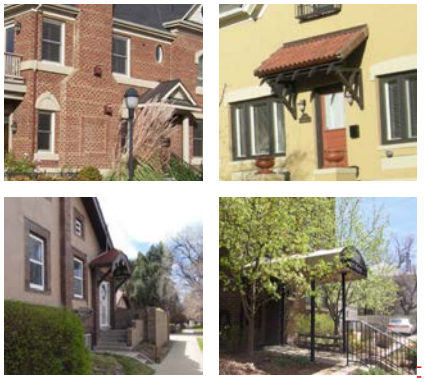
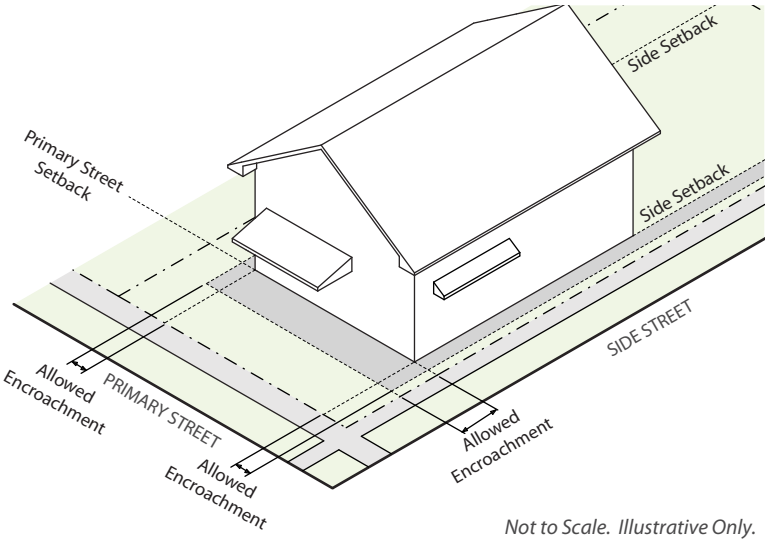


*Illustrative only*




*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Brick and stone veneers above Finished Grade for re-siding an existing structure only | All M- Zone Districts | All Building Forms | 6″ | 6″ | 6″ | 6″ |
| Intent: To allow for re-siding of existing structures which may not meet a required minimum setback or the re-siding of the structure would result in not meeting the required minimum setback. |  *Not to Scale. Illustrative Only.* | | | | | |

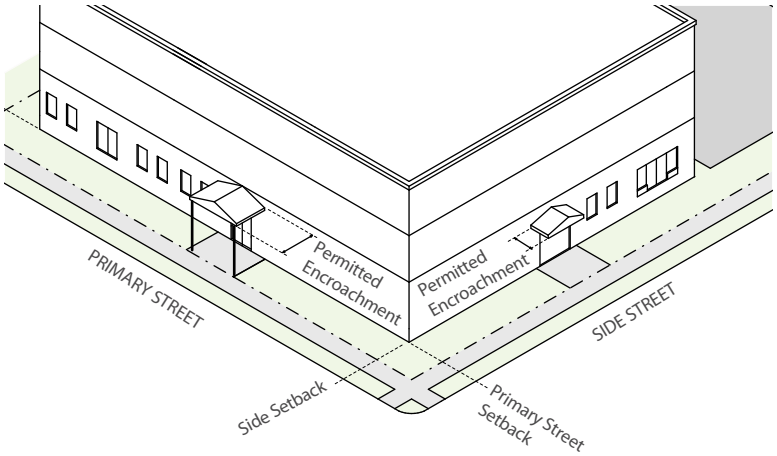
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>Shall be no more than 8′ maximum in horizontal width;<br>• Shall be open on three sides;<br>• May include an at-grade landing. | All M-RH districts | All Building Forms | 3′ | 3′ | 3′; if setback is less than 5′: 2′ and at no point closer than 2′ to a property line. | Not allowed |
| Intent: To provide for covering over an entrance to protect from weather. Unlike the Porch encroachment, canopy is allowed in Side Interior. |  *Illustrative only* | |  *Not to Scale. Illustrative Only.* | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Canopies providing cover to an entrance:<br>• The width shall be no greater than 25% of the width of the face of the building or 20', whichever is less; and<br>• Shall be open on three sides. | All M- districts, except M-RH | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |

Intent: Provide protection from the weather for pedestrians entering the building and define street entrances to the building.



*Illustrative only*



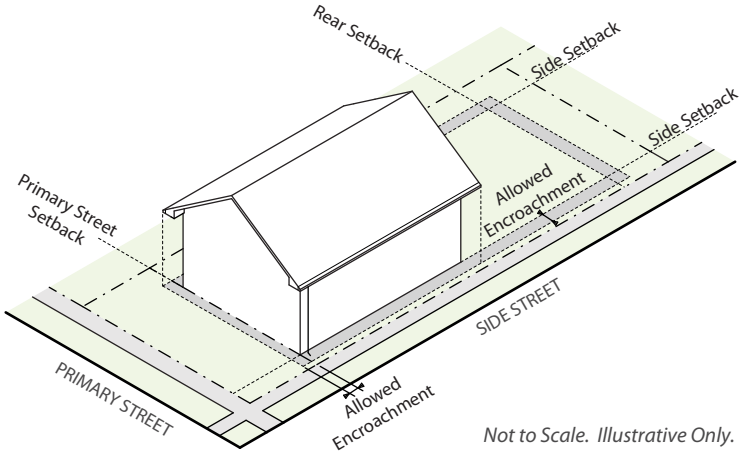

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gutters and Roof Overhang | All M- Zone Districts | All Building Forms | 3' | 3' | 3'; if setback is less than 5': 2' | 5' |

Intent: To allow features of structures intended to repel weather



*Illustrative only*



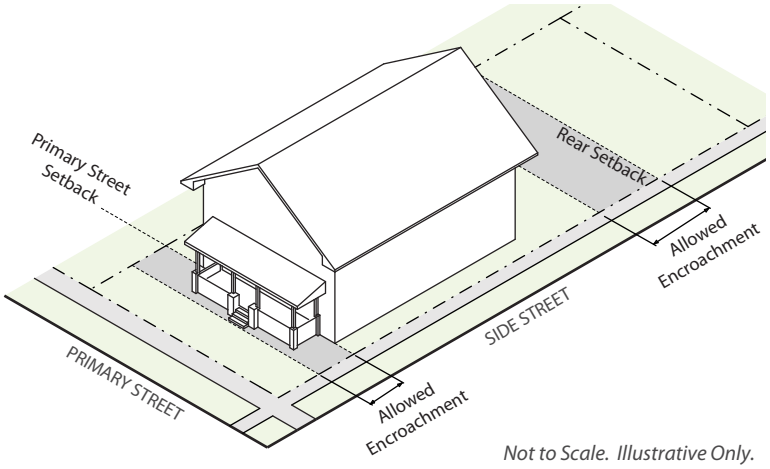

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Porches (1-Story or multi-Story), Decks, Patios, Exterior Balconies, Stoops, and above-grade stairways at the Street Level connected to a Porch:<br>• May be covered;<br>• All sides shall be at least 50% open except for any side abutting a building facade or fire wall. | All M- Zone Districts | All Building Forms | Any distance provided a minimum of 1' between right-of-way and first riser of above- grade stairway | Any distance provided a minimum of 1' between right-of-way and first riser of above-grade stairway | Not allowed | 5' |

Intent: To promote elements which provide for street activation and human scale.



*Illustrative only*



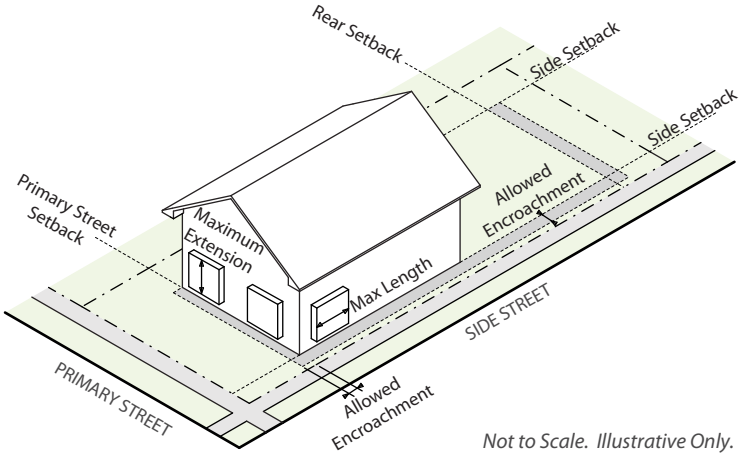

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Projecting Windows:<br>• Shall be a minimum of 1.5' above finished floor;<br>• Shall not extend floor to ceiling; and<br>• No individual projection shall be more than 10' in horizontal length at the opening along the face of the building. | All M- Zone Districts | All Building Forms | 1.5' | 1.5' | Not allowed | 1.5' |

Intent: To allow for improved interior daylighting.



*Illustrative only*



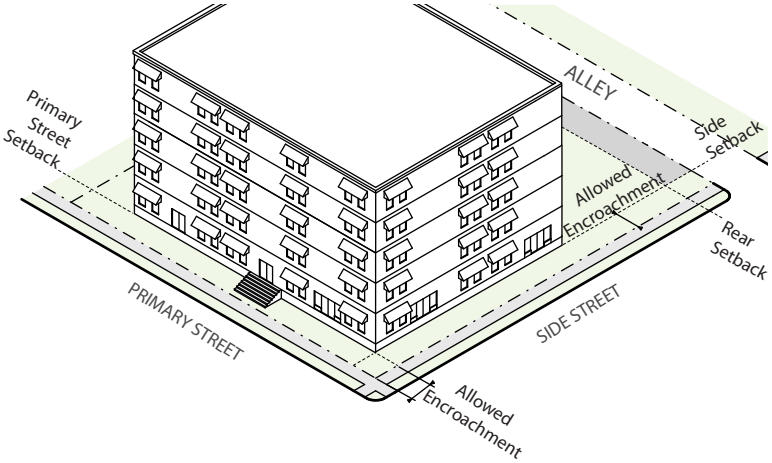

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Shading devices: building elements, such as awnings, designed and intended to control light entering a building | All M- Zone Districts | All Building Forms | 5′ | 5′ | 3′ | 10′ |

Intent: To allow for elements either integral or attached to a building which control light entering through windows.



*Illustrative only*

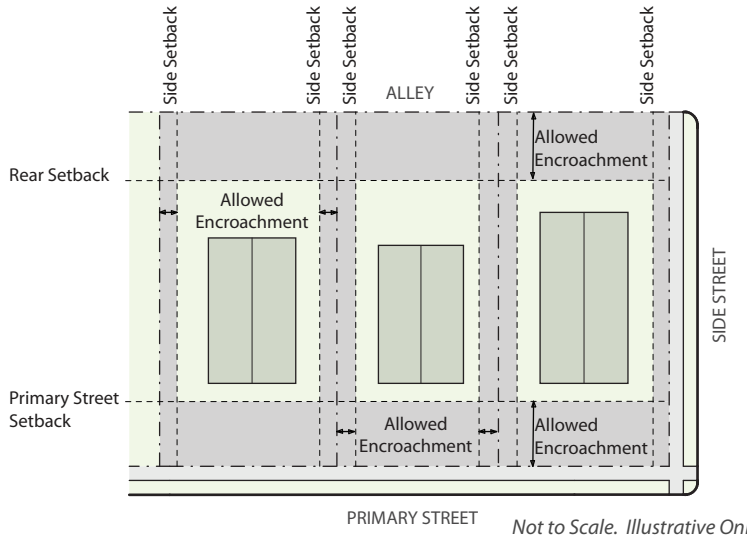


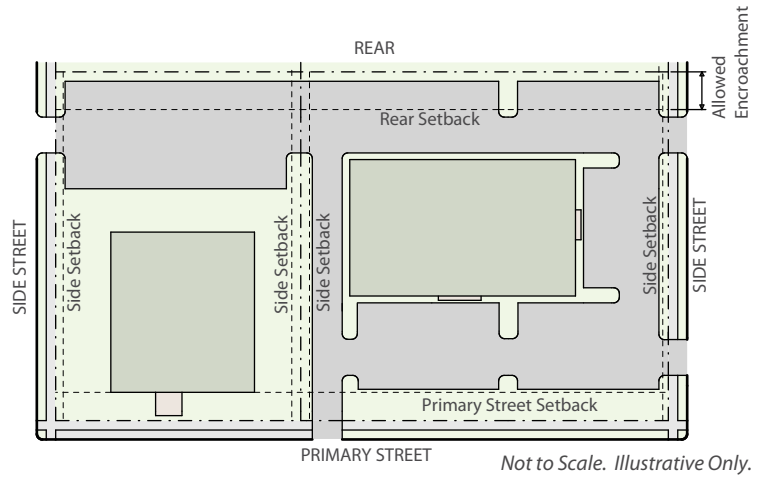

*Not to Scale. Illustrative Only.*

**b. Site Elements**

To allow for minor screening and parking elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Fences and Walls | See Article 10, Division 10.5 Landscaping, Fences, Walls and Screening | | | | | |

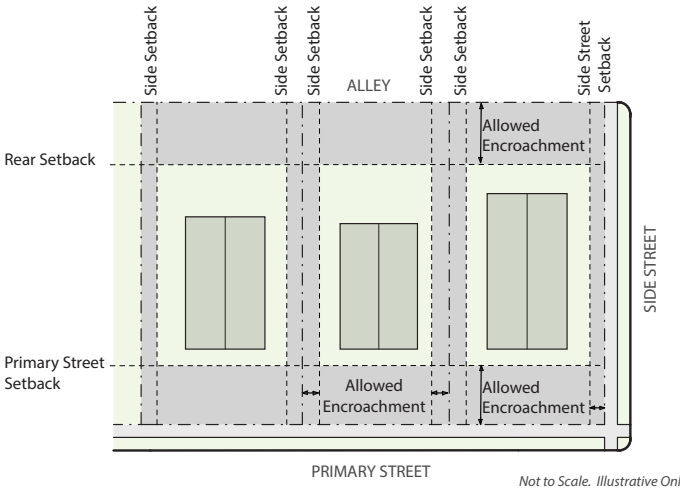
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area | All M-RH, M-RX, M-GMX | Suburban House, Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow surface parking where it is not impactful due to the number of required parking spaces. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Off-Street Parking Area | All M-RH, M-RX, M-MX, M-IMX, M-GMX Zone Districts | Garden Court, Town House, Row House, and Apartment | Not allowed | Not allowed | Not allowed | Any distance |
| Intent: To restrict surface parking where it is impactful due to the number of required parking spaces. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All M-RH, M-RX, M-GMX Zone Districts | Suburban House, Urban House, Duplex, and Tandem House | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow a Drive or Driveway to access an Off-Street Parking Area. | | | | | | |



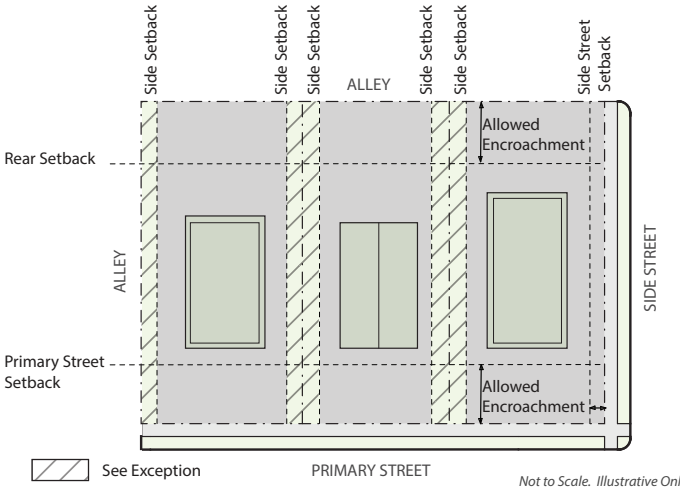
*Illustrative only*




| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Drive or Driveway | All M-RH, M-RX, M-MX, M-IMX, M-GMX Zone Districts | Garden Court, Town House, Row House, and Apartment | Any distance | Any distance | Not allowed (*see exception below) | Any distance |
| Intent: To allow a Drive or Driveway to access an Off-Street Parking Area, but restrict the location where it is impactful due to proximity to adjacent properties. | | | | | | |



*Illustrative only*




*Exception: A Drive or Driveway may encroach any distance into a Side Interior setback where:

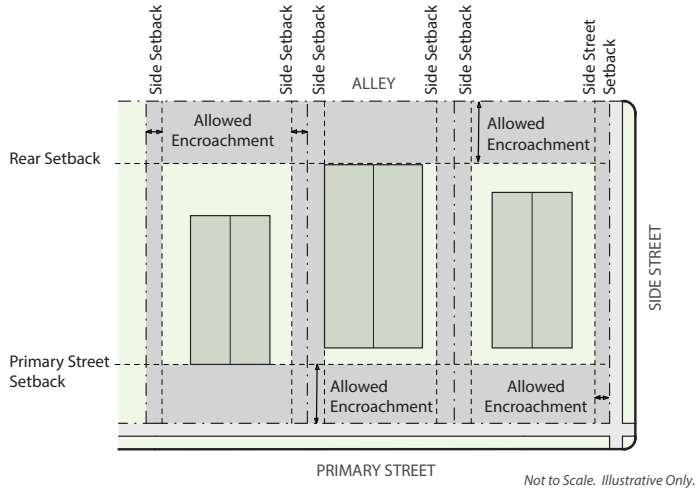
- The Side Interior setback Abuts a public Alley;
- Other public right-of-way, or an easement for public access Abutting a public Alley; or
- Where a shared access agreement allows the Drive or Driveway to provide shared access to more than one Abutting Zone Lot.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Flatwork providing pedestrian access to entrances and buildings: | All M- Zone Districts | All Building Forms | Any distance, but may not exceed 50% of the area within the setback | Any distance, but may not exceed 50% of the area within the setback | Maximum of 5' wide: Any distance | Maximum of 5' wide: Any distance |

Intent: To provide pedestrian access to entrances and buildings, but restrict coverage and width to ensure adequate openness



*Illustrative only*



**c. Service & Utility Elements**

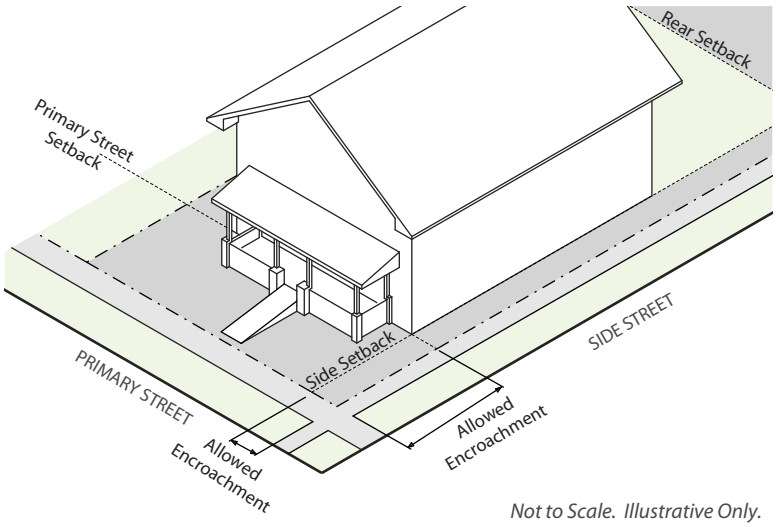
To allow for minor service and utility elements while maintaining an open and unobstructed setback space.

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Barrier-free access structures providing access to existing buildings as required by the Americans with Disabilities Act or Denver Accessibility Standards, when no alternative locations are available.<br>• Setback encroachments for required barrier-free access structures are only allowed for expansions, enlargements, and alterations to existing buildings.<br>• Such barrier-free access structures shall be designed to be compatible with the character of the building, as determined by the Zoning Administrator. | All M- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

Intent: To provide flexibility in the location of required barrier-free access to existing buildings.

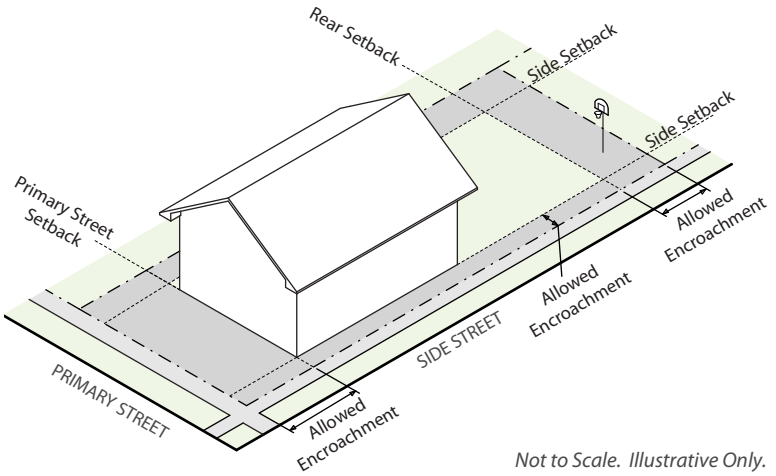


*Illustrative only*

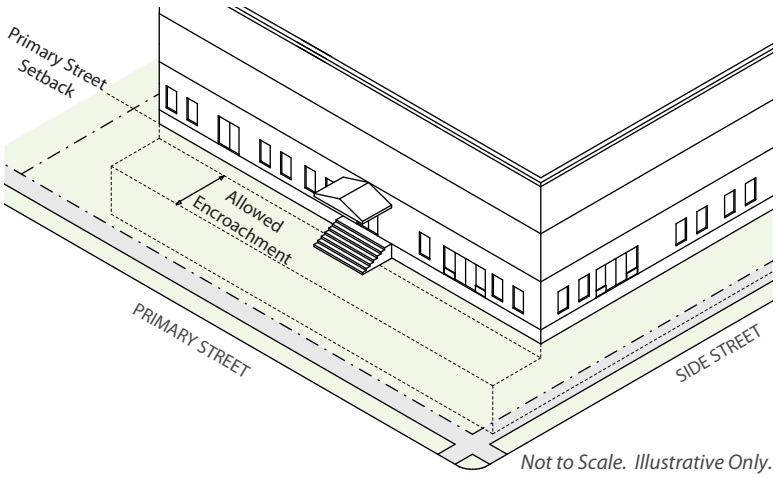


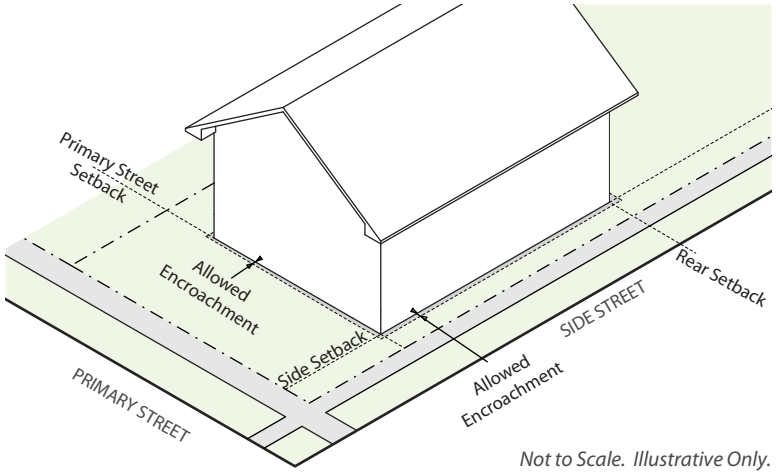

*Not to Scale. Illustrative Only.*

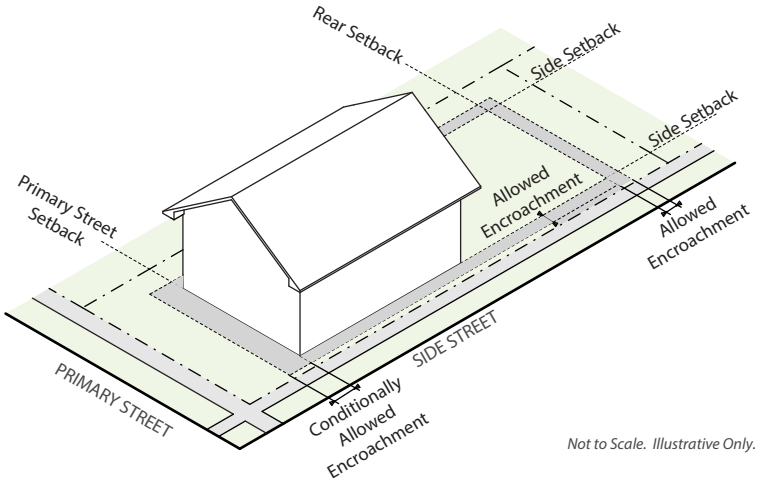
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Basketball goals on a fixed post | All M- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

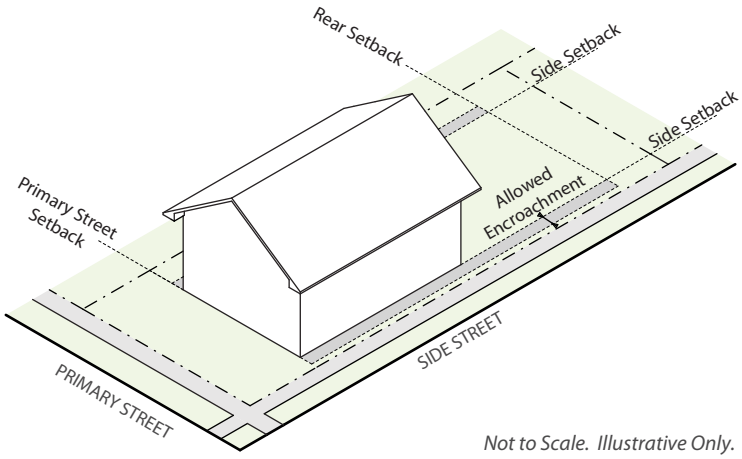



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Enclosed structure that is below the original grade and completely underground, of any setback space, except as otherwise restricted by this Code | All M- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow below grade structures that do not disrupt the streetscape. |  *Not to Scale. Illustrative Only.* | | | | | |

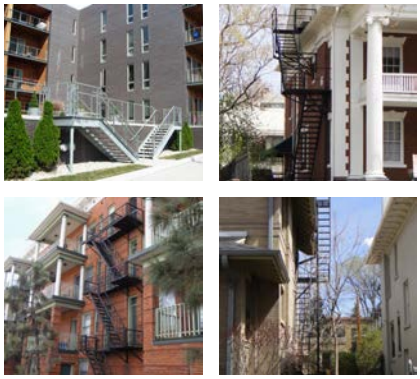
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Gas and electric meters | All M- Zone Districts | All Building Forms | 1.5′ | 1.5′ | 1.5′ | 1.5′ |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, provided the following are all met: | All M- Zone Districts | All building forms | For Primary Structure "facing" the street: Not allowed<br>For Primary Structure not "facing" the street: 5' and shall be screened from public right-of-way by a solid fence at least 3' in height | 5' and shall be screened from public right-of-way by a solid fence at least 3' in height | 3' | 5' |
| • Does not generate more than 75 decibels of ambient sound according to the manufacturer's specifications and does not exceed the noise standards of Section 36-6 of the D.R.M.C.;<br>• Does not exceed 4' in height or 10 square feet in area per unit;<br>• Does not exceed 2 units per zone lot;<br>• Has adequate screening to conceal it from view from adjacent properties and public rights-of way by means of landscaping and/or fencing; and<br>• The location of the unit(s) minimizes the impacts on adjoining properties. | | | | | | |
| Intent: To allow for functional siting. |  | | | | | |

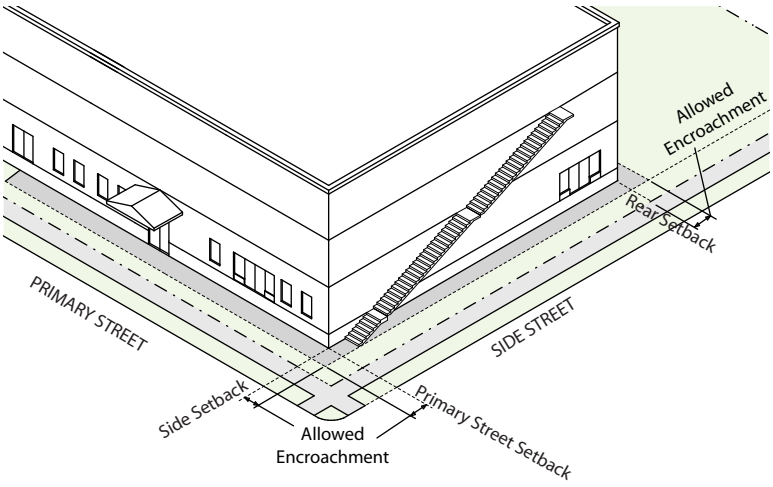
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Ground mounted evaporative coolers<br>• located behind the front of the primary structure and<br>• screened from adjacent properties and public rights-of-way, and<br>• not to exceed the noise standards of D.R.M.C. Section 36-6 | All M- Zone Districts | All Building Forms | For Primary Structure "facing" the street: Not allowed<br>For Primary Structure not "facing" the street: 5' and shall be screened from public right-of-way by a solid fence at least 3' in height | 3' | 3' | 5' |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Emergency egress, when required by Denver Fire Code, such as fire escapes, fire escape ladders, and outside stairways, including landing(s) which do not exceed the minimum required dimensions for a landing as defined in the Denver Building And Fire Code and excluding above-grade walkways | All M- Zone Districts | All building forms | 5′ | 3′ | 3′ | 10′ |

Intent: To provide for egress from a building only for emergency purposes



*Illustrative only*



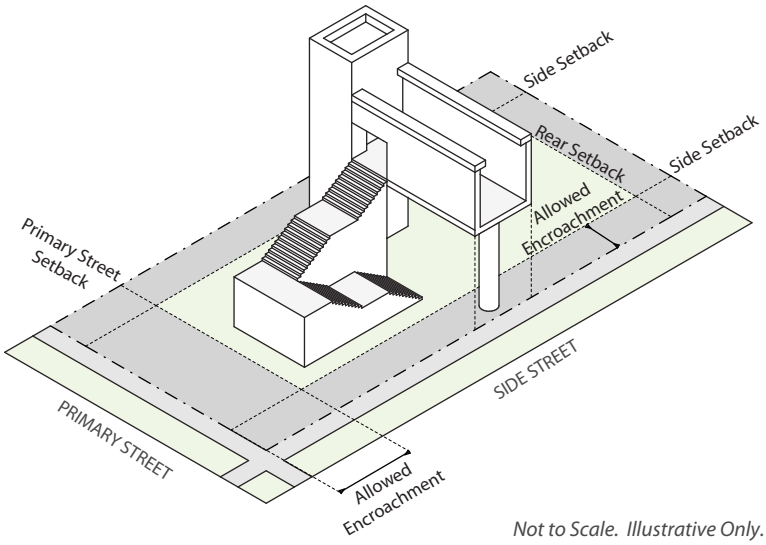

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Pedestrian Bridge where the encroachment is necessary to complete a connection for a continuous, publicly accessible pedestrian/bicycle route provided Public Works has approved a right-of-way encumbrance. | All M- Zone Districts | All building forms | Any distance | Any distance | Any distance | Any distance |

Intent: To allow for above-grade connections that support continuous publicly accessible pedestrian/bicycle routes.



*Illustrative only*



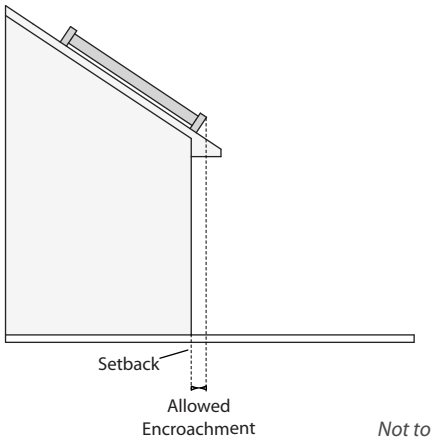

*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Solar Panel, Flush Mounted Roof | All M- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |

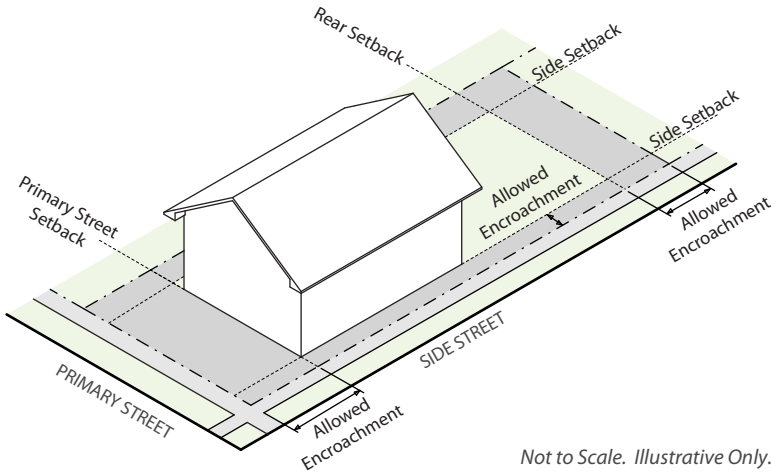
Intent: To allow flush mounted solar panels on the roof of existing structures which may not meet a required minimum setback.

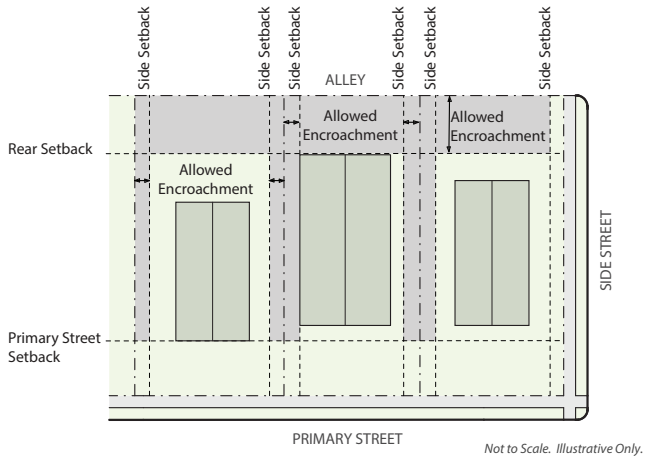


*Illustrative only*




*Not to Scale. Illustrative Only.*

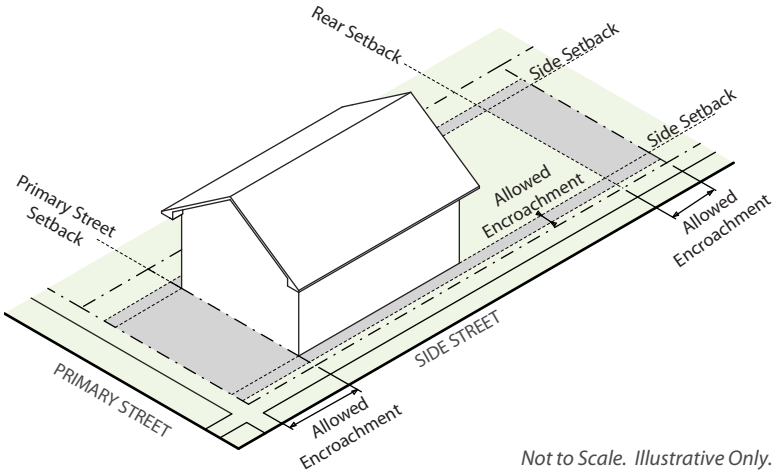
| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Shall not exceed 3' in height. | All M- Zone Districts | All Building Forms | Any distance | Any distance | Any distance | Any distance |
| Intent: To allow for functional siting. |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Utility pedestals, transformers or other similar equipment, excluding mechanical equipment:<br>• Greater than 3' in height but not exceeding 8' in height above Finished Grade. | All M- Zone Districts | All building forms | Not allowed | Not allowed | Any distance | Any distance |
| Intent: To allow for functional siting.<br>  *Illustrative only* |  *Not to Scale. Illustrative Only.* | | | | | |

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Window well and/or emergency basement egress areas:<br>• Shall be below grade. | All M- Zone Districts | All building forms | Any distance for any width | Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 6' in length as measured parallel to the building facade facing the side interior/ side street zone lot line | | Any distance for any width |
| Intent: To allow for emergency egress | | | | | | |



*Illustrative only*

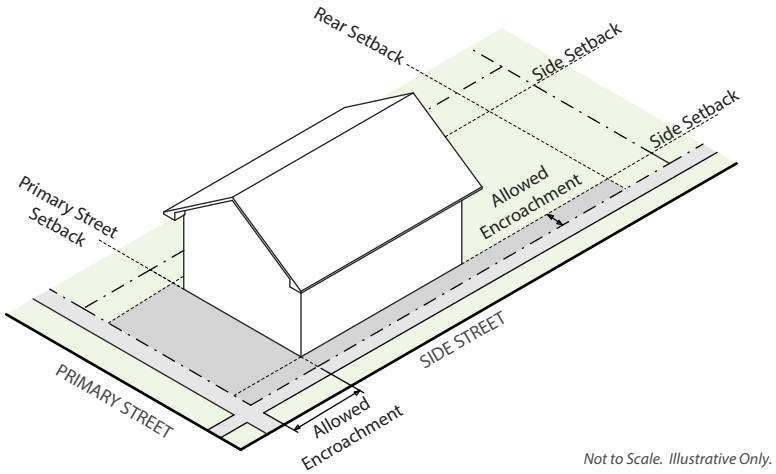



*Not to Scale. Illustrative Only.*

| | ZONE DISTRICTS | BUILDING FORMS | PRIMARY STREET | SIDE STREET | SIDE INTERIOR | REAR |
|---|---|---|---|---|---|---|
| Mailboxes and other similar structures, including individual mailbox structures and cluster box units (CBUs) | All M-Zone Districts | All Building Forms | Any distance | Any distance | Not allowed | Not allowed |
| Intent: To allow for functional siting. | | | | | | |




*Illustrative only*




*Not to Scale. Illustrative Only.*

## 9.7.7.5 Building Coverage Exception

### A. Applicability

All M- zone districts where a building coverage standard applies.

**B. Front Porch**

**1. Intent**
To promote street activation.

**2. Standard**
Area on a zone lot occupied by a Front Porch may be excluded from the calculation of building coverage, up to a maximum of 400 square feet for each dwelling unit.

**C. Detached ADU or Detached Garage**

**1. Intent**
To promote openness between buildings located in the front and back of the lot.

**2. Standard**
A portion of the area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage. See applicable building form standards for the applicable zone district for additional limitations on this exception.

**D. Attached Garage**

**1. Intent**
To promote openness between above-grade portions of a primary structure when such portions are connected only by below-grade living space.

**2. Applicability**
This exception from building coverage applies only to a primary structure, where a portion of the primary structure functions similarly to a Detached Garage form otherwise allowed, but the garage portion of the structure is attached entirely by a below-grade Room, as defined in this Code and which is greater than 7 feet in any horizontal dimension. The "attached garage" may also contain a permitted ADU use or other allowed Habitable Space.

**3. Standard**
An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the footprint of the garage portion of the structure ("attached garage"), according to the following:

a. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the at-grade footprint of the garage portion of the structure, up to a maximum credit of 500 sf;

b. The above-grade garage portion of the structure shall be separated by at least 15 feet from any other above-grade portion of the primary structure. See Article 13 for building separation rule of measurement; and

c. At least 80% of the Street Level GFA of the garage portion of the structure shall be used for vehicle parking.

## 9.7.7.6 Vehicle Access From Alley Required - Exceptions

**A. No Alley**
Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

**B. Alley**
Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless:

1. The Alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The Alley is less than 12 feet in width;
3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street. Additionally, the Department of Public Works shall have approved the location of any such vehicular access;
4. The Department of Public Works prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic;
5. The Primary Use is within the Civic, Public, and Institutional Use Category and the Department of Public Works determines that vehicular access is needed from the street; or
6. The applicant can demonstrate at the time of zoning permit application that vehicular access from a street to an Accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010 and was Continuously Maintained, and the Primary Structure has not been Voluntarily Demolished.

If improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which resolve the exceptions specified in Section 9.7.7.6, then vehicular Alley access is required.

## SECTION 9.7.8 REFERENCE TO OTHER DESIGN STANDARDS

### 9.7.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

A. Parking and Loading: Division 10.4
B. Landscaping, Fences, Walls, and Screening: Division 10.5
C. Site Grading: Division 10.6
D. Outdoor Lighting: Division 10.7
E. Signs: Division 10.10

# SECTION 9.7.9 USES AND REQUIRED MINIMUM PARKING

## 9.7.9.1 Applicability

A. This Section 9.7.9 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Master Planned Context zone district.

B. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

C. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

## 9.7.9.2 Organization

### A. Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

### B. Primary Use Classifications, Categories & Specific Use Types

#### 1. Primary Use Classifications

All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:

a. Residential Uses

b. Civic, Public & Institutional Uses

c. Commercial Sales, Service & Repair Uses

d. Industrial, Manufacturing & Wholesale Uses

e. Agriculture

#### 2. Primary Use Categories & Specific Use Types

Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

#### 3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly allowed by this Code.

## 9.7.9.3 Explanation of Table Abbreviations

### A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry "L-ZPIN" means, first, the use is subject to use limitations (the "L"), and, second, that the use is subject to zoning permit review with information notice (the "ZPIN") prior to its establishment.

**B. Permitted, Limited, Not Permitted**

**1. Permitted Use - No Use Limitations Apply ("P")**
A "P" in a table cell indicates that the use is permitted in the respective zone district, and is not subject to use limitations.

**2. Permitted Use - Subject to Use Limitations ("L")**
"L" in a table cell indicates the use is permitted in the zone district subject to compliance with the use limitations referenced in the last column of the use table ("Applicable Use Limitations").

**3. Uses Not Permitted ("NP")**
"NP" in a table cell indicates that the use is not permitted in the specific zone district.

**C. Zoning Procedure**

**1. Use Subject to Zoning Permit Review ("ZP")**
"ZP" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

**2. Use Subject to Zoning Permit Review with Informational Notice ("ZPIN")**
"ZPIN" in a table cell indicates that the use is permitted in the respective zone district only if reviewed and approved according to the public notice and procedural requirements in Section 12.4.2, Zoning Permit Review with Informational Notice. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.2, Zoning Permit Review with Informational Notice.

**3. Use Subject to Zoning Permit with Special Exception Review ("ZPSE")**
"ZPSE" in a table cell indicates that use is generally appropriate in the neighborhood context and zone district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zone district. "ZPSE" uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table ("Applicable Use Limitations"), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

**4. Uses Where More Than One Zoning Procedure Is Indicated**
Where a table cell shows more than one zoning procedure applies to a use, for example "L-ZP/ZPIN", the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate "L-ZPIN/ZPSE" for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

## 9.7.9.4 Enclosure of Uses

All primary, accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

## 9.7.9.5 District Specific Standards

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| **RESIDENTIAL PRIMARY USE CLASSIFICATION** | | | | | | | |
| Household Living | Dwelling, Single Unit<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Two Unit<br>• Vehicle: 1/unit<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Multi-Unit<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.2.6 |
| | Dwelling, Live / Work<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.2.4, §11.2.6 |
| Group Living | Assisted Living Facility<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | P-ZPIN | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Community Corrections Facility | NP | NP | NP | NP | NP | |
| | Nursing Home, Hospice<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | NP | P-ZP | P-ZP | P-ZP | NP | |
| | Residence for Older Adults<br>• Vehicle: .75/unit<br>• Bicycle: No requirement | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Residential Care Use, Small or Large<br>• Vehicle: 0.125/unit<br>• Bicycle: No requirement | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.2.9 |
| | Rooming and Boarding House<br>• Vehicle: 3.75/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Shelter for the Homeless<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | L-ZPIN/L | § 11.2.11 |
| | Student Housing<br>• Vehicle: 1/unit<br>• Bicycle: 1/ 4 units (80/20) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| **CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION** | | | | | | | |
| Basic Utilities | Utility, Major Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZPSE | L-ZPSE | L-ZPSE | L-ZPSE | P-ZPSE | § 11.3.1 |
| | Utility, Minor Impact*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.2 |
| Community/ Public Services | Community Center<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | P-ZP | § 11.3.3 |
| | Day Care Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Facility, Neighborhood<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (60/40) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Postal Processing Center<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Public Safety Facility<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | § 11.3.5 |
| | Hospital | NP | NP | NP | NP | NP | |
| | Correctional Institution | NP | NP | NP | NP | NP | |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery* | NP | NP | NP | NP | NP | |
| | Library<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Museum<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | City Park* | NP | NP | NP | NP | NP | |
| | Open Space - Conservation*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Education | Elementary or Secondary School<br>• Vehicle: 1/1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | University or College<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| | Vocational or Professional School<br>• Vehicle: 1/ 1,000 s.f. GFA<br>• Bicycle: 1/ 10,000 s.f. GFA (0/100) | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.3.8 |
| Public and Religious Assembly | All Types<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (0/100) | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | § 11.3.10 |
| **COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION** | | | | | | | |
| Adult Business | All Types | NP | NP | NP | NP | NP | See Section 9.4.4, Use Overlay Districts, for adult business use allowance in the UO-1 District. |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| Arts, Recreation & Entertainment | Arts, Recreation and Entertainment Services, Indoor<br>• Vehicle - Artist Studio: 0.3/1000 sf GFA<br>• Vehicle - All Others: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Arts, Recreation and Entertainment Services, Outdoor*<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | L-ZP | L-ZP | L-ZPIN | L-ZP | § 11.4.3 |
| | Event Space with Alternate Parking and Loading*<br>• Vehicle: No requirement<br>• Bicycle: No requirement | NP | NP | NP | NP | NP | |
| | Sports and/or Entertainment Arena or Stadium* | NP | NP | NP | NP | L-ZP | §11.4.5.1 |
| Nonresidential Uses in Existing Business Structures In Residential Zones) | | NP | NP | not applicable | | | |
| Parking of Vehicles | Parking, Garage<br>• No Parking Requirements | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Parking, Surface*<br>• No Parking Requirements | L-ZP | P-ZP | P-ZP | NP | P-ZP | § 11.4.8 |
| Eating & Drinking Establishments | All Types<br>• Vehicle: 3.75/ 1,000 s.f. GFA<br>• Bicycle: 1/3,000 s.f. GFA (0/100) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Lodging Accommodations | Bed and Breakfast Lodging<br>• Vehicle: 1/guest room or unit<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Lodging Accommodations, All Others<br>• Vehicle: 1/ guest room or unit<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |
| Office | Dental / Medical Office or Clinic<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.4.10 |
| | Office, All Others<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |

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|---|---|---|---|---|---|---|---|
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Sales and Services, Household Pets Only<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40 | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.4.12 |
| | Animal Sales and Services, All Others<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/20,000 s.f. GFA (60/40) | NP | NP | NP | NP | L-ZP | § 11.4.13.1 |
| | Food Sales or Market<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | L-ZP | P-ZP | P-ZP | P-ZP | § 11.4.14 |
| | Pawn Shop | NP | NP | NP | NP | NP | |
| | Retail Sales, Service & Repair -- Outdoor*<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | NP | NP | NP | L-ZP | § 11.4.16 |
| | Retail Sales, Service & Repair - Firearms Sales<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | NP | P-ZP | NP | P-ZP | |
| | Retail Sales, Service & Repair, All Others<br>• Vehicle: 1.875/ 1,000 s.f. GFA<br>• Bicycle: 1/10,000 s.f. GFA (60/40) | NP | P-ZP | P-ZP | P-ZP | P-ZP | |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection Facility<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | NP | NP | P-ZP | |
| | Automobile Services, Light<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.4.18; § 11.4.19 |
| | Automobile Services, Heavy<br>Vehicle: .5/ 1,000 s.f. GFA<br>Bicycle: No requirement | NP | NP | L-ZP/ZPSE | NP | L-ZP/ZPSE | § 11.4.18; § 11.4.20 |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.4.21 |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service*<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | P-ZPSE | NP | L-ZP | §11.4.22 |
| Communications and Information | Antennas Not Attached to a Tower*<br>• No Parking Requirements | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.5.2 |
| | Communication Services<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZPSE<br>P-ZP | L-ZPSE<br>P-ZP | L-ZPSE<br>P-ZP | P-ZP | § 11.5.1 |
| | Telecommunications Towers*<br>• No Parking Requirements | L-ZP/ ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ZPSE | § 11.5.2 |
| | Telecommunications Tower - Alternative Structure*<br>• No Parking Requirements | L-ZP/ ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | L-ZP/ZPIN | § 11.5.2 |
| | Telecommunication Facilities -- All Others*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.5.2 |
| Industrial Services | Contractors, Special Trade - General<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP | L-ZP | L-ZP | § 11.5.3. |
| | Contractors, Special Trade - Heavy/ Contractor Yard* | NP | NP | NP | NP | L-ZP | § 11.5.4.1 |
| | Food Preparation and Sales, Commercial<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.5.5 |
| | Laboratory, Research, Development and Technological Services<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP | L-ZP | L-ZP | § 11.5.6 |
| | Service/Repair, Commercial<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP | L-ZP | L-ZP | § 11.5.7 |

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| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZPIN | L-ZP | L-ZP | L-ZP | § 11.5.8 |
| | Manufacturing, Fabrication & Assembly -- General<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | § 11.5.9 |
| | Manufacturing, Fabrication & Assembly -- Heavy | NP | NP | NP | NP | NP | |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | NP | NP | NP | NP | L-ZP | § 11.5.10.1 |
| | Sand or Gravel Quarry* | NP | NP | NP | NP | L-ZP | § 11.5.11.1 |
| | Wind Energy Conversion Systems*<br>• No Parking Requirements | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | § 11.5.13 |
| Transportation Facilities | Airport* | NP | NP | NP | NP | NP | |
| | Helipad, Helistop, Heliport*<br>• No Parking Requirements | L-ZPIN | L-ZPIN | L-ZP | L-ZP | L-ZP | § 11.5.14 |
| | Railroad Facilities* | NP | NP | NP | NP | P-ZP | |
| | Railway Right-of-Way*<br>• No Parking Requirements | P-ZP | P-ZP | P-ZP | P-ZP | P-ZP | |
| | Terminal, Station or Service Facility for Passenger Transit System<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | P-ZP | P-ZP | P-ZP | P-ZP | § 11.5.15 |
| | Terminal, Freight, Air Courier Services | NP | NP | NP | NP | L-ZP | § 11.5.16.1 |
| Waste Related Services | Automobile Parts Recycling Business* | NP | NP | NP | NP | NP | |
| | Junkyard* | NP | NP | NP | NP | NP | |
| | Recycling Center | NP | NP | NP | NP | L-ZPIN | § 11.5.19.1 |
| | Recycling Collection Station | NP | NP | NP | NP | P-ZP | |
| | Recycling Plant, Scrap Processor | NP | NP | NP | NP | NP | |
| | Solid Waste Facility | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard* | NP | NP | NP | NP | NP | |
| | Mini-storage Facility<br>• Vehicle: 0.1 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | P-ZP | L-ZP | P-ZP | § 11.5.23 |
| | Vehicle Storage, Commercial* | NP | NP | NP | NP | NP | |
| Wholesale, Storage, Warehouse & Distribution | Wholesale Trade or Storage, General<br>• Vehicle: .5/ 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | P-ZPIN | NP | P-ZP | |
| | Wholesale Trade or Storage, Light<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | NP | L-ZP/ZPIN/ ZPSE | L-ZP/ZPIN/ ZPSE | P-ZP/ZPIN/ZPSE | § 11.5.26 |
| **AGRICULTURE PRIMARY USE CLASSIFICATION** | | | | | | | |
| Agriculture | Aquaculture* | NP | NP | NP | NP | L-ZP | §11.6.1 |
| | Garden, Urban*<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.6.2 |
| | Husbandry, Animal* | NP | NP | NP | NP | NP | |
| | Husbandry, Plant* | NP | NP | NP | NP | NP | |
| | Plant Nursery<br>• Vehicle: .5 / 1,000 s.f. GFA<br>• Bicycle: No requirement | NP | L-ZP | L-ZP | L-ZP | L-ZP* | §11.6.5 |

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|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | |
| Accessory to Primary Residential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable in all Zone Districts | | | | | §11.7 |
| | Accessory Dwelling Unit | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7;<br>§ 11.8.2 |
| | Domestic Employee | L | L | L | L | L | § 11.7;<br>§ 11.8.3 |
| | Garden* | L | L | L | L | L | § 11.7;<br>§ 11.8.4 |
| | Keeping of Household Animals* | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | L / L-ZPIN | § 11.7;<br>§ 11.8.5 |
| | Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | § 11.7;<br>§ 10.9 |
| | Kennel or Exercise Run* | L | L | L | L | L | § 11.7;<br>§ 11.8.6 |
| | Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | L-ZP | Not Applicable - See Permitted Primary Uses | | | § 11.7;<br>§ 11.8.7 |
| | Outdoor Storage, Residential* | L | L | L | L | L | §11.7; §11.8.8 |
| | Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | L-ZP | NP | § 11.7;<br>§ 11.8.9 |
| | Short-term Rental | L | L | L | L | L | § 11.7;<br>§ 11.8.10 |
| | Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | § 11.7;<br>§ 10.9 |
| | Wind Energy Conversion Systems* | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | Not Applicable - See Permitted Primary Uses | | | § 11.7;<br>§ 11.5.13 |
| | Yard or Garage Sales* | L | L | L | L | L | § 11.7;<br>§ 11.8.11 |
| **HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION** | | | | | | | |
| Home Occupations | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.9; §11.9.3 |
| | All Other Types | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.9; § 11.9.4 |
| (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Home Occupations | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | § 11.9; § 11.9.5 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| **ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION** | | | | | | | |
| Accessory to Primary Nonresidential Uses<br><br>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Unlisted Accessory Uses | L - Applicable in all Zone Districts | | | | | §11.7; §11.10.1 |
| | Amusement Devices Accessory to Eating/Drinking Establishments, College/ University and Theater Uses | NP | L-ZP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.2 |
| | Automobile Rental Services Accessory to Certain Retail Uses* | NP | Not Applicable - See Primary Uses | | | | § 11.7; § 11.10.3 |
| | Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities | L | Not Applicable - See Permitted Primary Uses | | | | § 11.7; § 11.10.4 |
| | Car Wash Bay Accessory to Automobile Services | NP | NP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.5 |
| | College Accessory to a Place for Religious Assembly | L | Not Applicable - See Permitted Primary Uses | | | | § 11.7; § 11.10.6 |
| | Conference Facilities Accessory to Hotel Use | NP | L | L | L | L | § 11.7; § 11.10.7 |
| | Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales,Service, and Repair Uses* | NP | NP | L-ZP | L-ZP | L-ZP | § 11.7; § 11.10.8 |
| | Emergency Vehicle Access Point | NP | NP | NP | NP | NP | |
| | Garden* | L | L | L | L | L | §11.7; §11.10.10 |
| | Keeping of Animals | L/L-ZPIN | L/L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | L/L-ZP/ L-ZPIN | §11.7; § 11.10.11 |
| | Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses | NP | Not Applicable - See Permitted Primary Uses | Not Applicable | | | |
| | Occasional Sales, Services Accessory to Places of Religious Assembly* | L | L | L | L | L | §11.7; §11.10.12 |
| | Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use* | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.13 |
| | Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use* | NP | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ ZPSE | L-ZPIN/ZPSE | §11.7; §11.10.14 |
| | Outdoor Retail Sale and Display* | NP | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | L-ZP/ZPSE | §11.7; §11.10.15 |
| | Outdoor Storage, General* | NP | NP | NP | NP | M-IMX: NP<br>M-GMX: L-ZP | |
| | Outdoor Storage, Limited* | NP | NP | L-ZP | L-ZP | L-ZP | §11.7; §11.10.17 |
| | Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use | NP | L | L | L | L | §11.7; §11.10.18 |

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

| USE CATEGORY | SPECIFIC USE TYPE<br>• Vehicle Parking Reqmt: # spaces per unit of measurement<br>• Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) | M-RH-3 | M-RX-3<br>M-RX-5<br>M-RX-5A | M-CC-5 | M-MX-5 | M-IMX-5<br>M-IMX-8<br>M-IMX-12<br>M-GMX | APPLICABLE USE LIMITATIONS |
|---|---|---|---|---|---|---|---|
| **TEMPORARY USE CLASSIFICATION** | | | | | | | |
| Temporary Uses<br><br>(Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations) | Unlisted Temporary Uses | L - Applicable in all Zone Districts | | | | | §11.11.1 |
| | Ambulance Service - Temporary | NP | L-ZP | Not Applicable - See Permitted Primary Uses | | | §11.11.2 |
| | Amusement / Entertainment - Temporary* | NP | NP | NP | NP | L-ZP | §11.11.3 |
| | Bazaar, Carnival, Circus or Special Event* | 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 | §11.11.5 |
| | Concrete, Asphalt, and Rock Crushing Facility* | 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 | §11.11.7 |
| | Health Care Center | L-ZP | L-ZP | P-ZP | P-ZP | P-ZP | §11.11.8 |
| | Noncommercial Concrete Batching Plant* | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.9 |
| | Outdoor Retail Sales - Pedestrian / Transit Mall* | NP | NP | NP | NP | L-ZP | §11.11.10 |
| | Outdoor Retail Sales* | NP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.11 |
| | Outdoor Sales, Seasonal* | NP | L-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 | §11.11.13 |
| | Retail Food Establishment, Mobile* | NP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.14 |
| | Temporary Construction Office | 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 | §11.11.16 |
| | Temporary Tiny Home Village | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | §11.11.17 |
| | Tent for Religious Services | NP | NP | NP | NP | L-ZP | §11.11.18 |

# ARTICLE 10. GENERAL DESIGN STANDARDS

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# INTRODUCTION TO ARTICLE 10

A. Article 10, General Design Standards contains general design standards that apply throughout the city and are not unique to a Neighborhood Context or Special Context, including general standards for parking, landscaping, site grading, outdoor lighting, and signs.

B. Article 10, General Design Standards is comprised of separate Divisions that present all regulations related to a single subject matter. For example, Division 10.4, Parking and Loading includes all regulations related to the provision of off-street parking and loading, including exceptions and exemptions from minimum requirements and minimum design for the layout of Off-Street Parking Areas.

C. All development shall comply with this Article 10's general design standards in addition to compliance with a zone district's more specific building form and design standards, and with applicable use limitations. Each Division in Article 10, General Design Standards includes an applicability provision as to what specific types of development activity trigger application of the Division's standards.

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# DIVISION 10.1 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

In addition to the zoning design standards applicable to development under this Code, design standards found in other parts of the Denver Revised Municipal Code may apply. An applicant for development is encouraged to investigate whether these other standards may apply, and to work with Community Planning and Development and other agencies to determine how all applicable standards interplay with applicable zoning regulations. Other applicable design standards include, but are not limited to:

10.1.1 Chapter 49 (Streets, Sidewalks and Other Public Ways), D.R.M.C., regarding the designation of Parkways and the establishment of Parkway setbacks for buildings and structures.

10.1.2 Chapter 30 (Landmark Preservation), D.R.M.C., regarding the designation of Historic Structures and historic districts;

10.1.3 Chapter 10 (Buildings and Building Regulations), D.R.M.C., regarding the establishment of view plane protection areas, which may restrict the height of structures more stringently than the applicable zoning.

10.1.4 Chapter 8 (Animals), D.R.M.C., regarding licensing and permitting for the keeping of animals, including but not limited to dogs, cats, livestock, and fowl, within the City of Denver.

10.1.5 Chapter 56 (Utilities), D.R.M.C., regarding water, drainage, sanitary and floodplain regulations affecting land development.

10.1.6 Chapter 57 (Vegetation), D.R.M.C., regarding maintenance of landscaping in general, and maintenance of plantings in the public rights-of-way.

10.1.7 Chapter 27 (Housing), D.R.M.C., regarding requirements for certain developments to include a minimum number of moderately priced affordable housing units or units built as an alternative to payment of the linkage fee.

10.1.8 Chapter 24 (Health and Sanitation), Article XI (Medical Marijuana Dispensaries) for regulations relating to the establishment and operation of medical marijuana retail dispensaries, a type of retail sales and service land use.

10.1.9 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article IV (Malt, Vinous and Spirituous Liquors), D.R.M.C., for regulations relating to the establishment and operation of Liquor Stores, a type of retail sales and service land use.

10.1.10 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article V (Denver Retail Marijuana Code), D.R.M.C., for regulations relating to the establishment and operation of retail marijuana dispensaries, a type of retail sales and service land use.

10.1.11 Rules and regulations adopted by the Manager according to D.R.M.C., Chapter 12, including but not limited to Urban Design Standards and Guidelines and the Denver Streetscape Manual.

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# DIVISION 10.2 GENERAL SITE DESIGN AND FACILITY STANDARDS

## SECTION 10.2.1 INTENT

This Division's general site design and facility standards are intended to supplement the more specific zone district building and design standards found in Articles 3 through 9 and, consistent with this Code's context-based approach, ensure that new development: (a) Provides adequate on-site facilities to meet the demands of residents, employees, and visitors; (b) Assures and promotes convenient pedestrian and bicycle access to parks, community amenities, and activity or employment centers; and (c) Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods.

## SECTION 10.2.2 APPLICABILITY

In addition to compliance with applicable building form and design standards, all development shall comply with the following general site and facility design standards. In case of conflict between an applicable zone district standard or an applicable and more specific building form standard in Articles 3 through 9 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific building form standard shall apply, unless otherwise expressly stated. In case of conflict between a more specific design standard stated in this Article 10 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific design standard shall apply, unless otherwise expressly stated.

## SECTION 10.2.3 GENERAL SITE DESIGN AND FACILITY STANDARDS

All development shall provide, as applicable:

10.2.3.1 Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust;

10.2.3.2 Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal;

10.2.3.3 Arrangement of buildings and vehicular circulation open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;

10.2.3.4 Adequate amount and proper location of pedestrian walks, malls and landscaped spaces to separate horizontally or vertically pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities;

10.2.3.5 Arrangement and orientation of buildings and location of Off-Street Parking Areas so as to minimize the impacts on adjacent properties;

10.2.3.6 Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts;

10.2.3.7 In development providing for family occupancy, adequate amount and safe location of play areas for children and other recreational areas according to the concentration of occupancy;

10.2.3.8 In development intended for nonresidential uses and located near or abutting Residential Zone Districts, provide fences, walls or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architectural, signs and activity on residential privacy and residential neighborhood character;

10.2.3.9 Adequate consideration for the access needs of disabled or handicapped residents through the provision of special parking spaces, accessible routes between Off-Street Parking Areas and buildings, passenger loading zones and access to other facilities in order to give disabled residents an increased level of mobility;

10.2.3.10 Adequate identification of buildings, particularly in developments where two or more buildings use one street address or where two or more buildings are located on private streets or drives. For these cases, this Section's standards shall apply to all existing and future projects and shall require the following:

A. The installation of temporary signs identifying each individual building at the beginning stage of its construction;

B. The installation of permanent identifying signs on each building that will allow quick identification by emergency service personnel and visitors; and

C. The installation of legible maps at the main vehicle entry points and/or signs showing all private streets or drives and their alignment throughout the project.

# DIVISION 10.3 MULTIPLE BUILDINGS ON A SINGLE ZONE LOT

## SECTION 10.3.1 INTENT

This Division's standards are intended to provide design flexibility in the siting of multiple buildings on a single zone lot, while assuring the siting of such multiple buildings results in adequate air, light, and pedestrian access and circulation, and mitigates any potential adverse impact on adjacent properties,

## SECTION 10.3.2 APPLICABILITY

This Section's design standards shall apply to all development on a single zone lot containing multiple primary buildings. Refer to Division 1.2, Zone Lots and Section 13.1.5, Siting Form Standards.

## SECTION 10.3.3 EXCEPTION TO COMPLIANCE WITH BUILDING FORM STANDARDS

### 10.3.3.1 Exception for Required Build-To, Surface Parking Location and Street Level Activation

**A. Applicability**

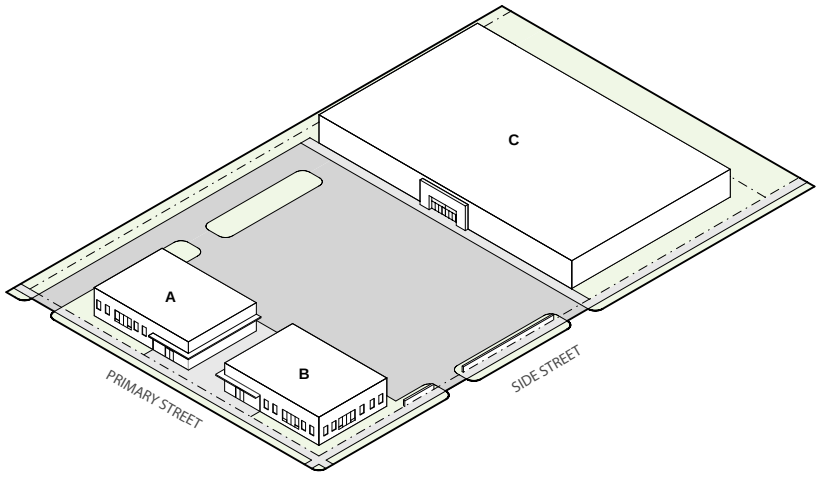
This subsection 10.3.3.1 shall apply to all zone districts and building forms that have a Required Build-to and that allow multiple primary structures.

**B. Exception**

When Primary and Side Street Build-to are met for the entire zone lot, and the Surface Parking Location, and Street Level activation standards are met for those buildings being used to meet the Required Build-to, additional buildings on the site are not subject to the Build-to, Surface Parking Location, and Street Level activation standards.

a. For example, in Figure 10.3-1, if buildings "A" and "B" comply with the required Primary and Side Street Build-to and with the Street Level activation standards, then building "C" may be sited with more flexibility on the zone lot and need not comply with the build-to or Street Level activation standards.

Figure 10.3-1 *Not to Scale. Illustrative*

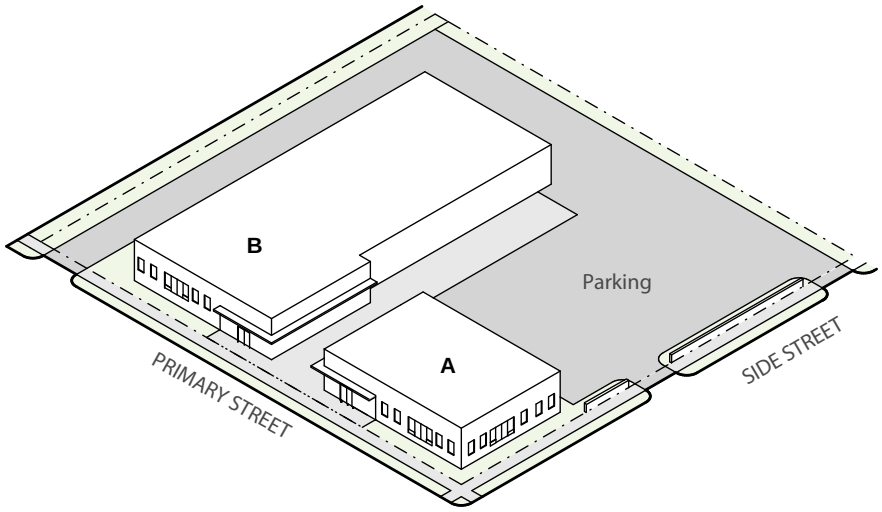


### 10.3.3.2 Exception for Surface Parking Location in Main Street

In the Main Street (-MS) zone districts only, when a Side Street build-to is met with a building (A), surface parking is allowed between additional buildings on the zone lot (B) and that Side Street. See Figure 10.3-2.

Figure 10.3-2

*Not to Scale. Illustrative Only.*




### 10.3.3.3 Exception for Phased Development

When multiple buildings on the zone lot will be developed in phases, and the first phase(s) of development would not meet applicable build-to, surface parking location, and Street Level activation standards as required above, an applicant shall reserve an area along the street frontage for future building phases that will comply with such standards, provided the following conditions are met:

A. The reserved area shall include the entire zone lot frontage abutting the Primary Street or Side Street for a depth of no less than 60 feet, measured from the zone lot line except for approved vehicular access lanes.

B. Parking of vehicles is not allowed within the reserved area.

C. Water quality and detention/retention facilities, or utilities, are not allowed within the reserved area.

D. The reserved area shall be improved with at least 50% live landscape material, following Section 10.5.4.6 Landscaping Material Standards.

E. Required pedestrian access and circulation shall be provided, following Section 10.3.4.

## SECTION 10.3.4 PEDESTRIAN ACCESS & CIRCULATION

### 10.3.4.1 Intent

This Section's Pedestrian Access & Circulation standards are intended to:

A. Provide safe, convenient pedestrian access and circulation patterns within and between developments.

B. Create a continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk (rather than drive) between destinations.

C. Create a friendlier, more inviting environment by providing a pedestrian network that offers clear circulation paths from the Off-Street Parking Areas to building entries.

### 10.3.4.2 Exemptions

Development in the following zone districts is exempt from compliance with this Section 10.3.4's Pedestrian Access & Circulation standards except as specifically stated:

**A. Exemption for All CMP Districts**
Development in all Campus (CMP) zone district is exempt. Pedestrian access and circulation shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Section.

**B. Exemption for I-A, -B-Zone Districts**
Development in the I-A, -B zone districts is exempt.

**C. Partial Exemption for I-MX and M-IMX Zone Districts**
Development in all I-MX and M-IMX zone districts shall comply with the standards requiring one or more pedestrian connections between the primary entrances to buildings on the site and the public sidewalk system along streets abutting the development (or to the curb of an abutting street where there are no public sidewalks). Compliance with all other standards in this Section 10.3.4 is encouraged, but not mandatory.

### 10.3.4.3 Required Pedestrian Connections

An on-site system of pedestrian walkways shall be designed to provide direct access and convenient connections to and between the following:

A. Primary entrances to each primary building, including pad site buildings;

B. All Off-Street Parking Areas or parking structures;

C. All site amenities or public gathering places;

D. The public sidewalk system along the perimeter streets abutting the development (or to the curb of an abutting street where there are no public sidewalks); and

E. Public and private sidewalks on adjacent properties that extend to adjoining land uses, developments, and public facilities such as parks, greenways, schools, recreational facilities and public office buildings.

### 10.3.4.4 Minimum Walkway Width

A. All on-site pedestrian walkways shall provide not less than 5 feet clear walking area.

B. Where walkways are included on parking islands and medians that include landscape requirements, the required walkway width must be clear of low branching trees, vegetation and similar impediments.

C. Where walkways occur along buildings walls, the required walkway width must be clear of door swings, exterior display, shopping cart storage, low branching trees and similar impediments.

D. See Section 10.4.6.4.C Protection of Landscaping & Pedestrian Access for additional standards.

### 10.3.4.5 Walkways Through Vehicle Areas

At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials distinguished by their color, texture, or height.

## SECTION 10.3.5 MINIMUM SPACING BETWEEN BUILDINGS

The Building and Fire Codes require minimum spacing between buildings.

## SECTION 10.3.6 ACCESSIBILITY BY EMERGENCY VEHICLES

Multiple buildings on a single zone lot shall be arranged to provide accessibility for emergency vehicles, as required by the Denver Fire Code, Chapter 5, and associated Denver amendments.

# DIVISION 10.4 PARKING AND LOADING

## SECTION 10.4.1 INTENT

The intent of Parking Standards, in conjunction with the building form standards according to Articles 3 through 9, is to:

10.4.1.1 Balance the provision of adequate off-street parking to meet demand with city-wide objectives to encourage pedestrian-friendly environments and the use of multiple modes of transportation, including mass transit and bike parking requirements to reduce vehicle parking demand.

10.4.1.2 Provide a variety of mechanisms to meet parking needs while promoting development and reinvestment in existing buildings, including Historic Structures.

10.4.1.3 Recognize, through parking reductions, the parking efficiencies gained through mixed use development, mixed income development, development proximate to rail and bus transit, and their impact on parking demand.

10.4.1.4 Promote bicycle use by providing safe and convenient bike parking through minimum requirements for type of bike parking facility and amount of bicycle spaces.

10.4.1.5 Encourage comprehensive, efficient, multi-site parking strategies.

10.4.1.6 Minimize the visual impacts of Off-Street Parking Areas, structures and garages on streets, open spaces, and adjoining development.

10.4.1.7 Design surface parking and parking structures to be visually compatible with the surrounding development, convenient for users, and mitigate the negative impact of vehicle noise, headlights, lighting and mechanical systems.

10.4.1.8 Integrate the function and appearance of parking structures into building groups so as to minimize negative impacts on public space and the pedestrian environment.

10.4.1.9 Design parking structure facades to reflect the predominant fenestration patterns of area buildings and to the extent possible wrap street facing elevations with active uses, especially at the Street Level.

## SECTION 10.4.2 GENERAL APPLICABILITY

### 10.4.2.1 Vehicle and Bicycle Parking Required

A. The owner and operator of any land area, structure, or primary use that generates a vehicle and bicycle parking requirement under this Code shall have joint and several responsibility for providing all parking required by this Division 10.4 and maintaining that parking in accordance with the provisions of this Division.

B. For land, structures, or primary uses, occupied or operated on June 25, 2010, the number of existing off-street parking spaces shall not be reduced below the lesser of the number of spaces required under this Division 10.4 or the number of spaces legally established, including taking into account any exceptions allowed.

**C. Minimum/Maximum Amount Required**

All primary uses shall provide a number of vehicle and bicycle parking spaces consistent with the context-specific minimum or maximum parking ratios according to Articles 3 through 9, unless otherwise exempt, reduced, or allowed according to this Division 10.4.

**1. Exception for Expansions**

If land area, structures, or primary uses are enlarged or expanded, minimum parking (in addition to any existing spaces) shall be provided for the additional increment only.

**2. Exception for Change of Use**

This Section 10.4.2.1.C.2 shall apply to maximum and minimum vehicle parking requirements as stated below.

**a. General Exception**

If land area, structures, or primary uses are changed from one primary use to any other primary use which requires more parking spaces than the previous primary use, the following shall apply:

i. If the new use's minimum parking requirement exceeds the previous use's minimum parking requirement by 25 percent or less, no additional parking spaces shall be required; or

ii. If the new use's minimum parking requirement exceeds the previous use's minimum parking requirement by more than 25 percent, additional off-street parking spaces shall be provided equal to the number that exceeds 125 percent of the previous use's minimum parking requirement.

a) For example: The new use has a parking requirement that results in 126 required parking spaces. The previous use had a parking requirement that resulted in 100 required parking spaces. The new use shall only have to provide 1 additional parking space.

iii. If additional vehicle parking is required per this subsection, "Exception for Change of Use," a credit may be taken against the minimum number of vehicle parking spaces required by this subsection in the amount of 1 space for each 25 feet of abutting street frontage, up to a maximum credit of 4 vehicle parking spaces.

**b. Exemption for Change in Use in Existing Buildings Built Prior to 1967**

In all Mixed Use Commercial Zone Districts where minimum vehicle parking requirements apply, buildings shall be exempt from providing additional parking in the event of a change of use, provided all of the following are met:

i. The building was built before 1967,

ii. The building meets the required build-to requirements of the subject property's zone district, and

iii. The building meets the minimum height requirement of the subject property's zone district.

**c. Exception for Change in Use Subject to Maximum Vehicle Parking Standards**

In areas subject to maximum vehicle parking standards, if land area, structures, or primary uses providing off-street parking are changed from one primary use to any other primary use that has a lower maximum number of parking spaces allowed than the previous primary use, the following shall apply:

i. If the parking spaces from the previous primary use are equal to or less than 125 percent of the allowed parking maximum under the new primary use, then parking spaces may continue to be utilized by the uses located on that zone lot, and may be used jointly, or may be provided as shared vehicle parking according to Section 10.4.5.4, Shared Vehicle Parking; or

ii. If the parking spaces from the previous primary use are greater than 125 percent of the allowed parking maximum under the new primary use, then parking spaces exceeding 125 percent of the maximum parking allowed under the new primary use shall be provided as shared vehicle parking according to Section 10.4.5.4, Shared Vehicle Parking.

a) Example: The maximum parking allowed under a new primary use equals 60 parking spaces. The existing parking spaces from a previous primary use equals 100 parking spaces. The new primary use shall be

required to provide 25 spaces as shared vehicle parking (60 maximum allowed spaces multiplied by 125 percent = 75 allowed spaces. 100 existing spaces minus 75 allowed spaces = 25 spaces required to be provided as shared vehicle parking).

## SECTION 10.4.3 BICYCLE PARKING

### 10.4.3.1 Applicability

Section 10.4.2, General Applicability, shall apply, with the following exceptions:

A. This Section 10.4.3 Bicycle Parking shall not apply in the D-C, D-TD, or D-CV zone districts. See Section 8.3.1.5, Off-Street Parking Requirements, for applicable bicycle parking standards for these districts.

### 10.4.3.2 Calculation

A. When a primary use's required amount of bicycle parking is 2 spaces or less, the use shall provide a minimum of 2 bicycle parking spaces in a fixed rack bicycle parking facility.

B. In determining the number of bicycle parking spaces required, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.

C. In determining the number of bicycle parking spaces that must be sited in an enclosed bicycle facility or a fixed rack bicycle facility, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.

D. All required spaces "per square feet" are measured as gross floor area, unless otherwise specified.

E. For residential uses, the bicycle parking requirement shall be calculated separately for separate residential buildings.

F. Where any building or zone lot contains two or more uses having different bicycle parking requirements, the bicycle parking requirements for each use shall apply proportionally to the extent of that use's gross floor area in the building or on the zone lot.

### 10.4.3.3 Bicycle Parking Exceptions

**A. Reductions in Required Amount by Administrative Adjustment**

The Zoning Administrator may adjust the bicycle parking requirement in one of the following ways as described below according to Section 12.4.5, Administrative Adjustment.

1. A reduction in the overall number of bicycle parking spaces required for a primary use, up to a maximum 20% reduction. A reduction in the overall number of spaces does not change the proportional (%) distribution of the required spaces to an enclosed or fixed bicycle rack parking facility; or

2. An adjustment in the number of bicycle parking spaces that must be provided in either an enclosed or fixed bicycle rack parking facility, up to a maximum 20% adjustment, provided any reduction in the number of spaces provided in one type of parking facility shall be providing in the other type of parking facility.

    a. For example: When a total of 20 bicycle parking spaces is required and 10 shall be provided in an enclosed storage facility and 10 shall be provided in a fixed bicycle rack parking facility, the Zoning Administrator may grant an adjustment to the amount that must be enclosed, resulting in a reduction from the original 10 enclosed spaces to 8 enclosed spaces. That would require a total of 12 spaces in a fixed bicycle rack parking facility.

**B. Preservation of Existing Trees**

If, in order to comply with bicycle parking requirements, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in the number of required bicycle parking spaces. Requests for this exception from the minimum bicycle parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

### 10.4.3.4 Required Types of Bicycle Parking Facilities

In order to meet the minimum required bike parking spaces, there are two types of bicycle parking facilities that may be required. The description and minimum standards for each type of bicycle parking facility are as follows. Such facilities may be placed on private property or within the public right-of-way. Facilities in the public right-of-way require a permit by Public Works.

**A. Enclosed Bicycle Parking Facility**

An enclosed bicycle parking facility shall be provided through various methods provided it meet the following minimum standards:

1. Shall provide enclosed bicycle storage in lockers, a room within a building, or within a parking structure.
2. All types of enclosed bicycle storage shall be easily accessible to all building occupants and to public entrances and walkways, secure, well lighted and weather resistant.
3. Each storage space shall provide a minimum of 15 square feet in area. The Zoning Administrator may reduce the minimum area up to 6 square feet if a more efficient layout is provided.

**B. Fixed Bicycle Rack Parking Facility**

A fixed bicycle rack parking facility shall be provided through various methods provided it meet the following minimum design standards:

1. Fixed bicycle racks shall be securely anchored.
2. Fixed bicycle racks must be publicly accessible to building entrances and walkways.
3. Spacing of the racks shall provide clear and maneuverable access.
4. Where two bikes can be locked on both sides without conflict, each side can be counted as one required space.

## SECTION 10.4.4 MINIMUM AND MAXIMUM VEHICLE PARKING

### 10.4.4.1 Applicability

Section 10.4.2, General Applicability, shall apply.

### 10.4.4.2 Calculations

**A. General Rule**

1. In determining the minimum number of vehicle parking spaces required or the maximum number of vehicle parking spaces allowed, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.
2. Except when shared parking is allowed (see Section 10.4.5.4 Shared Vehicle Parking), when a zone lot is used for a combination of uses, the minimum vehicle parking requirement shall be the sum of the requirements for each use and may be used jointly. In areas where maximum vehicle parking standards apply, except when shared parking for off-site uses is being provided according to Section 10.4.5.4, Shared Vehicle Parking, where a zone lot contains multiple primary uses subject to maximum parking standards, the total amount of parking provided on the zone lot shall not exceed the aggregate maximum parking allowed for those uses, and may be used jointly.

3. Vehicle queuing spaces serving permitted fuel pumps where the spaces meet the dimensional standards for a 0° parking space as required in Section 10.4.6, may count toward the minimum required number of vehicle parking spaces.

**B. Gross Floor Area for Purposes of Calculating Parking Amounts**

For the purposes of complying with minimum and maximum parking requirements, gross floor area shall mean the sum of the gross horizontal areas of all of the floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area, the following shall be excluded:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located;

2. Any floor area used exclusively as parking space for vehicles or bicycles; and

3. Any floor area that serves as a pedestrian mall or public access way to shops and stores.

**C. "Unit" for Purposes of Calculating Parking Amounts**

For the purposes of complying with minimum and maximum parking requirements, the term "unit" shall mean, as applicable, either:

1. A dwelling unit in a household living use, as "dwelling unit" is defined in Article 11, Use Limitations and Definitions; or

2. A habitable room, which may or may not contain kitchen or bathing facilities, intended for occupancy by a resident in a group living use.

**D. Guest Parking in Districts with Maximum Vehicle Parking Standards**

**1. Intent**

To allow flexibility for a limited amount of guest parking in zone districts with maximum vehicle parking standards.

**2. Applicability**

This Section 10.4.4.2.D applies to all residential primary uses in zone districts where maximum vehicle parking standards apply.

**3. Standards**

a. On a zone lot containing at least 3 and no more than 19 dwelling units, one additional vehicle parking space may be provided for guest parking.

b. On a zone lot containing 20 or more dwelling units, one additional vehicle parking space may be provided for guest parking for every 20 dwelling units. For example, a 42-unit development may provide two additional parking spaces for guest parking.

c. Except when shared parking is being provided on a separate zone lot according to Section 10.4.5.4, Shared Vehicle Parking, all guest parking must be located on the same zone lot as the residential primary use for which it is being provided.

### 10.4.4.3 Accessible Vehicle Parking

All primary uses subject to this Division 10.4 shall provide accessible parking for disabled persons that complies with the Denver Building and Fire Code and with the Americans with Disabilities Act (ADA) standards, provided, however, that the amount of accessible parking provided for multi-unit dwelling uses shall be no less than one (1) space for each dwelling unit constructed for occupancy by a disabled person.

### 10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development

**A. Intent**

To promote active, transit-supportive development and uses proximate to transit stations, thereby leveraging regional investment in transit infrastructure and promoting livability and sustainability in Denver's transit neighborhoods.

**B. Applicability**

1. This Section 10.4.4.4 shall apply to all uses located within 1/4 mile of the outer boundary of a Rail Transit Station Platform in all zone districts except the CMP and zone districts; and

2. This Section 10.4.4.4 shall apply only to limit the amount of Surface Parking.

3. If a structure or use is exempt from minimum parking requirements, this subsection's maximum parking standard shall still apply, based on the minimum amount otherwise required by the underlying zone district for such use or structure absent any exemption or reduction.

    a. If the underlying zone district does not include minimum parking requirements, this subsection's maximum parking standard shall still apply, based on the minimum requirement otherwise required for the subject use or uses in the C-MX Zone Districts.

4. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

**C. Maximum Vehicle Surface Parking Permitted**

For all applicable zone districts where minimum parking requirements apply, Surface Parking spaces shall not exceed 110 percent of the minimum parking spaces required by the subject property's zone district, except that up to 1 vehicle surface parking space per dwelling unit shall be allowed even if exceeding the 110 percent. For all applicable zone districts where maximum vehicle parking standards apply, the more restrictive standard shall determine the maximum vehicle Surface Parking allowed.

### 10.4.4.5 Location of Required Vehicle Parking

Required vehicle parking spaces shall be located on the same zone lot as the primary use for which provided, except as allowed below:

A. As allowed in Section 10.4.5.4, Shared Vehicle Parking, or

**B. Off-Site Vehicle Parking**

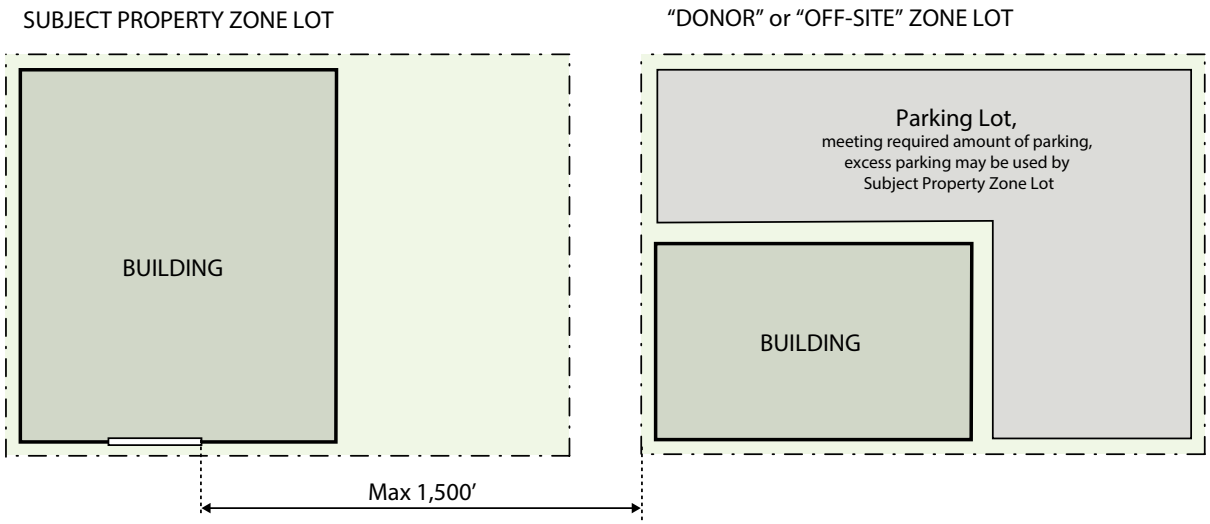
A primary use's required vehicle parking may be located on a Zone Lot different from the Zone Lot containing the primary use ("off-site vehicle parking"), subject to compliance with the following standards:

1. The subject Primary Use may provide off-site vehicle parking provided that the parking spaces on the off-site Zone Lot are not required vehicle parking spaces for any other Primary Use(s) (See Section 10.4.5.4 Shared Vehicle Parking for that scenario).

2. Parking requirements may be met off the zone lot by ownership or a current lease of parking spaces on another zone lot and dedicated to the primary use being served. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the zoning permit until the parking deficiency is remedied.

3. Off-site parking shall be located within a "walking distance" of 1,500 feet from the use served by the remote parking. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

Figure 10.4-1




## SECTION 10.4.5 VEHICLE PARKING EXCEPTIONS

### 10.4.5.1 Vehicle Parking Exemptions

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

#### A. Pre-Existing Small Zone Lots

##### 1. Intent

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

##### 2. Applicability

a. All Mixed Use Commercial Zone Districts; and

b. Where the subject Zone Lot is currently equal to or smaller than 6,250 square feet and was equal to or smaller than 6,250 square feet on June 25, 2010 ("Small Zone Lot")

##### 3. Exemption Allowed

**a. Reuse of Existing Buildings on Small Zone Lots**

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

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

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

All uses housed in the lowest two Stories entirely above the base plane of a new building constructed on a Small Zone Lot located within 1/2 mile of the outer boundary of a Rail Transit Station Platform or located within 1/4 mile from a High-Frequency Transit Corridor may be exempt from providing vehicle parking. The Zoning Administrator shall determine whether a Small Zone Lot is within proximity to transit service as specified in Section 13.1.11.

**c. New Buildings on All Other Small Zone Lots**
All uses housed in the first Story that is entirely above the base plane of a new building constructed on any other Small Zone Lot may be exempt from providing vehicle parking.

**d. Vehicle Parking Exceptions for Required Vehicle Parking on Small Zone Lots**

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

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

### B. Ground-Floor Retail Uses in Mixed Use Projects

#### 1. Applicability

a. All Mixed Use Commercial Zone Districts, except MS-2, MS-2x, MX-2, MX-2x, MX-2A;

b. Multi-story mixed use buildings; and

c. Where one or more of the following uses is located on the ground floor:

i. Retail sales, service, or repair uses, provided no single retail sales, service, or repair use is more than 10,000 square feet of gross floor area;

ii. Food sales or market, provided no single food sales or market use is more than 10,000 square feet of gross floor area; or

iii. Eating or drinking establishment, provided no single eating or drinking establishment is more than 3,500 square feet of gross floor area.

#### 2. Exemption Allowed

A maximum of 5,000 square feet of gross floor area of the uses listed in Section 10.4.5.1.B.1.c above per building shall be exempt from vehicle parking requirements.

### C. Historic Structures

1. Required parking for Historic Structures shall be the lesser of the following:

a. The number of parking spaces required for the land use and located on site as of August 1, 2007, or for structures designated after August 1, 2007, as of the date of designation; or

b. The number of parking spaces required for the land use under this Code.

2. Parking spaces required to serve the Historic Structure that are located off of the zone lot as of August 1, 2007, need not be retained unless the provision of off-site parking spaces is a condition resulting from the quasi-judicial decision of the city council (e.g., as a condition or waiver attached to a rezoning approval).

3. Additions to Historic Structures shall be parked in accordance with this Division, and may be eligible for exemption according to Sections 10.4.2.1.C.1 and 2 Exceptions for Expansion and Change of Use. The parking spaces for an addition to a Historic Structure are in addition to the number of parking spaces required according to Section 10.4.5.1.C.1 above. Off street parking requirements for the addition may be met off of the zone lot according to Section 10.4.4.5.B, Off-Site Vehicle Parking.

4. In the D-LD zone district, this subsection 10.4.5.1.C. shall have no force and effect, and Section 8.4.1.4, Off-Street Parking Requirements, shall govern the parking of Historic Structures.

#### D. Preservation of Existing Trees

If, in order to comply with standards in this Article 10 for the landscaping of parking areas and with this Division 10.4. Parking and Loading, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces. Requests for this exception from the minimum parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

### 10.4.5.2 Alternative Minimum Vehicle Parking Ratios

The following uses are allowed alternative minimum vehicle parking ratios instead of the minimum parking ratios otherwise required by this Code, but only to the extent specified in Section 10.4.5.2.

#### A. General Provisions Applicable to All Alternative Minimum Vehicle Parking Ratios

##### 1. Alternative Minimum Vehicle Parking Ratios Not Applicable to Accessible Parking

The number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required for the subject land use in the applicable Use and Parking Table before application of an eligible alternative minimum vehicle parking ratio. The number of required accessible parking spaces shall not be calculated based on alternative minimum vehicle parking ratios.

##### 2. No Combination with Reductions

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

#### B. Alternative Minimum Vehicle Parking Ratios Allowed

The Zoning Administrator shall allow an applicant to apply an alternative minimum vehicle parking ratio upon finding that the additional requirements and special review process stated in the following table have been met:

| TYPE OF ALTERNATIVE | APPLICABLE ZONE DISTRICTS | APPLICABLE USE | ADDITIONAL REQUIREMENTS | ALTERNATIVE ALLOWED | SPECIAL REVIEW PROCESS |
|---|---|---|---|---|---|
| **Affordable Housing** | All Main Street Zone Districts | Primary Residential Uses | Housing that is affordable for persons with 40 percent area median income and below | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |
| **Small Dwelling Units** | All Main Street Zone Districts | Primary Residential Uses | Dwelling Units that are under 550 square feet in gross floor area may utilize this reduction | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |
| **Single Room Occupancy (SRO) Hotel** | All Zone Districts | Single Room Occupancy (SRO) Hotel Primary Use | n/a | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |

| TYPE OF ALTERNATIVE | APPLICABLE ZONE DISTRICTS | APPLICABLE USE | ADDITIONAL REQUIREMENTS | ALTERNATIVE ALLOWED | SPECIAL REVIEW PROCESS |
|---|---|---|---|---|---|
| **Rooming and Boarding House** | All Main Street Zone Districts | Rooming and Boarding House Primary Use | n/a | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |
| **Senior Housing** | All Main Street Zone Districts | Residence for Older Adults Primary Use | n/a | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |
| **Other Housing** | All Main Street Zone Districts | Primary Residential Uses | Other special needs housing with similar reduced parking demands, as approved by the Zoning Administrator | Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit | n/a |

### 10.4.5.3 Vehicle Parking Reductions

#### A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

**1. Calculation**

In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section's permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

**2. Reductions Not Applicable to Accessible Parking**

The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.

**3. No Combination with Alternative Minimum Vehicle Parking Ratios**

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units and office Primary Uses. The affordable housing use applies the alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 25 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

**4. Maximum Reduction Allowed**

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

i. Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.

ii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.

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

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

**5. Informational Notice Required for Certain Reduction Requests**

A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:

a. Alternative vehicle parking ratios

b. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.

**6. Withdrawal from Participation in Plans or Programs**

a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.

b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:

i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,

ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

**B. Reductions Allowed**

The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:

| TYPE OF REDUCTION | APPLICABLE ZONE DISTRICTS | APPLICABLE USE | ADDITIONAL REQUIREMENTS | REDUCTION ALLOWED | SPECIAL REVIEW PROCESS |
|---|---|---|---|---|---|
| **Affordable Housing** | All Zone Districts, except Main Street Zone Districts | Primary Residential Uses | The development provides proof that it is eligible for an exception to payment of the linkage fee under DRMC Section 27-154(a)-(d), or the development provides proof that it complies with the provisions of DRMC Section 27-155 | 20% reduction in the total number of required vehicle parking spaces for all primary residential uses contained in a building that provides housing that can only be rented or purchased by households of a certain area median income level; this reduction will not apply to any structure that does not provide the housing described above | See Section 10.4.5.3.A.5 |
| **Assisted Living Facility** | All Zone Districts | Assisted Living Primary Use | The reduction shall be allowed only upon finding that the assisted living facility generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors; and<br>If a reduction is permitted under this provision, no additional parking reduction otherwise available under this Code shall be granted | 0.5 space per unit reduction in the total number of required vehicle parking spaces | Section 12.4.2, Zoning Permit with Informational Notice |
| **Proximity to Multi-Modal Transportation** | Suburban (S-), Urban Edge (E-), Urban (U-), or General Urban (G-), Industrial (I-), or Master Planned (M-) Zone District | Any Primary Use | Any Primary Use located on a Zone Lot having its nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform or 1/4 mile of an enhanced transit corridor as defined in Blueprint Denver | 25% reduction in the total number of required vehicle parking spaces | See Section 10.4.5.3.A.5 |
| **On-Site Car Sharing** | All Zone Districts, except Campus Zone Districts | Any Residential Primary Use | Where an active car-sharing program is available in the same building or on the same zone lot as that Primary Use and is made available to the residents in the same building where the residential units are located | 5 required vehicle parking spaces reduced for each 1 car share space provided | See Section 10.4.5.3.A.5 |
| | Campus Zone Districts | Any Primary Use | | | |
| **Off-Site Car Sharing** | All Zone Districts | Any Primary Use | The car sharing program shall be: (1) Located on a zone lot and not within public right-of-way;<br>(2) Located within a walking distance no greater than 1,500' of the zone lot containing the subject primary use;<br>(3) Either in existence or being developed concurrently with the proposed development; and<br>(4) Has the capacity to meet a portion of the vehicle parking needs of the subject primary use | Determined by the Zoning Administrator | See Section 10.4.5.3.A.5 |

| TYPE OF REDUCTION | APPLICABLE ZONE DISTRICTS | APPLICABLE USE | ADDITIONAL REQUIREMENTS | REDUCTION ALLOWED | SPECIAL REVIEW PROCESS |
|---|---|---|---|---|---|
| **Bike Sharing** | All Zone Districts, except Campus Zone Districts | Any Nonresidential Use | The bike share program shall be located in the same building, on the same zone lot, or in the public right-of-way abutting the subject zone lot. | 1 required vehicle parking space reduced for each 5 bike share parking spaces provided | See Section 10.4.5.3.A.5 |
| | Campus Zone Districts | Any Primary Use | | | |

### C. Vehicle Parking Reduction for Small Lots in the C-CCN Zone Districts

1. In the C-CCN zone districts, zone lots which are equal to or smaller than 9,375 square feet in area on October 27, 2014, shall be granted a 67 percent reduction in the total number of required vehicle parking spaces.

2. This vehicle parking reduction shall not be allowed in combination with any vehicle parking reduction allowed under section 10.4.5.3.B.

## 10.4.5.4 Shared Vehicle Parking

### A. Applicability

1. An applicant may request shared parking to meet the minimum/maximum vehicle parking requirements for mixed use developments, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.

2. Parking spaces that may be shared according to this subsection:
   a. Shall be located on a zone lot (on-street parking spaces are not eligible), and
   b. Shall be capable of being specifically allocated or reserved for the primary uses served (spaces in a surface lot or garage that are accessible by the general public are not eligible), except that this provision shall not apply in areas where only maximum parking standards apply;
   c. However, in the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the zone lot will count toward the vehicle parking requirement. Although allocated to a specified zone lot, said spaces need not be reserved for said specified zone lot.

### B. Shared Parking Where Maximum Parking Standards Apply

1. When located on a Zone Lot subject only to a vehicle Surface Parking maximum according to section 10.4.4.4, each shared vehicle Surface Parking space shall be counted only once in the calculation of vehicle Surface Parking spaces that contribute to the maximum allowed.

2. When shared vehicle parking is required for a change of use according to Section 10.4.2.1.C.2.c, the number of shared spaces provided may exceed the number required to be shared according to that section. Shared spaces shall be counted only once in the calculation of the number of spaces that contribute to the maximum parking allowed for each Primary Use included in the parking analysis.

3. In all other areas subject to maximum vehicle parking standards the following shall apply:
   a. Parking may be shared between Primary Uses located on separate Zone Lots according to this subsection.
   b. Surface Parking and/or Garage Parking shall only be permitted as a Primary Use on a Zone Lot if the spaces are provided as shared vehicle parking according to this subsection.

### C. Shared Amount Allowed

The Zoning Administrator shall determine the total amount of parking allowed to be shared based upon the shared parking analysis.

### D. Process for Review and Approval

Requests for shared parking shall be processed according to Section 12.4.3, Site Development Plan Review. In addition to the requirements for a Site Development Plan, requests for shared parking shall comply with this Section's standards and criteria.

### E. Shared Parking Analysis Required

A parking analysis shall be submitted as part of the Site Development Plan application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a Qualified Professional. A shared parking study shall, at a minimum, address:

1. The intensity and type of activities and the composition of uses;
2. Hours of operation of the uses;
3. The rate of turnover for proposed shared spaces;
4. Distances of shared parking spaces from the uses they serve; and
5. The anticipated peak parking and traffic loads for the site.
6. Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.
7. In areas subject to minimum parking requirements, if the shared parking spaces are located on a different zone lot than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 1,500 feet from the use served. This provision shall not apply in areas where only maximum parking standards apply.
    a. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.
    b. The Zoning Administrator may increase the allowed distance or waive the standard entirely when there is a shared parking entity and support in the shared parking analysis.
8. In areas subject to maximum parking requirements, when multiple off-site Primary Uses are included, the number of shared spaces shall be specified for each off-site Primary Use contributing to the maximum parking allowed.

### F. Withdrawal from Participation in Plans or Programs

1. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.4 may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
2. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.4 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if the owner(s) demonstrates that best efforts, as determined by the Zoning

Administrator, were made to maintain and continue the authorized special parking arrangement.

# SECTION 10.4.6 VEHICLE PARKING DESIGN

## 10.4.6.1 Vehicle Parking Layout - Single and Two Unit Development

### A. Applicability

This Subsection 10.4.6.1 shall apply to all Off-Street Parking Areas for all Single-Unit and Two-Unit Dwelling development.

### B. Parking Space Standard

All required parking spaces shall have a width of 8.5 feet and a length of 17.5 feet.

### C. Garage and Carport Setbacks

1. For access to a garage or carport, when the garage doors or carport "openings" are not "facing" the alley, there shall be a minimum dimension of 18 feet as measured from the face of the garage door or carport opening to the Side Interior Zone Lot Line. See Figure 10.4-2.

2. **Alley Right-of-Way Width 13 Feet or Less**
If an alley right-of-way is 13 feet wide or less, when garage doors are facing the alley, the garage or carport shall be setback a minimum of 18 feet from the farthest alley right-of-way boundary line. See Figure 10.4-3.

Figure 10.4-2

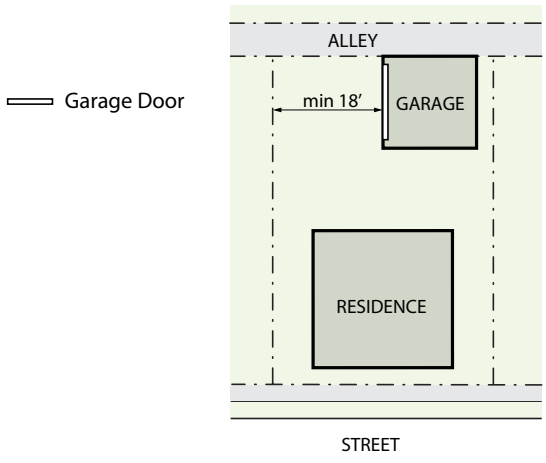
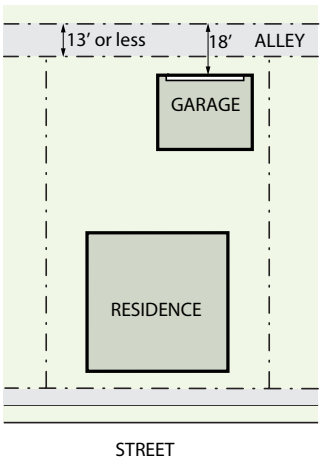



Figure 10.4-3




### D. D. Other Standards

1. See Section 10.4.6.3.B, Vehicular Access

2. See Section 10.4.6.4.A, Drainage and Surface Materials

## 10.4.6.2 Vehicle Parking Layout - All Other Development

### A. Applicability

1. This Subsection 10.4.6.2 shall apply to all All Off-Street Parking Areas except for Single-Unit and Two-Unit Dwelling development and except that mechanized parking spaces are exempt from the parking dimensions standards.

2. This Subsection 10.4.6.2 shall not apply to any portion of a zone lot that is established as an Event Space with Alternate Parking and Loading use within the CMP-NWC-G or CMP-NWC-F zone districts.

### B. Parking Space and Module Standards

Off-street parking spaces shall be laid out in accordance with the standards shown in Table A and Figure 10.4-4, with the following additions and exceptions:

#### 1. Parking Angle

a. Parking angles greater than 0 degrees and less than 30 degrees are not allowed.

b. Other angles between 30 and 90 degrees are allowed and the dimensions for those angles shall be determined through interpolation.

c. Parking angles for spaces within individual garage units shall be determined by the angle of the entry to the garage structure.

#### 2. Parking Aisle

a. A minimum of 5 feet of back out space shall be provided at ends of parking rows unless the aisle is 30 feet or more in width.

b. If a public alley is allowed to be used as the aisle or access to adjoining parking spaces or garages, the spaces or projection must be lengthened as necessary to provide a total alley or aisle width of 20 feet for 30-degree through 75-degree angle parking and 23 feet for 90-degree angle parking. This requirement shall apply to all new uses and developments except single-unit and two-unit dwellings.

#### 3. Garage Door Setbacks

When a public alley is allowed to be used as the access to a parking garage, any garage door that faces the alley shall be setback at least 5 feet from the zone lot line abutting the public alley.

#### 4. Compact Spaces

a. No more than 10 percent of the total parking spaces provided (required and excess spaces) may be compact.

b. When provided in a parking garage, compact spaces may be used only where the layout of the structure requires such spaces at the end of a row or to accommodate a column.

c. All compact parking spaces shall be clearly and visibly striped and labeled (e.g., by a sign) for compact car use only.

#### 5. Measurements

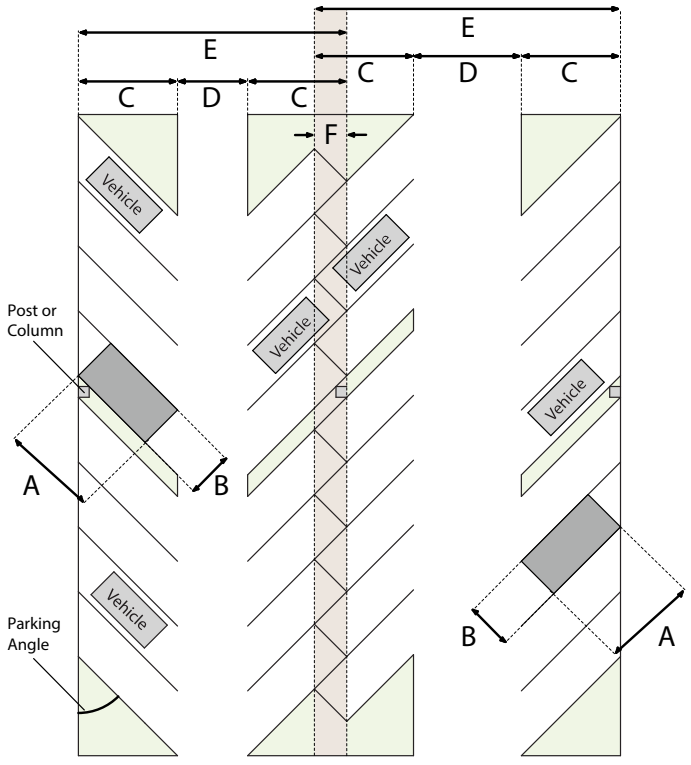
a. In a parking structure, stall dimensions shall be measured from the surface of an adjacent pillar, post, or column closest to the parking stall.

**TABLE A: DIMENSIONS OF PARKING SPACES & MODULES**

| Parking Angle | Stall Length (A) | Stall Width (B) | Projection (C) | Parking Aisle One-Way / Two-Way (D) | Module One-Way / Two-Way (E) | Interlock Reduction (F) |
|---|---|---|---|---|---|---|
| Standard Parking Space | | | | | | |
| 0° | 22′ | 8.5′ | 8.5′ | 13′ / 20′ | 30/37′ | -- |
| 30° | 17.5′ | 8.5′ | 16.11′ | 13′ / 20′ | 45.22/52.22′ | 2′ |
| 45° | 17.5′ | 8.5′ | 18.38′ | 13′ / 20′ | 49.77/56.77′ | 2′ |
| 60° | 17.5′ | 8.5′ | 19.41′ | 16′ / 20′ | 54.81/58.81′ | 1.5′ |

| TABLE A: DIMENSIONS OF PARKING SPACES & MODULES | | | | | | |
|---|---|---|---|---|---|---|
| **Parking Angle** | **Stall Length (A)** | **Stall Width (B)** | **Projection (C)** | **Parking Aisle One-Way / Two-Way (D)** | **Module One-Way / Two-Way (E)** | **Interlock Reduction (F)** |
| 75° | 17.5′ | 8.5′ | 19.1′ | 18′ / 20′ | 56.21/58.21′ | 1′ |
| 90° | 17.5′ | 8.5′ | 17.5′ | 23′ / 23′ | 58/58′ | -- |
| 90° * | 17.5′ | 8.5′ | 17.5′ | 20′ / 20′ | 55/55′ | -- |
| Compact Parking Space | | | | | | |
| 0° | 18′ | 7.5′ | 7.5′ | 13′ / 20′ | 28/35′ | -- |
| 30° | 15.5′ | 7.5′ | 15.11′ | 13′ / 20′ | 43.22/50.22′ | 2′ |
| 45° | 15.5′ | 7.5′ | 16.97′ | 13′ / 20′ | 46.94/53.94′ | 2′ |
| 60° | 15.5′ | 7.5′ | 17.67′ | 16′ / 20′ | 51.35/55.35′ | 1.5′ |
| 75° | 15.5′ | 7.5′ | 17.17′ | 18′ / 20′ | 52.34/54.34′ | 1′ |
| 90° | 15.5′ | 7.5′ | 15.5′ | 23′ / 23′ | 54/54′ | -- |
| 90° * | 15.5′ | 7.5′ | 15.5′ | 20′ / 20′ | 51/51′ | -- |
| *Applies to vehicle parking layout for development under any combination of the following building forms on a Zone Lot: the Town House, Row House, and Garden Court. Standards cannot be used in combionation with other building forms such as Apartment, General or Shopfront. | | | | | | |

Figure 10.4-4




*Not to Scale. Illustrative Only.*

## 10.4.6.3 Vehicular Access and Circulation

### A. Internal Drive Dimensions

The following standards shall apply in all zone districts to all Off-Street Parking Areas, excluding single-unit and two-unit dwelling development:

**1. Definition**

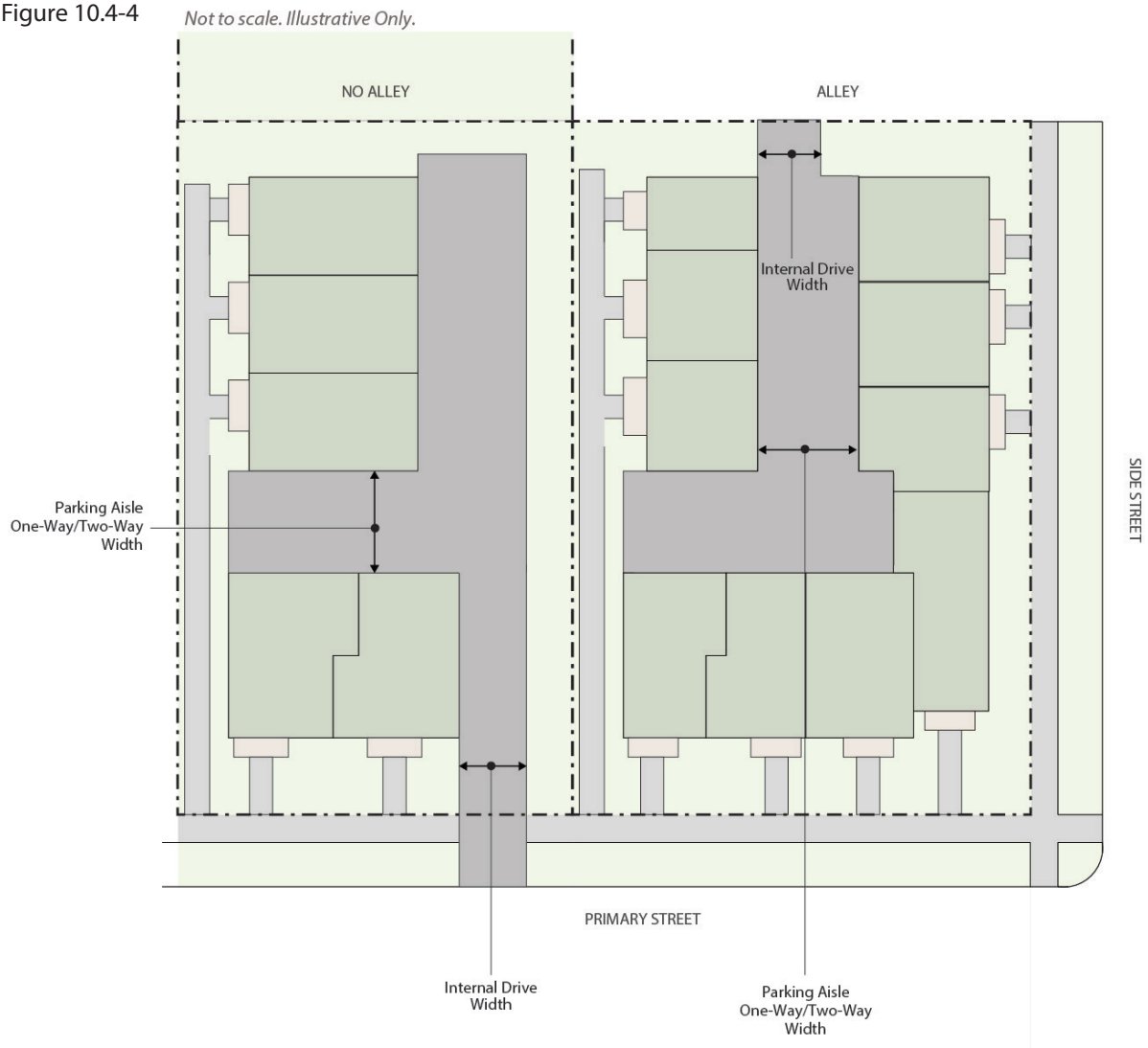
"Internal drives" mean the part of a Off-Street Parking Area used for vehicular circulation, but which do not abut parking stalls in a manner that allows their use for vehicular access to the parking stalls.

**2. Minimum Internal Drive Dimensions**

a. Internal drives shall be a minimum width of 10 feet for one-way traffic and shall be a minimum width of 20 feet for two-way traffic except for development under the Town House, Row House, or Garden Court building forms.

b. Internal drives for development under the Town House, Row House, or Garden Court building forms shall be a minimum width of 12 feet for one-way and/or two-way traffic on Zone Lots that contain no other building forms.

Figure 10.4-4




c. The Zoning Administrator may reduce the minimum internal drive width standard when necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow zone lots. Any such request for reduction shall be reviewed according to Section 12.4.5, Administrative Adjustments.

**B. Vehicular Access**

The following standards shall apply in all zone districts to all Off-Street Parking Areas:

1. Access to and egress from each parking space shall be obtained with no more than a standard two-movement entrance or exit from the parking space by a vehicle parking there.

2. Curb cuts for vehicular access from the public right-of-way and vehicle stacking space on the parking lot proximate to any entry pay station or other control device are subject to review by Public Works according to Section 10.4.6.3.B.3, below. "Vehicular Access from the public right-of-way" means the part of the parking lot used for vehicles to transition between the public right-of-way and the parking lot.

3. Access from the public right-of-way to all Off-Street Parking Areas shall comply with Public Works Access criteria. Parking areas shall be provided with entrances and exits located to minimize traffic congestion and the effect of headlights at night.

4. All surface Off-Street Parking Areas shall be designed to enable all vehicle maneuvers to occur on private property and not in the public right-of-way unless specifically allowed by this Code.

5. Controlled access (e.g. gated or other access control) Off-Street Parking Areas shall be designed to accommodate anticipated queuing of vehicles entirely on private property and not in the public right-of-way.

## 10.4.6.4 Surface Parking Design Standards

The following design standards shall apply in all zone districts to any surface Off-Street Parking Area.

**A. Drainage and Surface Materials**

All Surface Off-Street Parking Areas shall:

1. Be graded for proper drainage; and

2. Be provided with an all-weather surface material of either:
   a. Asphalt,
   b. Asphaltic concrete,
   c. Concrete, or
   d. Any equivalent material as approved by the Zoning Administrator, additionally:
      i. For single-unit dwellings, any "equivalent material" shall be an all-weather surface with a minimum of 4" thickness that provides proper drainage and is the equivalent of asphalt, asphaltic concrete or concrete. This includes, but is not limited to, 3/4 inch recycled asphalt pavement (RAP) and 3/4 inch driveway gravel (crushed aggregate).

3. Additionally, for purposes of this provision, an "all-weather surface material" may include materials with a pervious surface of no greater than 15%.

**B. Screening and Landscaping**

See Division 10.5, Landscaping, Fences, Walls and Screening, for minimum parking lot landscaping and screening standards.

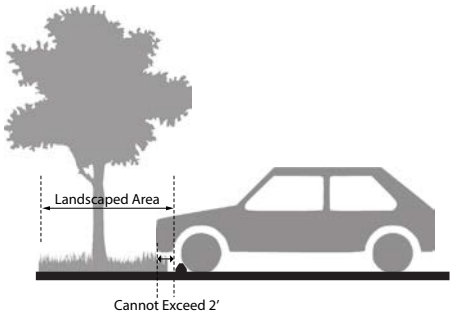
**C. Protection of Landscaping & Pedestrian Access**

**1. Protection of Landscaped Areas**

a. Surface Off-Street Parking Areas shall be provided with curbs or wheel stops located so that no part of parked vehicles will extend more than 2 feet into any landscaped area. (See Figure 10.4-5)

b. Planting strips or areas, fences, walls or hedges must be protected from vehicles and maintenance equipment by curbs, bollards, wheelstops, headers or other similar means.

Figure 10.4-5




**2. Protection of Sidewalks and Pedestrian Walks**

a. Surface Off-Street Parking Areas shall be provided with curbs or wheel stops located so that no part of a parked vehicle will reduce a sidewalk or pedestrian walkway to less than 5 feet in width (See Figure 10.4-6); or

b. In all locations where the edge of the pedestrian walks are directly abutted by parking spaces, an additional 3 feet of walkway width must be provided to accommodate vehicle overhangs. (See Figure 10.4-7)

Figure 10.4-6

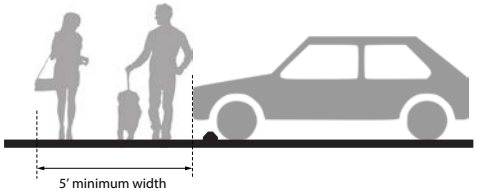
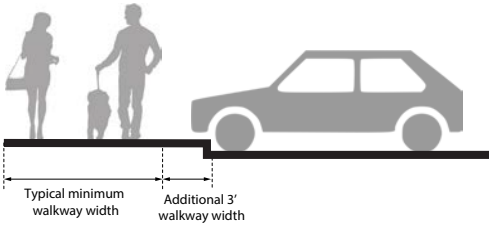



Figure 10.4-7




**3. Other Protection Required**

Surface Off-Street Parking Areas shall be provided with curbs or wheel stops located so that no part of parked vehicles will extend beyond the zone lot line.

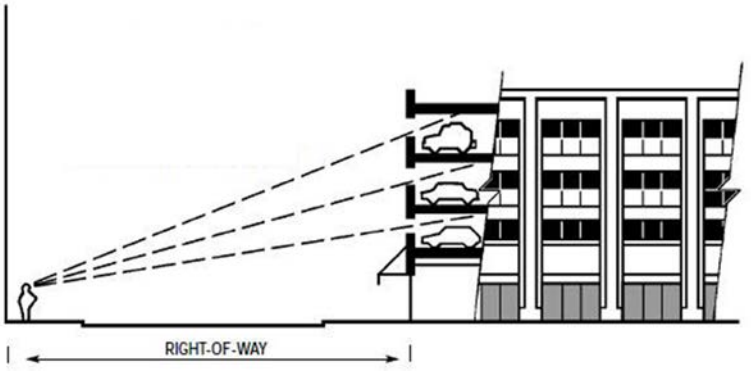
## 10.4.6.5 Parking Structure Design Standards

This Section 10.4.6.5 shall apply to all parking garage structures:

A. Facade openings that face any public right-of-way or publicly accessible open space shall be vertically and horizontally aligned and all floors fronting on such facades shall be level.

B. Parking structures shall be designed to conceal the view of all parked cars and internal light sources from adjacent public rights-of-way and publicly accessible open space for the full height of the structure.

Figure 10.4-8




### 10.4.6.6 Tandem Parking

**A. Applicability**

This Section 10.4.6.6 shall apply to all tandem parking.

**B. Where Allowed**

1. Tandem parking is allowed in a residential development, but may not be used to provide guest parking for a residential development and both parking spaces shall be assigned to the same residential unit.

2. Tandem parking is only allowed in a nonresidential development where attendant parking is provided on the zone lot and where parking on the zone lot is subject to a tandem parking management program, as approved by the Zoning Administrator.

   a. For purposes of this provision, a "tandem parking management program" means a formal program undertaken by a property owner or property manager to mitigate the potential adverse effects of tandem parking on vehicle owners and other Off-Street Parking Area users.

   b. Elements of a tandem parking management program include, but are not limited to:

      i. A secured vehicle key storage system located near the tandem parking area;

      ii. A vehicle key management system administered by on-site personnel;

      iii. Reserved tandem program where specific individuals share specific tandem spaces; or

      iv. A fleet/motor pool vehicle management program.

**C. Design Standards**

1. A maximum of 2 parking spaces may be provided in tandem.

2. Two parking spaces in tandem shall have a combined minimum dimension of 8.5 feet in width and 35 feet in length.

3. It must be possible to get any vehicle in or out of a tandem space by moving only 1 vehicle.

### 10.4.6.7 Packed Parking

Packed parking, where it can provide more efficient surface parking through the reduction of maneuvering area when an attendant or mechanical parking system is used to park vehicles, is allowed subject to compliance with the following standards:

A. An attendant or mechanical parking system shall be provided to park vehicles during all business hours of the primary use.

B. All maneuvering, stacking, parking and loading for packed parking must be accomplished on private property.

C. The area of each packed parking space shall be no less than 150 square feet.

D. An access lane of no less than 23 feet in width must be provided through the packed parking area.

### 10.4.6.8 Attendant Shelters or Pay Stations

An attendant shelter or pay station may be provided on the same zone lot as a surface parking lot. If provided, an attendant shelter or pay station shall comply with the building form standards in the applicable zone district, as applicable, in addition to the following design standards. In case of any conflict with an applicable building form standard, the building form standard shall apply .

A. Maximum Number of Attendant Shelters Permitted: 1 attendant shelter building.

B. Maximum Number of Pay Stations Permitted: 1 pay station for each 50 surface parking spaces.

C. Minimum Setback: An attendant shelter shall be setback a minimum of 20 feet from any boundary of the surface parking lot abutting a Protected zone district.

### 10.4.6.9 Reference to Other Applicable Design Standards

**A. Lighting**

All off-street parking space lighting shall meet the standards of Division 10.7, Outdoor Lighting.

**B. Landscaping**

Landscaping standards shall apply to all surface Off-Street Parking Areas according to Division 10.5, Landscaping, Fences, Walls and Screening.

## SECTION 10.4.7 USE AND MAINTENANCE OF PARKING AREAS

### 10.4.7.1 General Use and Maintenance Standards

Off-street parking space, including the spaces in which vehicles are parked as well as all drive aisles and access drives, shall be maintained and used in compliance with the following standards:

A. Off-street parking space shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.

B. No cleaning or maintenance of parking lots in a Residential Zone District utilizing motorized equipment may be performed between 11:00 p.m. and 6:30 a.m. each day.

C. Except in the CMP-NWC-F and CMP-NWC-G zone districts, loudspeaker or other amplified systems shall not be used in Off-Street Parking Areas.

D. For additional standards applicable to the parking of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

### 10.4.7.2 Fee for Required Parking Allowed

Required parking may be available as free parking, contract parking, or on an hourly or daily fee basis.

### 10.4.7.3 Flexibility in Use of Accessory Parking Areas

**A. Intent**

1. Provide flexibility in a property owner's use of accessory parking spaces when such spaces are not fully utilized by the owner for the subject primary use(s).

2. Allow for the limited sharing of otherwise unused or under-utilized accessory parking spaces to satisfy parking demand in areas near the subject Off-Street Parking Area where the supply of on-street or off-street parking may be insufficient to meet such demand.

**B. Applicability**

This Section 10.4.7.3 allowance shall apply only under the following conditions:

1. Shall be applied only to the use of existing Accessory Parking spaces, where the subject zone lot contains both a Primary Use and Accessory Parking serving that Primary Use.

2. Shall not apply to a zone lot containing a primary Surface Parking land use, regardless of the legal status of such Surface Parking use, and the BOA shall not have the authority to issue a variance to allow application of this Section 10.4.7.3 to such zone lots.

3. This allowance shall not be used to meet the minimum parking requirements of any primary use. (For that scenario, see Section10.4.5.4, Shared Vehicle Parking, or Section 10.4.4.5.B, Off-Site Vehicle Parking.)

**C. Flexible Use of Accessory Parking Spaces Allowed with Zoning Permit**

1. At any time when Accessory Parking spaces are not needed to meet the parking demand of the subject Primary Use (e.g., when the Primary Use is closed for business), the property owner may make available any unused or under-utilized Accessory Parking spaces to serve the parking needs of one or more Primary Uses not located on the same zone lot.

2. At all times, regardless of the option for flexible use allowed under this Section 10.4.7.3, the property owner shall maintain adequate Accessory Parking during all operating hours to serve the Primary Use(s) for which the Accessory Parking spaces are provided.

3. Such unused or under-utilized Accessory Parking spaces may be made available for a fee, at the property owner's option.

4. Such unused or under-utilized Accessory Parking spaces may be made available to serve a Primary Use located on a different zone lot whose parking is otherwise capped by a maximum parking standard.

5. A Zoning Permit is required according to Section 12.4.1, Zoning Permit Review.

## SECTION 10.4.8 LOADING

### 10.4.8.1 Intent

The intent of this Section's loading standards is to assure the provision of adequate off-street areas to allow vehicle to access, circulate, and service one or more Primary Uses on the zone lot.

### 10.4.8.2 Applicability

A. All zone districts except SU, TU, TH, RH, MU, RO, or MS zone districts.

B. This Section 10.4.8 shall not apply to any portion of a zone lot that is established as an Event Space with Alternate Parking and Loading use within the CMP-NWC-G or CMP-NWC-F zone districts.

C. The duty to provide and maintain off-street loading spaces shall be the joint and several responsibility of the operator and owner of the structure for which off-street loading spaces are required to be provided.

D. No new structure shall be designed, erected, altered, used or occupied unless the off-street loading space required is provided, and the number of off-street loading spaces for structures actually used, occupied and operated on June 25, 2010, shall not be reduced below the minimum number of spaces required by this Division. If such occupied structures are enlarged or expanded, there shall be provided for the increment only the amount or number of off-street loading spaces that would be required as if the increment were a separate structure.

## 10.4.8.3 Standards

### A. Required Number of Spaces

At least the following number of loading spaces, shall be provided:

| PRIMARY USES | SQUARE FEET OF GROSS FLOOR AREA * | REQUIRED NUMBER OF SPACES |
|---|---|---|
| Retail Sales and Wholesale Trade or Storage Primary Uses | Less than or equal to 15,000 | None |
| | Greater than 15,000 and less than or equal to 50,000 | 1 |
| | Greater than 50,000 and less than or equal to 200,000 | 2 |
| | Greater than 200,000 and less than or equal to 350,000 | 3 |
| | Greater than 350,000 | 4 |
| All Other Primary Uses | Less than or equal to 25,000 | None |
| | Greater than 25,000 and less than or equal to 250,000 | 1 |
| | Greater than 250,000 and less than or equal to 500,000 | 2 |
| | Greater than 500,001 and less than or equal to 750,000 | 3 |
| | Greater than 750,000 | 4 |
| * "Gross Floor Area" for purposes of calculating required loading spaces shall be determined as stated in Section 10.4.4, Vehicle Parking Required. | | |

### B. Dimensions

At least the following dimensions shall be provided, plus an area or means adequate for maneuvering, ingress and egress entirely within zone lot boundaries. Backing to or from a public right-of-way for loading maneuvering is prohibited unless Public Works expressly approves such movements in unusual situations where the site is constrained and as part of an approved Site Development Plan.

1. For Wholesale Trade or Storage Primary Uses, each loading space shall be at least 35 feet long, 10 feet wide and 14 feet high.

2. For Multi-Unit Dwelling Primary Uses, loading space dimensions shall be determined at Site Development Plan.

3. For all other uses, each loading space shall be at least 26 feet long, 10 feet wide, and 14 feet high.

### C. Location

#### 1. On-Site

Off-street loading spaces shall be located on the same zone lot as the structure for which provided, except as allowed in subsection C.2 below.

#### 2. On-Street

##### a. Applicability

On-street loading shall only be allowed where at least two or more loading spaces are required and where the Zoning Administrator has determined that the subject property is unusually small or irregularly shaped so that the reasonable development of the zone lot with the required loading spaces is difficult to achieve.

##### b. Standards

i. No more than two required loading spaces may be located on the public right-of-way;

ii. The spaces shall not create any adverse impacts on traffic or pedestrian movement;

iii. Public Works must approve the loading space(s); and

iv. At least one of the following shall be provided on the subject property zone lot:

a) One loading space that is 10 feet wide and 26 feet long; or

b) Two loading spaces that are each 10 feet wide and 20 feet long.

### 10.4.8.4 Maintenance

All off-street loading space shall be maintained in compliance with the regulations for the maintenance of off-street parking space according to Section 10.4.7, Use and Maintenance of Parking Areas.

## SECTION 10.4.9 PARKING CATEGORIES

### 10.4.9.1 Vehicle Parking Categories

**A. Purpose**

Parking categories are used to determine the minimum amount of parking spaces required for a specific primary use.

**B. Unclassified Uses**

If for any reason the parking category of any primary use cannot be determined for the purpose of establishing the number of required vehicle parking spaces, the parking category of such use shall be determined by the Zoning Administrator according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

**C. Parking Category Table**

The following parking categories apply to all primary permitted by this Code.

| USE CATEGORY | SPECIFIC PRIMARY USE | PARKING CATEGORY |
|---|---|---|
| **Residential** | | |
| Household Living | Dwelling, Single Unit | No Requirement |
| | Dwelling, Two Unit (includes provision of two units on one zone lot in a tandem house form) | Multi-Unit |
| | Dwelling, Multi-Unit | Multi-Unit |
| | Dwelling, Mixed Use | Multi-Unit |
| | Dwelling, Live / Work | Multi-Unit |
| Group Living | Assisted Living Facility | Residential Medium |
| | Community Correctional Facility | Residential Low |
| | Nursing Home, Hospice | Residential Medium |
| | Residence for Older Adults | Residential Medium |
| | Residential Care Use, Small or Large | Residential Low |
| | Rooming and Boarding House | Commercial High |
| | Shelter for the Homeless | Commercial Low |
| | Student Housing | Multi-Unit |
| **Civic, Public and Institutional** | | |
| Basic Utilities | Utility, Major Impact | Commercial Low |
| | Utility, Minor Impact* | Commercial Low |

| USE CATEGORY | SPECIFIC PRIMARY USE | PARKING CATEGORY |
|---|---|---|
| Community/Public Services | Community Recreational Facility | Public Use Medium |
| | Day Care Center | Public Use Medium |
| | Postal Facility | Commercial Medium |
| | Public Safety Facility | Public Use Medium |
| | Hospital | Public Use High |
| | Correctional Institution | Public Use Medium |
| Cultural/Special Purpose/Public Parks & Open Space | Cemetery | No Requirement |
| | Library | Public Use Medium |
| | Museum | Public Use Medium |
| | Performing Arts Center | Public Use Medium |
| | City Park | No Requirement |
| | Open Space - Recreation | Public Use Low |
| | Open Space - Conservation | No Requirement |
| Education | Elementary School | Public Use Medium |
| | Secondary School | Public Use High |
| | University or College | Public Use Medium |
| | Vocational or Professional School | Public Use Medium |
| Public and Religious Assembly | All Types | Public Use Medium |
| **Commercial Sales, Services and Repair** | | |
| Adult Business | All Types | Commercial Medium |
| Arts, Entertainment & Recreation | Recreation and Entertainment Services, Indoor | Commercial Medium |
| | Recreation and Entertainment Services, Outdoor | Commercial Medium |
| | Sports and/or Entertainment Arena or Stadium | Public Use Medium |
| | Theater and/or Performance Space | Public Use Medium |
| Parking of Vehicles | Parking, Garage | No Requirement |
| | Parking, Surface | No Requirement |
| Eating & Drinking Establishments | All Types | Commercial High |
| Lodging Accommodations | Bed and Breakfast Lodging | Commercial Medium |
| | Lodging Accommodations, All Others | Commercial Medium |
| Office | Dental / Medical Office or Clinic | Commercial Medium |
| | Office, All Others | Commercial Medium |
| Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair) | Animal Services and Sales, Household Pets Only | Commercial Medium |
| | Animal Services and Sales, All Others | Commercial Medium |
| | Body Art Establishment | Commercial Medium |
| | Food Sales or Market | Commercial Medium |
| | Pawn Shop | Commercial Medium |
| | Pay Day Lending Services | Commercial Medium |
| | Retail Sales, Service & Repair -- Outdoor | Commercial Medium |
| | Retail Sales, Service & Repair, Special: Includes Gun Sales | Commercial Medium |
| | Retail Sales, Service & Repair, All Others | Commercial Medium |

| USE CATEGORY | SPECIFIC PRIMARY USE | PARKING CATEGORY |
|---|---|---|
| Vehicle / Equipment Sales, Rentals, Service & Repair | Automobile Emissions Inspection | Commercial Low |
| | Automobile Gas / Service Station | Commercial Low |
| | Automobile Wash, Laundry, Detail or Polishing Shop | Commercial Low |
| | Automobile Repair Garage | Commercial Low |
| | Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing | Commercial Low |
| | Automobile Pawn Lot or Vehicle Auctioneer | Commercial Low |
| | Heavy Vehicle/ Equipment Sales, Rentals & Service | Commercial Low |
| **Industrial, Manufacturing and Wholesale** | | |
| Communications and Information | Communication Services | Commercial Low |
| | Telecommunications Towers* | No Requirement |
| | Telecommunication Facilities -- All Others | No Requirement |
| Industrial Services | Contractors, Special Trade -- General | Commercial Low |
| | Food Preparation and Sales, Commercial | Commercial Low |
| | Laboratory -- Research & Development, Technological Services | Commercial Low |
| | Service/Repair, Commercial | Commercial Low |
| Manufacturing and Production | Manufacturing, Fabrication & Assembly -- Custom | Commercial Low |
| | Manufacturing, Fabrication & Assembly -- General | Commercial Low |
| | Manufacturing, Fabrication & Assembly -- Heavy | Commercial Low |
| Mining & Extraction and Energy Producing Systems | Oil, Gas -- Production, Drilling* | Commercial Low |
| | Sand or Gravel Quarry | Commercial Low |
| | Wind Energy Conversion Systems* | No Requirement |
| Transportation Facilities | Airport | No Requirement |
| | Helipad, Helistop, Heliport | No Requirement |
| | Railroad Facilities | Commercial Low |
| | Railway Right-of-Way | No Requirement |
| | Terminal, Station, or Service Facility for Passenger Transit System | Commercial Low |
| | Terminal, Freight, Air Courier Services | Commercial Low |
| Waste Related Services | Automobile Parts Recycling Business | Commercial Low |
| | Junkyard | Commercial Low |
| | Recycling Center | Commercial Low |
| | Recycling Collection Station | Commercial Low |
| | Recycling Plant, Scrap Processor | Commercial Low |
| | Solid Waste Facility | Commercial Low |
| Wholesale, Storage, Warehouse & Distribution | Automobile Towing Service Storage Yard | Commercial Low |
| | Contractors, Special Trade - Heavy, Yard | Commercial Low |
| | Container Storage (Mini-Storage) | Commercial Low |
| | Heavy Equipment Sales or Rentals | Commercial Low |
| | Storage Services | Commercial Low |
| | Vehicle Storage, Commercial | Commercial Low |
| | Wholesale Trade, General, and/or Storage of Toxic and/or Hazardous Materials | Commercial Low |
| | Wholesale Trade, Light, and/or Storage of Nontoxic and/or Nonhazardous Materials | Commercial Low |

| USE CATEGORY | SPECIFIC PRIMARY USE | PARKING CATEGORY |
|---|---|---|
| **Agriculture** | | |
| **Agriculture** | Aquaculture | Commercial Low |
| | Garden, Urban | Commercial Low |
| | Husbandry, Animal<br>Husbandry, Plant | Commercial Low |
| | Plant Nursery | Commercial Low |

## 10.4.9.2 Bicycle Parking Categories

Bicycle parking is required based on the specific primary uses's assigned parking category, according to Section 10.4.9.1, Vehicle Parking Categories. The bicycle parking standards are then varied by neighborhood context, as set forth in the tables below.

| SUBURBAN NEIGHBORHOOD CONTEXT AND I-A, -B ZONE DISTRICTS | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/5 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/5,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/20,000 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/20,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| URBAN EDGE NEIGHBORHOOD CONTEXT | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/5 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/5,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/20,000 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/20,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| URBAN NEIGHBORHOOD CONTEXT AND MASTER PLANNED CONTEXT | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/4 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/3,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/10,000 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |

| URBAN NEIGHBORHOOD CONTEXT AND MASTER PLANNED CONTEXT | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| GENERAL URBAN NEIGHBORHOOD CONTEXT AND ALL I-MX ZONE DISTRICTS | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/4 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/3,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/10,000 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| URBAN CENTER NEIGHBORHOOD CONTEXT AND CAMPUS ZONE DISTRICTS | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/2 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/1,500 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/7,500 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/5,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| DOWNTOWN NEIGHBORHOOD CONTEXT - D-LD, D-GT, D-AS, D-AS-12+, D-AS-20+ ZONE DISTRICTS ONLY | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1/2 units | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/1,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/7,500 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/5,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/10,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

| DOWNTOWN NEIGHBORHOOD CONTEXT - D-CPV-T, D-CPV-R, D-CPV-C ZONE DISTRICTS ONLY | | |
|---|---|---|
| **Parking Category** | **Minimum Bicycle Parking Spaces Required** | **% Parking Spaces Provided in Enclosed Bicycle Parking Facility/Fixed Bicycle Rack Parking Facility** |
| Multi-unit | 1.1/unit | 80%/20% |
| Residential Low | No Requirement | n/a |
| Residential Medium | No Requirement | n/a |
| Commercial High | 1/1,000 sq. ft. GFA | 0%/100% |
| Commercial Medium | 1/4,000 sq. ft. GFA<br>Lodging accommodations uses: 1/7,500 sq. ft. GFA | 60%/40%<br>Retail, sales, service and repair uses: 20%/80% |
| Commercial Low | No Requirement | n/a |
| Public Use High | 1/5,000 sq. ft. GFA | 0%/100% |
| Public Use Medium | 1/5,000 sq. ft. GFA | 0%/100% |
| Public Use Low | No Requirement | n/a |

# DIVISION 10.5 LANDSCAPING, FENCES, WALLS AND SCREENING

## SECTION 10.5.1 INTENT

The intent of this Division's landscaping, fences, walls, and screening standards is to:

10.5.1.1 Establish an attractive landscaped edge and screening adjacent to street right-of-way and residential.

10.5.1.2 Increase Denver's urban tree canopy, reduce heat island effects, and improve air quality.

10.5.1.3 Preserve existing trees and vegetation.

10.5.1.4 Promote and enhance the community's appearance as viewed from the public realm.

10.5.1.5 Improve site permeability and reduce stormwater runoff.

10.5.1.6 Incorporate required water quality and storm water management features into the overall site and landscape design in way that is attractive and a positive part of an integrated landscape design.

10.5.1.7 Mitigate visual impacts on surrounding properties, open spaces, and public rights-of-way arising from roof-top mechanical equipment, outdoor storage of materials and waste, surface parking lots, and other similar outdoor uses and activities.

## SECTION 10.5.2 GENERAL STANDARDS

### 10.5.2.1 Corner Sight Triangles

Corner sight triangles are areas at intersection corners of streets, driveways, or alleys where the height of landscaping, fences, walls, and screening may be limited to preserve clear vehicle sight lines to oncoming vehicular and pedestrian traffic. Any landscaping, fence, or wall, or screening within a corner sight triangle shall be approved by Public Works.

### 10.5.2.2 Maintenance

**A. Responsibility**

The owner of the property, his successors, heirs and assignees are responsible for the proper maintenance of required landscaping, fences, walls and screening.

**B. Continuous Maintenance Required**

Required landscaping, fences, walls and screening must be Continuously Maintained including necessary watering, weeding, pruning pest control and replacement of dead or diseased plant material or damaged fence and wall materials.

**C. Replacement of Planting Material**

Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan. Replacement of dead or diseased plant material shall occur within 30 days of such event during the growing season of April 1 to October 1. At all other times, replacement shall occur within 45 days of the start of the following growing season. In no event shall replacement time exceed one year.

**D. Irrigation**

1. Landscaped areas must have a properly designed irrigation system providing full coverage on all plant material areas from drip irrigation lines, impulse sprinklers, pop-up and surface spray sprinklers or other means appropriate for the area to be irrigated.

2. The applicant or a qualified irrigation specialist, must certify, either on the required landscape plan or in a written statement attached to the plan, that the proposed irrigation system is adequate.

# SECTION 10.5.3 TREE PRESERVATION - RESIDENTIAL ZONE DISTRICTS

## 10.5.3.1 Applicability - Preservation of Established Trees in Residential Primary and Side Street Setbacks

As a condition of any permit to demolish or construct any building containing a single unit dwelling, two-unit dwelling, or multi-unit dwelling in a Residential Zone District, the owner of the zone lot shall be required to preserve any established tree not otherwise diseased or decayed within the primary and side street setback areas of the zone lot.

## 10.5.3.2 Preservation Measures Required

In order to protect an established tree from damage or destruction and to enhance the tree's chance of survival after construction activities on the zone lot are completed, the owner shall take and maintain throughout the course of demolition or construction the following measures:

A. Erect and maintain temporary fencing surrounding the area beneath the tree in order to mitigate the chance of impact injuries to the tree during demolition or construction;

B. Refrain from operating construction equipment or storing construction materials beneath the canopy of the tree or engaging in other activities that would cause the undue compaction of the soil in the tree's root zone; and

C. Refrain from any excavation beneath the canopy of the tree that would cause undue destruction of the tree's roots.

## 10.5.3.3 Permit for Tree Removal

The owner may be relieved from the requirements of this Section only upon obtaining a permit for tree removal from the City Forester according to the provisions of Sections 57-20(b) and 57-25 of the D.R.M.C.

## 10.5.3.4 Definition of "Established Tree"

See Article 13, Rules of Measurement and Definitions, for the definition of "established tree."

# SECTION 10.5.4 LANDSCAPING STANDARDS

## 10.5.4.1 Applicability and Exceptions

### A. Applicability

1. This Section 10.5.4 shall apply to development in all zone districts, except residential development in all SU or TU zone districts.

2. Whenever the area of an existing surface parking lot is expanded or when a new area is constructed, the entire Off-Street Parking Area shall be landscaped according to this Section 10.5.4.

3. For Surface Parking as a Primary Use in the D-LD, D-CV, D-C, D-TD, D-GT and D-AS zone districts, Section 8.10.3, Surface Parking Lot Landscaping, shall apply rather than this Section 10.5.4.

4. The City of Denver Landscaping of Parking Areas Rules and Regulations shall not apply to properties zoned under the Denver Zoning Code.

5. See the City of Denver Streetscape Design Manual for additional provisions.

### B. Exceptions

#### 1. Process for Exception Requests

All requests for exceptions from the general site and surface parking landscaping requirements shall be reviewed according to Section 12.4.5, Administrative Adjustments.

**2. Exception for Physical Limitations**

If the Zoning Administrator determines that, because of physical limitations imposed by the location and arrangement of existing buildings or by site dimensions, it is impossible or impractical to meet the requirements of this Section, the Zoning Administrator may:

a. Allow part or all of the landscaped area required to be provided elsewhere on the zone lot; or

b. Waive part or all of such requirements altogether, provided that the standards are implemented to the fullest extent possible, given the physical limitations.

**3. Exception for Excessive Improvement Costs**

If the landscaping requirements of this Section are applicable because of either an addition to the gross floor area of an existing building or the change of use of an existing building, the Zoning Administrator may:

a. Waive certain of landscape requirements on the basis that the cost of meeting such requirements exceeds 50 percent of the cost of either constructing the building addition or changing the use.

b. This waiver may be granted only if the applicant provides the Zoning Administrator with an itemization of the landscape improvements and costs necessary to meet the requirements, together with an estimate prepared by a licensed contractor or other qualified professional, of the construction cost of the building addition or the construction and other tenant improvement costs related to the change of use.

**4. Exception for Preservation of Existing Trees**

a. Preservation of existing trees may count toward landscape requirements of the Code.

b. If, in order to comply with both (1) these standards for the landscaping of Off-Street Parking Areas, and (2) the off-street parking requirements, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or 2) the number of required parking spaces.

## 10.5.4.2 Site Landscaping Standards - Group 1

### A. Applicability

**1. Zone Districts**

Section 10.5.4.1, Applicability and Exceptions shall apply, except this Section 10.5.4.2 shall not apply in the I-A and, I-B zone districts, and in the I-MX zone districts for development using the Industrial Primary Building Form.

**2. Build-To Range**

All "open areas" within a required build-to range along the entire applicable street frontage shall be landscaped (e.g., the area located within the 0 to 15 feet build-to range along the primary street).

**3. Required Setbacks**

All "open areas" within a required minimum setback shall be landscaped.

**4. Open Area Defined**

For purposes of this Section 10.5.4.2, "open area" shall mean areas not occupied by either:

a. Building(s);

b. An allowed encroachment into a build-to or setback area;

c. A required entrance and/or pedestrian connection;

d. On-site pedestrian walkways no wider than 5 feet;

e. Surface Off-Street Parking Areas;

f. Area dedicated to permanent outdoor amenities related to the primary use, such as an outdoor eating and serving area; or

g. Areas that other City laws require to be kept free of live planting material.

**B. Minimum Landscaping Standards**

1. A minimum of 50% of the applicable area shall be landscaped with live planting material and the remaining 50% shall be landscaped with either live or non-live landscaping material, according to Section 10.5.4.6 Landscaping Material Standards. See Figures 10.5-1 and 10.5-2.

2. Trees and shrubs in the Campus National Western Center-Core (CMP-NWC-C), Urban Center ("C-") and Downtown ("D-") zone districts may be located in planters.

3. Existing trees and shrubs located in the required landscape areas shall be credited towards this requirement, provided they meet Section 10.5.4.6, Landscaping Material Standards.

Figure 10.5-1

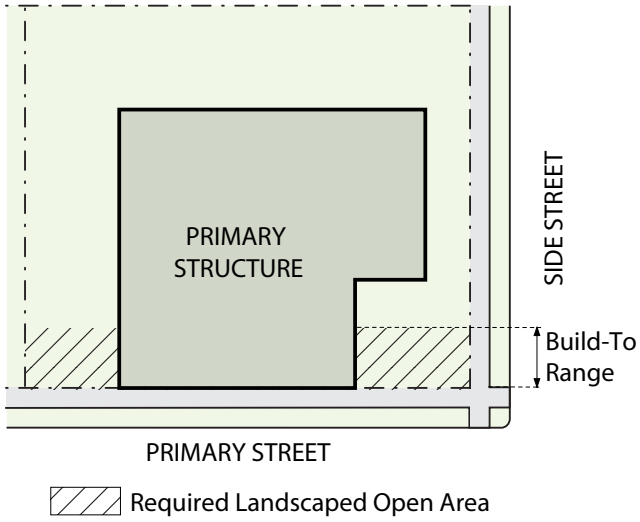
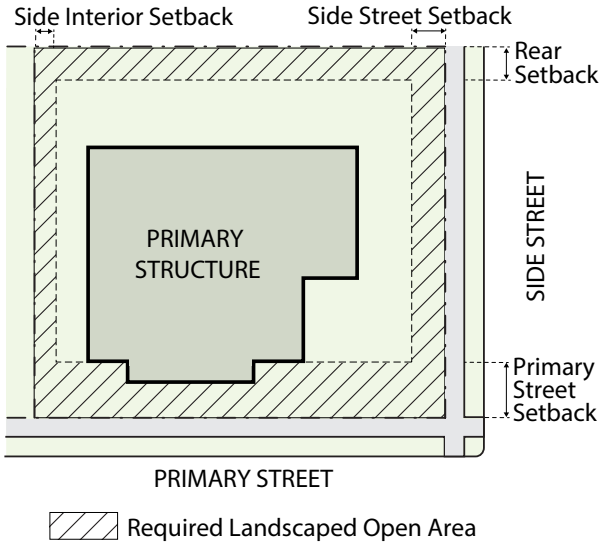



Figure 10.5-2




## 10.5.4.3 Site Landscaping Standards - Group 2

**A. Applicability**

1. This subsection 10.5.4.3 shall apply in the I-A and I-B zone districts and in I-MX zone districts to development using the Industrial Primary Building Form.

**2. Expansions of Existing Use**

a. This Section 10.5.4.3 shall apply to the expansion of an existing use only if the site area or gross floor area of such use is enlarged more than 15 percent of that existing on June 25, 2010.

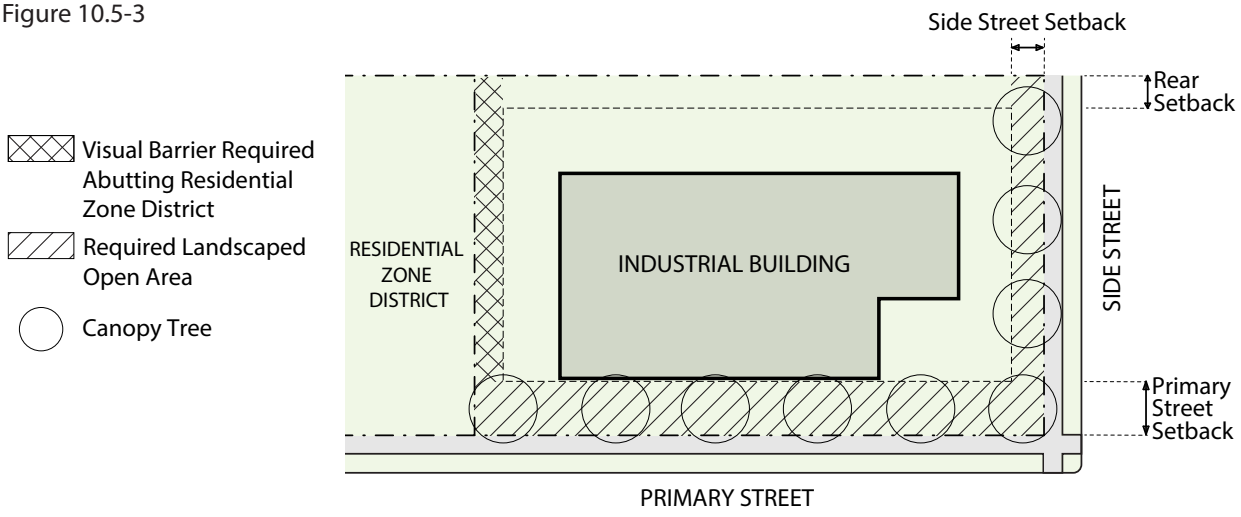
b. The area of landscaping required shall be the ratio of additional floor or site area to the gross floor area or site area existing on June 25, 2010, multiplied by 5 percent.

i. For example, assume an industrial use is to be expanded by 23 percent of the present gross floor area or site area: 0.23 (23%) × 0.05 (5%) = 0.0115. 0.0115 × Present zone lot area = Area of required new landscaping.

### B. Standards

| PLANTING AREA | MINIMUM WIDTH OF PLANTING STRIP | PLANTINGS AND SCREENING REQUIRED |
|---|---|---|
| Required Primary and Side Street Setback Areas | N/A | A Minimum of 50% of the required primary street and side street setback area, exclusive of drive-ways, shall consist of live ground cover.<br>1 shade tree or ornamental tree shall be provided every 40 feet of linear frontage. Trees may be grouped or spaced to accommodate building placement, driveways or corner triangles |
| Required Side Interior and Rear Setback Areas Abutting Residential Zone District. The presence of a street or alley shall not destroy abutment. | 10 ft | Shall create a visual barrier between the Industrial zone lot and abutting Residential Zone District. Such visual barrier shall include:<br>1. Trees, shrubs, and hedges;<br>2. Earth berms and plantings;<br>3. Approved planter boxes, fences or walls; or<br>4. Any combination of the above which meets these regulations. |
| Zone Lot | N/A | Shall provide landscaped areas equal to 5 percent of the zone lot area installed on the zone lot. Primary Street and Side Street setback landscaping and the landscaped areas required for on-site parking lots may be counted toward compliance with this requirement.<br>Such landscaping shall be located near the front of the zone lot and shall comply with all applicable general landscaping standards in Division 10.5, Landscaping, Fences, Walls and Screening. |

Figure 10.5-3



## 10.5.4.4 Perimeter Surface Parking Lot Landscaping Standards

### A. Applicability

Section 10.5.4.1, Applicability and Exceptions, shall apply.

### B. Perimeter Surface Parking Lot Landscaping Standards Abutting Street Right-of-Way

#### 1. Standards

a. To the maximum extent feasible, on-site drainage required for a zone lot shall be integrated into the perimeter planting strip.

b. Alternatives to required landscape, fence and wall materials may be allowed to better match primary building materials used on the site according to Section 12.4.5, Administrative Adjustment.

c. The following shall be provided within zone lot boundaries between the boundary of any surface parking lot and street rights-of-way (except as noted):

| CONTEXT AND/OR DISTRICT | PERIMETER PLANTING STRIP REQUIRED | PLANTINGS REQUIRED WITHIN THE PERIMETER PLANTING STRIP | GARDEN WALL REQUIRED | GARDEN WALL HEIGHT | GARDEN WALL MATERIALS | PEDESTRIAN ACCESS REQUIRED |
|---|---|---|---|---|---|---|
| Suburban Neighborhood Context<br>I-A and I-B Zone Districts<br>I-MX Zone Districts with Industrial Building Form<br>(See Figure 10.5-4) | Yes, minimum width of 10' | 1 deciduous canopy tree for every 25' of linear frontage<br>Spacing of trees may vary, the maximum spacing is 40';<br>CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: 1 deciduous canopy tree for every 35' of linear frontage. Spacing of trees may vary, the maximum spacing is 40' | No; however may reduce perimeter planting strip width to 5' if provide a garden wall | Min 30 inches; Max 42 inches | Masonry or Ornamental fence with masonry piers spaced not more than 25' | Yes |
| Urban Edge, Urban, General Urban Neighborhood Contexts<br>Campus Master Planned Contexts<br>I-MX Zone Districts with General Building Form<br>(See Figure 10.5-5) | Yes, minimum width of 5'; CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: Yes, minimum of 10' | | Yes; CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts: No | | | |
| Urban Center Neighborhood Context<br>(See Figure 10.5-6) | Not Required | NA | Yes | | | |
| Downtown Neighborhood Context<br>D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Districts only<br>(See Figure 10.5-5) | Yes, minimum width of 8 ' (may be located in street right-of-way) | 1 deciduous canopy tree for every 25' of linear frontage<br>Spacing of trees may vary, the maximum spacing is 40' | Yes | Min 30 inches; Max 42 inches | | Yes; Min. 3' wide access at max. of 80' intervals along all public street and alley frontages of the parking lot |
| Downtown Neighborhood Context<br>D-C, D-TD, D-LD, D-CV, D-GT, D-AS Districts | See Section 8.10.3 in Article 8 | | | | | |

Figure 10.5-4

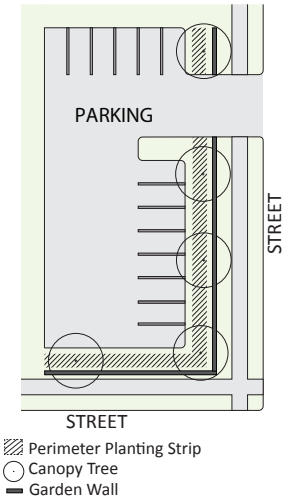



Figure 10.5-5

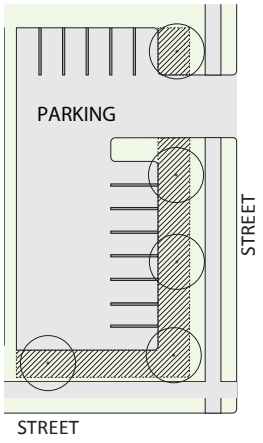
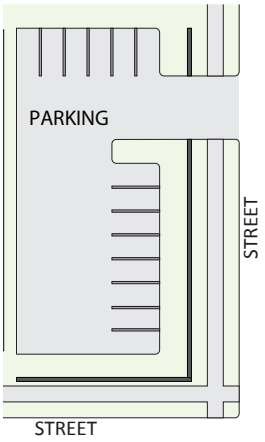



Figure 10.5-6




### C. Perimeter Surface Parking Lot Landscaping Standards Adjacent to Residential Use or Zone District

#### 1. Intent

Protect ground-level and below-ground-level windows from headlight glare and the direct emission of vehicle exhaust.

#### 2. Standards

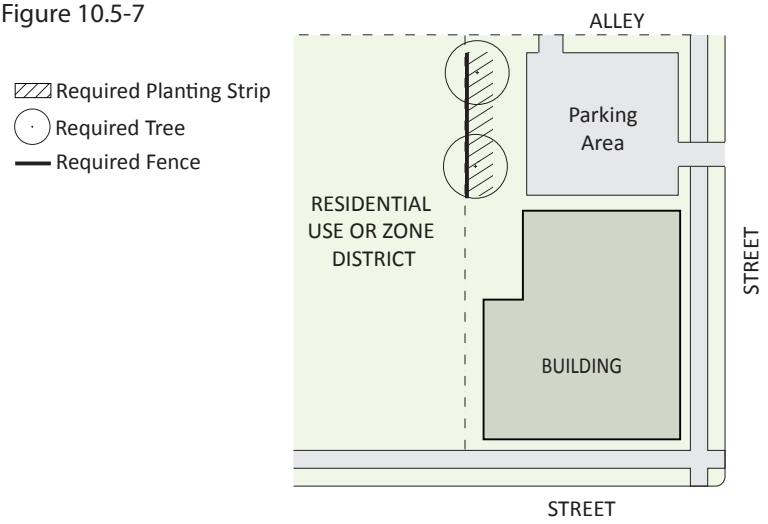
a. All Off-Street Parking Areas shall have a visual screen on each perimeter zone lot line abutting a Residential Use or zone district, unless separated by an alley. See Figure 10.5-7.

b. The requirements of this Section may be reduced or varied by the Zoning Administrator if conditions exist that meet the intent of the regulation or there is formal agreement from the adjacent residential property owner.

c. Off-Street Parking Areas shall provide a visual screen as follows:

| MINIMUM WIDTH OF PLANTING STRIP | PLANTING REQUIRED | FENCE REQUIRED | FENCE OR WALL MATERIAL STANDARDS |
|---|---|---|---|
| 5 feet | 1 deciduous canopy tree for every 25 linear feet<br><br>Spacing of trees may vary, the maximum spacing is 40' | Suburban Neighborhood Context: 6' tall opaque fence or wall; or an earth berm and plantings<br><br>All other Neighborhood Contexts and Zone Districts:<br>6' tall opaque fence or wall | Fences or walls used to meet these screening requirements shall be of wood, composite materials, brick, masonry, metal/iron bars, textured or aggregate concrete.<br><br>• Chain link or wire mesh may be used only in combination with plant material of sufficient density to create an opaque screen.<br>• Corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited not permitted.<br>• Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator. |

Figure 10.5-7




## 10.5.4.5 Interior Surface Parking Lot Landscaping Standards

### A. Applicability

1. Section 10.5.4.1, Applicability and Exceptions shall apply.
2. This Section 10.5.4.5 shall not apply to surface parking lots with 20 or fewer parking spaces.
3. This Section 10.5.4.5 shall not apply to surface parking lots in the CMP-NWC-G or CMP-NWC-F zone districts.
4. This Section 10.5.4.5 shall not apply to any portion of a zone lot established as Event Space with Alternate Parking and Loading use in the CMP-NWC-G or CMP-NWC-F zone districts.

### B. General Standards

Interior landscaping required by this Section for surface parking lots shall include, at a minimum, the following design and material elements:

1. Required landscaping and trees shall be sited to achieve maximum shading of parked vehicles.
2. Landscaping that abuts the length of a parking space shall provide a brick paver, mulched edges, or similar technique to provide a clear landing area for persons entering and exiting their parked vehicles.
3. On-site drainage required for a zone lot shall, to the maximum extent feasible, be incorporated into parking lot landscaped areas.

## C. Specific Standards

| SURFACE PARKING LOTS WITH: | LANDSCAPED AREA REQUIRED | PLANTINGS REQUIRED WITHIN LANDSCAPED AREA | DESIGN REQUIREMENTS FOR LANDSCAPED AREA |
|---|---|---|---|
| 20 parking spaces or less | No requirement | | |
| 21-100 parking spaces (See Figures 10.5-8 and 10.5-9) | An area equal to at least 5% of the square footage of the area of surface parking stalls, exclusive of circulation and proposed landscaped areas, shall be provided. | Shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material following Section 10.5.4.6; and<br><br>At least 1 deciduous canopy tree shall be provided at the ratio of one for every 50 linear feet of double loaded row of parking | Minimum Width: 6'<br><br>Landscape areas must be within or immediately adjacent to the parking rows and may be in a strip along the center of a double loaded row or in one or more islands at the ends or interspersed between parking rows and stall. |
| 101 or more parking spaces (See<br><br>10.5-10) | An area equal to at least 5% of the square footage of the area of surface parking stalls, exclusive of circulation and proposed landscaped areas, shall be provided. | Shall be landscaped with 50% live planting material and the remaining 50% with either live or non-live material following Section 10.5.4.6; and<br><br>For each 200 sf or part thereof of landscaped area required, according to this Section 10.5.4.5.C, at least 1 deciduous canopy tree and 6 shrubs shall be included in the landscaped area. | Minimum Width: 6'<br><br>Minimum Intervals:<br>Areas where the required landscaping is located shall be provided at intervals no greater than every 15 contiguous parking stalls in a row; however, the Zoning Administrator may vary the maximum increment, provided the spacing and layout of the landscape islands meet the intent of the regulation. |

Figure 10.5-8

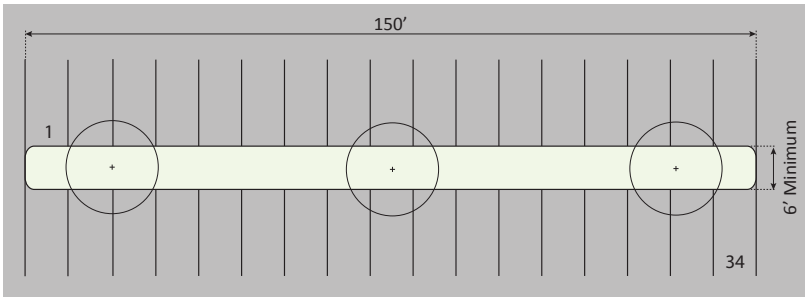



Figure 10.5-9

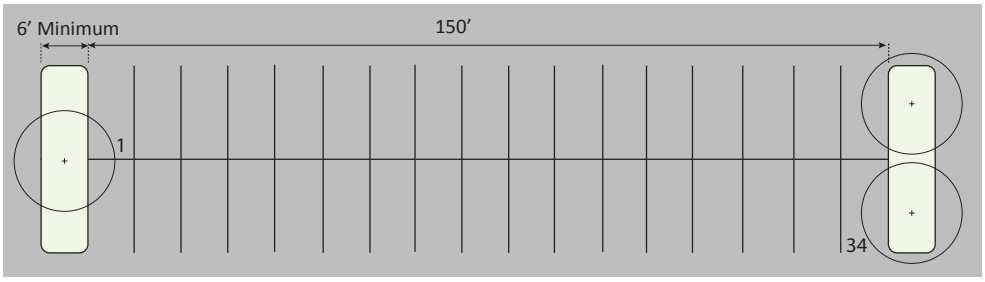
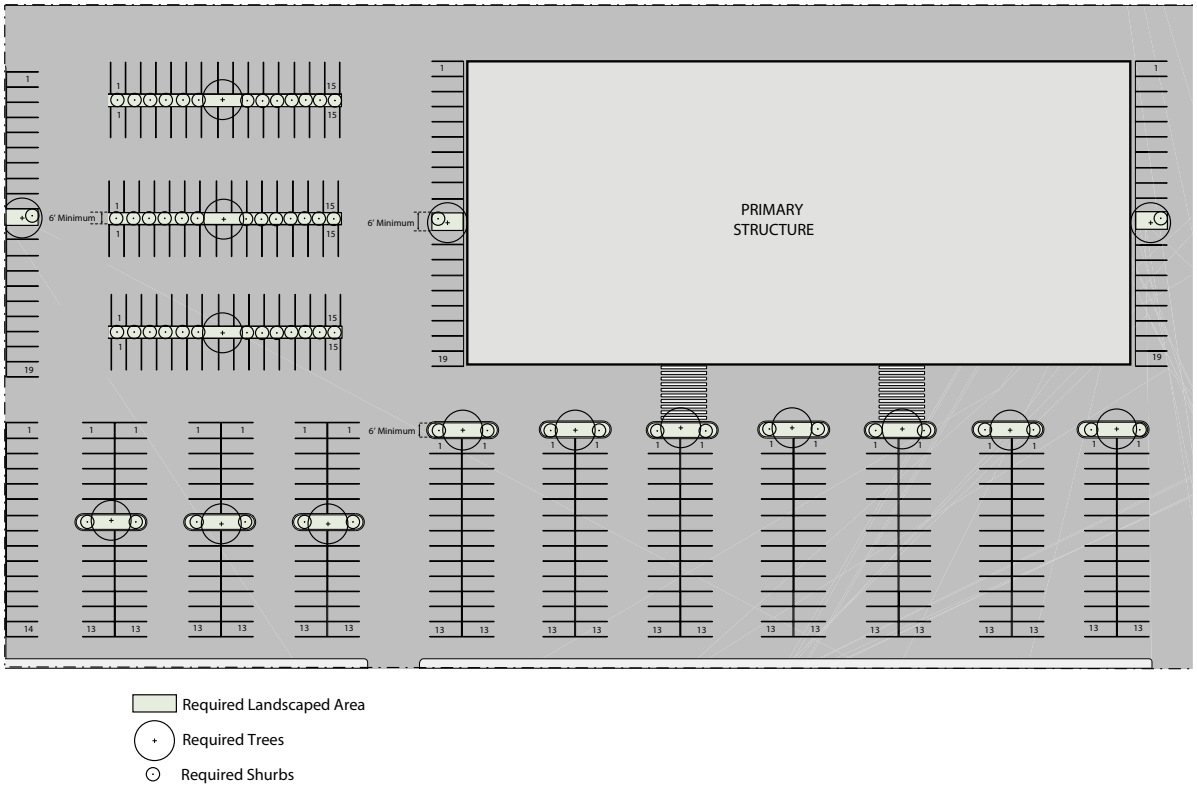


Figure 10.5-10




## 10.5.4.6 Landscaping Material Standards

When required by this Division, landscaping materials shall meet the following minimum standards:

### A. Live Plant Material Standards

1. Where live plant material is required, the amount of area coverage (e.g. 50%) shall be calculated for plant maturity, rather than the coverage at time of planting.
2. All required live plant material must be kept Continuously Maintained in live and growing condition.
3. Applicants are encouraged to incorporate drought-resistant plants and shrubs into required landscaping areas, including but not limited to ornamental grasses.
4. The following materials are allowed and shall meet the following size specifications at time of planting:
   a. Deciduous trees are at least 2-inch caliper measured 4 inches above the ground;
   b. Ornamental and flowering trees are at least 1 and 1/2 inches caliper measured 4 inches above the ground;
   c. Evergreen trees are at least 5 feet tall;
   d. Evergreen spreaders and broadleaf evergreens are 5-gallon size minimum, with spreads no less than 18 to 24 inches;
   e. Shrubs are 5-gallon size minimum, with heights no less than 2 to 3 feet;
   f. Vines and ornamental grasses are 1 gallon in size, minimum;
   g. Ground Cover;

h. Turf or sod; and

i. Other similar quality and size live plant material.

**B. Non-Live Landscaping Material Standards**

Where non-live landscaping material is required on a zone lot, the following materials are allowed:

1. Organic mulch; or

2. Gravel or stone that is designed or placed so as to allow permeability.

## SECTION 10.5.5 FENCES AND WALLS

### 10.5.5.1 General Standards

All fences and walls shall comply with the following:

**A. Corner Sight Triangle**

A shorter height may be required to assure corner sight triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Sight Triangles).

**B. Schools, Parks and Open Space**

Elementary or Secondary schools, City Parks, or Open Space, Recreation or Conservation uses are allowed to have open-mesh fences with no maximum height on any part of the zone lot.

**C. Exception to Maximum Height**

The Zoning Administrator may grant a permit for fences and walls that exceed the maximum height in Section 10.5.5.2 upon application in specific cases, according to Section 12.4.2 Zoning Permit Review with Informational Notice and subject to compliance with the following standards:

1. The proposed fence or wall shall not adversely affect traffic safety or appropriate use of adjacent property.

2. Any 4-feet linear section of an over-height fence or wall in the Primary Street setback shall be less than 50 percent solid over its entire area.

3. The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.

4. The fence shall not detract from the safety or pedestrian character of the right-of-way.

5. The fence shall not be located in any Primary Street setback area adjacent to a designated Parkway.

**D. Setback Encroachment Allowed**

Fences and walls may encroach into any setback area any distance, unless within a Parkway Setback established in D.R.M.C. Chapter 49.

**E. Material Standards**

All fences and walls shall be constructed of one or more of the following materials (corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited):

1. Wood; Composite materials; Brick; Masonry; Metal/iron bars (ornamental fence); Textured or aggregate concrete; Chain link or wire mesh.

2. In the I-A, I-B and I-MX zone districts only: Barbed wire or razor wire, if approved by the Fire Department.

3. Fences located on top of retaining walls in the Primary Street setback must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.

4. Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

**5. Nonconforming Fence and Wall Materials - All Zone Districts**
In all zone districts, notwithstanding the Nonconforming Structure provisions in Article 12, Zoning Procedures and Enforcement, existing fences and walls that have been constructed of prohibited materials or other materials not approved by the Zoning Administrator may not be maintained, and any such fences and walls shall be immediately reconstructed of approved materials or removed; provided, however, if such fence or wall is required by some other provision of the Revised Municipal Code, such fence or wall shall be reconstructed with approved materials.

## 10.5.5.2 Specific Maximum Heights

The following standards shall apply except where greater height is allowed in Section 10.5.5.1 above or when this Code expressly requires such fence or wall for landscaping, screening, or other purposes. See Article 13, Rules of Measurement and Definitions for fence and wall height measurement. This section shall not apply to Retaining Walls.

### A. Residential Zone Districts and Single Unit and Two Unit Development

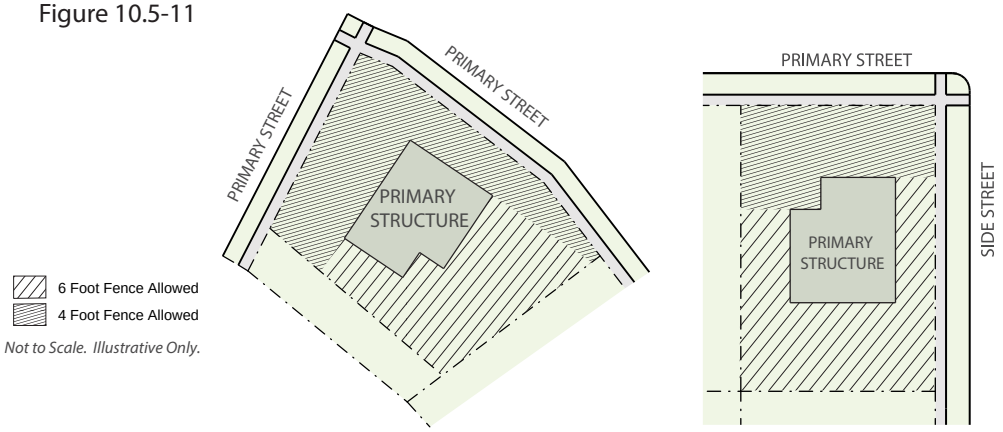
**1. Intent**
Maintain the intent of required setback areas and building coverage maximums by regulating the height of fences and the openness of fences where appropriate.

**2. Applicability**
This Section 10.5.5.2 applies in all Residential Zone District and to any single-unit or two-unit dwelling development.

**3. Maximum Height**

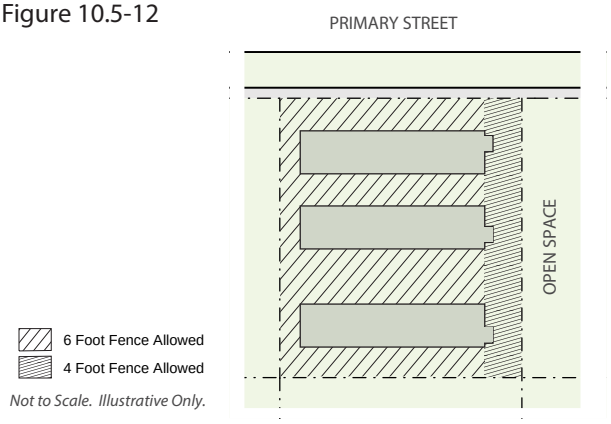
a. The maximum height when forward of any Primary street facing Primary Structure Facade shall be 4 feet and when located at or behind any Primary street facing Primary Structure Facade shall be 6 feet. See Figure 10.5-11.

Figure 10.5-11



b. In the Master Planned Context, for Primary Structures "facing" a publicly accessible open space rather than the Primary Street, the maximum height when forward of a Primary street facing Primary Structure Facade shall be 6 feet; however when forward of the Primary Structure Facade "facing" the open space, the maximum height shall be 4 feet. See Figure 10.5-12.

Figure 10.5-12




## B. Mixed Use Commercial Zone Districts, OS-B and OS-C

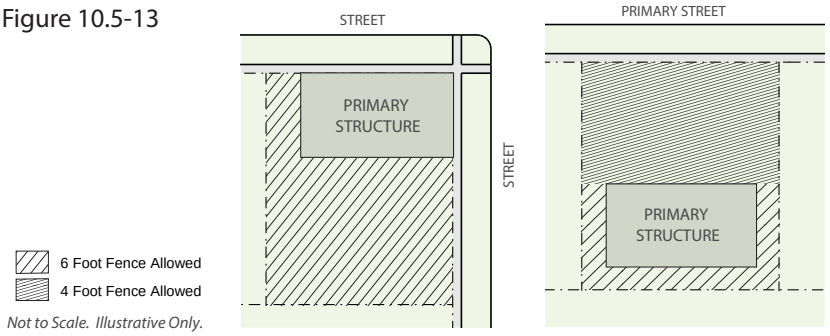
### 1. Applicability

All Mixed Use Commercial Zone Districts, OS-B and OS-C zone districts, but not including the I-MX zone district.

### 2. Maximum Height

The maximum height when forward of any street facing Primary Structure Facade shall be 4 feet and when located at or behind any street facing Primary Structure Facade shall be 6 feet. See Figure 10.5-13.

Figure 10.5-13



### C. I-A, I-B, and I-MX and CMP-NWC-F Zone Districts

#### 1. Applicability

I-A, I-B, or I-MX, or CMP-NWC-F zone districts.

#### 2. Maximum Height

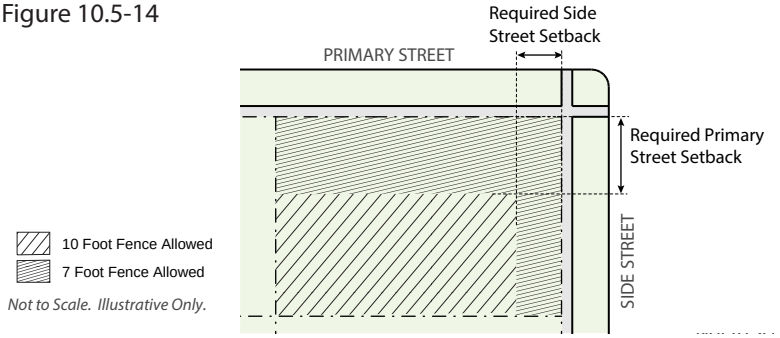
**a. Within the Setback Area**

The maximum height shall be 7 feet and shall only be open wall or fences, chain link, or wire mesh.

**b. Outside the Setback Area**

The maximum height shall be 10 feet.

Figure 10.5-14




## SECTION 10.5.6 RETAINING WALL REQUIREMENTS

### 10.5.6.1 Applicability

This Section 10.5.6's retaining wall requirements shall apply to all new development, except in the I-A or I-B zone districts.

### 10.5.6.2 Retaining Wall Standards

A. When provided, Retaining Walls in the Primary Street Setback area shall be built to a maximum height of 4 feet and successive walls may be built provided that they are separated by at least 4 feet. However, this standard shall not apply to limit the height or require terracing when one or more Retaining Walls are used as an integral part of a below-grade window well or other basement egress area that is allowed by this Code to encroach into the Primary Street Setback area.

B. In any area of the zone lot other than the Primary Street Setback, Retaining Walls may be built to any height.

C. Fences located on top of Retaining Walls in the Primary Street Setback must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.

D. See Sections 13.1.7 and 13.1.8, Fence and Wall Height Measurement and Retaining Wall Height Measurement.

## SECTION 10.5.7 SCREENING REQUIREMENTS

### 10.5.7.1 Applicability

Development in all zone districts, except in the CMP-NWC-F, I-A and I-B zone districts and except for residential development in a SU or TU zone district, shall comply with this Section 10.5.7' s screening standards.

### 10.5.7.2 Screening Required by Specific Use Limitations

A. Wherever this Code requires screening as a condition or limitation on an allowed use, such screening shall be comprised of landscaping, fences, or walls of a design and density adequate to screen the use or activity from adjacent residences, rights-of-way, city parks, and open spaces.

B. Fence and wall materials required for screening shall comply with the material requirements of the zone district in which it is located.

### 10.5.7.3 Screening of Rooftop Equipment

A. Rooftop mechanical equipment, shall be screened from ground level view, as viewed from any abutting Primary Street's right of way, perpendicular to the zone lot line. See Article 13, Rules of Measurement and Definitions for rooftop mechanical equipment screening measurement.

B. Screening shall be of a material similar in quality and appearance to other areas of the building facade. For example, a parapet wall may be used to screen rooftop equipment.

C. Development in a Campus (CMP) zone district is exempt but shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Division.

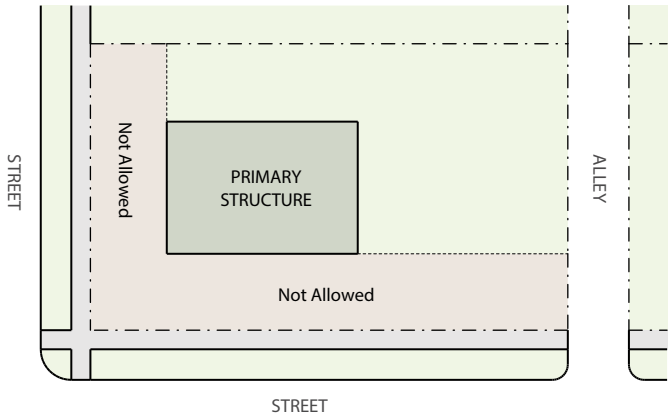
D. The submittal of a plan and section/elevation drawing must document that the rooftop mechanical equipment is not visible from the opposite side of the abutting Primary Street's right of way. Submitted drawings shall indicate the point of measure and height of the mechanical screening, where applicable. See Article 13, Rules of Measurement and Definitions for rooftop mechanical equipment screening measurement.

### 10.5.7.4 Screening of Outdoor Trash Storage Areas - Multi-Unit and Nonresidential Development

#### A. Siting

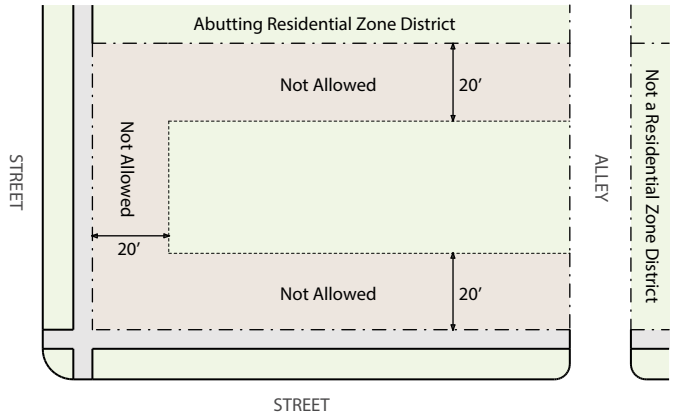
1. In all zone districts except the MS zone districts, outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be placed either flush or behind any street facing facade of the Primary Structure.

Figure 10.5-15




2. In a MS zone district, all outdoor trash and recycling collection and storage areas shall be setback at least 20 feet from the zone lot line abutting a named or numbered street, or from the zone lot line abutting a Residential Zone District.

Figure 10.5-16




## B. Screening

1. All outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be fully enclosed by screening comprised of a solid fence or wall a minimum of 6 feet tall. The side of the screening from which collection is made may remain open or may be enclosed with a fence or wall containing an opening (e.g., gate) for access.

2. Fence and wall materials for the required screening shall comply with the material requirements of the zone district in which it is located. (See Section 10.5.5, Fences and Walls.)

# DIVISION 10.6 SITE GRADING STANDARDS

## SECTION 10.6.1 INTENT

The maintenance of natural site contours helps to preserve neighborhood characteristics as viewed from the street and minimize potential adverse impacts of grade changes and retaining walls on adjacent properties.

## SECTION 10.6.2 APPLICABILITY

All development requiring a site development plan application according to Article 12, Zoning Procedures and Enforcement or development that is subject to a Block Sensitive Primary Street Setback requiring a zoning permit shall be required to meet the site grading standards provided in this Section, except that development located on a zone lot or lots that comprise at least one complete face block, where development of the entire face block is under the control of a single property owner or master developer, is exempt from this Division 10.6.

## SECTION 10.6.3 REFERENCE TO GENERAL DRAINAGE STANDARD

Site grading shall not adversely impact adjacent properties as stated in Section 10.11.3, Change in Drainage Patterns.

## SECTION 10.6.4 QUALIFIED PROFESSIONAL CERTIFICATION REQUIRED FOR EXCEPTIONS

Any exception to the setback area grading standards in this Division 10.6 shall be requested in writing by the applicant, and shall include a report prepared by a Qualified Professional certifying that the exception is necessary and will not result in adverse drainage or grading impacts on abutting properties.

## SECTION 10.6.5 PRIMARY STREET SETBACK AREA GRADING STANDARDS

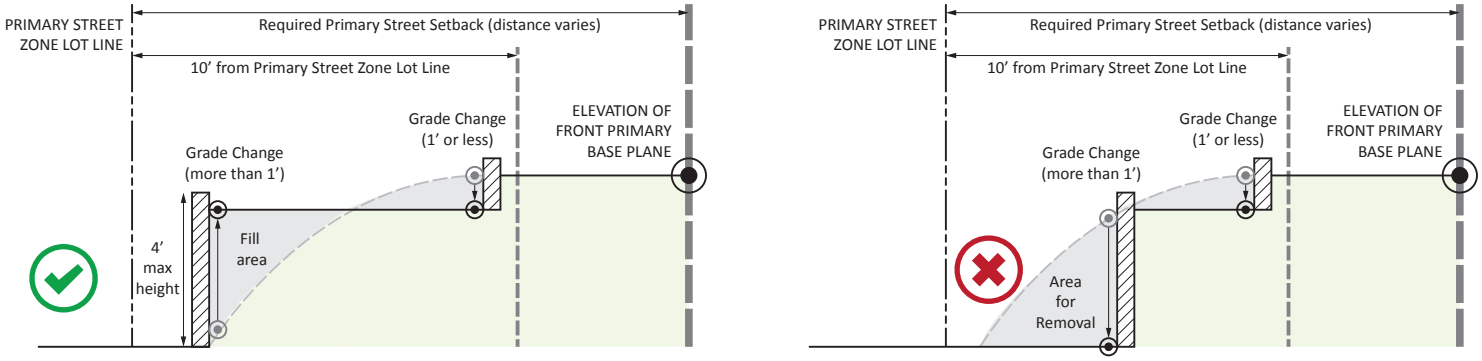
Re-grading of the primary street setback area shall not result in a difference between original and finished grade of more than 1 foot at any point that is within 10 feet of the primary street zone lot line, except as specifically permitted below:

10.6.5.1 Site grade may be altered by more than 1 foot if the Zoning Administrator finds the grade change is necessary to provide proper site drainage and avoid adverse effects on adjacent properties.

10.6.5.2 Only when required by Public Works, "proper site drainage" may include installation of up to a 4-feet high berm and/or above-ground walls, and/or up to 6 feet of excavation below street grade. All such drainage structures shall be sited to be hidden and/or screened with landscaping. Any retaining wall shall have an architectural finish of equal or better quality than the primary building's architectural finish, as determined by the Zoning Administrator. Above-ground walls shall be finished on both sides and be limited to 24 inches tall on at least one side abutting a pedestrian access.

10.6.5.3 Site grade may be altered by more than 1 foot to allow for required or permitted landscaping and retaining walls under this Code, and where such landscaping/retaining walls restore finished grade closer to the Front Primary Base Plane. See Article 13 for definition of the term "finished grade" and the rule of measurement for Front Primary Base Plane. This exception shall not be used to allow a grade change to accommodate an unenclosed porch, raised or sunken patio, or any other similar building feature within 10 feet of the front property line. See Figure 10.6-1 below.

Figure 10.6-1




10.6.5.4 Where parking access is allowed from the street, site grade may be altered by more than 1 foot for 50% or 20 feet of the linear lot frontage (whichever is less) to allow for excavation associated with a driveway where the primary street setback area within 10 feet of the zone lot line is raised above the level of the street.

10.6.5.5 Site grade may be altered by more than 1 foot if the Zoning Administrator finds the grade change is necessary to allow for barrier-free access to a building as required by the Americans with Disabilities Act or Denver Accessibility Standards, and when no alternative location is reasonably available.

10.6.5.6 Site grade may be altered by more than 1 foot if the Zoning Administrator finds the grade change is necessary to allow for exterior stairs and/or ramps connecting to a pedestrian access/entrance that is required to comply with Denver Building Code standards, and when no alternative location is reasonably available.

## SECTION 10.6.6 SIDE INTERIOR SETBACK AREA GRADING STANDARDS

Re-grading of side, interior setback areas is not permitted except as described below:

10.6.6.1 Proper Site Drainage
Site grade may be altered if the Zoning Administrator finds the grade change is necessary to provide proper site drainage and avoid adverse effects on adjacent properties. "Proper site drainage" may include those features according to Section 10.6.5.2.

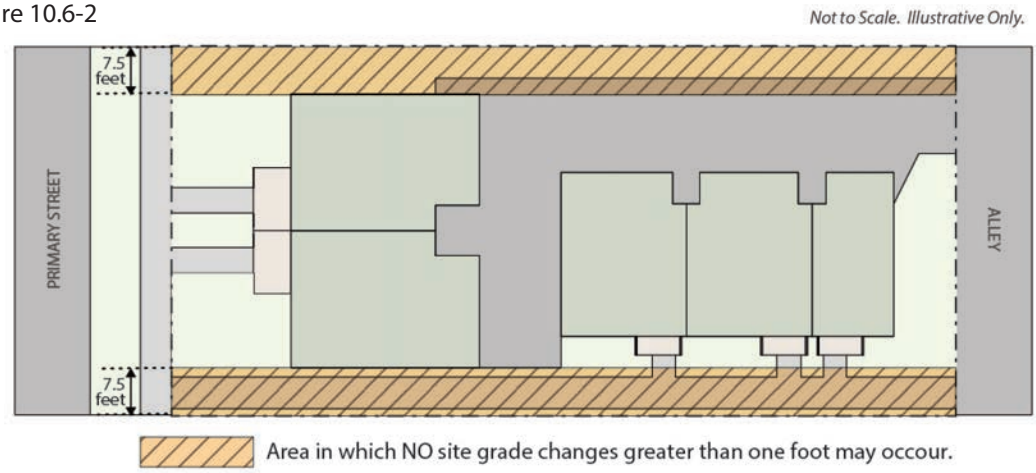
10.6.6.2 Emergency Basement Egress
Site grade may be altered to allow for window well and/or emergency basement egress areas that are each no more than 3 feet in depth as measured perpendicular to the side Zone Lot line and 6 feet in length as measured parallel to the side Zone Lot line.

10.6.6.3 ADA Accessibility Standards
Site grade may be altered by more than 1 foot if the Zoning Administrator finds the grade change is necessary to allow for barrier-free access to a building as required by the Americans with Disabilities Act or Denver Accessibility Standards, and when no alternative location is reasonably available due to lot width. The applicant must demonstrate to the Zoning Administrator that the building design cannot be modified to accommodate the accessible route within existing grades.

10.6.6.4 Limited Grading Allowances for Town House building form Development

A. When development occurs using the Town House building form, no site grade change greater than one foot may occur within 7.5 feet of the Side Interior Zone Lot line. Site grade changes located more than 7.5 foot from the Side Interior Zone Lot Line may occur.

Figure 10.6-2


Not to Scale. Illustrative Only.
7.5 feet
7.5 feet
PRIMARY STREET
ALLEY
Area in which NO site grade changes greater than one foot may occour.

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# DIVISION 10.7 OUTDOOR LIGHTING

## SECTION 10.7.1 INTENT

These outdoor lighting standards are intended to:

A. Eliminate adverse impacts of light through glare and spillover;

B. Provide attractive lighting fixtures and layout patterns that contribute to unified exterior lighting design of development; and

C. Provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

## SECTION 10.7.2 APPLICABILITY

### A. General Applicability to All Development

1. Unless specifically exempted below, all existing and proposed development shall meet the provisions of this Division.

2. Buildings lawfully existing as of the June 25, 2010, may be renovated or repaired without modifying outdoor lighting in conformance with this Division, provided there is no increase in gross floor area in the building or the impervious area of the site.

3. Where a building existed as of the June 25, 2010, and the building is enlarged in gross floor area or impervious area on the site by 50% percent or 10,000 square feet, whichever is less, outdoor lighting as specified in this Division shall be provided.

### B. Exemption for Outdoor Active Recreational Uses in All Zone Districts and Event Space with Alternate Parking and Loading Uses in the CMP-NWC-F Zone District

Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts, and other similar outdoor active recreational uses (both public and private facilities unless otherwise restricted by this Code), and portions of a zone lot within the CMP-NWC-F zone district designated as Event Space with Alternate Parking and Loading are exempt from the outdoor lighting standards stated in this Division and shall only be required to meet the following standards:

**1. Limits on Cutoff Angle**
Cutoff from a lighting source that illuminates an outdoor active recreational use or an Event Space with Alternate Parking and Loading use in the CMP-NWC-F zone district may exceed an angle of 90 degrees from the pole, provided that the light source is shielded to prevent light and glare spillover to an adjacent Protected District.

**2. Maximum Permitted Illumination at the Property Line**
The maximum permitted illumination at the property line shall be 2 footcandles.

## SECTION 10.7.3 LIGHT SOURCES

### 10.7.3.1 Exemption

Holiday lighting displays are exempt from these light source restrictions.

### 10.7.3.2 Prohibited Light Sources

The following light fixtures and sources shall not be used:

A. Low-pressure sodium and mercury vapor light sources;

B. Cobra-head-type fixtures having dished or drop lenses or refractors; and

C. Searchlights and other high-intensity narrow-beam fixtures, except as part of a permitted special event.

### 10.7.3.3 Allowed Light Sources

Allowed light sources shall be limited to:

A. Incandescent

B. Fluorescent

C. Metal halide

D. Color-corrected high-pressure sodium

E. LED

F. Magnetic induction lamps (Phillips QL)

G. Other light sources approved by the Zoning Administrator that meet the intent of this subsection to require light sources that provide energy efficiency gains and emit white or near-white light that assures a safe pedestrian and vehicle environment.

## SECTION 10.7.4 DESIGN STANDARDS

### 10.7.4.1 Purpose and Applicability

Outdoor lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. All lighting fixtures designed or placed to illuminate any portion of a site shall meet this Section's requirements.

### 10.7.4.2 Fixture (Luminaire) Requirements

#### A. Fixture Requirements Applicable to All Outdoor Lighting Types

##### 1. Full Cutoff Lighting Fixtures Required

a. All outdoor lighting shall have light sources that are concealed by a full cutoff lighting fixture so that the light source is not visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be Full Cutoff Lighting Fixtures.

**b. Canopy Area Lighting**

All development that incorporates a canopy area over fuel sales, drive-through lanes or similar installations shall install either a Full Cutoff Lighting Fixture or a Fully Shielded Lighting Fixture, as those terms are defined in Article 13 of this Code and shall be designed to mitigate light trespass from the canopy lighting.

##### 2. Mounting

Except where otherwise regulated, all outdoor lighting fixtures affixed to a building or structure shall be mounted so that the cone of light is contained on-site and does not cross any property line of the site.

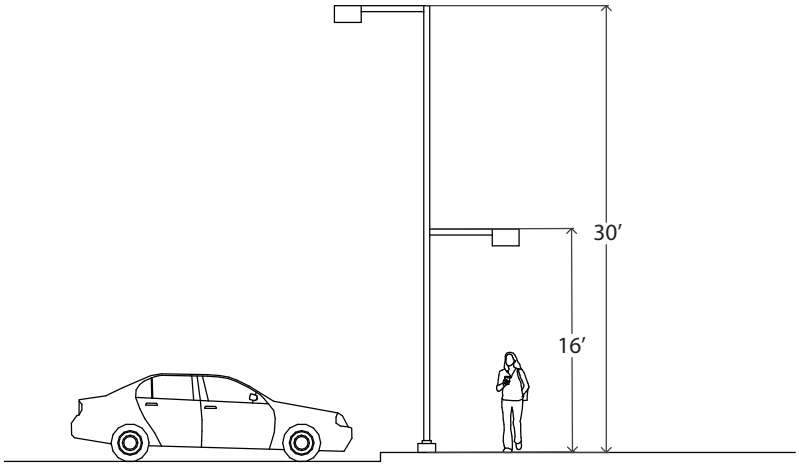
##### 3. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed, or shielded to minimize light spill into the night sky.

**B. Additional Fixture Requirements for Free-Standing Outdoor Lighting Fixtures**
Free-standing lighting fixtures shall not exceed the following maximum heights:

| OUTDOOR LIGHTING LOCATION | FIXTURE HEIGHT (MAXIMUM AS MEASURED TO THE TOP OF THE FIXTURE FROM GRADE) |
|---|---|
| Within 50' of a Residential Zone District | 16' (See Figure 10.7-1) |
| Surface Parking Area<br>-MU, -RH, -RO, -RX, -TH Districts<br>-CC, I-A, I-B, -I-MX, M-IMX Districts<br>All other districts | <br>24'<br>35'<br>30' (See Figure 10.7-1) |

Figure 10.7-1




### 10.7.4.3 Glare Prohibited
All outdoor lighting fixtures shall be oriented to avoid glare onto rights-of-way in a manner that may distract or interfere with the vision of drivers, bicyclists or pedestrians, and shall be oriented to avoid glare onto adjacent Residential Zone Districts.

### 10.7.4.4 Limit Lighting to Periods of Activity
The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.

### 10.7.4.5 Security Lighting

A. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.

B. Security fixtures such as wall-packs shall not be substituted for appropriate Off-Street Parking Area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

C. Security fixtures shall be mounted and oriented to avoid glare onto adjacent rights-of-way or Residential Zone Districts.

### 10.7.4.6 Entrances in Nonresidential and Multi-Unit Dwelling Development
All entrances to buildings used for nonresidential purposes and open to the general public, and all entrances in multi-unit residential buildings containing more than 4 units shall be lighted with low

intensity fixtures not to exceed 8 footcandles to ensure the safety of persons and the security of the building.

### 10.7.4.7 Parking Area Lighting

#### A. Applicability

1. This subsection 10.7.4.7 shall apply to Off-Street Parking Areas in all zone districts, except as provided in subsection 10.7.4.7.A.2 below.

2. Buildings and Off-Street Parking Areas lawfully existing as of May 24, 2018, may be renovated or repaired without modifying outdoor lighting in conformance with this Section 10.7.4.7, if:

   a. There is no increase in gross floor area in the building or the impervious area of the site;

   b. No changes are proposed to outdoor Light Fixtures; routine repairs or maintenance, such as changing a lamp, may be performed without conforming to this Section 10.7.4.7; and

   c. Such lawfully existing buildings comply with Section 10.7.4.7.B.3, Additional Standards.

#### B. Requirements Applicable to all Parking Areas

**1. Lighting Uniformity Limits for Parking Areas**

Outdoor lighting of Off-Street Parking Areas shall comply with the following uniformity ratio limits, measured in Footcandles (F.C.) at ground level:

a. The maximum to minimum uniformity ratio for any parking area shall be 20:1

b. The average to minimum uniformity ratio for any parking area shall be 4:1

**2. Protected District Abutment**

Where a Zone Lot abuts a Protected District, the maximum illumination level at the Zone Lot Line abutting the Protected District shall be 0.1 F.C.

**3. Additional Standards**

For additional standards, refer to the *Rules and Regulations for the Landscaping of Parking Areas*, or any subsequently adopted document that regulates lighting illumination levels.

#### C. Requirements Applicable to Specific Use Types

Off-Street Parking Area lighting on Zone Lots containing the following specific use types shall not exceed the maximum levels listed in the table below:

| USE CATEGORY | SPECIFIC USE TYPE | MAXIMUM ILLUMINATION LEVEL (IN FOOTCANDLES) |
|---|---|---|
| Vehicle/Equipment Sales, Rentals, Service & Repair | Automobile Services, Light | 15 F.C. |
| | Automobile/Motorcycle/Light Truck Sales, Rentals, Leasing, Pawn Lot or Vehicle Auctioneer | 30 F.C. |

# DIVISION 10.8 OPEN SPACE STANDARDS

## SECTION 10.8.1 OPEN SPACE IN LARGE DEVELOPMENTS

### 10.8.1.1 Purpose

To ensure large developments provide open space within their boundaries that is publicly accessible, usable, and provides community benefit, including but not limited to pedestrian areas, courtyards, plazas, and natural, pervious areas.

### 10.8.1.2 Applicability

**A. General Applicability**

This section shall apply to all Development in all zone districts where the total gross land area for the Development is either greater than 5 acres or 3 or more Blocks ("large development").

**B. Exceptions**

A large development may be exempt from providing the minimum open space set forth in this Section 10.8.1 if:

1. The proposed Development is subject to a previously approved General Development Plan (GDP), and when the DRC determines that the previous GDP was approved with minimum open space consistent with the minimum amount and design standards set forth in this Section 10.8.1; or

2. When the DRC determines that the proposed Development is located in an approved Large Development Framework, Infrastructure Master Plan, Subdivision under D.R.M.C. Chapter 50, or other approved regulatory document that has established minimum open space that is consistent with the minimum amount and design standards set forth in this Section 10.8.1.

### 10.8.1.3 Minimum Amount Required

A minimum of 10% of the Net Development Area as defined in Section 13.1.6.4.A, Open Space in Large Developments Rules of Measurement, shall be provided as open space in accordance with this section ("Open Space in Large Developments").

A. For large developments equal to or under 10 acres and subject to this section, City park land, or land required to be dedicated to the City by the Department of Parks and Recreation, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land complies with:

   1. The minimum design standards in Section 10.8.1.6; and

   2. Applicable design standards adopted by the Department of Parks and Recreation.

B. For large developments over 10 acres and subject to this section, City park land, or land dedicated to the City for City park, conservation, or recreation public purposes, located within the large development boundaries, may count towards the 10% minimum requirement for Open Space in Large Developments, provided the DRC finds that the land:

   1. Complies with the minimum design standards in Section 10.8.1.6;

   2. Complies with any applicable design standards adopted by the Department of Parks and Recreation; and

   3. Is in addition to any minimum land area required for City park land, or land required to be dedicated to the Department of Parks and Recreation (DPR) in accordance with adopted DPR standards, and located within the large development boundaries.

### 10.8.1.4 Easement Required

The required Open Space in Large Developments shall be subject to a perpetual easement granted to the City and/or the general public. All required easements shall be in a form approved by the City.

### 10.8.1.5 Public Access Required

The required Open Space in Large Developments shall remain open to the public at all times, or from sunrise to sunset.

### 10.8.1.6 Design Standards

The required Open Space in Large Developments shall comply with the following design standards.

A. The required open space shall be provided in 1 or more contiguous areas measuring at least 15 feet wide and 30 feet deep, and abutting:

   1. A Street; or

   2. An area with direct pedestrian access to a Street, provided such area is subject to a perpetual easement, or similar mechanism, granted to the City and/or the general public.

B. The required minimum Open Space in Large Developments shall remain publicly accessible and usable in accordance with the following design standards:

   1. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. The required open space may include user amenities such as tables, chairs, benches, sculptures, and similar elements.

   2. Shall be visible from at least one public named or numbered Street. See Figure 13.1-116.

   3. Shall not be permanently enclosed by railings, fences, gates, or walls.

   4. Shall be within 2 feet of grade at edge of Street or where the open space is accessible to the public.

   5. Shall have barrier-free access to the open space from the abutting Street or the point the open space abuts a Zone Lot Line accessible to the public, designed in accordance with the Americans with Disabilities Act or Denver Accessibility Standards.

   6. The required open space design may be, but is not limited to, any of the following types:

      a. A courtyard, enhanced streetscape, or pedestrian area with connections to transit facilities, plazas, or streets; and/or

      b. Natural, pervious areas landscaped with trees and vegetation.

C. The Zoning Administrator may approve an Administrative Adjustment to the Open Space in Large Development design standards in this Section 10.8.1.6, according to Section 12.4.5 (Administrative Adjustment), and upon finding that the proposed adjustment would meet or exceed the intent and purpose of this Section 10.8.1.

# DIVISION 10.9 PARKING, KEEPING AND STORAGE OF VEHICLES

## SECTION 10.9.1 PARKING / STORAGE ON RESIDENTIAL ZONE LOTS

The parking/storage on a residential zone lot in a Residential Zone District of any of the following vehicles is prohibited, except that such vehicles may be parked on a residential zone lot only to render services to the subject zone lot and only for the duration necessary to render such services:

10.9.1.1 Tow trucks;

10.9.1.2 Large-Scale Motor Vehicles and Trailers;

10.9.1.3 Stake body trucks;

10.9.1.4 Cube or box vans;

10.9.1.5 Backhoes;

10.9.1.6 Vehicles towing trailers carrying machinery and supplies; or

10.9.1.7 Other similar specialized vehicles.

## SECTION 10.9.2 PARKING OF VEHICLES ON PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL USES

The vehicles listed below are prohibited from parking for a period of time longer than that noted below during any given week on a public right-of-way abutting any zone lot in a Residential Zone District, or which contains a single unit dwelling use or multi-unit dwelling use. This prohibition does not apply where such vehicle is engaged in rendering services in the immediate area, or where such vehicle is parked adjacent to a motel or hotel where the vehicle operator is a guest.

10.9.2.1 A 2-hour period:

A. A truck exceeding 6,000 pounds empty weight; or

B. A bus exceeding 6,000 pounds empty weight or 22 feet in length; or

C. An automobile trailer not attached to a licensed vehicle; or

D. A truck-tractor or semi-trailer; or

E. A disabled or inoperable vehicle.

10.9.2.2 A 24 hour period:

A. A truck with an attached camper having a combined overall length exceeding 22 feet; or

B. A recreational vehicle exceeding 22 feet in length; or

C. An automobile trailer attached to a licensed vehicle.

## SECTION 10.9.3 KEEPING OF MOTOR VEHICLES ACCESSORY TO A DWELLING UNIT

### 10.9.3.1 Number of Motor Vehicles Accessory to a Dwelling Unit

On any zone lot occupied by a dwelling unit, on any public right-of-way bordering or within the same block on which the dwelling unit is located, or on any public right-of-way bordering or within all adjoining blocks, there shall be, in total, parked and/or stored no more than 1 motor vehicle per licensed driver residing in the dwelling unit plus 1 additional motor vehicle per dwelling unit, except as specifically allowed by this Code.

### 10.9.3.2 Number of Trailers Permitted on a Zone Lot Containing a Single Unit Dwelling

Trailers shall be limited by the following:

A. Permitted number: 2;

B. Maximum length: 22 feet; and

C. Each trailer shall be designed to have and be used for a substantially different purpose.

### 10.9.3.3 Number of Motorcycles Accessory to a Dwelling Unit

On any zone lot occupied by a dwelling unit, there shall be parked and/or stored no more than one motorcycle per driver licensed to operate a motorcycle residing in such dwelling unit plus one additional motorcycle per dwelling unit. Such motorcycles shall be in addition to the total number of motor vehicles allowed above.

### 10.9.3.4 Motor Vehicle Repair and Maintenance Accessory to a Dwelling Unit

A. Occupants of a dwelling unit may perform engine, transmission and other similar repairs of their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. inside a completely enclosed garage structure located on the same zone lot as the dwelling unit, excluding, however, any auto body and fender work, or the painting of motor vehicles;

B. Occupants of a dwelling unit shall not repair motor vehicles belonging to another person or persons that do not reside in the same dwelling unit;

C. Occupants of a dwelling unit may perform customary maintenance on their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. outdoors on a driveway or Off-Street Parking Area located on the same lot as the dwelling unit. For the purpose of this Section "customary maintenance" is defined as: washing; polishing; fluid changes; greasing; tire changing; brake repair; muffler replacement; engine tune-up; flushing of radiators; and other activities of minor repair and servicing;

D. Occupants of a dwelling unit performing vehicle maintenance and repair shall not permit vehicle fluids to be discharged onto any land, driveway or Off-Street Parking Area; and

E. Occupants of a dwelling unit shall immediately remove all external evidence of vehicle repair and maintenance activities.

### 10.9.3.5 Parking or Storage of Inoperable Vehicles in Residential Zone Districts

The parking or storage of inoperable motor vehicles in any residential zone district shall be limited by all of the following:

A. Occupants of a dwelling unit may store their personally owned inoperable motor vehicle and/or auto parts on the same zone lot as the dwelling unit, provided, however, that said vehicle and/or auto parts shall be stored inside a completely enclosed garage structure;

B. Parked or stored inoperable motor vehicles shall not occupy off-street parking spaces required by this Division;

C. Parked or stored inoperable motor vehicles are limited to one such vehicle per dwelling unit; and

D. Parked or stored inoperable motor vehicles shall be included in the calculation of the total maximum number of vehicles permitted for a dwelling unit.

### 10.9.3.6 Parking / Storage of Trailers, Trucks, RVs On Private Property in Certain Residential Districts

The following regulations shall apply to properties located in a Protected zone district and to residential uses located in the Master Planned (M-) zone districts:

A. The vehicles listed below shall not be parked or stored on a zone lot:

1. Large-Scale Motor Vehicles and Trailers; or

2. An automobile trailer exceeding 22 feet in length;

3. A bus or motorized recreation vehicle exceeding 22 feet in length; or

4. A truck-tractor or semi-trailer.

**B. Limitations**

1. An automobile trailer or Recreational Vehicle of any length may be stored within a completely enclosed structure located so as to comply with all the requirements for the location of structures on the zone lot.

2. Automobile trailers not exceeding 22 feet in length and detached camper units shall be parked or stored only on the rear one-half of the zone lot. If the rear one-half of the zone lot does not abut an alley, such vehicles may be parked or stored on the front one-half of the zone lot if located so as to comply with front and side setback requirements for primary structures and screened from the street and adjacent properties by a solid, sight-obscuring fence or wall as high as the maximum height permitted in the zone district.

3. Recreational Vehicles not exceeding 33 feet in length shall be parked on the zone lot behind the Primary Street facing facade of the primary structure and, located as to comply with applicable Side Interior and Side Street setback requirements for primary structures, and screened from the street and adjacent properties by a solid, sight-obscuring fence or wall as high as the maximum height permitted in the zone district. Such vehicles may be parked only for storage purposes and shall not be used for temporary or permanent residential occupancy.

4. The owner of a school, religious assembly or pre-school may apply for a temporary permit to park one or more buses or vans on the property containing the subject use. Such vehicle must be used primarily to transport religious assembly members and/or school and pre-school children or students. The Zoning Administrator shall utilize the procedures according to Section 12.4.2, Zoning Permit Review with Informational Notice, in processing such a request and shall approve or deny applications for such permits on the basis of the following criteria:

   a. The number of buses or vans involved is justified by the method of operation and the size of the Religious Assembly, school or preschool.

   b. The proposed Off-Street Parking Area is located away from abutting residential structures and will have a minimal impact on the character of surrounding residential properties.

   c. If the Off-Street Parking Area is located adjacent to residential structures, adequate screening and landscaping will be installed to reduce or eliminate the visual impact of the bus on adjoining residents.

   In approving a permit the Zoning Administrator may attach conditions for the protection of adjoining owners and residents.

### 10.9.3.7 Non-Resident Off-Street Garage Parking for Dwelling Units

Motor vehicles accessory to a Dwelling Unit may be parked or stored in accessory attached or detached garages on Zone Lots not occupied by the owner of such motor vehicle if the subject garage:

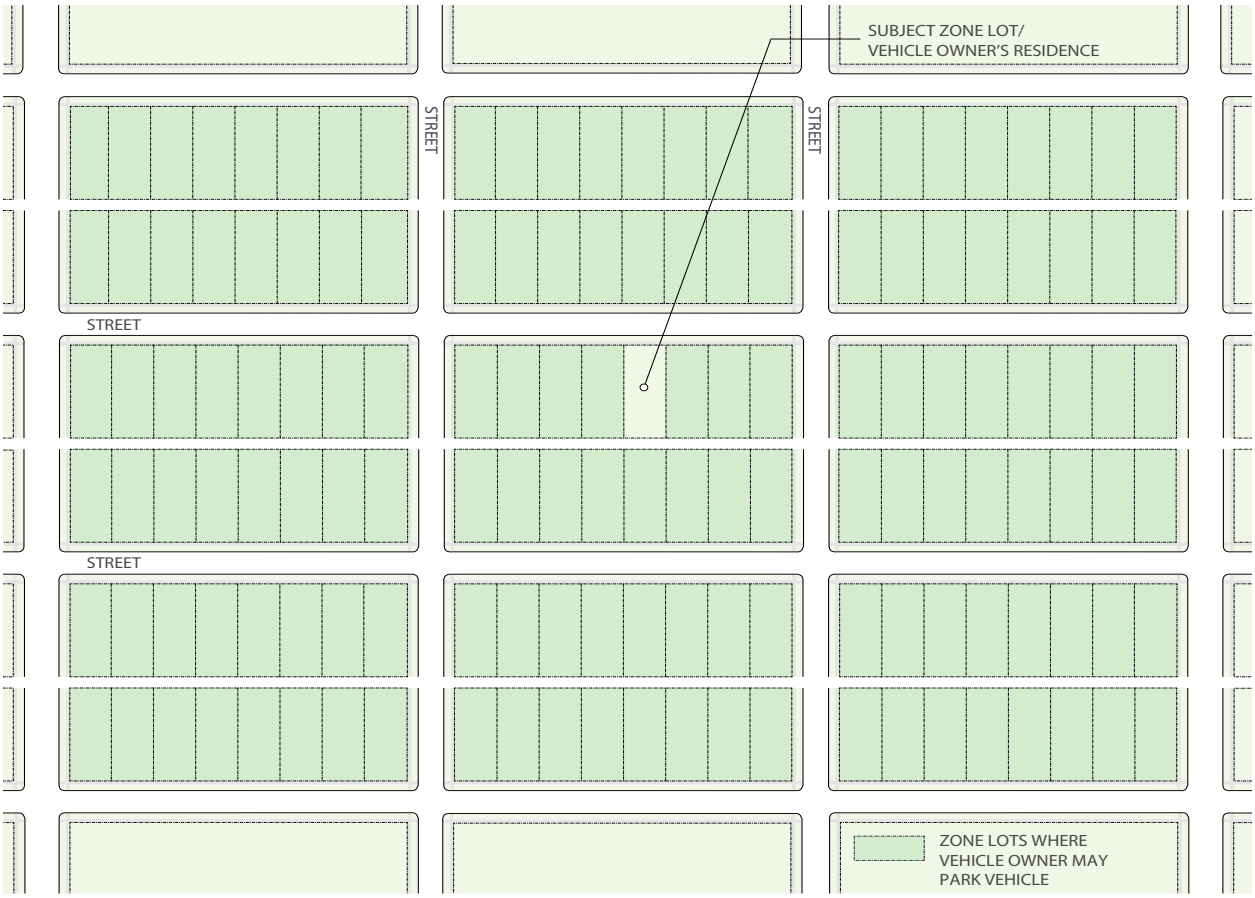
A. Is located on a Zone Lot on the same Block as the subject vehicle owner resides; or

B. Is located on a Zone Lot on an immediately adjacent Block from where the subject vehicle owner resides. For the purposes of this provision, named or numbered streets do not destroy adjacency; and

C. Is not to be used for repair of vehicles by the non-resident owner of the vehicle.

This provision shall not be applied to meet any minimum parking requirements of this Code or result in any violations to Sec. 10.9.3.1 (Number of Motor Vehicles Accessory to a Dwelling Unit) on any Zone Lot, or otherwise impact the adequate provision of off-street parking for any Primary Use.

Figure 10.9-1



# DIVISION 10.10 SIGNS

## SECTION 10.10.1 INTENT

The intent of this Division 10.10 is to:

10.10.1.1 Enhance the appearance and economic value of the visual environment by regulating and controlling the type, location, and physical dimensions of signs and sign structures;

10.10.1.2 Preserve locally recognized values of community appearance, and safeguard and enhance property values;

10.10.1.3 Reduce hazards that result from signs that obscure or distract the vision of motorists, bicyclists, and pedestrians;

10.10.1.4 Recognize that signs are a useful means of visual display for the convenience of the public and for the efficient communications of commercial and noncommercial speech; and

10.10.1.5 Allow flexibility in the size, type and location of signs identifying the use and location of large facilities.

## SECTION 10.10.2 APPLICABILITY & SUBSTITUTION OF MESSAGES

### 10.10.2.1 Applicability

This Division 10.10 shall govern and control the erection, remodeling, enlarging, moving, operation and maintenance of all signs within all zone districts established by this Code. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations.

### 10.10.2.2 Substitution of Messages Allowed

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. This provision applies to all signs, including outdoor general advertising devices (billboards), allowed under this Division 10.10. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

## SECTION 10.10.3 SIGNS PERMITTED IN ALL DISTRICTS

### 10.10.3.1 Signs Not Subject to a Permit

The following signs may be erected in all districts without a permit:

A. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the signs are required or authorized.

B. Signs limited in content to name of occupant and address of premises; signs of danger or a cautionary nature which are limited to: wall and ground signs; not more than 2 per street front for each use by right, or 2 for each dwelling unit; not more than 4 square feet per sign in area; not more than 10 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

C. Signs in the nature of cornerstones, commemorative tables and historical signs which are limited to: ground signs; not more than 2 per zone lot; not more than 6 square feet per sign in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

D. Signs which identify by name or number individual buildings within institutional or residential building group complexes and which are limited to: wall and ground signs; not more than 4 signs per building; not more than 20 square feet per sign in area; not more than 12 feet in height above grade; may be illuminated from a light source and if directly illuminated does not exceed 25 watts per bulb; flashing signs are prohibited; and animated signs are prohibited.

E. Flags on nonresidential zone lots. The flags listed herein are allowed on nonresidential zone lots without limitation as to type; number; area; height; or location. The listed flags may be externally illuminated; however, the illumination shall not flash, blink or fluctuate. For purposes of this Division 10.10, "nonresidential zone lot" means a zone lot used entirely or in part for a use other than a primary residential use listed within the "Residential Primary Use Classification" in the Use & Parking Tables found in Articles 3-9 of this Code.

1. Flags of nations, or an organization of nations;
2. Flags of states and cities;
3. Flags of fraternal, religious and civic organizations; and
4. Any other flag containing no commercial advertising copy or trademark.

F. Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot.

1. Shall be limited to:
   a. Window signs;
   b. Banners with commercial advertising copy;
   c. Wall signs or posters which have been treated so as to be shielded from the elements (water, wind, sun, etc.);
   d. Streamers which are attached to vehicles located in the front row only of retail car lots when said vehicular sales lot is located on an arterial street and is not across from a residential zone district; and
   e. Window graphics consisting of paint or decals applied directly to glazing; and
2. Shall meet the following conditions:
   a. Shall be maintained in a clean, orderly and sightly condition;
   b. Shall be placed in/on ground level windows/walls only (except for streamers);
   c. Shall be limited in placement to 45 days for sign or copy;
   d. May be illuminated only from a concealed light source;
   e. Shall not be a flashing sign;
   f. Shall not be an animated sign;
   g. Shall be placed only on the business structure (except for streamers);
   h. Shall not exceed 50 percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus either 65 percent of the unused permitted permanent sign area or 60 percent of the ground level window area, whichever is greater, neither of which is to exceed 75 square feet.
3. The Zoning Administrator may allow additional temporary signage area up to 100 square feet upon application in specific cases providing that the procedure outlined in Section 12.4.2, Zoning Permit Review With Informational Notice, is satisfied.
4. All portable signs regardless of location are specifically not allowed.

5. Parked motor vehicles and/or trailers are not allowed to be intentionally located so as to serve as an advertising device for a use by right, product or service.

G. Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to: wall, window and ground signs; 1 sign per zone lot; not more than 5 square feet in area per face; not more than 6 feet above grade; no illumination; flashing signs are prohibited; and animated signs are prohibited.

H. Signs commonly associated with and limited to information and directions relating to the permitted use on the zone lot on which the sign is located, provided that each such sign is limited to wall, window and ground signs; not more than 100 square inches per sign in area, except that notwithstanding other limitations of Division 10.10, golf course tee box signs may contain up to 8 square feet of sign area of which 1 square foot may be devoted to advertising; not more than 8 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; animated signs are prohibited except that gauges and dials may be animated to the extent necessary to display correct measurement.

I. Noncommercial signs on residential zone lots shall meet the following conditions. For purposes of Division 10.10, "residential zone lot" means a zone lot that is used in its entirety for a use listed within the "Residential Primary Use Classification" in the Use & Parking Tables found in Articles 3-9 of this Code.

1. Noncommercial signs may be erected on any residential zone lot.

2. Noncommercial signs shall be limited to the following types:

   a. Wall signs;

   b. Window signs; and

   c. Ground signs not more than 6 feet above grade, unless mounted to a single pole no taller than 25 feet.

3. The size of each noncommercial sign erected on any zone lot shall not exceed the area of 15 square feet.

4. Noncommercial signs shall meet the following conditions:

   a. Shall be maintained in a clean, orderly, and sightly condition;

   b. Shall not be illuminated;

   c. Flashing signs are prohibited; and

   d. Animated signs are prohibited.

J. Noncommercial signs erected on nonresidential zone lots shall meet the following conditions:

1. Shall be maintained in a clean, orderly and sightly condition;

2. Shall be placed in/on ground level windows/walls only (except for banners, inflatables, balloons or streamers);

3. May be illuminated only from a concealed light source;

4. Flashing signs are prohibited;

5. Animated signs are prohibited;

6. Shall be placed only on the business structure (except for banners, inflatables, balloons or streamers);

7. Except for banners, inflatables, balloons or streamers, shall not exceed 50 percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus ei-

ther 65 percent of the unused permitted permanent sign area or 60 percent of the ground level window area, whichever is greater, neither of which is to exceed 75 square feet; and

8. Noncommercial streamers and banners shall not exceed 15 square feet in area.

See also Section 10.10.3.1.E. regarding allowance for and limitations on noncommercial flags on nonresidential zone lots.

K. Signs that identify a business which was a permitted use on a zone lot but that, under threat of a government entity exercising its powers of eminent domain, has relocated.

The sign shall be limited:

1. To 32 square feet and shall not be more than 6 feet above grade;

2. In content to the name of the business, the business logo, the new location of the business and when the business will re-open, or that it has re-opened, at the new location;

3. To wall or ground signs set back a minimum of 5 feet from the front line of the zone lot, provided, however, that a wall sign attached to structural wall of a building need not meet setback requirement; and

4. To being posted for 180 days or 60 days after the business has re-opened at its new location, whichever is shorter.

5. Flashing signs are prohibited; and

6. Animated signs are prohibited.

### 10.10.3.2 Signs Subject to a Zoning Permit

Upon application to and issuance of a zoning permit, the following signs may be erected and maintained in all zone districts:

A. Signs which are not visible from any public right-of-way or from any level whatsoever of any other zone lot; may be illuminated but such illumination shall not be visible beyond the boundaries of the zone lot on which the sign is located; animated signs are prohibited.

B. Signs identifying home occupations. Signs identifying home occupations shall comply with the home occupation use limitations in Article 11, Division 11.9, Home Occupations Accessory to Primary Residential Uses - All zone districts.

C. Signs displaying only the name and address of a subdivision or of a planned building group of at least 8 buildings each containing a use or uses by right and limited to: wall and ground signs; 1 per street front; not more than 20 square feet per face in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

D. Signs consisting of illuminated buildings or parts of buildings which do not display letters, numbers, symbols or designs and limited to: illumination from a concealed light source which may not flash or blink, but may fluctuate by a change of color or intensity of light, provided that each change of color or dark to light to dark cycle shall have a duration of 1.5 minutes or longer; animated signs are prohibited.

E. Signs giving parking or traffic directions and other directional information commonly associated with and related to the permitted use on the zone lot on which the sign is located; provided that such signs are limited to: wall and ground signs; 1 sign for every 1,000 square feet of land area up to 10,000 square feet, thereafter only 1 additional sign for every 5,000 square feet; not more than 4 square feet per face in area, not more than 6 feet in height above grade; may be illuminated from a concealed light source; flashing signs are prohibited; and animated signs are prohibited.

F. Signs on canopies or awnings located over public rights-of-way or into any required front setback space; limited in content to name of building, business and/or address of premises; no sign shall exceed 10 square feet per face in area. All such canopies and awnings over public rights-of-way are subject to approval by the department of public works.

G. Off-premise signs identifying new residential developments within the city as regulated by the following provisions. Notwithstanding the provisions of Section 10.10.21 (outdoor general advertising devices), off-premise signs identifying new residential developments in the city shall:

1. Be limited in area to 32 square feet per face and shall not be more than 6 feet in height above grade,
2. Be limited in content to the name of the project, the name of the developer or construction company and/or directional information or symbols,
3. Be limited to wall signs or ground signs which set back a minimum of 5 feet from every street right-of-way line,
4. Be limited to 2 signs on each side of a public street for each 600-foot length of right-of-way with a minimum spacing of 100 feet between signs,
5. Be limited to no more than 6 signs per project,
6. Utilize a concealed light source if illuminated;
7. Not be a flashing sign;
8. Not be an animated sign;
9. Be valid for a period not to exceed 1 year during the construction, development, original rent-up or sales period; and
10. Not be renewed for more than 3 successive periods for the same project.

H. Signs which identify a structure containing any use by right other than a single unit dwelling. Such signs shall be:

1. Limited in content to the identification by letter, numeral, symbol or design of the use by right and/or its address;
2. Attached to a fence or wall located on the front line of the zone lot or within the front setback area;
3. Limited in number to 1 sign per street front for each structure;
4. Regulated by the sign provisions for the zone district in which the zone lot is located except that the requirements of this Section will take priority in case of a conflict;
5. Counted as a part of the total sign area permitted on the zone lot;
6. Limited in height to 6 feet above grade; and
7. Attached to a fence or wall so that the display surface is parallel to and extends frontward no further than 6 inches beyond the front plane of the wall or fence.
8. If illuminated at all, illuminated only from a concealed light source.
9. Shall not be a flashing sign; and
10. Shall not be an animated sign.

I. Inflatables, balloons and/or streamers/pennants shall be allowed as a promotion of a special event only. Advertising of a product or service in this manner shall not be allowed except as a

part of the promotion of the special event. The Zoning Administrator shall issue a summons and complaint for inflatables, balloons, streamers / or pennants emplaced without a permit and shall not issue a permit for said location for the next event application. Inflatables and balloons may be shaped/formed as a product and may have commercial copy; streamers/pennants shall not have any commercial logos or copy; and shall meet the following conditions:

1. Shall be limited in placement to 5 days;
2. Shall be placed on the zone lot as determined by the Zoning Administrator;
3. Shall be limited to no more than 1 permit per quarter per zone lot; and
4. Streamers and/or pennants shall not exceed in measurement 2 times the zone lot front line measured in linear feet (the property address front line shall be used for this calculation); and shall be counted as part of the maximum allowed temporary sign area at a ratio of 1 linear foot to 1 square foot of temporary signage allowed.

J. Signs which are works of art as defined by Section 20-86 of the Denver Revised Municipal Code. Such signs shall be primarily artistic in nature, but up to 5 percent of the sign may be the name or logo of a sponsoring organization. The percentage of the sign devoted to the sponsoring organization may be increased up to 10 percent of the sign if the Zoning Administrator, with input from the director of the mayor's office of art, culture and film, determines the portion of the sign devoted to the sponsor does not detract from the artistic quality of the sign.

K. Off-premises identification sign. A sign identifying a public facility which is located on a different zone lot than that containing the sign. The number, location, height, size and illumination of such signs shall be approved by the director of planning and the Zoning Administrator or their designated representatives; however, in no case shall such sign exceed 10 feet in height or 40 square feet in area. A decision to approve such signs must be based on a favorable evaluation of their compatibility with nearby structures and signs. The installation of such identification signs shall not reduce the size or number of other signs permitted on a specific site by other provisions of Division 10.10.

### 10.10.3.3 Signs Subject to a Comprehensive Sign Plan

Notwithstanding more restrictive provisions of Division 10.10, signs, large facilities may have signs according to an approved comprehensive sign plan for the facility.

#### A. Intent

The intent of these provisions is to allow flexibility in the size, type and location of signs identifying the use and location of large facilities. Flexibility is generally offered because these facilities often have a need for additional or different types of signage due to the complexity of the issues and varied physical layout of the facility. This flexibility is offered in exchange for a coordinated program of signage ensuring a higher standard of design quality for such signs. This process should mitigate any possible adverse impacts of large facility signs on surrounding uses. The flexibility in size, type and location of signs identifying the use and location of certain large facilities is not a matter of right, and a proposed comprehensive sign plan for a large facility must be reviewed pursuant to the provisions of this Section 10.10.3.3.

#### B. Description of Qualifying Uses

These provisions shall apply to large facilities located on a zone lot in a Mixed Use Commercial Zone District or in a nonresidential zone district. Such facilities must have a minimum ground floor area of 50,000 square feet, or a minimum zone lot area of 100,000 square feet. They may consist of 1 or more buildings but the site must consist of contiguous zone lots. Street or alleys do not destroy the contiguity of adjacent zone lots for the purpose of this Section 10.10.3.3.

### C. Process to Establish Comprehensive Sign Plan

#### 1. Plan Submittal

The following items and evidence shall be submitted to the Zoning Administrator to explain a proposed comprehensive sign plan for a facility:

a. A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, Off-Street Parking Areas, landscaped areas, drainage swales, detention ponds, adjoining streets and alleys.

b. Scaled drawings showing the elevations of existing and proposed buildings and structures that may support proposed signage.

c. Design descriptions of all signs including allowable sign shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the frequency of changeable graphics.

d. All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;

e. Calculations of sign area and number.

#### 2. Notice

The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the proposed plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of D.R.M.C., Chapter 30 (Landmark Preservation) , the Zoning Administrator shall notify the landmark approving authority regarding the proposal. Such notice shall require that the landmark approving authority provide a written recommendation, based on adopted standards, policies, and guidelines, to the Planning Board and Zoning Administrator, as set forth in D.R.M.C., Chapter 30 (Landmark Preservation).

#### 3. Forwarding of a Proposed Comprehensive Sign Plan

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.

#### 4. Criteria for Review

The criteria for reviewing proposed comprehensive sign plans are as follows:

a. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.

b. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples of adverse effects are glare from intense illumination, and large signs or structures which visually dominate and area.

c. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend

above any building height limit or zoning bulk plane. Portable roof signs, flashing signs, and animated signs are prohibited.

d. The comprehensive sign plan shall include design guidelines to ensure that all features of the proposed signage, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive and complimentary feature of the building which it serves.

e. Sign design should reflect the existing or desired character of the area. As an example, in a district in which night-time entertainment is concentrated, the intent of this Section 10.10.3.3 is to encourage exciting, iconographic, and inventively illuminated signage.

f. Signs shall be professionally designed and fabricated from quality, durable materials.

g. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as part of an approved sign plan.

**5. Review by the Planning Board**

a. The Planning Board shall hold a meeting and shall require that notices be placed on the property by the applicant at least 15 days prior to the meeting. The planning board shall also send notice of the proposed plan to registered neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Denver Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The planning board shall also send notices to the council members in whose district the large facility is located, and to the at large council members. Such notices shall be sent at least 30 days prior to the hearing.

b. The planning board shall review the Zoning Administrator's recommendation, the concerns of the public and the criteria for review, and shall adopt a recommendation for denial, approval or approval with conditions. The planning board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the adoption of the recommendation.

**6. Action**

The Zoning Administrator shall take action on the proposed comprehensive sign plan within 15 days after the receipt by the Zoning Administrator of the planning board's recommendation. The Zoning Administrator's action, which shall be approval, approval with conditions or denial of the proposed plan, shall take into consideration the criteria for review, the recommendation of the planning board as well as public input. Upon taking action, the Zoning Administrator shall notify the applicant, appropriate council members and any registered neighborhood organization which expressed concerns over the plan, either in writing or at the planning board public hearing, of the action taken.

**D. Changes to the Plan**

Any sign changes or additions requested for the facility after the approval of the comprehensive sign plan, must be reviewed according to the provisions of this Section 10.10.3.3.

**E. Effect of the Comprehensive Sign Plan Approval**

Once a comprehensive sign plan is approved for a large facility, all signs for that facility shall be reviewed to ensure compliance with the sign plan before a permit is issued.

**F. Other Permitted Signs**

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the comprehensive sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the comprehensive sign plan.

**G. Projecting Signs**

Projecting signs may be allowed as part of the sign plan if they conform to the purpose of Section 10.10.17, Special Provisions for the D-C, D-TD, D-LD, D-CV, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts. Except in districts for preservation or on structures for preservation, determination of compliance with 10.10.17 shall be made by the Zoning Administrator. In districts for preservation or on structures for preservation determination of compliance with 10.10.17 shall be made by the Landmark Preservation Commission or the Lower Downtown Design Review Board as appropriate.

**H. Animation**

Flashing signs and animated signs shall not be allowed except when the sign is a projecting sign which is readable from the 16th Street Mall, in which case the provisions of 10.10.17.4.C shall apply.

**I. Rules and Regulations**

The planning board has the authority to adopt rules and regulations concerning its review of comprehensive sign plans.

**J. Fee**

The applicant shall pay the fee for review of a comprehensive sign plan for large facilities at the same time the application is submitted.

## SECTION 10.10.4 SIGN AREA / VOLUME MEASUREMENT

### 10.10.4.1 General

The area of a sign shall be measured in conformance with the regulations according to this Section, provided that the structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign. Where a sign has 2 or more display faces, the area of all faces shall be included in determining the area of the sign unless the display faces join back to back, are parallel to each other and not more than 48 inches apart, or form a V type angle of less than 90 degrees. See special rules for measuring the volume/area of projecting signs below.

### 10.10.4.2 Sign With Backing

The area of all signs with backing or a background material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, non structural trim or other component parts not otherwise used for support. See special rules for measuring the volume/area of projecting signs below.

### 10.10.4.3 Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, non structural trim or other component parts not otherwise used for support. See special rules for measuring the volume/area of projecting signs below.

### 10.10.4.4 Projecting Signs

**A. Sign Volume - Relationship to Maximum Sign Area Allowed**

The sign area allowed for projecting signs shall be deducted from the permitted maximum sign area allowed in the applicable zone district. For these purposes, a cubic foot of projecting sign or graphic volume is considered to be equivalent to a square foot of sign area.

### B. Calculation of Projecting Sign Volume - Minor Sign Elements

1. The volume of a projecting sign shall be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.

2. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Zoning Administrator. Minor elements will be defined as those parts of the sign that add to the design quality without adding significantly to the perceived volume and mass of the sign.

3. No dimension (height, width, or depth) shall be considered to be less than 1 foot and 0 inches for the purposes of calculating projecting sign volume.

### C. Allocation of Allowable Projecting Sign Volume

#### 1. Applicability

This Section 10.10.4.4.C shall govern the allocation of allowable projecting sign volume among multiple tenants/uses in a single structure in the following zone districts only:

a. All RX and RO zone districts

b. All -CC zone districts

c. All - MX zone districts

d. All - MS zone districts

e. All - CMP zone districts

f. I-MX zone district

g. All Master Planned ("M") zone districts

#### 2. Allocation of Allowable Projecting Sign Volume

(a) For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza, or (b) uses located in the basement or on the second floor that have entries at the Street Level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:

a. Uses that occupy at least 8 feet but no more than 20 feet of linear building frontage may have up to 12 cubic feet of projecting sign volume.

b. Uses that occupy more than 20 but no more than 50 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume.

c. Uses that occupy over 50 linear feet of building frontage may have up to 50 cubic feet of projecting sign volume.

d. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.

## 10.10.4.5 All Other Signs or Combinations Thereof

The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations: the display surface or face of the sign including all frames, backing, face plates, non structural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of a similar character including all frames, face plates, non structural trim or other component parts not otherwise used for support for parts of the sign having no backing.

# SECTION 10.10.5 SINGLE UNIT ZONE DISTRICTS SIGN STANDARDS

## 10.10.5.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts:

| SUBURBAN NEIGHBORHOOD CONTEXT | URBAN EDGE NEIGHBORHOOD CONTEXT | URBAN NEIGHBORHOOD CONTEXT |
|---|---|---|
| S-SU-A | E-SU-A | U-SU-A |
| S-SU-D | E-SU-B | U-SU-A1 |
| S-SU-Fx | E-SU-D | U-SU-A2 |
| S-SU-F | E-SU-Dx | U-SU-B |
| S-SU-F1 | E-SU-D1 | U-SU-B1 |
| S-SU-Ix | E-SU-D1x | U-SU-B2 |
| S-SU-I | E-SU-G | U-SU-C |
| | E-SU-G1 | U-SU-C1 |
| | | U-SU-C2 |
| | | U-SU-E |
| | | U-SU-E1 |
| | | U-SU-H |
| | | U-SU-H1 |

## 10.10.5.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events. |
| **Sign Types** | Wall, window and ground. |
| **Maximum Number** | 2 signs for each front line of the zone lot on which the use by right is located. |
| **Maximum Sign Area** | Public and Religious Assembly or Elementary or Secondary School: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 80 square feet of total sign area for each zone lot.<br><br>All Others: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 60 square feet of total sign area for each zone lot and provided that no one sign shall exceed 20 square feet. |
| **Maximum Height Above Grade** | Wall and window signs: 20'<br>Ground signs: 6' |
| **Location** | Wall and window signs shall be set back from the boundary lines of the zone lot on which they are located the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs shall be set in at least 10' from every boundary line of the zone lot. |
| **Illumination** | May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m..Flashing signs are prohibited. |
| **Animation** | Animated signs are prohibited. |

### 10.10.5.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area: 12 square feet plus 1 square foot per acre not to exceed 50 square feet for each zone lot or designated land area.

D. Permitted maximum height above grade: 12 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited; and animated signs are prohibited.

## SECTION 10.10.6 MULTI-UNIT ZONE DISTRICTS SIGN STANDARDS

### 10.10.6.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts:

| SUBURBAN NEIGHBORHOOD CONTEXT | URBAN EDGE NEIGHBORHOOD CONTEXT | URBAN NEIGHBORHOOD CONTEXT | GENERAL URBAN NEIGHBORHOOD CONTEXT | MASTER PLANNED CONTEXT |
|---|---|---|---|---|
| S-RH-2.5 | E-TU-B | U-TU-B | G-RH-3 | M-RH-3 |
| S-MU-3 | E-TU-C | U-TU-B2 | G-MU-3 | |
| S-MU-5 | E-TH-2.5 | U-TU-C | G-MU-5 | |
| S-MU-8 | E-MU-2.5 | U-RH-2.5 | G-MU-8 | |
| S-MU-12 | | U-RH-3A | G-MU-12 | |
| S-MU-20 | | | G-MU-20 | |

### 10.10.6.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events. |
| **Sign Types** | Wall, window and ground. |
| **Maximum Number** | 2 signs for each front line of the zone lot on which the use by right is located. |
| **Maximum Sign Area** | Hospitals: 2 square' of sign area for each 5 linear' of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.<br><br>University or College: The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear' of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square' of sign area;, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet. |
| **Maximum Height Above Grade** | Wall and window signs: 25'<br>Ground signs: 12' |
| **Location** | Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. |
| **Illumination** | May be illuminated but only from a concealed light source. Flashing signs are prohibited. |
| **Animation** | Animated signs are prohibited. |

### 10.10.6.4 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.

D. Permitted maximum height above grade: 12 feet.

E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination of temporary signs: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

# SECTION 10.10.7 CAMPUS ZONE DISTRICTS SIGN STANDARDS

## 10.10.7.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts: CMP-H, CMP-H2, CMP-EI, CMP-EI2, CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R.

## 10.10.7.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | CMP-H<br>CMP-EI | CMP-H2<br>CMP-EI2 | CMP-ENT<br>CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events. | Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events. | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code. |
| **Sign Types** | Wall, window, ground and projecting, except that projecting signs are prohibited for uses without direct street access on the Street Level. | Wall, window, ground, projecting, and arcade, , except that projecting signs are prohibited for uses without direct street access on the Street Level. | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. |
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: 2 signs for each front line of the zone lot on which the use by right is located. | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located. | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located. |

| | CMP-H<br>CMP-EI | CMP-H2<br>CMP-EI2 | CMP-ENT<br>CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|---|
| **Maximum Sign Area** | University or College: The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100 ' of the zone lot line or campus boundary.<br><br>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.<br><br>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.<br><br>All Others: 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet. | Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.<br>University or College: The following regulations shall apply to the contiguous Campus only. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.<br><br>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.<br><br>All Others: 20 square feet or the total permitted sign area for each use by right or conditional use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:<br>• For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.<br>• For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use. | Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.<br><br>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.<br><br>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br><br>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100'. of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. |

| | CMP-H<br>CMP-EI | CMP-H2<br>CMP-EI2 | CMP-ENT<br>CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|---|
| **Maximum Height Above Grade** | Wall and window signs: 25 ′<br>Ground signs: 12′<br><br>Projecting signs: The bottom of any projecting sign must be at least 8′ above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15′ above the sidewalk or Street Level finished floor level, whichever is higher. | Wall, window and arcade signs:<br>• Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25′.<br>• Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.<br>Ground signs: 25′.<br><br>Projecting signs: The bottom of any projecting sign must be at least 8′ above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15′ above the sidewalk or Street Level finished floor level, whichever is higher. | Wall and window signs: The roof line of the building to which the sign is attached.<br>Ground and arcade signs: 32′.<br><br>Projecting signs: The bottom of any projecting sign must be at least 8′ above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15′ above the sidewalk or Street Level finished floor level, whichever is higher. |
| **Location** | Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs: Shall be set in at least 5′ from every boundary line of the zone lot.<br><br>Projecting Signs:<br>• Projecting graphics may project no more than 5′ out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8′ apart. | Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs: Shall be set in at least 5′ from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.<br><br>Projecting Signs:<br>• Projecting graphics may project no more than 5′ out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8′ apart. | Shall be set back at least 5′ from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with Section 49-436. In no case shall there be more than 5 signs applied to any street front.<br><br>Projecting Signs:<br>• Projecting graphics may project no more than 5′ out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8′ apart. |
| **Illumination** | All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.<br><br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited<br>• Projecting signs may use a variety of illuminated colors. | All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.<br><br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. | All Sign Types: May be illuminated. All direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.<br><br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. |

| | CMP-H<br>CMP-EI | CMP-H2<br>CMP-EI2 | CMP-ENT<br>CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R |
|---|---|---|---|
| **Animation** | Animated signs are prohibited. | Animated signs are prohibited. | Animated signs are prohibited. |

### 10.10.7.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types:

1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: Wall and ground.

2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: Wall, ground and window.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area:

1. CMP-H2 and CMP-EI2: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.

2. CMP-H and CMP-EI: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.

3. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: The greater number of the following: 100 square feet; or 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided however, that the total area of all signs on the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade:

1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: 12 feet.

2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: 25 feet.

E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination of temporary signs:

1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: May be illuminated but only from a concealed light source, and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

2. CMP-ENT, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R zone districts: May be illuminated and all direct illumination shall not exceed 25 watts per bulb unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

### 10.10.7.4 Joint Identification Signs - CMP-H2, CMP-EI2, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts

Subject to the conditions hereinafter set forth and upon application to and issuance a zoning permit therefore, joint identification signs are permitted for 3 or more primary uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.

C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.

D. Permitted maximum height above grade: 20 feet.

E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited unless otherwise permitted by a District Sign Plan in accordance with Section 10.10.8 of this Code.

## SECTION 10.10.8 DISTRICT SIGN PLAN FOR CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F AND CMP-NWC-R ZONE DISTRICTS

### 10.10.8.1 Signs Subject to a District Sign Plan

Notwithstanding more restrictive provisions of this Division 10.10, Signs, the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts may have signs in accordance with a single approved District Sign Plan. All signs expressly allowed through this Section 10.10.8 must be in conformance with an approved District Sign Plan.

### 10.10.8.2 Intent

The intent of this Section 10.10.8 is to:

A. Allow flexibility in the size, type, location and attributes of signs and Special Lighting Elements in order to support a unique education, entertainment and employment destination at the National Western Center. Unique signage within the district are intended to be incorporated and displayed in ways that foster civic pride and economic vitality, and which reflect the unique design vision for the National Western Center, which may include:

1. Creative and artistic signs
2. Special Lighting Elements
3. Self-illuminated signs
4. Signs integrated with one or more iconic or distinctive features
5. Non-standard or one-of-a-kind advertising opportunities
6. Signs infused with art

B. Facilitate development of a coordinated program of signage and illumination elements that enhances the aesthetic values of the city and ensures quality design; enhances the city's attraction to and creates excitement and anticipation for residents, employees, and visitors; and promotes good urban design.

C. Mitigate possible adverse impacts of signs and Special Lighting Elements, particularly on surrounding residential uses.

### 10.10.8.3 Applicability

A. The provisions of this Section 10.10.8 shall apply only with respect to:

1. Signs that are located in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts and permitted by the District Sign Plan.

2. Special Lighting Elements that are located in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts and permitted by the District Sign Plan.

B. Notwithstanding Section10.10.8.3.A, the provisions of this Section 10.10.8 shall not apply to signs otherwise permitted in Division 10.10 Signs, except Section 10.10.8.4.B Minimum Pixel Pitch for Signs Using Digital Illumination shall apply to such signs, and

C. Unless otherwise expressly required by this Section 10.10.8, a sign or Special Lighting Element that is exempt from permitting under the provisions of the D.R.M.C or this Code shall not be deemed to require a zoning permit or a building permit due to the provisions of this Section 10.10.8.

### 10.10.8.4 Sign Types, Placement and Design

**A. Glare**

Signs and Special Lighting Elements permitted under this Section 10.10.8 or under the terms of the District Sign Plan shall be deemed to comply with all standards in this Code regarding Glare (as that term is defined in Division 13.3).

**B. Minimum Pixel Pitch for Signs Using Digital Illumination**

A sign using digital illumination shall have a minimum pixel pitch of 11 millimeters, unless otherwise specified in the District Sign Plan.

**C. Sign Content**

Sign content relating to products, services, uses, businesses, commodities, entertainment or attractions sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed, including Outdoor General Advertising Devices and Off-Site Commercial Signs, are allowed within the area subject to an approved District Sign Plan.

**D. Sign Types and Special Lighting Elements**

1. All sign types allowed by or defined in this Code, including but not limited to off-premises signs and outdoor general advertising devices, are allowed in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. In addition, the District Sign Plan may define and allow other sign types not otherwise allowed or defined in this Code or prohibit certain sign types from particular areas. All such signs shall be subject only to the limits, conditions, and procedures specified in the District Sign Plan, except that Division 12.9, Nonconforming Signs, shall apply to all signs permitted in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts according to an approved District Sign Plan.

2. Special Lighting Elements are allowed in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. For purposes of this Section 10.10.8, "Special Lighting Elements" means, where both the lighting source and the illuminated surface or

medium are located within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the illumination of:

a. The outside surface of any building, structure, part of a building or structure, or

b. Any water, mist, fog, smoke, or other surface, material, medium or substrate located outdoors.

3. In the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, Outdoor General Advertising Device Ground Signs shall not be supported only by a pole or poles unless sufficient architectural enhancements are included as approved in the District Sign Plan.

**E. Maximum Number**

There is no maximum on the number of signs or Special Lighting Elements that are allowed, unless otherwise stated in the District Sign Plan.

**F. Maximum Sign Area**

Unless otherwise stated in the District Sign Plan, there is no maximum on: (1) the amount of area for any individual sign or Special Lighting Element, (2) the cumulative area of signage for any building or area, or (3) the cumulative area covered by Special Lighting Elements.

**G. Maximum Height Above Grade**

1. Except as provided by Section 10.10.8.4.G.2 and Section 10.10.8.4.G.3 below, the District Sign Plan shall not allow the height of any sign or equipment constituting any Special Lighting Element to exceed the maximum height specified in the allowed building form with the highest maximum height in feet, not including height exceptions, in the applicable zone district.

2. The District Sign Plan may allow temporary portable signs of any maximum height, subject to any limitations on time, area, size, number, design, illumination, location or other standards identified in the District Sign Plan. Such portable signs shall require a zoning permit.

3. Temporary portable signs and equipment for Special Lighting Elements may extend above the maximum allowable height for the zone district within which the sign is located for limited timeframes for special events approved by the City for a period not to exceed the duration of the permitted special event.

4. Roof signs, and equipment for Special Lighting Elements, may extend above the Roof Line of the building to which the sign or Special Lighting Element is attached to the extent allowed by the District Sign Plan; however, the District Sign Plan shall not allow any sign or equipment for Special Lighting Elements to extend above the maximum allowable building form height for the zone district within which the sign is located.

**H. Signs and Special Lighting Elements Subject to the District Sign Plan**

The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts may have signs and Special Lighting Elements in accordance with the approved District Sign Plan. Proposals for individual signs and Special Lighting Elements for which the applicant therefor elects in the subject application to have the provisions of this Section 10.10.8 apply, shall comply with the requirements stated in the District Sign Plan.

**I. Locations**

1. There is no requirement that signage or equipment for any Special Lighting Element be set back from the zone lot line or any built feature, however, signs shall not violate the Denver Building Code and Denver Fire Code. Signs and equipment for any Special Lighting Element may project into public rights-of-way if such signs and Special Lighting Elements

comply with applicable provisions of the D.R.M.C. pertaining to encroachments within the public rights-of-way and are subject to approval by the Department of Public Works.

2. Signs allowed under this Section 10.10.8 may be sited on vacant zone lots.

**J. Illumination**

1. Illumination of signs and illumination integrated into Special Lighting Elements is allowed.

2. Flashing signs and flashing Special Lighting Elements are allowed.

3. Subject to the provisions of this Section 10.10.8, illumination for or of signs may be from a concealed light source that may flash, blink or fluctuate by means of movement, changes in colors, changes in the intensity of light, changes in letters, numbers, symbols, designs or other images, ambient conditions such as fog, snow or wind, or otherwise. The frequency, cycle, or movement of any such flashing, blinking or fluctuation shall not be limited except as stated in the District Sign Plan.

4. It is not a violation of this Section 10.10.8 if the illumination from or of any sign or Special Lighting Element is visible from beyond the boundaries of the zone lot or the separately conveyable parcel of land upon which such a sign or Special Lighting Element is located. However, the District Sign Plan shall require louvres or other brightness reduction strategies to reduce the luminance of signs comprised of self-illuminated digital screens when viewed at Off-axis Angles.

   a. For the purposes of this Section 10.10.8, the term "Off-axis Angle", with respect to any screen or portion of a screen, as applicable, means any angle other than the angle perpendicular to such screen or portion of such screen, as applicable.

**K. Animation, Dynamic Elements and Full-Motion Video**

Animated Signs and animation, dynamic elements, and full-motion video as part of a Special Lighting Element are allowed.

**L. Materials**

1. The District Sign Plan shall require that signs and equipment for Special Lighting Elements be professionally designed and fabricated from quality, durable materials, including a requirement that only quality illumination equipment be used for illuminated signs and Special Lighting Elements.

2. The District Sign Plan shall prohibit internally illuminated, translucent face box signs.

**M. Projecting Signs**

Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 10 feet out from a building wall. All such projecting signs over public rights-of-way are subject to approval by the Department of Public Works.

**N. Accessory Uses**

Signs for accessory uses are allowed to the extent stated in the District Sign Plan.

**O. Prohibition**

As a matter of public necessity, the City must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscrim nately upon unwilling audiences of adults and children, such displays constitute assaults upon individual privacy. Therefore, signs (including signs incorporated into a Special Lighting Element) subject to the District Plan shall not be displayed or exhibited in a manner that exposes to public view from any public streets, sidewalks, transportation facilities, and other public rights-of-way any:

1. Pictorial material that is obscene;

2. Statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;

3. Pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region or

4. Pictorial material depicting explicit sexual acts.

**P. Varying Regulations by Subareas within the District Sign Plan**

1. The District Sign Plan shall contain geographically defined areas within the District Sign Plan that have different regulations from those applicable to other geographic areas within the District Sign Plan.

2. The District Sign Plan shall identify a methodology to identify and characterize subareas within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts distinguished from one another based on factors including but not limited to:

   a. The intensity and mix of land uses existing or planned to occur within such subareas;

   b. The density of the built environment existing or planned within such subareas, and

   c. The subarea's location within, or in proximity to, (1) existing or planned major gateways or entrances to the campus, or (2) other existing or planned publicly-accessible spaces, major arterials, or major entrances to the campus, such that allowances for signage and Special Lighting Elements are greater and/or more flexible for subareas located closest to existing or planned gateways, major entrances, publicly-accessible spaces, or major arterials.

3. Based on the methodology described above, the District Sign Plan shall assign differing standards to each such subarea, as appropriate, which will result in signage and Special Lighting Elements within each subarea consistent with the differences in character of each subarea. Differing standards may include, but are not limited to, appropriate scale, permitted sign types, maximum sign areas, appropriate locations, and appropriate illumination levels or animation.

## 10.10.8.5 Process to Establish or Amend a District Sign Plan

**A. Definition**

For the purposes of this Section 10.10.8, the term "District Sign Plan" means the plan approved in accordance with this Section 10.10.8.5, as such plan may be amended from time to time in accordance with provisions of this Section 10.10.8.

**B. Intent of District Sign Plan Approach**

1. The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts are envisioned to showcase a unified, cohesive and integrated program of signage. The District Sign Plan is the mechanism that efficiently reconciles the vision for the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts with the reality that properties in these districts will be built over a long period of time during which technology and best practices will evolve.

2. The CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts will be developed and constructed in multiple phases over time. It is impractical to require detailed plans for signage and Special Lighting Elements to be provided for the entirety of the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts at the very outset of its development. Such a requirement would thwart the

design intent for the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

3. These provisions shall apply to the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts and signs may be erected, altered and maintained for a use by-right in these zone districts and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

**C. Initiation**

Any of the following persons may initiate a request to establish a District Sign Plan.

1. A member of the City Council
2. A member of the Planning Board
3. The City Attorney
4. The Manager
5. The Manager or Director of any other City department or agency; or
6. One or more owners of real property located within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F or CMP-NWC-R zone districts.

**D. Review**

Community Planning and Development will review information received in the applicant's submittal and forward a recommendation to the Planning Board within 45 days after the submittal of a complete application for the District Sign Plan or amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.11 and 10.10.8.12) unless the applicant agrees in writing to an extension of time.

**E. Notice of Complete Application**

1. No later than 10 days after receipt of a complete application, Community Planning and Development shall send informational notice of the proposed District Sign Plan or any proposed amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.10 or 10.10.8.11) to:
   a. Neighborhood organizations registered according to the provisions of D.R.M.C. Section 12-94 and whose boundaries include property within, or within 200 feet of the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts
   b. Each City Council member representing a district within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts or within 200 feet of CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, and
   c. The at-large City Council members.
2. No later than 10 days after receipt of a determination of a complete application from Community Planning and Development, the applicant shall send informational notice of the proposed District Sign Plan or a proposed amendment to the District Sign Plan (other than amendments effected through Section 10.10.8.10 or 1010.8.11) to each property owner within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts according to the address stated in records of the Denver Assessor's Office as of the date the applicant checked such records, which date shall not be earlier than the date the applicant submitted its application to Community Planning and Development, and not later than 10 days after the applicant's receipt of a determination that the application is complete from Community Planning and Development. However, for property included within any condominium or cooperative, as such terms are defined in C.R.S.

Section 38-33.3- 103, the applicant shall only be required to send notice to the owners association for such condominium or cooperative and not to each property owner.

3. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

4. Notification shall include the location and general description of the proposed action; and the process to be followed, including the date, time and place of the Planning Board public meeting, if such has been scheduled; and information concerning when and where written comments may be submitted.

5. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

### F. Notice of Planning Board Meeting

1. No later than 15 days before the required Planning Board public meeting, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

2. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

3. Notification shall include the location and general description of the proposed action and the process to be followed, including the date, time and place of the scheduled public meeting.

4. Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a meeting and the location of the subject property shall be strictly construed. If questions arise at the meeting regarding the adequacy of notice, the Planning Board shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before deciding whether to approve, approve with conditions, or deny the application.

### G. Adoption of District Sign Plan

The Planning Board shall review Community Planning and Development's recommendation, public comment, the criteria for review, and make a final decision to approve, approve with conditions, or deny such District Sign Plan or amendment.

### H. Appeals

The Planning Board's decision on an application for a District Sign Plan or an amendment thereto may be appealed to the District Court.

### 10.10.8.6 Submittal Requirements

To establish the District Sign Plan, or amend the District Sign Plan (other than minor deviations through Section 10.10.8.10 or through approval of Supplemental Plans under Section 10.10.8.11) the applicant shall submit to Community Planning and Development a District Sign Plan and accompanying materials that incorporate:

A. The locations of residential uses, off-street parking areas, landscaped areas, streets, and alleys to the extent known, within the boundaries and within 200' of the District Sign Plan.

B. Identifications and/or descriptions of all signs and Special Lighting Elements allowed,

C. As part of the review procedure for Supplemental Plans, authority for the review body to require specific mitigation measures reasonably necessary to mitigate possible material adverse impacts, when it finds such possible impacts. For purposes of this provision, "material adverse impacts" include, but are not limited to, nuisance or distraction to near-by permitted land uses or to motor vehicles on major roadways, particularly from permitted flashing, illuminated, or animated signs and Special Lighting Elements.

D. Provisions addressing design review for signs and Special Lighting Elements.

E. Design standards and guidelines that include:

1. The parameters for acceptable structures to which signs and/or equipment related to such Special Lighting Elements may be attached or included within;

2. The parameters for acceptable sign shape, size, typography, lighting, exposed structures, animation, luminance, colors and materials, and the frequency of changeable copy, graphics, or lighting;

3. Identification of areas from which signs and Special Lighting Elements are intended to be viewed;

4. General recommendations for measures and practices to mitigate possible material adverse impacts from allowed signs and Special Lighting Elements; and

5. Review criteria that ensure all features of signs, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to and/or integrated into the architecture and architectural features of the building on which it is located or to which it relates.

F. Design standards and guidelines for allowable Special Lighting Elements, including:

1. A general description of methods of and limits on illumination that may be implemented in Special Lighting Elements;

2. A general description of the surfaces of any existing or proposed buildings, structures, or other surfaces, materials, mediums or substrates that may be illuminated by Special Lighting Elements; and

3. General descriptions of allowed exposed structures, colors and materials for equipment used for Special Lighting Elements.

G. Information describing the general locations where signs and Special Lighting Elements are allowed,

H. The maximum heights for signs and equipment for, and surfaces illuminated by, Special Lighting Elements,

I. Proposed maximums, if any, for the total sign area or number of signs per building face or per other medium or metric, and

J. Other items as may be identified by Community Planning and Development as reasonably necessary to review and approve the District Sign Plan or amendment consistent with the criteria stated in Sections 10.10.8.9 and 10.10.8.11.H.

### 10.10.8.7 Regulatory Construct

The District Sign Plan shall establish standards applicable to a wide range of allowed signs and Special Lighting Elements within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. As a general matter, the District Sign Plan may contain two levels of specificity with respect to signs and Special Lighting Elements.

**A. Detailed Level**

Once the District Sign Plan is approved in accordance with Section 10.10.8.5, applicants for signs and Special Lighting Elements that are included in the more detailed of such two levels, and that elect to have the provisions of this Section 10.10.8 apply to signs and Special Lighting Elements, will be allowed to request zoning and building permits for such signs and Special Lighting Elements (if such permits are required) without the need for obtaining additional approval of a Supplemental Plan, consistent with the District Sign Plan.

**B. General Level**

Once the District Sign Plan is approved in accordance with Section 10.10.8.5, applicants for signs or Special Lighting Elements that are included in the more general of such two levels, will not be permitted to apply for zoning or building permits until a Supplemental Plan for such signs and Special Lighting Elements providing the higher level of specificity is approved in accordance with Section 10.10.8.11.

### 10.10.8.8 One District Sign Plan

The City shall approve no more than one District Sign Plan within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts. The District Sign Plan's boundaries shall include all land area within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

### 10.10.8.9 Criteria for Review

The Planning Board may approve an application for the District Sign Plan or an amendment to the District Sign Plan (other than minor deviations through Section 10.10.8.10 or through approval of Supplemental Plans under Section 10.10.8.11) if the application complies with the following criteria:

A. The District Sign Plan complies with all applicable standards contained in this Code.

B. The cumulative effect of the District Sign Plan's allowances for signs and Special Lighting Elements:

1. Encourages exciting, iconographic, and inventive signage and Special Lighting Elements that distinguish the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts from other places in Denver.

2. Promotes signs and Special Lighting Elements that are consistent with the existing or planned character of a specific subarea.

3. Establishes a coordinated program of signage.

4. Fosters civic pride in the beauty of the city, enhances the aesthetic values of the city, helps to establish Denver as an international destination, promotes good urban design and contributes to achieving the National Western Center Master Plan's vision for a unique entertainment destination.

C. The District Sign Plan avoids material adverse impacts of signs and Special Lighting Elements to the fullest extent possible, or, as necessary, contains mitigation measures necessary to mitigate

such impacts on nearby uses, structures, and significant public areas outside the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

D. The District Sign Plan contains restrictions that will result in signs and Special Lighting Elements that:

1. Are designed to be visually compatible with the character of neighborhoods, the South Platte River corridor and other public areas nearby the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, while maintaining consistency with the vision of the National Western Center Master Plan to create a unique entertainment destination.

2. Do not create material adverse impacts on motor vehicles on public roadways located within or nearby the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

## 10.10.8.10 Minor Deviations from a District Sign Plan

### A. Allowed

Minor deviations from the District Sign Plan for individual signs or individual Special Lighting Elements may be allowed by Community Planning and Development if:

1. Such deviations appear necessary in light of technical or engineering considerations, or to accommodate the implementation of future technology that is generally consistent with the intent of the District Sign Plan and Section 10.10.8.2, and

2. The at-large city council members and the city council members and registered neighborhood organizations whose boundaries are within 200 feet of the subject sign(s) and/or Special Lighting Element(s) are first notified.

3. Notwithstanding the foregoing, no minor deviation shall be allowed which violates the Denver Building Code, Denver Fire Code, or any applicable provision of the D.R.M.C.

### B. Not Allowed

Minor deviations from the District Sign Plan for individual signs or individual Special Lighting Elements shall not be allowed under any of the following circumstances:

1. The individual sign or Special Lighting Element is oriented or illuminated so that it adversely affects existing nearby residential uses or structures beyond what is allowed by the District Sign Plan

2. For projecting signs, a projection greater than 6 inches above the maximum otherwise allowed.

3. A change in signage type, illumination, or animation that is not allowed by the District Sign Plan.

### C. Plan Amendment Required

A deviation to any sign or Special Lighting Element that does not comply with the requirements of the District Sign Plan and is not allowed under Section 10.10.8.11 shall require an amendment to the District Sign Plan, approved under Section 10.10.8.5.

## 10.10.8.11 Supplemental Plans

The District Sign Plan may establish a convention whereby certain signs and/or Special Lighting Elements, as appropriate, may not be installed, operated, maintained, repaired, and replaced unless a Supplemental Plan is approved under this Section 10.10.8.11 with respect to such signs and/or Special Lighting Elements, as appropriate. The District Sign Plan may establish a convention whereby certain signs and/or Special Lighting Elements may be installed,

operated, maintained, repaired, and replaced without the need for approval of a Supplemental Plan.

**A. Definition**

For the purposes of this Section 10.10.8, the term "Supplemental Plan" means a supplement to the District Sign Plan that is approved in accordance with this Section 10.10.8.11.

**B. Intent**

The intent of a Supplemental Plan is to allow for a coordinated program with respect to numerous buildings, signs and Special Lighting Elements that will be designed, developed, constructed and installed within the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts in phases.

**C. Requirements**

To the extent that the District Sign Plan provides that any sign and/or Special Lighting Element may not be installed within certain areas until a Supplemental Plan for such area is approved, then no sign and/or Special Lighting Element, as appropriate, may be installed in such area until a Supplemental Plan for such area is approved or such sign and/or Special Lighting Element is exempt from such requirement as stated in the District Sign Plan.

**D. Submittal Requirements**

An applicant seeking approval of a Supplemental Plan shall submit the following items to Community Planning and Development:

1. Information as required by the District Sign Plan
2. Other items as may be identified by the Zoning Administrator as reasonably necessary to approve such Supplemental Plan consistent with the criteria stated in Section 10.10.8.11.H.

**E. Review**

The Zoning Administrator will review information received in the applicant's submittal and, within 45 days after the submittal of a complete application for a Supplemental Plan, make a final decision to approve, approve with conditions or deny such Supplemental Plan unless the applicant agrees in writing to an extension of time. Should the Zoning Administrator fail to make a decision within the time frame specified above, and no extension of time has been agreed upon, then the application shall be deemed denied.

**F. Notice to Others**

The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the complete application for the Supplemental Plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification.

**G. Consideration of Public Comments**

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed Supplemental Plan.

**H. Criteria for Review**

The Zoning Administrator may approve an application for a Supplemental Plan if the Supplemental Plan complies with Section 10.10.8.9, Criteria for Review, and is consistent with the provisions of the District Sign Plan.

**I. Appeals**
Any decision of the Zoning Administrator under this Section 10.10.8.11 may be appealed to the Board of Adjustment. Thereafter, the Board of Adjustment's decision may be appealed to the District Court.

**J. Effect of Approval of a Supplemental Plan**
Upon approval of a Supplemental Plan, such Supplemental Plan shall be deemed an amendment to, and shall be deemed to have become part of, the District Sign Plan. An approved Supplemental Plan shall be incorporated into the next amended District Sign Plan, at which time the Supplemental Plan shall expire.

## SECTION 10.10.9 RESIDENTIAL MIXED USE ZONE DISTRICTS SIGN STANDARDS

### 10.10.9.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts:

| URBAN EDGE NEIGHBORHOOD CONTEXT | URBAN NEIGHBORHOOD CONTEXT | GENERAL URBAN NEIGHBORHOOD CONTEXT | URBAN CENTER NEIGHBORHOOD CONTEXT | MASTER PLANNED CONTEXT |
|---|---|---|---|---|
| E-RX-3 | U-RX-3 | G-RO-3 | C-RX-5 | M-RX-3 |
| E-RX-5 | U-RX-5 | G-RO-5 | C-RX-8 | M-RX-5 |
| | | G-RX-3 | C-RX-12 | M-RX-5A |
| | | G-RX-5 | | |

### 10.10.9.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events. |
| **Sign Types** | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. |
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located. |

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| **Maximum Sign Area** | Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.<br><br>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 20 square feet or the total permitted sign area for each use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:<br>• For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.<br>• For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use. |
| **Maximum Height Above Grade** | Wall, window and arcade signs:<br>• Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25'.<br>• Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.<br>Ground signs: 25'.<br><br>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher. |
| **Location** | Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.<br>Projecting Signs:<br>• Projecting graphics may project no more than 5' out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8' apart. |
| **Illumination** | All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.<br><br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors.. |
| **Animation** | Animated signs are prohibited. |

### 10.10.9.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.

D. Permitted maximum height above grade: 12 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.9.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.

C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.

D. Permitted maximum height above grade: 20 feet.

E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

# SECTION 10.10.10 MIXED USE 2X, SUBURBAN NEIGHBORHOOD CONTEXT MIXED USE 2A, AND MAIN STREET 2X ZONE DISTRICTS SIGN STANDARDS

## 10.10.10.1 General

A. Signs may be erected, altered and maintained only for and by a use by right or conditional use in the district in which the signs are located; shall be located on the same zone lot as the use by right or conditional use and shall be clearly incidental, customary and commonly associated with the operation of the use by right or conditional use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I, and signs identifying home occupations according to Section 11.9.2.4.

B. The sign standards contained within this Section apply to the following zone districts: S-MX-2x; S-MX-2A; E-MX-2x; E-MS-2x; U-MX-2x; U-MS-2x

## 10.10.10.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events. |
| **Sign Types** | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. |
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located. |
| **Maximum Sign Area** | Dwelling, Multiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.<br><br>Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 20 square feet or the total permitted sign area for each use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:<br><br>• For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used.<br>• For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use. |

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|---|---|
| **Maximum Height Above Grade** | Wall, window and arcade signs:<br>• Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25'.<br>• Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.<br>Ground signs: 25'.<br><br>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher. |
| **Location** | Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs: Shall be set in at least 5' from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.<br><br>Projecting Signs:<br>• Projecting graphics may project no more than 5' out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8' apart. |
| **Illumination** | All Sign Types: May be illuminated but only from a concealed light source. Flashing signs are prohibited.<br><br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. |
| **Animation** | Animated signs are prohibited. |

### 10.10.10.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.

D. Permitted maximum height above grade: 12 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.10.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.

C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.

D. Permitted maximum height above grade: 20 feet.

E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.11 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 1 SIGN STANDARDS

### 10.10.11.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

B. The sign standards contained within this Section apply to the following zone districts:

| SUBURBAN NEIGHBORHOOD CONTEXT | URBAN EDGE NEIGHBORHOOD CONTEXT | URBAN NEIGHBORHOOD CONTEXT | GENERAL URBAN NEIGHBORHOOD CONTEXT | URBAN CENTER NEIGHBORHOOD CONTEXT | MASTER PLANNED CONTEXT |
|---|---|---|---|---|---|
| S-CC-3x | E-CC-3x | U-MX-2 | G-MX-3 | C-MX-3 | M-MX-5 |
| S-CC-5x | E-MX-2A | U-MX-3 | | C-MX-5 | M-IMX-5 |
| S-MX-2 | E-MX-2 | U-MS-2 | | C-MX-8 | M-IMX-8 |
| S-MX-3A | E-MX-3A | | | C-MX-12 | M-IMX-12 |
| S-MX-3 | E-MX-3 | | | C-MX-16 | M-GMX |
| S-MX-5A | E-MS-2 | | | C-MX-20 | |
| S-MX-5 | | | | | |
| S-MX-8A | | | | | |
| S-MX-8 | | | | | |
| S-MX-12A | | | | | |
| S-MX-12 | | | | | |

### 10.10.11.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services. |
| **Sign Types** | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. |

| | |
|---|---|
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located.<br>Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located. |
| **Maximum Sign Area** | Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 50 square feet, or, the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br>• For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200' of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter. |
| **Maximum Height Above Grade** | Arcade signs: 20'.<br>Ground signs: 32'.<br>Wall or window signs: The roof line of the building to which the sign is attached.<br>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher. |
| **Location** | Projecting Signs:<br>• Projecting graphics may project no more than 5' out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8' apart.<br>All Other Signs: Shall be set in at least 5' from every boundary line of the zone lot in zone districts requiring structural setbacks; provided, however, wall signs may project into the required setback space the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front. |
| **Illumination** | All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.<br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. |
| **Animation** | Animated signs are prohibited. |

### 10.10.11.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall, window and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.

C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.

D. Permitted maximum height above grade: 20 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area in zone districts requiring structural setbacks.

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.11.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot.

C. Permitted area: The greater number of the following:

1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot, provided however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot in zone districts requiring structural setbacks.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

# SECTION 10.10.12 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 2 SIGN STANDARDS

## 10.10.12.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

B. The sign standards contained within this Section apply to the following zone districts:

| SUBURBAN NEIGHBOR-HOOD CONTEXT | URBAN EDGE NEIGHBOR-HOOD CONTEXT | URBAN NEIGH-BORHOOD CONTEXT | GENERAL URBAN NEIGHBORHOOD CONTEXT | URBAN CENTER NEIGHBOR-HOOD CONTEXT | MASTER PLANNED CONTEXT |
|---|---|---|---|---|---|
| S-CC-3 | E-CC-3 | U-MS-3 | G-MS-3 | C-MS-5 | M-CC-5 |
| S-CC-5 | E-MS-3 | U-MS-5 | G-MS-5 | C-MS-8 | |
| S-MS-3 | E-MS-5 | | | C-MS-12 | |
| S-MS-5 | | | | | |

## 10.10.12.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign. |
| **Sign Types** | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. |
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right or conditional use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located. |
| **Maximum Sign Area** | Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that:<br>The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br>• For a zone lot having 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. |

| | |
|---|---|
| **Maximum Height Above Grade** | Wall and window signs: The roof line of the building to which the sign is attached.<br>Ground and arcade signs: 32'.<br>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher. |
| **Location** | Projecting Signs:<br>• Projecting graphics may project no more than 5' out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8' apart.<br><br>All Other Signs: Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front. |
| **Illumination** | All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.<br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. |
| **Animation** | Animated signs are prohibited. |

### 10.10.12.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall, window and ground.

B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.

C. Permitted sign area: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: No limitations.

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.12.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot.

C. Permitted area: The greater number of the following:

1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.13 INDUSTRIAL ZONE DISTRICTS SIGN STANDARDS

### 10.10.13.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

B. The sign standards contained within this Section apply to the I-MX-3, -5, -8; I-A, -B zone districts.

### 10.10.13.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | I-MX-3, -5, -8 | I-A AND I-B |
|---|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services. | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign. |
| **Sign Types** | Wall, window, ground, projecting, and arcade, except that projecting signs are prohibited for uses without direct street access on the Street Level. | Wall, window, ground and arcade. |
| **Maximum Number** | Projecting Signs Only: Each user may display 1 projecting sign adjacent to every street upon which the user has frontage and an entry, or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.<br><br>All Other Signs, including a Mix of Projecting and Other Sign Types: Each use by right may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located. | Each use by right may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located. |

| | I-MX-3, -5, -8 | I-A AND I-B |
|---|---|---|
| **Maximum Sign Area** | Lodging Accommodations: On zone lots having a linear street frontage of 100' or less, 100 square feet; on zone lots having a linear street frontage of more than 100', 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that:<br>The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 50 square feet, or, the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br>• For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200' of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter. | Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that:<br>The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100' of the zone lot line or campus boundary.<br><br>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100' of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100' of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. |
| **Maximum Height Above Grade** | Arcade signs: 20'.<br>Ground signs: 32'.<br>Wall or window signs: The roof line of the building to which the sign is attached.<br>Projecting signs: The bottom of any projecting sign must be at least 8' above the sidewalk or Street Level finished floor level, whichever is higher. The top of any projecting sign may be no higher than 15' above the sidewalk or Street Level finished floor level, whichever is higher. | Wall and window signs: The roof line of the building to which the sign is attached.<br>Ground and arcade signs: 32'. |
| **Location** | Projecting Signs:<br>• Projecting graphics may project no more than 5' out from a building.<br>• Projecting signs shall not exceed the height of the parapet of the building on which mounted.<br>• Projecting signs shall not be placed less than 8' apart.<br><br>All Other Signs: Shall be set in at least 5' from every boundary line of the zone lot in zone districts requiring structural setbacks; provided, however, wall signs may project into the required setback space the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front. | Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front. |

| | I-MX-3, -5, -8 | I-A AND I-B |
|---|---|---|
| **Illumination** | All Sign Types: May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited.<br>Additional Standards for Projecting Signs:<br>• Illumination of projecting signs shall be permitted by direct, indirect, neon tube, light emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only.<br>• Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.<br>• Projecting signs may use a variety of illuminated colors. | May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited. |
| **Animation** | Animated signs are prohibited. | Animated signs are prohibited. |

### 10.10.13.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall, window and ground.

B. Permitted maximum number:

1. I-MX zone districts: 1 signs for each front line of the zone lot or designated land area on which the sign is located.

2. I-A, -B zone districts: 2 signs for each front line of the zone lot or designated land area on which the signs are located.

C. Permitted sign area:

1. I-MX zone districts: 32 square feet for each front line of the zone lot or designated land area on which located. Computations shall be made and sign area shall be applied to each front lot line separately.

2. I-A, -B zone districts: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.

D. Permitted maximum height above grade:

1. I-MX zone districts: 20 feet

2. I-A, -B zone districts: 25 feet

E. Permitted location:

1. I-MX zone districts: Shall be set at least 5 feet from every boundary line of the zone lot or designated land area in zone districts requiring structural setbacks.

2. I-A, -B zone districts: No limitations

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.13.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot.

C. Permitted area: The greater number of the following:

1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.14 DOWNTOWN ZONE DISTRICTS SIGN STANDARDS

### 10.10.14.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right

B. Provided, however, that off-site advertising devices may be allowed in the D-TD district pursuant to a district sign plan according to Section 10.10.15.

C. The sign standards contained within this Section apply to the following zone districts: D-LD; D-CV; D-GT; D-AS; D-AS-12+; D-AS-20+; D-CPV-T; D-CPV-R; D-CPV-C; D-C; and D-TD.

### 10.10.14.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C | D-C; D-TD |
|---|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign. | Identification by letter, numeral, symbol or design of the use by right by name and use, hours of operation, services and products offered, events and prices of products and services. |
| **Sign Types** | Wall, window, ground and arcade. | Wall, window, ground and arcade. |

| | D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C | D-C; D-TD |
|---|---|---|
| **Maximum Number** | Each use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located. | Ground level uses by right with street frontage for each separate building: Each use by right may have 3 for each street front of the use by right plus 1 additional sign for each 100′ of street frontage in excess of 200′.<br><br>All other uses by right combined for each separate building: 1 sign plus 1 sign for each front line of the zone lot on which the building is located. |
| **Maximum Sign Area** | Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.<br><br>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.<br><br>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that:<br>The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100′ of the zone lot line or campus boundary.<br><br>All Others: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:<br>• For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100′ of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used.<br>• For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100′ of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. | Ground level uses by right with street frontage: Sign area shall be based on 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet and the sign area permitted by this Section shall not be combined with the sign area permitted by any other Section of this chapter:<br><br>Zone lot with 1 use by right: 2 square feet of sign area for each linear foot of the front line of the zone lot. All measurements shall be applied to each street front separately.<br><br>Zone lot with more than 1 use by right: 4 square feet of sign area for each linear foot of that portion of the building frontage occupied by a ground level use by right. The resulting sign area is to be applied only to that portion of the building occupied by the use by right and all measurements shall be applied to each street front separately.<br><br>Uses by right other than ground level uses by right with street frontage: 1 square foot of sign area for each foot of the front line of the zone lot on which the building is located or 3 percent of the exterior wall surface of the building whichever is greater. All measurements shall be applied to each building front separately. |
| **Maximum Height Above Grade** | Wall and window signs: The roof line of the building to which the sign is attached.<br>Ground and arcade signs: 32′. | Wall or window signs: The roof line of the building to which the sign is attached.<br>Ground and arcade signs: 32′. |

| | D-LD; D-CV; D-GT; D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, D-CPV-C | D-C; D-TD |
|---|---|---|
| **Location** | Shall be set back at least 5' from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front. | No setback is required from any boundary line of the zone lot. Wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436. |
| **Illumination** | May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited. | May be illuminated and all direct illumination shall not exceed 25 watts per bulb. Flashing signs are prohibited. |
| **Animation** | Animated signs are prohibited. | Animated signs are prohibited. |

### 10.10.14.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than 1 successive period at the same location.

A. Permitted sign types: Wall, window or ground.

B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.

C. Permitted sign area:

1. D-C and D-TD: 64 square feet for each front line of the zone lot or designated land area on which the signs are located. Computations shall be made and sign area shall be applied to each front line separately.

2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.

D. Permitted maximum height above grade:

1. D-C and D-TD: 20 feet.

2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: 25 feet.

E. Permitted location: No limitation.

F. Permitted illumination:

1. D-C and D-TD: May be illuminated but only from a concealed light source.

2. D-LD, D-CV, D-GT, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.14.4 Joint Identification Signs for D-LD; D-CV; D-GT; D-AS; D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot.

C. Permitted area: The greater number of the following:

1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.

F. Permitted illumination: May be illuminated and all direct illumination shall not exceed 25 watts per bulb.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.15 SIGN PLAN FOR D-TD

### 10.10.15.1 Signs Subject to a District Sign Plan

Notwithstanding more restrictive provisions of this Division 10.10, Signs, the D-TD district may have signs in accordance with a single approved district sign plan.

### 10.10.15.2 General Purpose

A. Facilitate the creation and recognition of a unique downtown theater district and build on the character of the Denver Performing Arts Complex.

B. Provide flexibility in the size, type and location of signs in exchange for a higher standard of design quality for signs within the district sign plan.

C. Mitigate any possible adverse impacts of large format sign installations on surrounding uses.

### 10.10.15.3 Description of Qualifying Uses

These provisions shall apply to the D-TD district and signs may be erected, altered and maintained for a use by right in the district and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

### 10.10.15.4 Permitted Sign Types

Wall, window, ground, arcade, and projecting.

### 10.10.15.5 Permitted Maximum Number

There is no maximum number of signs within the district sign plan.

### 10.10.15.6 Permitted Maximum Sign Area

No maximum signage area within the district sign plan.

### 10.10.15.7 Permitted Maximum Height Above Grade

A. Wall, window, projecting and arcade signs may extend above the roof line of the building to which the sign is attached and must be in conformance with the approved district sign plan.

B. Ground signs: Maximum of 50 feet.

### 10.10.15.8 Permitted Location

No setback for signage is required from any boundary line of the zone lot. Signs attached to walls that are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436.

### 10.10.15.9 Permitted Illumination

May be illuminated. Flashing signs are allowed.

### 10.10.15.10 Animation Allowed

Animated signs are allowed.

### 10.10.15.11 Permitted Sign Contents

As a matter of public necessity, the city must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon unwilling audiences of adults and children, such displays constitute assaults upon individual priva-

cy. Therefore, signs subject to the district sign plan shall not be displayed or exhibited in a manner that exposes to public view from the street or sidewalk any of the following:

A. Any material that exposes to public view any pictorial material that is obscene;

B. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;

C. Any pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or

D. Any pictorial material depicting explicit sexual acts.

### 10.10.15.12 Process to Establish a District Sign Plan

A. Plan submittal. The applicant will submit the following items to community planning and development to establish a district sign plan for the D-TD district:

1. A site plan or improvement survey of the district drawn to scale showing existing and proposed buildings within the D-TD district, residential uses within existing and proposed buildings, Off-Street Parking Areas, landscaped areas, streets and alleys, and residential uses adjacent to the D-TD district boundary;

2. The district sign plan will include all properties within the D-TD district and clearly identify all buildings which are and are not participating within the district sign plan.

3. The district sign plan will address design review for signage subject to the plan.

4. A map of the D-TD district clearly identifying all Historic Structures, landmark districts, and designated parkways.

5. Scaled drawings or other images showing the elevations of existing and proposed buildings within the D-TD district.

6. Design descriptions of all allowable sign types, including sign shape, size typography, lighting, exposed structure, colors, and materials, and any information on the frequency of changeable graphics.

7. All information on allowable sign locations shall be provided: wall elevations or other images drawn to scale showing locations of wall, window, arcade, and projecting signs, and site plans drawn to scale showing locations and heights of ground signs.

8. Calculations of total sign area per building face.

9. Other items identified by community planning and development as necessary to establish the district sign plan consistent with the stated purposes of this Section.

B. Information review. Community planning and development will review information received in the applicant's submittal and forward a recommendation to planning board within 21 days from submittal of a complete application for a district sign plan.

C. Notice to others. The planning board shall send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of Section 12-94 of the Revised Municipal Code and whose boundaries are within 200 feet of the boundary line of the D-TD district. The planning board shall also send notices to council members whose boundaries are within 200 feet of the boundary of the D-TD district. Notices to registered neighborhood organizations and council members shall be sent at least 30 days prior to the hearing.

D. Adoption or amendment of a district sign plan. The planning board shall review the community planning and development recommendation, public comment, the criteria for review, and make

a final decision to approve, approve with conditions or deny the submittal for a district sign plan.

### 10.10.15.13 Criteria for Review

The criteria for reviewing the district sign plan are as follows:

A. Signs shall be oriented or illuminated so that they do not adversely affect existing nearby residential uses or structures. Examples of adverse effects may include but are not limited to glare from intense illumination, and large signs or support structures that visually dominate an area to the detriment of existing or proposed land uses.

B. Heights, scales and locations of all sign types for buildings within the district will be evaluated taking consideration of possible impacts on adjacent buildings and uses.

C. Signage, as part of the district sign plan, shall not encroach closer than 240 feet of the centerline of 17th Street.

D. Roof mounted signs are not allowed within the district sign plan.

E. Freestanding outdoor general advertising devices may be limited in close proximity to Historic Structures, landmark districts, and designated parkways.

F. Internally illuminated, translucent face box signs are not allowed within the district sign plan.

G. All signage, subject to the district sign plan, shall be located above first floor commercial storefronts.

H. All features of the sign, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to the architecture and architectural features of the building on which it is located, as applicable.

I. Sign design should reflect the existing or desired character of the area. The intent of this subsection is to encourage exciting, iconographic, and inventively illuminated signage to enhance the theater district.

J. Signs shall be designed and fabricated from quality, durable materials.

K. Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building. There is no limit as to the number of projecting signs within the district sign plan.

L. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as a part of an approved district sign plan.

M. A maximum of one district sign plan may be adopted for the D-TD district.

### 10.10.15.14 Minor Deviations to the District Sign Plan

Sign proposals shall conform to an approved district sign plan, provided however, that community planning and development may authorize minor deviations from the district sign plan for individual signs when such deviations appear necessary in light of technical or engineering considerations, and provided that the council members and registered neighborhood organizations whose boundaries are within 200 feet of the boundary of the D-TD district are first notified. Minor deviations for individual signs shall not be permitted if any of the following circumstances result:

A. Signs are oriented or illuminated so that they adversely affect existing nearby residential uses or structures.

B. A change in allowable heights of signs greater than 2 feet above the maximum height above grade or 0 feet below the minimum height above grade.

C. A projection greater than 6 inches of the maximum allowance.

D. A change in signage type, illumination or animation allowed within the district sign plan.

E. Signs exceeding the specifications of the district sign plan and not allowed according to Section 10.10.15.15, require an amendment to the district sign plan.

### 10.10.15.15 Other Permitted Signs

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the district sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the district sign plan.

### 10.10.15.16 Rules and regulations

The Planning Board has the authority to adopt rules and regulations concerning the review of the district sign plan.

### 10.10.15.17 Fee

The fee for review for the initial district sign plan is $500.00 per acre or $5,000.00, whichever is less. The fee for review for an amendment of the district sign plan is $250.00 per acre or $2,500.00, whichever is less.

## SECTION 10.10.16 SPECIAL PROVISIONS FOR D-GT

### 10.10.16.1 General

The provisions of this Section 10.10.16 shall apply to the D-GT district, except that portion of the district north of 13th Avenue on Broadway and Lincoln Street. The other Sections of this Division 10.10 shall remain in full force and effect in the D-GT district, and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a projecting sign may be submitted pursuant to the provisions of this Section, in which case this Section will be applicable with respect to the issuance of sign permits.

### 10.10.16.2 Purpose

The purpose of this Section is to create the policy for a system of signs that project perpendicular to the face of the wall or building to which they are attached, or at a 45-degree angle to the corner of a building where the user occupies at least part of 2 building frontages.

### 10.10.16.3 Intent

To accomplish this purpose, it is the intent of this ordinance to encourage and to authorize the use of signs and street graphics which are:

A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.

B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.

C. Appropriate to and expressive of the business or activity for which they are displayed.

D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation.

E. Employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography, and materials.

F. Of high quality, durable materials appropriate to an urban setting.

### 10.10.16.4 Permitted Maximum Sign Area

The other Sections of this Division 10.10 pertaining to the D-GT district are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area. For these purposes, a cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

### 10.10.16.5 Projecting Graphics Permitted

For the purposes of this Section, a projecting graphic is a sign or street graphic attached to and projecting from the wall of a building at 90 degrees, or the corner of a building at 45 degrees. The projecting graphic may be two- or three-dimensional, and regular or irregular in form.

A. The following limitations apply to projecting graphics:

1. Each user may display 1 projecting graphic adjacent to every street upon which the user has frontage and an entry or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.

2. Projecting graphics may project no more than 5 feet out from a building.

3. The bottom of any projecting graphic must be at least 8 feet above the sidewalk or ground floor finished floor level, whichever is higher while the top of any projecting graphics may be no higher than 15 feet above the sidewalk or ground level finished floor level, whichever is higher.

4. Allocation of allowable sign volume. For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza, or uses located in the basement or on the second floor, that have entries at the Street Level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:

   a. Uses that occupy at least 8 feet but no more than 20 feet of linear building frontage may have up to 12 cubic feet of projecting sign volume.

   b. Uses that occupy more than 20 but no more than 50 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume.

   c. Uses that occupy over 50 linear feet of building frontage may have up to 50 cubic feet of projecting sign volume.

   d. Uses that occupy over 50 linear feet of building frontage, that are located in the D-GT zone district on either Broadway or Lincoln Streets and are south of 13th Avenue, may have up to 70 cubic feet of projecting sign volume.

   e. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.

B. Calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.

C. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Zoning Administrator. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign.

D. No dimension (height, width, or depth) shall be considered to be less than 1 foot and 0 inches for the purposes of calculating sign volume.

E. Projecting signs are prohibited for uses without direct street access on the Street Level.

F. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may additionally be restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade:

1. Signs shall not exceed the height of the parapet of the building on which mounted.

2. Signs shall not be placed less than 8 feet apart.

### 10.10.16.6 Illumination

Illumination of graphics as defined herein shall be permitted by direct, indirect, neon tube, light-emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only. The following additional provisions also apply to the illumination of street graphics:

A. Color of light. Graphics as defined herein may use a variety of illuminated colors.

B. Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.

C. Flashing signs are prohibited.

D. Animated signs are prohibited.

## SECTION 10.10.17 SPECIAL PROVISIONS FOR D-C, D-TD, D-LD, D-CV, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, AND D-CPV-C

### 10.10.17.1 General

The provisions of this Section 10.10.17 shall apply to the D-C, D-TD, D-LD, D-CV, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts. The other provisions of this Division 10.10 (Signs) shall remain in full force and effect in the D-C, D-TD, D-LD, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts, and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a sign may be submitted pursuant to the provisions of this Section in which case this Section will be applicable with respect to the issuance of the sign permit.

### 10.10.17.2 Purpose

The purpose of this Section is to create the policy for a comprehensive and balanced system of signs and street graphics to facilitate the enhancement and improvement of the D-C, D-TD, D-LD, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts through the encouragement of urban, innovative signs and street graphics which will aid in the creation of a unique downtown shopping and commercial area, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. To accomplish these purposes, it is the intent of this Section to encourage and to authorize the use of signs and street graphics which are:

A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.

B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.

C. Appropriate to and expressive of the business or activity for which they are displayed.

D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including

the outstanding use of color, pattern, typography and materials. Signage which simply maximizes allowable volume in rectangular form is strongly discouraged.

E. Of high quality, durable materials appropriate to an urban setting.

### 10.10.17.3 Permitted Maximum Sign Area

The other provisions of this Division 10.10 (Signs) pertaining to the D-C, D-TD, D-LD D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area. A cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

### 10.10.17.4 Projecting Graphics Permitted

A projecting graphic is a sign or street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

A. The following limitations apply to projecting graphics:

1. Each use may display 1 projecting graphic adjacent to every street upon which the use has frontage, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.

2. Projecting graphics must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building.

3. Projecting graphics shall be mounted no less than 6 inches and no more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.

4. Allocation of allowable sign volume. For uses that are located at the Street Level and have entries with direct access to a public sidewalk, court or plaza the allowable projecting sign volume will be allocated on the following basis:

   a. Uses that occupy up to 49 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume. However, to avoid crowding of signage types, uses that occupy less than 30 linear feet of exterior building frontage will be limited to utilizing either a projecting sign as allowed under these regulations, or any other non projecting sign types as currently allowed.

   b. Uses that occupy between 50 and 74 linear feet of building frontage may have up to 64 cubic feet of projecting sign volume.

   c. Uses that occupy 75 linear feet or more of building frontage may have up to 96 cubic feet of projecting sign volume.

   d. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the 1 actual building frontage on which it is placed.

5. The calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form that could be constructed to enclose the primary form of the sign. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the review committee. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign. No dimension (height, width or depth) shall be considered to be less than 1 feet-0 inches for the purposes of calculating sign volume.

6. Multiple projecting signs. The total sign volume allowed for a single use may be broken into multiple projecting signs, not to exceed 1 per 25 linear feet of the actual building frontage adjacent to a public walk, court or plaza only at the discretion of the review committee based on the following criteria:

   a. Multiple signs significantly enhance the creative impact of the signage concept.

b. Multiple signs are not detrimental to the building, the surrounding context or the signage opportunities of adjoining uses.

7. Allocation of sign volume for buildings with multiple uses having direct street access. Total combined allowable sign volume for buildings with multiple uses with direct street access may be allocated among the uses based on the following:

   a. Comprehensive sign plan required. No projecting signage for an individual use in a multi-use building will be reviewed or approved without review and approval of a comprehensive sign plan for the entire building. This plan must indicate how tenant sign allowances are to be allocated among all eligible building uses, approximate designated sign locations and allowable types of sign construction and illumination. This sign plan must indicate sizes and locations for all sign types, not just projecting graphics.

   b. Total sign volume for uses with direct street access shall not exceed the total of individual sign allowances based on the criteria of 10.10.17.4.A.1, .2, .3, and .4.

   c. To accommodate uses without direct street access in addition to those with access (b. above), the total allowable sign volume determined by b. may be increased by the following amounts and apportioned among the uses by a comprehensive building sign plan (a. above): 12 cubic feet for building frontage up to 49 lineal feet; 20 cubic feet for building frontage from 50 to 74 lineal feet; and 30 cubic feet for building frontage 75 lineal feet and over.

   d. Power of attorney required. In situations where maximum sign volumes must be allocated among several tenants, applicants other than the property owner will be required to provide evidence of power of attorney from the property owner authorizing the tenant to provide the comprehensive sign plan and to make application for the requested sign volume.

8. Buildings containing multiple uses without direct street access. In the case where a building contains multiple uses that do not have direct street access, a projecting sign for each individual use without direct access is prohibited. Entry features may contain multiple use identifications, however they must be designed with a unified program of graphics, materials, illumination, etc. For example, the entrance to a multi-use space may utilize a unique entry canopy as a single design feature into which multi-use identification can be incorporated. A single projecting graphic identifying a common identity, such as the name of the building or a retail arcade is also permissible.

   a. Architectural entry canopies, defined as permanent structures that are fully supported by the building facade and are constructed of materials other than fabric or vinyl type materials, may incorporate signage for 1 or more tenants as part of their design, subject to these regulations and committee review. Signage may occur on canopy surfaces which are parallel, perpendicular or at other angles to the building facade to which the canopy is attached. Because canopies are architectural features that may only incidentally incorporate signage, not all the area of the canopy will be counted as signage. The volume of the canopy to be calculated as signage will be confirmed by the review committee per the following criteria:

   b. The face area of typography and graphics.

   c. The 2 maximum dimensions of iconographic three-dimensional sign figures.

9. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may be additionally restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade.

   a. Signs shall not exceed the height of the parapet of single story buildings unless it is found by the review committee to meet the criteria in item d., below.

b. Signs shall not extend more than 1 story above the building floor on which the use is located unless they are found by the review committee to meet the criteria in item d., below.

c. Signs for uses located below the Street Level shall not be located or extend beyond the uppermost part of the second story without the approval of the review committee.

d. The following conditions will be taken into account when considering exceptions to items a. and b. above:

i. The additional height is found to be a factor in the success of the sign's design.

ii. The additional height is not a detriment to overall design of the building facade or its immediate context.

iii. The additional height will not overshadow or create glare in adjoining properties.

e. Signs shall not be placed less than 25 feet apart unless they are determined to meet the following criteria:

i. The signs work together to make a unified and compatible design that is stronger as a group than it would be as a single sign or multiple signs widely separated.

ii. The sign group is compatible with the building architecture, reinforcing the design intent of a significant building feature such as a primary entry.

### B. Auxiliary Graphics

Auxiliary graphics are elements which are complementary but subsidiary to principal graphics. The following auxiliary graphics are permitted, subject to the limitations set forth herein:

1. Awnings. Signage on fabric or vinyl type non illuminated awnings that is located on a surface of that awning which is perpendicular to the face of the building will not be considered a projecting sign under this ordinance, but will be allowed, subject to staff review, provided that the total area of typography and graphics does not exceed 2 square feet.

2. Banners.

a. Short term banners and flags, which provide information related to a specific, temporary event (not more than 60 days in any 365-day period) are permitted provided that they are no more than 64 square feet. Projection shall not exceed 7 feet-0 inches.

b. Permanent banners and flags which are graphic in nature, providing color and design interest only and do not directly represent actual goods, services, brands or business names are permitted provided that they are no more than 32 square feet. These banners are not subtracted from the allowable sign area. Projection shall not exceed 7 feet-0 inches.

### C. Illumination

Illumination of graphics as defined herein shall be permitted by direct, indirect, and neon tube illumination. The following additional provisions also apply to the illumination of street graphics:

1. Color of light. Graphics as defined herein may use a variety of illuminated colors, provided they do not conflict with traffic signals.

2. Flashing signs and animated signs are expressly limited to those properties which are contiguous to the 16th Street pedestrian and transit mall. All such signs must be readable from the 16th Street Mall. Bare bulb illumination is expressly discouraged.

a. The appropriateness of flashing signs, where otherwise allowed, will be based on the character and uses of the face block, existing uses within the building and the surrounding vicinity, and the protection of public safety.

b. Use of flashing signs shall be limited to entertainment uses such as, by way of example and not by way of limitation, theaters, movie houses, restaurants, and cabarets, and is limited to the times the business is open.

3. Fully illuminated plastic sign boxes with internal light sources will not be allowed.

### 10.10.17.5 Design Review Committee

There is hereby created a separate Design Review Committee for each of the D-C, D-TD, D-LD, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts, which shall be composed and comprised as hereinafter set forth, and which shall have the powers and authorities described herein.

A. Within the D-C, D-TD, D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts, when signage is proposed on a zone lot with landmark designation or located in a landmark district, the Denver Landmark Preservation Commission shall be the Design Review Committee.

B. Within the D-C and D-TD districts, except as provided by Section 10.10.17.5.A above, the Design Review Committee shall be comprised of 7 members as follows:

1. 1 property owner, who owns property in the D-C or D-TD district;

2. 2 business operators, who operate businesses in the D-C or D-TD district;

3. 1 member of Downtown Denver, Inc., nominated by Downtown Denver, Inc.;

4. 2 design professionals;

5. 1 resident of Denver, with preference given to a resident of the D-C or D-TD district; and

6. The Manager, or his designee, who shall serve as an ex officio member.

Members of the D-C and D-TD Design Review Committee shall be nominated by downtown businesses, residents and property owners in the D-C and D-TD districts and shall be appointed by the mayor. The term of membership on the Design Review Committee is 3 years with initial appointments being of 3 appointees for 1 year terms, 2 appointees for 2 year terms and 2 appointees for 3 year terms.

C. Within the D-LD district, the Lower Downtown Design Review Board shall comprise the Design Review Committee.

D. Within the D-AS, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C districts, except as provided by Section 10.10.17.5.A above, the planning office staff shall act as the Design Review Committee.

E. Each Design Review Committee shall meet monthly or within 14 calendar days of a special request.

F. Authority is hereby expressly granted to the applicable Design Review Committee to review and recommend approval to the Zoning Administrator of applications for signs and street graphics in the applicable district pursuant to the provisions of this Section.

### 10.10.17.6 Design Review

Applications for sign permits submitted for approval pursuant to the provisions of this Section shall be forwarded to the applicable Design Review Committee by the department of zoning administration. The applicable Design Review Committee shall prepare a recommendation and submit it to the Zoning Administrator. After taking into consideration the recommendation of the applicable Design Review Committee, the Zoning Administrator shall approve or deny the permit, except that the

Zoning Administrator may not approve a permit if the Lower Downtown Design Review Board has recommended denial.

### 10.10.17.7 Review Provisions

A. The applicable Design Review Committee may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the area, and the committee shall base its compatibility determination on the following criteria:

1. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
2. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
3. The similarity or dissimilarity of the sign's size and shape to the size and shape of other street graphics in the area.
4. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
5. The compatibility of the type of illumination, if any, with the type of illumination in the area.
6. The compatibility of the materials used in the construction of the sign with the material used in the construction of other street graphics in the area.
7. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is suspended and the surrounding buildings.
8. The proposed signs shall be of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.

B. Submission of a single sign or multiple sign application:

1. The application for sign permit shall be forwarded to the applicable Design Review Committee at least 2 weeks prior to the regularly scheduled Design Review Committee meeting.
2. Recommendations to the Zoning Administrator will be made in writing with reasons for acceptance, rejection, or acceptance with changes within 15 days of each committee meeting; in the event a written recommendation is not made within said 15 days, the application shall be deemed to have a recommendation for rejection.
3. A graphics plan shall be submitted which shall contain visual representations of the lettering, illumination, color, area and height of graphics and may also indicate the areas and building where they may be placed and located.
4. Submitted photographic or drawn elevations of a minimum of 266 feet of frontage (context of individual sign) photographic or drawn perspective with the individual sign superimposed and a drawing of the sign at 0.5-inch to 1-inch scale shall be submitted.
5. Additionally, proof of consent or attempt to get consent, with reasons for failure, of the managers of all properties within the face block must be provided.
6. The application may also contain such special requirements as approved by the applicable Design Review Committee.

C. Adoption of rules and regulations. Each Design Review Committee shall have the authority to adopt rules and regulations concerning its administrative procedures provided that the provisions of Sections 10.10.17.7 A and B shall be adhered to.

### 10.10.17.8 Review of Permit for Flashing Signs

Every permit for a Flashing Sign issued pursuant to the provisions of this Section 10.10.17.8 shall be reviewed 10 years from the date the permit is issued by the department of zoning administration to determine if the Flashing Sign must be removed or not. In making such review, the review provision set forth in Section 10.10.17.7.A shall be followed, and the applicable design review committee shall prepare a recommendation and submit it to the zoning administration. After taking into consideration the recommendation of the applicable design review committee, the Zoning Administrator shall determine if the Flashing Sign must be removed or not.

## SECTION 10.10.18 OPEN SPACE, DENVER INTERNATIONAL AIRPORT AND O-1 ZONE DISTRICTS SIGN STANDARDS

### 10.10.18.1 General

A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

B. The sign standards contained within this Section apply to OS-A, OS-B, OS-C, DIA and O-1 zone districts.

### 10.10.18.2 Permanent Signs

Permanent signs shall comply with the following standards:

| | |
|---|---|
| **Contents** | Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and price of products and services. |
| **Sign Types** | Wall, window and ground signs. |
| **Maximum Number** | 1 sign for each front line of the zone lot on which the use by right is located. |
| **Maximum Sign Area** | Each use by right shall be permitted a sign area of 20 square feet or the total permitted sign area for any use by right may be determined by 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet, and no single sign area shall exceed 300 square feet in area:<br><br>1 square foot of sign area for each foot of street frontage of the zone lot on which the use by right is located.<br>1 square foot of sign area for each acre of the zone lot on which the use by right is located. |
| **Maximum Height Above Grade** | Wall and window signs: The roof line of the building to which the sign is attached.<br>Ground signs: 25'. |
| **Location** | Wall and window signs: Shall be set back from the boundary lines of the zone lot on which it is located the same distance as a structure containing a use by right provided, however, wall signs may project into the required setback space the permitted depth of the sign.<br><br>Ground signs: Any location provided that the sign is at least 10' from any boundary line of the zone lot on which the use by right is located. |
| **Illumination** | May be illuminated but only from a concealed light source. Flashing signs are prohibited. |
| **Animation** | Animated signs are prohibited. |

### 10.10.18.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 1 successive period at the same location.

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the signs are located.

C. Permitted sign area: 32 square feet of sign area for a land area up to 5 acres and 64 square feet of sign area for a land area of 5 acres or more, provided that no sign shall exceed 100 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set back at least 25 feet from all boundary lines of the zone lot or designated land area on which the signs are located.

F. Permitted illumination: May be illuminated but only from a concealed light source.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

## SECTION 10.10.19 CHERRY CREEK NORTH ZONE DISTRICTS SIGN STANDARDS

### 10.10.19.1 Purpose

The purpose of this Section is to create a comprehensive and balanced system of signs and street graphics, to facilitate the enhancement and improvement of the Cherry Creek North zone districts (C-CCN) through the encouragement of innovative signs and graphics which will aid in the creation of a unique mixed-use neighborhood, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance.

### 10.10.19.2 General

Signs may be erected, altered and maintained only for and by a use by right in the C-CCN zone districts; shall be located on the same zone lot as the use by right; and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

### 10.10.19.3 Comprehensive Sign Plan

Projecting signs shall be permitted only after a comprehensive sign plan for the entire building containing a use or uses by right has been approved. Such plan shall indicate how signs are allocated among all the individual uses, approximate designated sign locations, and allowable types of sign construction and illumination.

### 10.10.19.4 Design Review

In adopting the rules and regulations governing signage, the following criteria shall be utilized. These criteria shall also be the basis of all findings and recommendations regarding signage that the design advisory board shall forward to the Zoning Administrator. Signage shall be:

A. Compatible with the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;

B. Compatible with the architectural characteristics of the buildings on which the signs are placed when considered in terms of scale, proportion, color, materials and lighting levels;

C. Expressive of the business or activity for which they are displayed;

D. Creative in the use of two- and three-dimensional forms, iconographic representations, lighting and graphic design, including the use of color, pattern, typography and materials; and

E. Constructed utilizing high quality, durable materials that meet the physical demands of an urban setting.

### 10.10.19.5 Signs Subject to a Permit

Section 10.10.3.2 (signs subject to a permit) shall be in full force and effect in the C-CCN zone districts. All signs shall be subject to any additional requirements or standards contained within this Section and shall be subject to review by the Cherry Creek North (CCN) Design Advisory Board.

### 10.10.19.6 Permitted Contents

Identification by letter, numeral, symbol or design of the use or uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.

### 10.10.19.7 Permitted Sign Types

Wall, window, ground, projecting and arcade.

### 10.10.19.8 Permitted Maximum Number

Each use by right may have the greater number of the following:

A. 5 signs; or

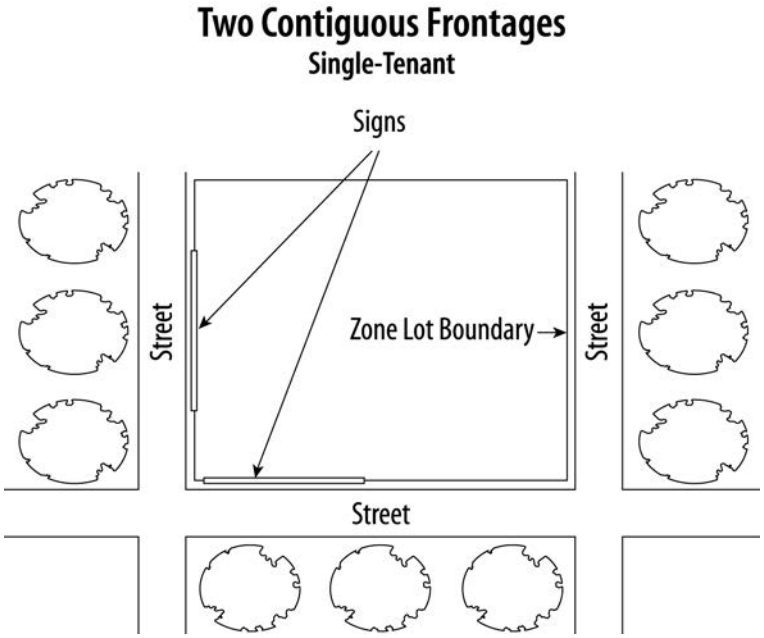
B. 2 signs for each front line of the zone lot on which the use by right is located.

### 10.10.19.9 Permitted Maximum Sign Area

The permitted maximum sign area for each individual use by right is 50 square feet or the total permitted sign area determined by one of the following provisions, whichever is the greater; provided, however, that no sign shall exceed 200 square feet in area nor shall the total permitted sign area of any single use by right exceed 600 square feet:

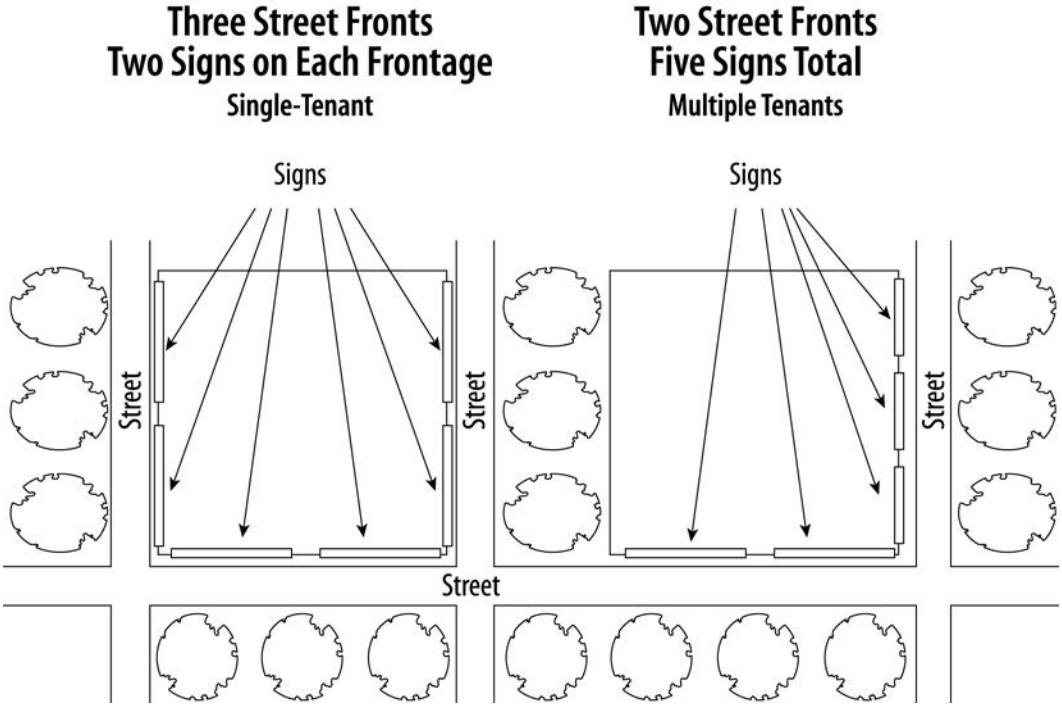
A. For a zone lot containing only 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other, shall be used (See Figure 10.10-1).

Figure 10.10-1




B. For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200 feet of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter (See Figure 10.10-2).

Figure 10.10-2



### 10.10.19.10 Permitted Maximum Height Above Grade

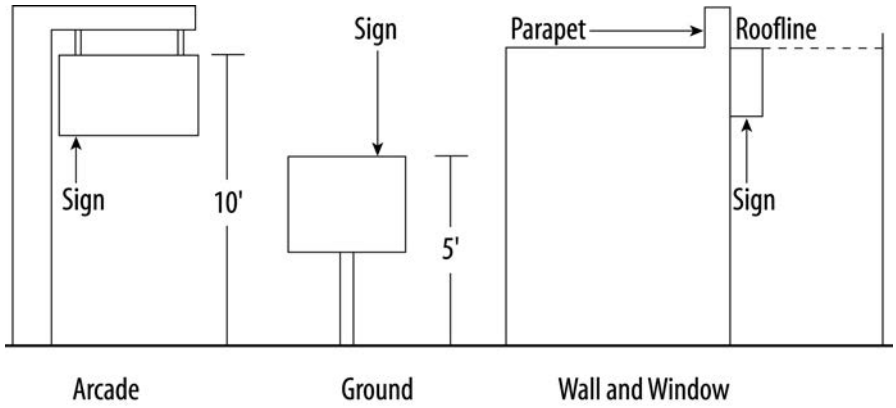
(See Figure 10.10-3)

A. Arcade signs: 10 feet.

B. Ground signs: 5 feet.

C. Wall and window signs: The roof line of the building to which the sign is attached.

Figure 10.10-3




### 10.10.19.11 Permitted Location

Shall be set in at least 5 feet from every boundary line of the zone lot; provided, however, wall or projecting signs may project into the required setback space the permitted depth of the sign.

### 10.10.19.12 Permitted Illumination

May be illuminated. Neon lighting is permitted, subject to design review as specified in Section 10.10.19.4 (design review) above. Flashing signs are prohibited.

### 10.10.19.13 Animation Prohibited

Animated signs are prohibited.

### 10.10.19.14 Projecting Signs and Graphics

A. Projecting sign volume. This volume is determined by a calculation using the smallest regular rectilinear geometrical shape encompassing the entire perimeters of the projecting sign. Minor sign elements may project beyond the primary boundaries of this volume subject to design review approval. Minor sign elements are those parts of the projecting sign that add to the design quality without adding significantly to the perceived volume and mass of the projecting sign.

1. The minimum dimension used in calculating projecting sign volume is 1 foot.

2. The maximum sign dimension shall be 4 feet.

B. Permitted maximum projecting sign area. The permitted projecting sign area under this Section shall be deducted from the total permitted maximum sign area for each use as calculated in Section 10.10.19.9 (permitted maximum sign area) above. For the purposes of this Section, 1 cubic foot of projecting sign or graphic volume shall be considered equivalent to 1 square foot of sign area.

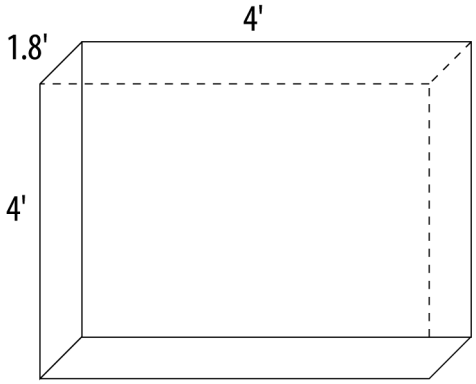
C. Calculation of permitted maximum projecting sign volume. The maximum allowable size of individual projecting signs shall be based upon the horizontal linear feet of exterior building frontage facing directly upon the public right-of-way by the use by right. Buildings containing

more than 1 use by right may be limited by the total allowable projecting sign volume for the building as allocated in a required comprehensive sign plan.

1. Single uses located at the Street Level having entries and/or windows facing onto a public sidewalk, court or plaza. The total permitted projecting sign volume shall be determined by one of the following provisions:

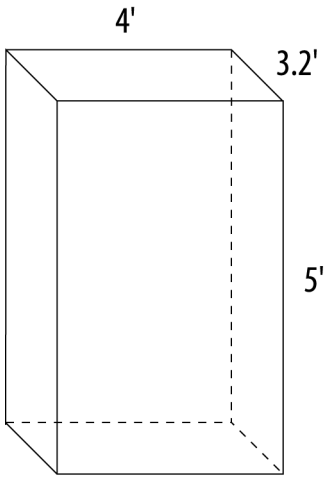
   a. Uses by right occupying less than 50 linear feet of building frontage may be permitted up to 30 cubic feet of projecting sign volume, however not to exceed 4 feet in projecting sign height (See Figure 10.10-4).

Figure 10.10-4




   b. Uses by right occupying more than 50 linear feet or more building frontage may utilize up to 64 cubic feet of projecting sign volume, however not to exceed 5 feet in projecting sign height (See Figure 10.10-5).

Figure 10.10-5




   c. For corner locations the maximum permitted volume of the projecting sign shall be calculated using only the length of the building front on which the projecting sign is attached.

   d. For projecting signs attached directly on the corner of the building the maximum permitted volume of the projecting sign shall be calculated using the length of the longest building front of the 2 building fronts of the building to which the projecting sign is attached.

2. Total maximum permitted projecting sign volume for multiple use buildings. The sum total permitted projecting sign volume of all the uses in a building shall be limited by the following provisions:

   a. Uses by right with building frontage. The maximum total volume of projecting signs allowed on the exterior of any building frontage facing onto a public street, court or plaza shall not exceed the sum total volume permitted for all the individual uses occupying that frontage and having direct exposure to the street, court or plaza.

   b. Uses by right without building frontage. In order to accommodate projecting signs for all tenants including those located without direct Street Level exposure, the sum total volume of permitted projecting sign volume as determined in Section 10.10.19.14.C.1 may be increased by the following amounts, and apportioned among the building tenants through a comprehensive sign plan:

      i. 12 cubic feet for building frontages less than 75 linear feet.

      ii. 20 cubic feet for building frontages 75 linear feet or greater.

D. Permitted numbers of projecting signs.

1. Permitted numbers of projecting signs for buildings containing a single use by right. Limited to 1 projecting sign for every 25 linear feet of exterior building frontage.

2. Permitted numbers of projecting signs for buildings containing multiple uses by right. Uses occupying less than 30 linear feet of exterior building frontage are limited to either 1 projecting sign as permitted under these regulations or other non projecting signs as allowed under this Section. For uses occupying 30 or more linear feet of exterior building frontage, the permitted number of projecting signs or graphics in Section 10.10.19.14.D.1 shall apply.

E. Projecting sign location and building attachment. The following limitations shall apply to the location and attachment of projecting signs and graphics to the building wall:

1. Each use by right may display 1 projecting sign or graphic on each building front occupied by the use, provided all other criteria for approval are satisfied as required by Code;

2. All projecting signs or supporting structures shall be located at least 8 feet above the sidewalk below;

3. Each projecting sign shall extend not more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) adjacent to such projecting sign on the building facade; and

4. The maximum projection of signs from the building wall to which it is attached, including all mounting accessories, shall not exceed 4 feet 6 inches as measured perpendicularly from the building wall (See Figure 10.10-6).

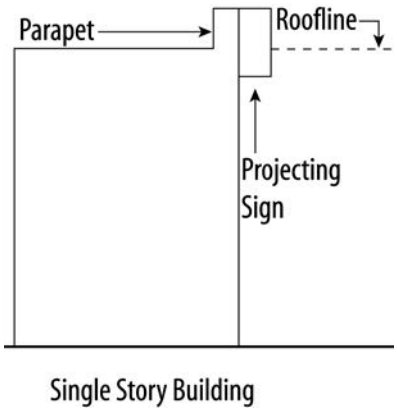
Figure 10.10-6




5. Maximum height of projecting signs. Maximum height of projecting signs dimensions, volumes and locations are restricted by the dimensions of the building facade on which projecting signs are located and the separations from other tenant projecting signs on the same building front. Projecting signs shall conform to the criteria in Section 10.10.19.14.E.6 below unless modified by design review in accordance with the criteria described in Section 10.10.19.14.E.7 below:

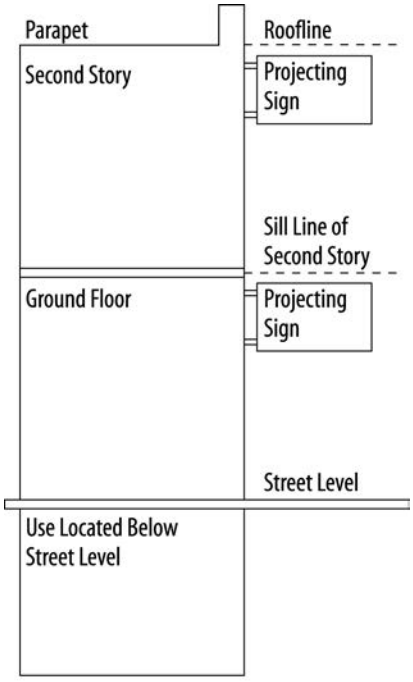
6. Projecting signs shall not exceed the height of the parapet of single story buildings (See Figure 10.10-7);

Figure 10.10-7



7. Projecting signs shall not extend above the sill line of the story above the building floor on which the use is located. Projecting signs for uses located below the Street Level shall not be located or extend above the sill line of the second story (See Figure 10.10-8); and

Figure 10.10-8




8. The following criteria will be considered by the design advisory board in making its recommendation to the Zoning Administrator who shall determine whether to grant an exception to Section 10.10.19.14.E.6 above:
   a. The additional height is integral to the projecting sign's design;
   b. The additional height is compatible with the overall design of the building facade; and
   c. The additional height does not cast shadows or glare on adjoining properties.

F. Separations between projecting signs. Projecting signs shall be placed not less than 25 feet apart without design review approval. In making its findings and recommendations for approval the design advisory board shall consider the following criteria for determining the location of multiple projecting sign groups:

1. The projecting signs form a unified and compatible design that is stronger as a group than as a single projecting sign or multiple projecting signs widely separated; and

2. The projecting sign group is compatible with the building architecture and/or reinforces a significant building feature such as a primary entry.

G. Permitted illumination. Illumination of projecting signs and graphics is restricted as follows:

1. Shall be illuminated by indirect sources, including, but not limited to, incandescent fixtures on the projecting sign mounting bracket, on the building face;

2. Shall be subject to review and recommendation of the design advisory board to the Zoning Administrator as to compatibility with the building, surrounding district and adjoining uses;

3. Flashing signs are prohibited and animated signs are prohibited.

### 10.10.19.15 Banners

In addition to all other permitted signs, temporary commercial banners and flags, projecting perpendicularly from a building wall, and providing information related to a specific, temporary event are permitted subject to the following limitations:

A. Subject to review and permit;

B. Displayed for a specifically designated period not exceeding 60 days in aggregate within a specifically designated 365 day period;

C. Shall not exceed 12 square feet in area per face;

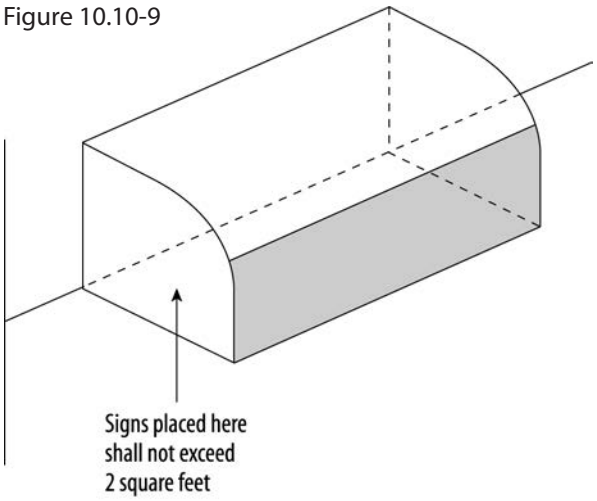
D. Shall not exceed 1 such banner and/or flag for each 25 linear feet of building frontage.

### 10.10.19.16 Awnings and Entry Canopies

Signs on the ends of awnings and entry canopies, that are perpendicular to the wall to which such awnings and entry canopies are attached, are projecting signs and graphics if they include text and/or graphics intended to promote an on site use. Such signs and graphics may be permitted subject to the following limitations:

A. Signs on fabric or vinyl type non illuminated awnings located on a surface perpendicular to the face of the building (side panels) not exceeding 2 square feet, subject to staff review (See Figure 10.10-9).

Figure 10.10-9




B. Architectural entry canopies, which are permanent structures that are fully supported by the building facade and constructed of materials other than fabric or vinyl type materials, may incorporate signs for 1 or more tenants as part of their design. The calculation of the volume of signs on canopies uses the following areas:

1. The face area of typography and graphics.

2. The volume of iconographic three-dimensional sign figures.

C. Awnings shall be opaque and shall not be backlit.

### 10.10.19.17 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs permitted by this Section 10.10.19:

A. Permitted sign types: Wall and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot.

C. Permitted area: The greater number of the following:

1. 100 square feet; or

2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade: 25 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.

F. Permitted illumination: May be illuminated.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.19.18 Temporary Signs

Signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area not exempted from permitting under Section 10.10.19.19 (signs not subject to a permit) below, shall be subject to the conditions hereinafter set forth and upon application to and issuance by the Zoning Administrator of a permit therefore. Each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types: Wall, window and ground.

B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.

C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.

D. Permitted maximum height above grade: 20 feet.

E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.

F. Permitted illumination: May be illuminated but only from a concealed light source; and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.

G. Prohibited: Flashing signs are prohibited and animated signs are prohibited.

### 10.10.19.19 Signs Not Subject to a Permit

A. Section 10.10.3.1 (signs not subject to a permit), Sections A through E and G through J shall be in full force and effect in the C-CCN zone districts.

B. Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot provided however that nothing in this Section 10.10.19.19.B shall allow the use of portable signs or the use of parked motor vehicles and/or trailers as advertising devices. Temporary commercial signs shall be limited as follows:

1. Limited to placement for 45 days;
2. Placed behind or are attached to the inside face of a window;
3. 1 per building frontage for each use facing a public street, walk, plaza or court;
4. Not more than 5 square feet in sign area;
5. Not more than 6 feet in height above grade;
6. Not animated; and
7. Illuminated only from a concealed light source.

C. Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to:

1. Wall, window, and ground signs;
2. No more than 1 sign per zone lot;
3. No more than 5 square feet in area per face;
4. No more than 6 feet above grade;
5. Not illuminated or animated; and
6. Placed within the zone lot and not in the public right-of-way.

## SECTION 10.10.20 SPECIAL PROVISIONS FOR SIGNS IN CIVIC CENTER AREA

### 10.10.20.1 Civic Center Area

Notwithstanding the other provisions of this Division 10.10, the provisions of this Section 10.10.20 shall apply to the Civic Center Area which is described as follows:
Lots 20--32, Block 206, East Denver, including Out Lot 5;
All of Block 233, East Denver, including Out Lot 4;
All of Block 232, East Denver, including Out Lot 3;
All of vacated Cleveland Place abutting Block 232, a.k.a. “Kenneth M. MacIntosh Park”;
Lots 17--23, Block 231, East Denver;
Lots 7--26, Block 244, East Denver, and Side Lot 2 except the N 125 feet of Side Lot 2;
All of Block 267, East Denver, including Out Lot 1;
Lots 9--32, Block 5, Cheesman & Kasslers Addition, together with vacated alley abutting such lots;
Lots 6--40, Block 28, H.C. Browns Addition;
Lots 10--31, Block 37, H.C. Browns Addition;
Lots 10--21, Block 68, H.C. Browns Addition;
Lots 1--20, Block 67, H.C. Browns Addition;
Lots 1--11, Block 66, H.C. Browns Addition;
Lots 1--20 and Lots 31--40, Block 39, H.C. Browns Second Addition;
All of Block 25; Lots 1--8 and 30--40, Block 26, all in H.C. Browns Second Addition;

Lots 1--4 and 37--40, Block 42, H.C. Browns Second Addition;
All of Blocks 21, 22, 23 and 24, Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60 Evans Addition;
Lots 1--4 and 37--40, Block 43, Lots 1--4 and 37--40, Block 44, Lots 1--4 and 37--40, Block 45, Lots 1--4, Block 46, all in Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60, Evans Addition;
Lots 1--4, Block 22, Lots 37--40, Block 23, Lots 1--20, Block 21, all in Witters First Addition;
Lots 21--32, Block 20, Evans Subdivision of part of Block 20, Witters First Addition;
The E 125 feet of N 200 feet of Block 20, E 125 feet of Block 11, all in Witters First Addition;
Block 10, Evans and Eberts Subdivision of Block 10, Evans Addition and Block 10 in Witters First Addition; all of Block 9, Evans Subdivision;
Civic Center Park, bounded on the north by West Colfax Avenue, on the east by Broadway Street, on the south by West 14th Avenue and on the west by Bannock Street;
The State Capitol and grounds bounded by East Colfax Avenue on the north, Grant Street on the east, East 14th Avenue on the south and Broadway Street on the west.

### 10.10.20.2 General

Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

### 10.10.20.3 Purpose

The purpose of this Section is to provide for a required design review of all signs in the Civic Center Area, excluding window signs and temporary signs, and to provide design guidelines and recommended sign limitations. The intent of this design review for signs in the Civic Center Area is to prevent major visual intrusions into the Civic Center Area, to keep signage subordinate to the architecture and to provide information which will assist visitors.

### 10.10.20.4 Permitted Sign Types and Recommended Limitations on Each

A. Ground sign. 30 square feet per face, double face is permitted; 15 feet maximum height; if the zone lot has 125 feet or more, excluding parking lots, of street frontage, 1 ground sign is recommended and 2 are permitted; if there are 2 or more uses on the zone lot, no ground sign is permitted; and a ground sign must be set in a distance of not less than 5 feet from each front line. The proliferation of ground signs is intended to be avoided in the Civic Center Area.

B. Wall sign. If non internally illuminated, 100 square feet of sign area is permitted for each sign with 2 signs per building frontage permitted; and if internally illuminated, 50 square feet of sign area is permitted for each sign with 1 sign per building frontage permitted. A wall sign may be larger if integrated into the architecture.

C. Projecting graphics. Projecting graphics are permitted on land in the Civic Center Area which is located within the D-CV zone district, and the provisions of Section 10.10.17.4.A of this chapter shall be in full force and effect with respect to these projecting graphics.

D. Window sign. 1 sign per use by right and no more than 5 square feet of sign area.

E. Temporary signs. The provisions of Section 10.10.3.1.F shall be in full force and effect except that streamers are allowed for special events only, and the sign area must be less than 25 percent of maximum allowed sign area plus 30 percent of unused sign area allowed or 30 percent of the ground level window area with neither to exceed 50 square feet.

### 10.10.20.5 Additional Limitations on Signs

Backlit awnings are not permitted on the Civic Center Area. The total sign area of all ground signs, wall signs and projecting graphics should not exceed 400 square feet.

### 10.10.20.6 Design Review Committee

The design review committee (DRC) shall be the DRC for the D-C district as provided in Section 10.10.17.5.A. The DRC shall have the powers and authorities described in this Section 10.10.20, and shall have the authority to adopt rules and regulations concerning its administrative procedures.

### 10.10.20.7 Submission of a Single Sign or Multiple Sign Application

A. The application for a sign permit shall be forwarded to the DRC. The DRC meeting to consider the application must be held within 20 days of receiving the application.

B. Sign design plans shall be submitted which shall contain accurate representations of the sign form and style including lettering, illumination, color and dimensions of each sign on the building or on the zone lot.

C. The application shall include photographic or drawn elevations of each building facade showing the proposed sign location and size, and a site plan, if needed, showing location and size of other signs to be placed on the zone lot.

D. The application may also contain such special requirements as required by the DRC.

### 10.10.20.8 Design Review

The DRC shall prepare a recommendation and submit it to the Zoning Administrator. Recommendations to the Zoning Administrator shall be returned from the DRC to the Zoning Administrator with reasons for approval, denial, or approval with revisions within 15 days of the DRC meeting at which the application is discussed unless resubmission or additional information is required. After taking into consideration the recommendation of the DRC, the Zoning Administrator shall approve or deny the permit.

### 10.10.20.9 Review Provisions

The DRC may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the Civic Center Area, and the DRC shall base its compatibility determination on the following criteria:

A. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is placed.

B. The compatibility of the type of illumination, if any, with the type of illumination in the area.

C. The relationship of the scale, shape, placement and colors of the sign to the building or premises upon which it is to be displayed.

D. The similarity or dissimilarity of the signage to other signage within the Civic Center Area and the compatibility of the materials used in the construction of the signs with other signage in the Civic Center Area.

E. The quality and durability of the materials used in the signs such as steel, aluminum, bronze, and wood.

F. The impacts of the proposed signs upon adjacent districts or properties.

# SECTION 10.10.21 OUTDOOR GENERAL ADVERTISING DEVICES IN THE BILLBOARD USE OVERLAY ZONE DISTRICT

## 10.10.21.1 Purpose and Applicability

### A. Purpose

Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

1. That the regulation of outdoor general advertising devices within the city is required in the interests of the economic prosperity, civic pride, quality of life and general welfare of the people;

2. That it is desirable to preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;

3. That the regulation of outdoor general advertising devices will foster civic pride in the beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will protect property values, will protect and enhance the city's attraction to tourists and visitors and promote good urban design;

4. That the regulation of outdoor general advertising devices will strengthen and preserve the municipality's unique environmental heritage and enhance the quality of life of its citizens; and

5. That the regulation of outdoor general advertising devices within the city is necessary for the promotion of safety upon the streets and highways in the City and County of Denver.

### B. Applicability

1. This Division shall govern and control the erection, remodeling, enlargement, moving, operation and maintenance of all outdoor general advertising devices, also known as "billboards", as they are permitted in the Billboard Use Overlay District (UO-2) in accordance with Section 9.4.4.7 and may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within 660 feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway.

2. Outdoor advertising devices may be erected and maintained in the D-TD zone district but only as permitted by a district sign plan authorized pursuant to Section 10.10.15. For such outdoor advertising devices in the D-TD zone district, the provisions of this Section 10.10.21 shall not apply.

3. Outdoor advertising devices may be erected and maintained in the DO-6 zone district but only as permitted by a district plan authorized under Section 9.4.5.10. For such outdoor advertising devices in the DO-6 zone district, the provisions of this Section 10.10.21 shall not apply.

4. Except in the DO-6 Overlay District, outdoor advertising devices may be erected and maintained in the DIA zone district as permitted by the Manager of Aviation pursuant to Section 9.5.2.2. For such outdoor advertising devices in the DIA zone district, the provisions of this Section 10.10.21 shall not apply.

5. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to such devices; however, the provisions of Sections

10.10.1 through 10.10.20 of this Division 10 shall not apply to such devices, except, Section 10.10.2.2, Substitution of Messages Allowed, shall apply to all such devices.

## 10.10.21.2 Permits

### A. Devices Subject to a Permit

Except as provided in Section 10.10.21.2.B., every outdoor general advertising device in existence in the City shall have a zoning permit on file with the Zoning Administrator and no outdoor general advertising device shall be erected without a zoning permit issued by the zoning administrator. Failure to obtain a permit when required shall be a violation of this Code.

#### 1. Permit Required for New Devices.

Prior to the erection of a new general outdoor advertising device a permit shall be required.

#### 2. Annual Permit Required

All permits for outdoor general advertising devices shall be renewed annually prior to March 31 of each successive year. Permits shall be issued without proration for periods of less than one (1) year.

#### 3. City Registration Number

Each permitted device shall be issued a city registration number which shall be displayed on the device in a size, location and manner as prescribed by the Zoning administrator; provided, however, that outdoor general advertising devices existing prior to March 1, 2010, shall have 180 days to be brought into compliance with this requirement. The permittee shall be responsible to ensure that such number is maintained in a readily visible condition.

#### 4. Fees

Outdoor general advertising devices shall be charged a fee at the time of application for a permit for

a. A new device;

b. Each annual renewal of a permit that has been previously issued; or

c. Modification of a device.

#### 5. Permit to Modify an Existing Device

Permits shall be required for any modification of an existing outdoor general advertising device; provided, however, that a permit for modification shall not be issued to or obtained by any party other than the current permit holder. "Modification" shall mean any change to the structure or message surface of the device other than as excepted below in Sections 10.10.21.2.A.5.a., b., and c. No permit shall be required for the following actions by the permit holder for an existing general outdoor advertising device:

a. Replacing or changing advertising copy including, without limitation: the addition of an extension as allowed in Section 10.10.21.6; and wrapping the message surface(s) of a device, including the perimeter edge of the message surface(s)' frame, with advertising copy, provided that the advertising copy faces the same direction as the existing message surface(s) and the total area of advertising copy does not exceed the total message surface allowed by the current permit for the device plus the addition of an extension as allowed in Section 10.10.21.6;

b. Replacing or relocating a message surface on an existing device within 1 foot of the previous message surface; and

c. Customary maintenance and repair including, without limitation: replacing a part with a like part; any repairs necessary to meet current safety standards; replacing electrical wiring and bulbs; painting and routine replacement of bolts, framing, border and trim.

**6. Creation of a New Device**

The following shall be treated as creating a new outdoor general advertising device:

a. Replacing or relocating an existing message surface to a location that is more than 1 foot from the location of the previous message surface;

b. Adding an additional message surface to an existing device except, however, adding extensions allowed pursuant to Section 10.10.21.6.

**7. Additional Requirements**

No permit for a new outdoor general advertising device shall be issued until an existing device or a combination of devices with at least equal square footage of message surface are removed by the applicant from the following areas in the following order:

a. Those areas described in Sections 10.10.21.7.K, 10.10.21.7.L, 10.10.21.7.Q, 10.10.21.7.R, 10.10.21.7.S, 10.10.21.7.T, and 10.10.21.7.U, and any area restricted by the provisions of Section 3-23 of the Revised Municipal Code;

b. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Section 10.10.21.2.A.7.a, above, then the exchange area shall be any area within 400 feet of a park or a structure or district designated for preservation pursuant to the provisions of Article I of Chapter 30 of the Revised Municipal Code; and

c. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Sections 10.10.21.2.A.7.a and 10.10.21.2.A.7.b, above, then the exchange area shall be any area subject to the compensatory provisions of the Federal Highway Beautification Act.

**B. Devices Not Subject to a Permit**

The following outdoor general advertising devices may be erected in all districts without a permit:

1. Outdoor general advertising devices required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the devices are required or authorized.

2. Outdoor general advertising devices in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday or public health, safety or welfare campaign; provided that such devices shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any 1 year; and may be of any type, number, area, height, location or illumination.

### 10.10.21.3 Permitted Types

Ground signs or wall signs are permitted types.

### 10.10.21.4 Permitted Maximum Number

Only 1 outdoor general advertising device will be permitted in 1 location; provided, however, that:

A. Two outdoor general advertising message surfaces may be placed in 1 location if they are placed on only 1 structure, have their message surfaces facing opposite directions and the message surfaces are not separated by more than 4 feet.

B. Three outdoor general advertising message surfaces may be placed in 1 location if 1 of the message surfaces is at least 600 square feet in size and neither of the other 2 message surfaces are more than 300 square feet in size, if all 3 such surfaces are placed on only 1 structure, the 2 smaller surfaces face in the opposite direction from the larger surface, the 2 smaller surfaces are not separated from the larger surface by more than 4 feet and no part of either of the smaller surfaces extends beyond the outer edge of the larger surface by more than 3 feet.

C. Four outdoor general advertising message surfaces may be placed in 1 location in an I-A or I-B zone district, provided the location is in the Billboard Overlay Use District and provided they are placed on 1 structure, consist of two 300 square foot message surfaces placed side-by-side with two 300 square foot message surfaces placed immediately to the back of the first surfaces, facing the opposite direction, and none of the message surfaces are separated by more than 4 feet.

### 10.10.21.5 Permitted Maximum Area Per Message Surface

No outdoor general advertising device shall have any single message surface more than 672 square feet in area plus up to an additional 80 square feet for extensions.

### 10.10.21.6 Permitted Maximum Height

A. Except as permitted in Section 10.10.21.6.B, no outdoor general advertising device shall exceed a height of 45 feet above grade.

B. Outdoor general advertising devices which are located within 200 feet of an elevated street or viaduct and whose messages are oriented to that elevated street or viaduct may have a maximum height not to exceed 25 feet above the roadway of such elevated street or viaduct. This measurement shall be made at the point nearest on the elevated street or viaduct from the outdoor general advertising device. Any outdoor general advertising device having a height in excess of 45 feet above grade which device is located within 200 feet of an elevated street or viaduct and whose message is oriented to that elevated street or viaduct shall be lowered or reconstructed to comply with the 45 feet height limitation as set forth in Section 10.10.21.6.A above or shall be lowered or reconstructed to a height not to exceed 25 feet above the roadway of the elevated street or viaduct if the street or viaduct is still elevated within 1 year after such elevated street or viaduct is lowered or removed.

### 10.10.21.7 Permitted Location

A. No outdoor general advertising device with a message surface in excess of 79 square feet shall be located less than 500 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.

B. No outdoor general advertising device with a message surface less than 80 square feet shall be located less than 300 feet from any other outdoor general advertising device which has a message surface less than 80 square feet on the same or opposite side of the street to which the message is oriented nor less than 200 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.

C. In addition to the provisions of Subsections 10.10.21.7.A and 10.10.21.7.B, no outdoor general advertising device whose message is oriented to an elevated street or viaduct shall be located less than 500 feet from any other outdoor general advertising device on the same or opposite side of the elevated street or viaduct to which the message is oriented.

D. No outdoor general advertising device shall be erected within a distance of 400 feet of any public park measured from the inner curb line of the street which bounds the park or from the property line of the park, whichever is closer to the outdoor general advertising device.

E. No outdoor general advertising device shall be erected within 400 feet of any Historic Structure.

F. No outdoor general advertising device shall be located less than 125 feet from a residential district or a single or multiple unit dwelling.

G. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard from Grove Street to I-25.

H. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from I-25 to Wazee Street.

I. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to Colorado Boulevard.

J. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Colfax Avenue to Welton Street.

K. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Welton Street to Blake Street.

L. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 23rd Street/Fox Street from Blake Street to I-25.

M. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 22nd Street from its intersection with Delgany Street to Blake Street.

N. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 22nd Street from Blake Street to Glenarm Place.

O. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 20th Street from Broadway Street to the center line of vacated Wewatta Street.

P. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 21st Street from Broadway Street to Blake Street.

Q. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of West Colfax Avenue from Federal Boulevard to Osage Street.

R. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of West and East Colfax Avenue from Osage Street to Park Avenue.

S. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Walnut Street viaduct and Auraria Parkway from Colfax Avenue to Speer Boulevard.

T. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Lincoln Street from Speer Boulevard to Colfax Avenue.

U. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Alameda Parkway from Knox Court to Sheridan Boulevard.

V. Outdoor general advertising devices shall be oriented to only 1 specific street or highway through the construction of 1 or more message surfaces which shall be aligned at a perpendicular angle to the specific street or highway. Outdoor general advertising devices shall not be oriented to local streets with an average daily traffic volume of less than 3,000 vehicles, parking lots, frontage roadways or access ramps to limited access highways.

### 10.10.21.8 Permitted Structures

The structural members, bracing and frame shall be constructed of noncombustible materials, and no ground outdoor general advertising device shall have more than 2 vertical structural members or poles.

### 10.10.21.9 Permitted Illumination

No outdoor general advertising device shall fit the definition of "Flashing Sign" in this Code; outdoor general advertising devices may be illuminated, but only from a concealed light source and shall not be illuminated between the hours of 1:00 a.m. and 6:00 a.m. Outdoor general advertising devices shall not have message surfaces made entirely or partly of light emitting diodes (LEDs). Any general outdoor advertising device with one or more LED message surfaces that was permitted prior to March 1, 2010, shall be considered a nonconforming outdoor general advertising device and shall

be allowed to continue in operation and maintained in accordance with the provisions of Section 12.9.2. The LEDs on any such device may not flash, blink or fluctuate, or change in any manner more frequently than once per hour, must be dimmed at dusk, and may not be lit between the hours of 1:00 a.m. and 6 a.m.

### 10.10.21.10 Animation Prohibited

No outdoor general advertising device shall fit the definition of "animated sign" in this Code.

### 10.10.21.11 Nonconforming Devices

See Section 12.9.2., Nonconforming Outdoor General Advertising Devices.

# DIVISION 10.11 LIMITATIONS ON EXTERNAL EFFECTS OF USES

## SECTION 10.11.1 NOISE, VIBRATIONS, AIR POLLUTION / ODORS, & RADIOACTIVITY

All land uses shall comply with the following limitations, which are subject to administration and enforcement by agencies and departments other than Community Planning and Development:

### 10.11.1.1 Noise

The regulations of Chapter 36 of the Denver Revised Municipal Code, Noise Control, as administered by the Department of Environmental Health, shall apply to all properties.

### 10.11.1.2 Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located. Vibrations from temporary construction and vehicles which leave the zone lot (such as trucks, trains, airplanes and helicopters) are excluded. This limitation on vibrations is administered by the Department of Environmental Health.

### 10.11.1.3 Air Pollution and Odors

The emission of any air contaminant or odor shall be regulated by the provisions of Chapter 4, Denver Revised Municipal Code, Air Pollution, as administered by the Department of Health and Hospitals.

### 10.11.1.4 Radioactivity

The airborne emission of radioactive material shall comply with the latest provisions of the State of Colorado Rules and Regulations pertaining to radiation control.

## SECTION 10.11.2 OTHER EMISSIONS

Emissions of electromagnetic radiation, heat, or glare shall comply with applicable standards adopted by city regulatory agencies; and in no case shall such emissions endanger human health, cause damage to vegetation or property, interfere with the normal operation of equipment or instruments, or interfere with the reasonable use and enjoyment of property located outside the zone lot on which a use is operated.

## SECTION 10.11.3 CHANGE IN DRAINAGE PATTERNS

10.11.3.1 Every zone lot shall provide and maintain proper drainage. Proper drainage is a system of drainage that:

A. Provides for adequate drainage of water away from foundations in order to prevent dampness in basements, walls, ceilings or floors;

B. Controls erosion; and

C. Provides for natural or artificial drainage to adjacent public right-of-way, roadways or drainage infrastructure that have adequate drainage capacity to accept such flow or, when such drainage outlets are not available, provides drainage consistent with the historic and natural drainage patterns in a reasonable manner that will not adversely impact adjacent property.

10.11.3.2 Drainage directed to the public right-of-way, roadways or drainage infrastructure shall be conveyed in a manner that complies with Article XV, Chapter 49, and Chapter 56 of the Denver Revised Municipal Code.

## SECTION 10.11.4 TRUCK AND RAIL LOADING OPERATIONS

Truck or railroad loading or unloading operations located within 200 feet of and abutting to a Residential Zone District shall not be conducted between the hours of 10:00 p.m. and 6:00 a.m., or else shall be conducted entirely within an enclosed structure.

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# ARTICLE 11. USE LIMITATIONS AND DEFINITIONS

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# DIVISION 11.1 GENERAL PROVISIONS

## SECTION 11.1.1 INTENT

11.1.1.1 Article 11 sets forth the limitations specific to primary, accessory and temporary uses permitted under this Code. Limitations in this Article 11 are generally intended to:

A. Promote continued economic development while mitigating the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods, and the physical environment;

B. Implement Comprehensive Plan and Blueprint Denver objectives to promote walkable, pedestrian environments in appropriate neighborhood contexts and zone districts;

C. Encourage and facilitate the reuse of existing structures;

D. Accommodate the special housing needs of segments of the resident population, while balancing those needs with a neighborhood's interest in notification and public input; and

E. Encourage and facilitate implementation of sustainable activities or uses that promote long-term energy efficiency and reduce vehicle trips, such as urban agriculture, wind and solar energy facilities, and live-work and Home Occupation opportunities.

11.1.1.2 The hierarchy and structure of the use classifications, categories, and definitions in this Article 11 are intended to aid the City and code users in the interpretation of this Code over time.

## SECTION 11.1.2 APPLICABILITY

All primary, accessory, and temporary uses subject to this Article's limitations shall be established, operated, and maintained only in compliance with such limitations.

## SECTION 11.1.3 ORGANIZATION

Article 11 is organized into divisions and sections that track the organization of the Use and Parking Tables found in Articles 3 through 9, as follows:

**11.1.3.1 Divisions** in Article 11 correspond to the same order of the use classifications (e.g., residential primary uses) found in the Use and Parking Tables.

**11.1.3.2 Sections** in Article 11 correspond to the specific use types (e.g., multi-unit dwelling) found within each use classification (e.g., residential primary uses), organized within the sections first by use category (e.g., household living uses) and then by listing in alphabetical order.

## SECTION 11.1.4 ENCLOSURE OF USES

11.1.4.1 All primary accessory and temporary uses must be established, operated and maintained within a completely enclosed structure, unless otherwise specifically allowed by this Code. The Use and Parking Tables in Articles 3-9 indicate when a use may be established, operated or maintained outside a completely enclosed structure by including an asterisk "*" next to the specific use type. For example, the asterisk following the "Telecommunication Tower*" use type in the tables indicates that a telecommunication tower land use need not be enclosed.

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# DIVISION 11.2 RESIDENTIAL PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to primary residential uses permitted across multiple zone districts and neighborhood contexts.

## *HOUSEHOLD LIVING USE CATEGORY*

## SECTION 11.2.1 DWELLING, SINGLE UNIT

### 11.2.1.1 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, single unit dwellings uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected for single unit dwelling use prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the single unit dwelling shall comply with the provisions of the Denver Zoning Code as it applies to the urban house form in the U-SU-C zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by the Denver Zoning Code as it applies to a single unit dwelling use in the U-SU-C zone districts.

D. The external effects of such uses shall be regulated by Division 10.10, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.

E. The zone lot containing a single unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

## SECTION 11.2.2 DWELLING, TWO UNIT

### 11.2.2.1 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

A. Two Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.

B. A structure containing such a Two Unit Dwelling use may be modified or demolished and rebuilt in conformity with the building form standards allowed in the subject SU zone districts without regard to the building form's use restrictions, or alternately in conformity with the duplex building form standards applicable in the U-TU-C zone districts, provided:

1. The zone lot shall not be reduced, expanded or enlarged, and

2. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

C. Variances may be granted according to Section 12.4.7, Variance.

### 11.2.2.2 U-SU-A2, -B2, -C2 Zone Districts

In U-SU-A2, -B2, -C2 zone districts, where permitted with limitations, new Two Unit Dwelling uses may be established only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

### 11.2.2.3 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, Two Unit Dwelling uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected for two unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the two unit dwelling use shall comply with the provisions of this Code as it applies to the duplex or tandem house building forms in the U-TU-C zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a two unit dwelling use in the U-TU-C zone districts.

D. A two unit dwelling use in an I-A or I-B zone districts shall be subject to the same limitations as a two unit dwelling use located in any Residential Zone District.

E. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.

F. The zone lot containing a two unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

## SECTION 11.2.3 DWELLING, MULTI-UNIT

### 11.2.3.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations:

A. Multi-Unit Dwelling uses that were legally established and Continuously Maintained on a zone lot shall be considered conforming uses in these districts.

B. A structure containing such a Multi-Unit Dwelling use may be modified or demolished and rebuilt according to the following limitations:

1. In a SU zone districts, the rebuilt structure shall comply with either the building form standards in the subject SU zone districts without regard to the building form's use restrictions, or with the duplex building form standards in the U-TU-C zone districts without regard to the building form's use restrictions.

2. In a TU zone districts, the rebuilt structure shall comply with the building form standards allowed in the subject TU zone districts without regard to the building form's use restrictions.

3. The zone lot shall not be reduced, expanded or enlarged.

4. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

C. Variances may be granted according to Section 12.4.7, Variances, except the number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

### 11.2.3.2 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, Multi-Unit Dwelling uses are permitted subject to compliance with the following limitations:

A. There is an existing structure that was erected as a multiple unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.

B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the multiple unit dwelling use shall comply with the provisions of this Code as it applies to a building form allowed in the G-MU-3 zone districts.

C. Accessory uses, accessory structures, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a multi-unit dwelling use in the G-MU-3 zone districts.

D. A multi-unit dwelling use in an I-A or I-B zone districts shall be subject to the same limitations as a multi-unit dwelling use located in any Residential Zone District.

E. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.

F. The zone lot containing a multi-unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

#### 11.2.3.3 U-TU-B2 Zone District

In the U-TU-B2 zone districts, where permitted with limitations, new Multi-Unit Dwelling uses may be established only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

## SECTION 11.2.4 DWELLING, LIVE/WORK

#### 11.2.4.1 All Zone Districts (Except I-A, I-B Zone Districts)

In all zone districts, except in the I-A, I-B zone districts, where permitted with limitations, a Live/Work Dwelling's commercial activity may be any nonresidential primary use permitted in the same zone districts that the Live/Work Dwelling is established, subject to compliance with this subsection's limitations. In addition, the following commercial activities, when not otherwise specifically listed as permitted in the applicable zone districts, are permitted in a Live/Work Dwelling use:

A. Art gallery;

B. Artist studio;

C. Professional studio;

D. Office, not including dental/medical office and clinic; and

E. Other similar activities as determined by the Zoning Administrator according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

#### 11.2.4.2 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations:

A. A Live/Work Dwelling's commercial activity shall be limited to an Artist Studio use only.

B. The dwelling portion of a Live/Work Dwelling use shall be occupied by no more than 4 unrelated persons, or by any number of persons related by blood, marriage, or adoption.

C. A Live/Work Dwelling use shall not be considered a "Residential Use" or "Residential Zone District" or "Protected District," nor in any other way be accorded residential protection (e.g., separation) against the effects of surrounding industrial uses as may otherwise be required by this Code.

### 11.2.4.3 All Zone Districts (Except I-MX, I-A, I-B; M-IMX Zone Districts)

In all zone districts where permitted with limitations, except in the I-MX, I-A, I-B; M-IMX zone districts, any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.

### 11.2.4.4 G-RO Zone District; All RX Zone Districts

In the G-RO zone districts and in all RX zone districts, where permitted with limitations:

A. The commercial or nonresidential activity shall not exceed 50 percent of the gross floor area of the use.

B. The commercial activity shall not have more than 2 employees or regular assistants on the premises at one time (such employees or regular assistants may be in addition to residents of the Live/Work Dwelling employed or working in the commercial activity portion of the use).

C. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs not exceeding 20 square feet in total area.

D. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.

E. Nonresidential storage in the Live/Work Dwelling shall be limited to no more than 10% of the space dedicated to the commercial or nonresidential activity.

## SECTION 11.2.5 ALL HOUSEHOLD LIVING USES IN C-CCN ZONE DISTRICTS

In all C-CCN zone districts, where permitted with limitations, Household Living uses shall comply with the following limitations:

### 11.2.5.1 Intent

Improve the pedestrian experience along the Street Level in the Cherry Creek North mixed use shopping district by requiring Street Level active uses in all development. Retain ground stories for nonresidential uses permitted in the C-CCN zone districts that are more likely to invite high-intensity customer, visitor, and resident interactions and that contribute substantially to the activation, economic vitality, and safety of this important mixed-use neighborhood. Street Level area set aside in buildings for uses other than household living according to this limitation is intended to be adequately configured and dimensioned to support the feasible use of such space for pedestrian-friendly active uses.

### 11.2.5.2 Limitation on Location of Household Living Uses

A. In a building that does not abut a named or numbered public street, household living uses may be located on any story of such building.

B. In a building that abuts one or more named or numbered public streets, household living uses may be located:

1. On any building story above or below the Street Level; and/or

2. On the Street Level, but not along the building's street frontage. All of the building's street frontage(s) shall be occupied by one or more primary uses other than a household living use. However, residential lobbies or other similar internal access to the household living use are permitted along street frontages.

*See also* C-CCN zone district supplemental design standards in Section 7.3.5.5 related to permitted Street Level active uses in structures or buildings containing parking spaces.

## SECTION 11.2.6 ALL HOUSEHOLD LIVING USES

### 11.2.6.1 Kitchens

In all zone districts, where permitted with limitations, all Household Living use types shall comply with the following limitations:

A. A Dwelling Unit occupied by a Household Living use shall contain either a Full Kitchen and/or Partial Kitchen, as further limited by this Section 11.2.6.

B. Consistent with the purpose of a single Dwelling Unit housing a single Household, more than one Full Kitchen is prohibited in any Dwelling Unit containing a Household Living use with the following exceptions:

1. At any time after a Full Kitchen is established as part of a Single-Dwelling Unit use, the addition of an additional Full Kitchen is prohibited unless otherwise expressly allowed by this Code, or by a separate zoning permit obtained for a second Full Kitchen according to Section 11.8.9, Second Kitchen Accessory to Single Unit Dwelling Use, or the additional Full Kitchen it is part of an allowed Accessory Dwelling Unit use.

2. An unenclosed area that may be covered but is permanently open to the outdoors on at least two sides, and otherwise meeting the definition of Full Kitchen is allowed.

C. A Dwelling Unit occupied by a Multi-Unit Dwelling use or Live/Work Dwelling use and originally permitted with only a Partial Kitchen, may be permitted to convert the Partial Kitchen to a Full Kitchen or to add no more than one Full Kitchen to the Dwelling Unit.

D. Any Household Living use may include both one Full Kitchen and one or more Partial Kitchens.

E. When a Kitchen is a "Full Kitchen" solely because of the presence of a 220 volt or greater electrical outlet or a gas line connection, the Zoning Administrator may determine the Kitchen is a "Partial Kitchen" if the Applicant can evidence that the electrical outlet or gas line connection is not designed or intended to service a stove/cooktop or range. Evidence to be considered may include, but is not limited to, the specific location or arrangement of the subject Room within the larger Dwelling Unit, the lack of any other common indicators of a Kitchen (such as but not limited to countertops, sink, garbage disposal, refrigerator), and proximity of the electrical outlet or gas line connection to food preparation/cooking/storage appliances or areas.

# *GROUP LIVING USE CATEGORY*

## SECTION 11.2.7 ASSISTED LIVING FACILITY

### 11.2.7.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations, an Assisted Living Facility use is subject to all limitations applicable to Large Residential Care uses in Section 11.2.9.

## SECTION 11.2.8 RESIDENCE FOR OLDER ADULTS

### 11.2.8.1 All SU Zone Districts

In all SU zone districts, where permitted with limitations, a Residence for Older Adults use shall include no more than 1 dwelling unit per zone lot.

### 11.2.8.2 All TU Zone Districts

In all TU zone districts, where permitted with limitations, a Residence for Older Adults use shall include no more than 2 dwelling units per zone lot.

# SECTION 11.2.9 RESIDENTIAL CARE USE, SMALL OR LARGE

## 11.2.9.1 All Zone Districts

In all zone districts, where permitted with limitations:

### A. Intent

The intent of these limitations for Residential Care uses is:

1. To develop zoning regulations that apply to housing for special populations and which are humane, equitable and enforceable through the regulation of institutions and facilities only, and not individuals;
2. To support and reinforce the viability and continuation of neighborhoods and communities that provide healthy environments for all their residents;
3. To prevent the "institutionalization" of residential neighborhoods by concentrating Residential Care uses so as to allow all residents, including the special populations, to reap the benefits of residential surroundings;
4. To increase location opportunities for critically needed Residential Care facilities, thereby helping to integrate special populations into the mainstream of society;
5. To comply with the principles, policies and regulations of federal and state fair housing legislation;
6. To establish an ongoing, effective process of communication between local neighborhood residents, the operators of Residential Care facilities and city agencies that regulate such facilities;
7. To encourage and coordinate the use by the regulatory city agencies, as well as by all involved licensing agencies, of common categories and definitions of Residential Care facilities for special populations; and
8. To promote the dispersing of facilities and beds for special populations thereby preventing individuals from being forced into neighborhoods with concentrations of treatment facilities and beds and thus perpetuating isolation resulting from institutionalization.

### B. Designation of Contact Person

The applicant or operator of a Residential Care use shall designate a staff member who shall be available on a continuous basis to receive questions and concerns from interested neighbors. Any issues not satisfactorily resolved through the applicant and facility staff shall be reported to the Zoning Administrator.

### C. Continuation of Certain Existing Uses

1. An institution or any other use operating as a Residential Care use and existing as of April 1, 1993, shall be classified as a legal, nonconforming use and may continue its operation providing it has a valid zoning permit.
2. Any exterior additions or exterior structural modifications that increase the gross floor area of an existing structure shall require the approval of a zoning permit according to Section 12.4.2, Zoning Permit Review with Informational Notice.
3. Any increase in the number of permitted residents shall require the approval of a zoning permit according to Section 12.4.2, Zoning Permit Review with Informational Notice.
4. Any change in the type of resident of a Residential Care use permitted under the provisions of this section shall meet all applicable requirements except the requirements set forth in Section 11.2.9.1.D.3.

### D. Limitations for Large Residential Care Use

All Large Residential Care uses shall comply with the following limitations:

#### 1. Owner and operational limitations

a. The applicant is the owner or has written approval of the owner of the property.

b. The applicant and the owner have obtained or will obtain upon granting of the permit any licenses or certification required by the state and/or the city.

c. The program and operational plan has been or will be approved by a licensing agency appropriate to the special population being served in the facility.

d. The applicant and the operator will provide adequate measures for safeguarding the public and the facility residents. Such measures shall be appropriate to the special population including intake screening, supervision and security.

e. The proposed use will not substantially or permanently injure the appropriate use of nearby conforming property.

f. The number of beds in the proposed facility, in combination with the number of existing correctional institution and Residential Care use beds within the affected neighborhood, regardless of compliance with the spacing and density requirements set forth in this subsection, shall not substantially or permanently injure the neighborhood or shall not cause or add to the institutionalization of residential neighborhoods which would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.

#### 2. Property and building limitations

a. The size and architectural style of new structures or additions to existing structures located in a residential zone shall not be substantially dissimilar from other structures in the surrounding residential neighborhood and shall comply with all other requirements of the zone district in which they are located.

b. The applicant and the operator will adequately maintain the building and grounds.

#### 3. Spacing and density limitations

a. All proposed Large Residential Care uses shall satisfy the following minimum requirements unless specifically exempt by other provisions herein. Provided, however, that the Zoning Administrator may approve the permit for a Large Residential Care use in a location in violation of the spacing and density regulations of Section 11.2.9.1.D.3.d below upon a determination that the spacing violation is less than 10 percent of the required spacing and that locating the proposed use will not substantially or permanently injure the neighborhood. Provided, further, that the Zoning Administrator may require up to 200 feet of additional spacing between Large Residential Care uses in impacted neighborhoods.

b. "Impacted neighborhoods" for the purpose of this subsection shall be those neighborhoods that have more Residential Care uses within their boundaries than the city-wide average number per neighborhood. Community Planning and Development shall keep records of such "impacted neighborhoods".

c. All existing Large Residential Care uses and any religious assembly use (as a "religious assembly" use is defined in Article 11) containing a shelter that exceeds the limits of Section 11.2.11.3 shall be counted when the spacing and density requirements in Section 11.2.9.1.D.3.d below are applied.

d. Spacing and density regulations: (a) A Large Residential Care use shall be a minimum of 2,000 feet from another such use; and (b) No more than two other such uses shall exist within a 4,000 foot radius measured from the proposed use.

**4. Minimum lot dimensions**
The proposed use shall have a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet.

**5. Limitations on external effects**
Such use shall comply with the limitations on external effects as established for permitted uses in the district in which it is located.

**6. Special Requirements for Large Residential Care Uses**
Certain Large Residential Care uses shall be subject to the following special requirements. In case of conflict with the general requirements of this section, the provisions of this subsection shall apply:

a. Large Residential Care use in all SU, TU, TH, or RH zone districts, other than a Community Corrections Facility or a Shelter for the Homeless, shall be located only in a structure existing on May 24, 1993, and shall be limited to a maximum number of 20 residents. Such structure shall not be enlarged as long as it is used for a Large Residential Care use. In a RO or MU zone district, Large Residential Care uses, other than a Community Corrections Facility or a Shelter for the Homeless, shall be limited to a maximum of 40 residents.

**b. Community Corrections Facility** – See Sections 11.2.10.1, Community Corrections Facility, for additional limitations applicable to Community Correction Facility uses, which are a specific type of Large Residential Care Use.

**c. Shelter for the Homeless** -- See Section 11.2.11, Shelter for the Homeless, for additional limitations applicable to Shelter for the Homeless uses, which are a specific type of Large Residential Care Use.

**E. Limitations for Small Residential Care Use**
All Small Residential Care uses shall comply with the following limitations:

**1. Owner and operational limitations**

a. The applicant is the owner or has the written approval of the owner of the property.

b. The applicant and the operator have obtained or will obtain upon granting of the permit any licenses or certifications required by the state and/or the city.

**2. Building and site limitations**
Locating the proposed use in the neighborhood shall not substantially or permanently injure the appropriate use of nearby conforming property, and shall not cause or add to the institutionalization of residential neighborhoods that would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.

3. Upon issuance of a permit for a Small Residential Care use, the applicant and the operator shall only be required to comply with:

a. Division 10.4, Parking and Loading;

b. Section 11.2.9.1.C.2, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Floor Area Increases in Existing Structures;

c. Section 11.2.9.1.C.3, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Increases in Number of Permitted Residents;

d. Section 11.2.9.1.D.4, Minimum lot dimensions; and

e. Section 11.2.9.1.D.5, Limitations on external effects.

4. No conditions on the number of staff may be placed on the permit for transitional housing except for a condition requiring at least one staff person on-site.

**F. Compliance with Denver Building and Fire Code**
All Residential Care uses shall comply with applicable provisions of the Denver Building and Fire Code.

**G. Approvals Personal to Applicant/Operator**
The permit for an approved Residential Care use shall automatically expire at such time as the operator specified in the permit no longer operates the Residential Care use at the subject property.

## SECTION 11.2.10 COMMUNITY CORRECTIONS FACILITY

### 11.2.10.1 I-MX, I-A, I-B and All Downtown Zone Districts

In the I-MX, I-A, I-B and all Downtown zone districts, where permitted with limitations, community corrections facilities shall comply with the following limitations:

**A. Community Corrections Subject to Large Residential Care Use Limitations**
Community corrections facilities are classified as Large Residential Care uses and are therefore subject to all of the requirements applicable to Large Residential Care uses in Section 11.2.9 below, in addition to the following use-specific limitations. In case of conflict with the requirements of Section 11.2.9, the more specific limitations in this subsection shall apply.

**B. Moratorium on New Community Corrections Facilities**
After April 30, 2008, no new community corrections facility shall begin operation until May 1, 2018.

**C. Permitted Location**
Community corrections facilities (for purposes of this subsection, hereinafter "facilities" or "facility") shall be allowed in any I-MX, I-A, I-B, D-C, D-TD, and D-LD Zone Districts, and shall be located more than:

1. 1,500 feet from a school meeting all requirements of the compulsory education laws of the state; and

2. 1,500 feet from a Residential Zone District.

**D. Limits on Number of Residents**

1. The proposed number of residents in a facility shall not exceed the following limits:
    a. In the I-MX zone district, not to exceed 1 person per 50 square feet of gross floor area in sleeping areas with a maximum of 40 residents.
    b. In the I-A and I-B zone districts, a maximum of 60 residents, provided, however, that if such facility is operated by the Denver Manager of Safety, or under contract to the Manager of Safety, such facility may have up to 120 residents, except that the existing facility located at 570 West 44th Avenue may have up to 90 residents.
    c. In the D-C, D-TD, and D-LD zone districts, not to exceed 1 person per 50 square feet of gross floor area in sleeping areas or 40 residents, whichever is less.

2. The expansion of any existing community corrections facility to more than 60 residents shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

**E. Government Supervision Required for Transition Programs in a Community Corrections Facility**
Any program to facilitate transition to a less-structured or independent residential arrangement in a community corrections facility shall be supervised directly or indirectly by an agency of the city, the state or the federal government.

# SECTION 11.2.11 SHELTER FOR THE HOMELESS

## 11.2.11.1 Types of Shelters for the Homeless, Permitted Location, and Applicable Limitations

### A. Types of Shelters for the Homeless

This Section 11.2.11 establishes the following 3 types of shelters for the homeless:

1. Shelter for the Homeless as a permanent, primary use.
2. Shelter for the Homeless as a primary or accessory use when operated by a place of religious assembly (as "religious assembly" use is defined in Article 11).
3. Shelter for the Homeless when operated in a building owned by a nonprofit corporation or by a governmental entity.

### B. Permitted Locations and Applicable Use Limitations

The 3 types of shelters for the homeless identified in subsection 11.2.11.1.A above are permitted in the following zone districts, subject to compliance with the applicable use limitations:

| Type of Shelter | Permitted/Prohibited Locations | Applicable Use Limitations |
|---|---|---|
| Shelter for the homeless as a permanent, primary use | Permitted in all zone districts, except the SU, TU, TH, RH, E-MU-2.5, MS/MX-2x, MS/MX-2, MX-2A, CMP-H, CMP-H2, CMP-ENT, OS-B, and OS-C zone districts. | Section 11.2.11.1<br>Section 11.2.11.2<br>Section 11.2.11.5 |
| Shelter for the homeless when operated by a religious assembly use | Permitted in all zone districts. | Section 11.2.11.1<br>Section 11.2.11.3<br>Section 11.2.11.5 |
| Shelter for the homeless when operated in a building owned by a nonprofit corporation or by a governmental entity | Permitted in all zone districts. | Section 11.2.11.1<br>Section 11.2.11.4<br>Section 11.2.11.5 |

## 11.2.11.2 Shelters for the Homeless as a Permanent, Primary Use

Shelters for the homeless that are permanent, primary uses, where permitted according to Section 11.2.11.1, Types of Shelters for the Homeless, Permitted Location, and Applicable Limitations, shall comply with all of the following limitations:

### A. Limitations for Large Residential Care Use Apply

A homeless shelter that is a permanent, primary use is a specific type of Large Residential Care use, and is therefore subject to all of the requirements of Section 11.2.9.1.D, Limitations for Large Residential Care Use. In addition, such homeless shelters shall comply with the special requirements in this Section 11.2.11.2. In case of conflict with the requirements of Section 11.2.9.1.D., Limitations for Large Residential Care Use, the provisions of this Section 11.2.11.2 shall apply.

**B. Number of Beds**

The number of beds in the shelter shall not exceed 200. Notwithstanding the preceding sentence, for permanent homeless shelters having a zoning permit as of January 1, 2005, allowing 200 beds or more, the maximum number of beds in the shelter shall not exceed 350. In any one city council district, there shall be no more than 950 beds in homeless shelters that are permanent, primary uses and subject to this Section 11.2.11.2.

**C. Increase in Shelter Resident Population**

Except for an increase in the number of beds up to 350, pursuant to Section 11.2.11.2.B, Number of Beds, and notwithstanding the restriction of Section 11.2.9.1.C.2, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Floor Area Increases in Existing Structures, and Section 11.2.9.1.C.3, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Increases in Number of Permitted Residents, the permanent increase in the number of homeless shelter residents or in the amount of floor area of such shelter exceeding 10 percent shall require the approval of a zoning permit according to Section 12.4.2, Zoning Permit with Informational Notice.

**D. Operations**

1. Overnight sleeping accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.

2. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, assisted living facility, nursing home, rehabilitation center for the handicapped, or residence for older adults.

3. Waiting areas shall be placed and supervised so that the operation of the shelter will not normally create obstructions or problems in the use of adjacent public rights-of-way.

4. Restroom facilities shall be made available to shelter residents while the shelter is closed. Such facilities may include restroom facilities provided by the city.

**E. Spacing Required From a School**

Proposed shelters for the homeless shall be located more than 500 feet from a school meeting all the requirements of the compulsory education laws of the state.

### 11.2.11.3 Shelters for the Homeless Operated by a Religious Assembly Use

In all zone districts, homeless shelters operated by a religious assembly use (as a "religious assembly" use is defined in Article 11) need not comply with the provisions of Section 11.2.9, Residential Care Use, Small or Large or Section 11.2.11.2, Shelters for the Homeless as a Permanent, Primary Use, including the requirement for a zoning permit, provided the following limitations are satisfied instead:

A. Such shelter may be operated for up to 120 days in either consecutive or nonconsecutive order per calendar year with any number of residents, or it may be operated throughout the entire year with one of the following: a maximum of 8 residents or any number of persons bearing to each other a relationship as stated in the definition of "household" in Division 11.12, Use Definitions.

B. If the 120-day limitation or the number of residents limitation in Section 11.2.11.2.A are exceeded, the shelter must comply only with the requirements of Section 11.2.9.1.D.3.d, Spacing and density limitations, but need not comply with any other requirements of either Section 11.2.9, Residential Care, Large or Small, or Section 11.2.11.2, Shelter for the Homeless as a Permanent, Primary Use.

### 11.2.11.4 Shelters for the Homeless Allowed in Buildings Owned by Nonprofit Corporations or Governmental Entities

In all zone districts, homeless shelters operated in buildings owned by nonprofit corporations or by governmental entities need not comply with Section 11.2.9, Residential Care Use, Small or Large, or Section 11.2.11.2, Shelter for the Homeless as a Permanent, Primary Use, including the requirement for a zoning permit, provided the following limitations are satisfied instead:

A. Such shelter may be operated for up to 120 days in either consecutive or nonconsecutive order per calendar year with a maximum of 100 residents. If the 120-day limitation or the 100-resident cap is exceeded, the shelter must comply only with the requirements of Section 11.2.9.1.D.3.d, Spacing and density limitations, but need not comply with any other requirements of Section 11.2.9, Residential Care Use, Small or Large, or Section 11.2.11.2, Shelter for the Homeless as a Permanent, Primary Use.

B. Prior to opening the shelter, the operator of the shelter shall submit to the Zoning Administrator evidence:

   1. That the Denver Department of Human Services is involved in the proposed shelter;

   2. That a public meeting relating to opening the shelter was held;

   3. That at least 7 days prior to the public meeting, notice of such public meeting was given to those neighborhood organizations registered according to D.R.M.C., Section 12-94, whose boundaries encompass or are within 700 feet of the proposed use and to the City Council member in whose district the proposed shelter will be located, and flyers announcing the public meeting were distributed at least 3 days prior to such public meeting to all properties within 3 blocks of the proposed shelter; and

   4. That a community oversight committee has been created, consisting of the City Council member in whose district the proposed shelter is located and at least 4 persons who reside within 1,500 feet of the proposed shelter, to address neighborhood issues relating to the ongoing operations of the shelter. The community oversight committee may encourage appropriate parties to enter into a community agreement to address such issues.

### 11.2.11.5 Suspension of Limitations in Emergency

The Zoning Administrator has the authority to suspend the terms of this Section 11.2.11's limitations for Shelters for the Homeless in emergency, life threatening situations as determined by the Zoning Administrator in consultation with the Manager.

# DIVISION 11.3 CIVIC, PUBLIC AND INSTITUTIONAL PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the primary Civic, Public and Institutional Primary Use Classification across multiple zone districts and neighborhood contexts.

## *Basic Utilities Use Category*

## SECTION 11.3.1 UTILITY, MAJOR IMPACT

### 11.3.1.1 All Residential Zone Districts; All Mixed Use Commercial Zone Districts

In all Residential Zone Districts and in all Mixed Use Commercial Zone Districts, except the Downtown zone districts and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations, Major Impact Utility uses are limited to water reservoir, which need not be enclosed.

### 11.3.1.2 All Open Space Context Zone Districts and O-1 Zone District

In all Open Space Context zone districts and the O-1 zone district, where permitted with limitations, Major Impact Utility uses are limited to water reservoir or, in the OS-B and O-1 zone district only, water filtration plant is also permitted.

### 11.3.1.3 I-A, I-B Zone Districts; All Downtown Neighborhood Context Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts

In the I-A, I-B zone districts, all Downtown Neighborhood Context zone districts, and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts where permitted with limitations:

**A. Sanitary Service**

All sanitary service utilities shall be located a minimum 500 feet from any Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant can prove by a preponderance of evidence that a smaller separation will have no significant effect on the nearby Residential Zone District.

**B. Solid Waste Facility**

All solid waste facilities must be located in a completely enclosed structure and must be located a minimum of 500 feet from any Residential Zone District.

**C. Above-Ground Power, Gas, and Other Facilities**

The expansion of transmission line capacity shall not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

### 11.3.1.4 I-A, I-B Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, CMP-NWC-R Zone Districts

In the I-A, I-B, CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations

**A. Spacing Required**

The following major impact utilities shall be located a minimum of 500 feet from any Residential Zone District:

1. Sewage disposal plant.
2. Incinerator, publicly operated.
3. Electric generation plant, excluding nuclear powered plants.

## SECTION 11.3.2 UTILITY, MINOR IMPACT

### 11.3.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Electric substations are prohibited in a Residential Zone District; All MS zone districts; All Open Space Context zone districts; and all Downtown Neighborhood Context zone districts.

B. In all zone districts except a Residential Zone District; MS zone district; Open Space Context zone district; or Downtown Neighborhood Context zone district, if electric substation transformers are exposed, there shall be provided an enclosing fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons or materials.

### 11.3.2.2 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

A. A minor impact utility use shall be located not less than 50 feet from the nearest boundary of any zone lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless such utility has been sited and designed to assure its compatibility with adjacent dwelling units.

B. The adequacy of the siting and design for the purpose of achieving compatibility shall be determined by the Zoning Administrator as part of the zoning permit review.

### 11.3.2.3 C-CCN Zone Districts

In the C-CCN zone districts, where permitted with limitations, utility pumping stations are prohibited.

# *Community/Public Services Use Category*

## SECTION 11.3.3 COMMUNITY CENTER

### 11.3.3.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. A Community Center shall have no outdoor public address system or any type of amplified music or sound device.

B. Overnight accommodations are prohibited.

C. A Community Center use may include accessory outdoor recreation or entertainment services facilities, subject to the following limitations:

1. If in a Residential Zone District, the accessory outdoor facility shall comply with the limitations in Section 11.3.3.3;

2. If in a Residential Zone District or on a zone lot that abuts a Residential Zone District, the accessory outdoor facility shall comply with the outdoor lighting limitations in Section 11.3.3.4; and

3. In all zone districts other than a SU or TU zone district, no portion of the accessory outdoor facility shall be located nearer than 50 feet from the boundary of a SU or TU zone district.

### 11.3.3.2 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations, a Community Center use shall be established and/or operated only in an existing, nonresidential structure originally designed for a nonresidential use and not for residential occupancy.

#### 11.3.3.3 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, a Community Center use may include accessory outdoor recreation or entertainment services facilities subject to compliance with the following conditions:

A. Establishment of proposed facility, and any expansion of such facility, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

B. The proposed facility shall be located on the same zone lot and operated by the same owner and/or operator of the Community Center and the applicant must be either the owner of record or has the permission of the owner of record to operate the proposed outdoor recreational or entertainment services facility.

C. The facility occupies no more than 10 percent of the zone lot on which it is located.

D. Adequate off-street parking is provided by the Community Center to support the needs of the outdoor recreational or entertainment services facility.

E. No other such outdoor recreational or entertainment services facility on a different zone lot is located within 500 feet of the proposed use.

F. The hours of operation shall be 8:00 a.m. to one-half hour after sunset.

G. The facility shall be operated and controlled in such a manner to prevent unauthorized use of the facility outside of the permitted hours of operation.

H. Signs visible from the public rights-of-way are limited to no more than 3 signs providing directional or cautionary information not exceeding 4 square feet per sign in area and not more than 6 feet in height above grade.

#### 11.3.3.4 All Residential Zone Districts and on Zone Lots Abutting Residential Zone Districts

In all Residential Zone Districts, where a Community Center is permitted with limitations, and where the subject zone lot abuts a Residential Zone District, all outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier.

## SECTION 11.3.4 DAY CARE CENTER

#### 11.3.4.1 All SU and TU Zone Districts

In all SU and TU zone districts, where permitted with limitations:

A. The Day Care Center shall be located either:

1. In an existing structure originally designed for a nonresidential use and not for residential occupancy and operated by and used as a place for religious assembly; or

2. Within an existing nonresidential structure originally designed for a nonresidential use and not for residential occupancy; or

3. Within a structure used or formerly used as an elementary and/or secondary school meeting all the requirements of the compulsory education laws of the state.

B. Daily operations of the center shall terminate by no later than 10:00 p.m.

## SECTION 11.3.5 PUBLIC SAFETY FACILITY

#### 11.3.5.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, an ambulance service use may be established only if located in the same building with a police or fire station.

## *Cultural/Special Purpose/Public Park & Open Space Use Category*

## SECTION 11.3.6 CEMETERY

### 11.3.6.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, cemeteries are allowed subject to compliance with the following limitations:

A. A cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

B. Cemetery use shall be limited to columbariums only.

### 11.3.6.2 OS Zone Districts

In the OS-B zone district, where permitted with limitations, a cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

## SECTION 11.3.7 CULTURAL/SPECIAL PURPOSE/PUBLIC PARKS & OPEN SPACE USES

### 11.3.7.1 OS-B Zone District

In the OS-B zone district, where permitted with limitations, all permitted cultural/special purpose/public parks and open space uses shall comply with the following limitations:

A. Permitted accessory uses and structures are limited to:

1. Swimming pools and customary associated buildings;

2. Tennis, basketball, or other similar playing courts;

3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;

4. Playground or picnic shelters/areas; and

5. Water features and public art.

B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10:00 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) zone district.

D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in Section 11.7, Accessory Use Limitations and finds that the proposed structure or use will not adversely affect properties adjoining the OS-B zone district. See Section 12.4.6, Code Interpretations and Determination of Uses, for the applicable procedure to determine unlisted uses.

## *Education Use Category*

## SECTION 11.3.8 ELEMENTARY OR SECONDARY SCHOOL, UNIVERSITY OR COLLEGE, VOCATIONAL OR PROFESSIONAL SCHOOL

### 11.3.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. An Elementary or Secondary School, University or College, or Vocational or Professional School shall comply with the following limitations:

1. Permanent outdoor storage is prohibited.

2. Residential accommodations or student housing as an accessory use is prohibited in all zone districts except in a MU zone district or a Mixed Use Commercial Zone District.

### 11.3.8.2 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; MS-2x, -2 zone districts, where permitted with limitations:

A. Classes or other school activities in a Vocational or Professional School shall terminate by no later than 11:00 p.m.

B. Repair as a commercial service or the commercial sale of repaired machinery or appliances is prohibited as part of a Vocational or Professional School use.

## SECTION 11.3.9 UNIVERSITY OR COLLEGE

### 11.3.9.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, a University or College use shall be limited to those that include residential accommodations for at least 20 percent of its student body or 50 students, whichever is less.

## *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.

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# DIVISION 11.4 COMMERCIAL SALES, SERVICE AND REPAIR PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the Commercial Sales, Service, and Repair Primary Use Classification across multiple zone districts and neighborhood contexts.

## *Arts, Entertainment and Recreation Use Category*

## SECTION 11.4.1 ARTS, ENTERTAINMENT AND RECREATION USES

### 11.4.1.1 OS-B Zone District

In the OS-B zone district, where permitted with limitations, all permitted arts, entertainment and recreation uses shall comply with the following limitations:

A. Permitted accessory uses and structures are limited to:

1. Swimming pools and customary associated buildings;
2. Tennis, basketball, or other similar playing court;
3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
4. Playground or picnic shelters/areas; and
5. Water features and public art.

B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) zone district. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

### 11.4.1.2 All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, Sports and/or Entertainment Arena or Stadium uses, where permitted with limitations, shall comply with the following limitations:

A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

## SECTION 11.4.2 ARTS, RECREATION AND ENTERTAINMENT SERVICES, INDOOR

### 11.4.2.1 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; MS-2x, -2 zone districts, where permitted with limitations, seating capacity in a permitted Arts, Entertainment and Recreation, Indoor, use shall be limited to no more than 100 persons.

### 11.4.2.2 G-RO Zone District

In the G-RO zone district, where permitted with limitations, Arts, Recreation and Entertainment Services, Indoor, uses are limited to the following specific use types (as defined in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions):

A. Art Gallery;

B. Artist Studio;

C. Professional Studio; and

D. Personal Instruction Studios.

## SECTION 11.4.3 ARTS, RECREATION AND ENTERTAINMENT SERVICES, OUTDOOR

### 11.4.3.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. If the Arts, Recreation and Entertainment Services, Outdoor use is located within 200 feet of a Residential Zone District, outdoor public address systems and all types of amplified music or sound devices are prohibited.

B. A racquet/swim club type of outdoor recreation service use shall comply with the following additional standards:

1. All outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier; and

2. No portion of any court or swimming pool that is not in a completely enclosed structure shall be located nearer than 50 feet from the boundary of a SU or TU zone district.

3. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

## SECTION 11.4.4 EVENT SPACE WITH ALTERNATE PARKING AND LOADING

### 11.4.4.1 CMP-NWC-G and CMP-NWC-F Zone Districts

A. In the CMP-NWC-G and CMP-NWC-F zone districts, where permitted with limitations, an area established as Event Space with Alternate Parking and Loading may be used as an Off-Street Parking Area, subject to the following:

1. A Parking Operations Plan that identifies how parking will be sited and managed within an event space for one or more short-term parking configurations must be approved by the Zoning Administrator prior to issuance of a zoning permit.

2. A Parking Operations Plan must include a site plan and narrative description for each short-term parking configuration, which shall include the following:
    a. Dimension of overall parking area
    b. Dimensions of typical parking stall width and depth
    c. Dimensions of all ingress, egress and drive aisles
    d. Identification of any structures on the zone lot
    e. Numbering of parking stalls
    f. Parking lot area in square feet
    g. Labeling of public streets and alleys
    h. Approximate locations of an on-site staff persons to direct motorists to the appropriate parking area
    i. Physical means by which parking stalls and/or aisles will be physically demarcated (temporary striping, cones, rope, etc.)
    j. Means of separating parking areas from event activities (for an option where parking directly abutting active event space)
    k. Pedestrian circulation routes adjacent to and within parking areas
    l. Passenger loading zone areas (if applicable)
3. A parking lot manager or attendant shall be present on the zone lot at all times when the area is being used as an Off-Street Parking Area.
4. Mixing of separate components of approved short-term parking configurations is not allowed.
5. Additional parking configurations not expressly identified by an approved Parking Operations Plan would require application for and issuance of a new zoning permit.
6. The event space used for an Off-Street Parking Area shall be surfaced with an all-weather surfacing material.
7. The dimensions for and arrangement of parking spaces and driving aisles shall comply with Section 10.4.6, Vehicle Parking Design, however permanent delineation of individual parking stalls is not required.

B. In the CMP-NWC-G and CMP-NWC-F zone districts, where permitted with limitations, an area established as Event Space with Alternate Parking and Loading may be used for Loading, subject to the following:
1. A Loading Operations Plan that identifies how loading spaces will be sited and managed within an event space for one or more short-term loading configurations must be approved by the Zoning Administrator prior to issuance of a zoning permit.
2. A Loading Operations Plan must include a site plan and narrative description for each short-term parking configuration, which shall include the following:
    a. Dimension of overall loading area
    b. Dimensions of loading spaces

c. Dimensions of area or means adequate for maneuvering, ingress, and egress.

d. Identification of any structures the loading spaces will serve

e. Numbering of loading spaces

f. Loading area in square feet

g. Labeling of public streets and alleys

h. Pedestrian circulation routes adjacent to and within loading areas

3. Additional parking configurations not expressly identified by an approved Parking Operations Plan would require application for and issuance of a new zoning permit.

4. The dimensions for and arrangement of loading spaces shall comply with Section 10.4.8, Loading, however permanent delineation of individual loading spaces is not required.

## SECTION 11.4.5 SPORTS AND/OR ENTERTAINMENT ARENA OR STADIUM

### 11.4.5.1 I-MX, I-A, I-B, and All OS Zone Districts

In the I-MX, I-A, I-B, and all OS zone districts, where permitted with limitations, sports and/or Entertainment Arena or Stadium uses shall comply with the following limitations:

A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11.

B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

## *Nonresidential Uses in Existing Business Structures in Residential Zone Districts Use Category*

## SECTION 11.4.6 NONRESIDENTIAL USES IN EXISTING BUSINESS STRUCTURES IN RESIDENTIAL ZONES

### 11.4.6.1 Limited Nonresidential Uses Permitted

In all Residential Zone Districts, where permitted with limitations:

A. Primary nonresidential and accessory uses permitted in the MS-2x zone district in the same neighborhood context as the subject property (e.g., U-MS-2x) may be operated in an existing business structure. If there is no MS-2x zone district in the same neighborhood context, the primary and accessory uses established by the U-MS-2x zone district shall apply.

B. Any use established according to this Section 11.4.6 shall comply with the limitations and use review procedure applicable to such use indicated in the Use and Parking Table for the subject MS-2x zone district.

### 11.4.6.2 Existing Business Structures Only

The primary nonresidential uses permitted under this Section shall be permitted only within an existing structure meeting all of the following conditions:

A. The applicant is the owner of the subject structure.

B. The subject structure was legally erected.

C. The applicant proves by a preponderance of evidence that the subject structure is a "business structure." For purposes of this Section, "business structure" shall mean the subject structure

or a portion of the subject structure was originally designed and constructed for a primary business use and occupancy, and not for residential occupancy. For structures constructed for both business use and occupancy and for residential occupancy, only the portion of the structure originally designed and constructed for business use and occupancy shall be regulated by this provision. "Primary business use and occupancy" means any use permitted in the U-MS-2x zone district that falls within one of the following primary use classifications as defined in this Code:

1. Commercial sales, service and repair primary use classification;
2. Industrial, manufacturing and wholesale primary use classification; or
3. Agricultural primary use classification.

### 11.4.6.3 Limitations

A nonresidential use proposed under this Section shall comply with the following limitations:

A. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the zone district in which the structure is located.

B. All uses operated in the structure involved shall comply with Division 10.4, Parking and Loading, for each such use in the MS-2x zone district; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive so much of those requirements as are impossible of fulfillment according Section 12.4.5, Administrative Adjustment.

C. All uses permitted in the structure shall comply with limitations on permitted signs applicable to uses in the MS-2x district.

### 11.4.6.4 Modifications to the Business Structure

The business structure in which a nonresidential use is permitted under this Section shall be occupied, operated, and maintained in a state of good repair. Modifications, alterations, and expansions of the subject business structure shall comply with the following limitations:

A. Modifications and alterations are permitted that do not change, alter, move, or remove an exterior load-bearing portion of the structure, except for minor alterations of exterior walls to replace or add new windows or doors. Modifications, alterations, or expansions that increase the gross floor area of the existing business structure are prohibited.

> For example: (1) Permitted Modifications: Replacement of windows, repairs to an existing roof, or non-structural facade improvements. (2) Prohibited Modifications: Removal of an exterior, load-bearing wall, partial or complete demolition of the structure's roof framing, adding a new floor or adding additional Street Level floor area, or raising or modifying the existing roof line.

B. For any modifications to the structure that require landmark approval, the modification shall be reviewed and approved by the Landmark Preservation Commission before submittal for zoning approval.

### 11.4.6.5 Effect of Approval

A. The permit for a nonresidential use approved according to this Section 11.4.6 shall automatically expire at such time as the applicant specified in the permit no longer owns or operates the nonresidential use at the subject property.

B. A zoning permit allowing a nonresidential use under this Section 11.4.6 may be rescinded according to Section 12.11.6, Enforcement Powers, Penalties and Remedies, upon a finding that the structure involved is obsolete or substandard under any applicable ordinance of the City to

the extent that the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date of such finding.

## *PARKING OF VEHICLES USE CATEGORY*

## SECTION 11.4.7 PARKING, GARAGE

### 11.4.7.1 D-C and D-TD Zone Districts

In the D-C and D-TD zone districts, where permitted with limitations, Garage Parking use is permitted provided it meets at least one of the following conditions:

A. The use was operated in a structure before October 10, 1994; or

B. The use is operated in a structure constructed or converted from other uses after October 10, 1994, that:

1. Was constructed or converted by or on behalf of a public entity to serve the general public; or

2. Serves only buildings that do not contain office uses; or

3. Serves 1 or more buildings that contain office uses and does not contain more than 2 parking space per 1,000 gross square feet of office space in the building or buildings served by the structure. Parking spaces restricted for use by non-office uses within the building or buildings served by the parking structure shall be exempt from such parking ratio restriction.

### 11.4.7.2 D-GT and D-AS Zone Districts

In the D-GT and D-AS zone districts, where permitted with limitations:

A. Garage Parking is limited to enclosed structures, or structures that are enclosed except for portions of the parking structure over 45 feet above grade, provided that any unenclosed parking deck must have screening walls at least 4 feet in height, and further provided that all lighting on the unenclosed parking deck shall be provided with fully shielded fixtures, none of which exceed 6,500 lumens per fixture and which are designed and installed so that they do not project glare off of the zone lot.

B. Zoning permit review is required according to Section 12.4.2, Zoning Permit Review with Informational Notice, if the parking use is unenclosed and does not meet the criteria of Paragraph A above.

## SECTION 11.4.8 PARKING, SURFACE

### 11.4.8.1 All TU, TH, RH, MU, RO Residential Zone Districts

In all TU, TH, RH, MU, RO Residential Zone Districts, where permitted with limitations, Surface Parking of vehicles as a primary use of land is permitted only to serve a permitted Civic, Public and Institutional Use in the zone district. Commercial Surface Parking lots are prohibited.

### 11.4.8.2 D-C and D-TD Zone Districts

In the D-C and D-TD zone districts, where permitted with limitations:

A. Surface Parking lots are permitted only if such use was in existence before May 25, 1990, and has been in continuous use as a parking lot since that date, provided, however, that a temporary use properly permitted under the provisions of this Article 11 shall not destroy the continuity of use; or

B. The Surface Parking lot received a use permit between May 25, 1990, and October 10, 1994, and has been in continuous use as a parking lot since the date of such permit, provided, howev-

er, that a temporary use properly permitted under the provisions of Article 11 shall not destroy the continuity of use, and complies with all specifications for use and maintenance contained in Ordinance 140, series of 1986 and Ordinance 270, series of 1990; or

C. Began operation after October 10, 1994, and meets the following conditions:

1. Such use shall not be located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Larimer Street-Market Street alley; and

2. Such use shall not be located where necessary curb cuts will interfere with pedestrian activity on Larimer Street, Curtis Street, Cleveland Place, or on any street frontage facing a light rail line.

#### 11.4.8.3 D-GT Zone District

In the D-GT zone district, where permitted with limitations, Surface Parking lots constructed after July 1, 1994, and not required to meet the requirements of this Subsection's requirements shall be permitted according to Section 12.4.2, Zoning Permit Review with Informational Notice, and shall only be approved provided that the following limitations are met:

A. Such parking lot shall serve a specific, identified business or residential facility that is a permitted use then permitted and operating in the D-GT district.

B. Any parking lot that is not located on the same zone lot as the use it serves, and that provides amounts of parking beyond those required to meet the minimum parking requirements for such use according to this Article 11 and Division 10.4, Parking and Loading:

1. Shall have some portion of such parking lot located within 200 feet of the zone lot containing the use it serves; and

2. Shall not offer parking to the public in return for a fee; and

3. Shall include signage stating that parking is available only for the specific, identified business or residential facility that it serves and that public parking is not permitted.

#### 11.4.8.4 CMP-H and CMP-EI Zone Districts

In the Campus Hospital CMP-H and CMP-EI zone districts, where permitted with limitations:

A. Surface parking of vehicles is permitted only to serve a use permitted in the district.

B. Commercial Surface Parking lots are prohibited.

## *Eating and Drinking Establishments Use Category*

## SECTION 11.4.9 EATING AND DRINKING ESTABLISHMENTS, ALL TYPES

#### 11.4.9.1 All MX-2x, -2A, -2; MS-2x, -2, -CMP-H2, CMP-EI2 Districts

In all MX-2x, -2A, -2; MS-2x, -2, CMP-H2, CMP-EI2 zone districts abutting a SU or TU zone district, where permitted with limitations:

A. Lighted signage for an Eating and Drinking Establishment shall be turned off during non-operating hours.

B. All outdoor lighting for an Eating and Drinking Establishment shall be provided with full cut-off fixtures.

#### 11.4.9.2 All MX-2x, MS-2x, CMP-H2, CMP-EI2 Zone Districts

In all MX-2x, MS-2x, CMP-H2, CMP-EI2 zone districts, where permitted with limitations, in addition to compliance with the use limitations in this Section 11.4.9, if the eating and drinking establishment is less than 100 feet from the boundary of any Protected District, all business activities open

to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m.

## *Office Use Category*

## SECTION 11.4.10 DENTAL/MEDICAL OFFICE OR CLINIC

### 11.4.10.1 G-RO Zone District

In the G-RO zone district, where permitted with limitations, Dental/Medical Office or Clinic use is permitted provided, however, that such use that expands to create a gross floor area exceeding 10,000 square feet shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. Any such use that contains a gross floor area in excess of 10,000 square feet and which was legally established on or before September 16, 1994, shall be considered a legal, conforming use and does not need to comply with Section 12.4.2, Zoning Permit Review with Informational Notice. This limitation shall not apply to rehabilitation centers for handicapped persons.

### 11.4.10.2 All Zone Districts

In all zone districts, where permitted with limitations:

A. In all zone districts, except the RO, RX, MX-2x, MS-2x, and I-B zone districts, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use.

B. In the RO, RX, MX-2x, MS-2x and I-B zone districts, overnight patient or client stays are prohibited.

## *Retail Sales, Service and Repair Use Category*

## SECTION 11.4.11 RETAIL SALES, SERVICE AND REPAIR, ALL TYPES

### 11.4.11.1 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; and MS-2x, -2 zone districts, where permitted with limitations:

A. Lighted signage shall be turned off during non-operating hours.

B. All outdoor lighting shall be provided with full cut-off fixtures.

C. Retail Marijuana Stores and Medical Marijuana Centers are prohibited in these zone districts.

D. Zoning permit review is required according to Section 12.4.2, Zoning Permit Review with Informational Notice for Liquor Stores and Manufacturer Sales Rooms.

### 11.4.11.2 I-B Industrial Zone District

In the I-B Industrial zone district, where permitted with limitations

A. Retail Sales are permitted only as a Primary Use (and not an Accessory Use) and only if the Retail Sales use complies with at least one of the following limitations:

1. The commodity sold in the Retail Sales use is grown, manufactured, processed, or fabricated on the same Zone Lot; or

2. Where the commodity sold in the Retail Sales is not grown, manufactured, processed, or fabricated on the site, the Retail Sales use

a. Operates in addition to at least one other permitted Primary Use that is not a Retail Sales use and is located on the same Zone Lot as the Retail Sales use;

b. Is operated and maintained under the same ownership as at least one other permitted Primary Use located on the same Zone Lot; and

c. Is limited to a maximum of 20 percent of the gross floor area ("GFA") of total GFA of all other Primary Uses located on the same Zone Lot; or

3. The Retail Sales use or uses is a minimum of 20,000 square feet GFA in any single primary structure on a zone lot and complies with the following limitations:
    a. The primary structure(s) containing the proposed Retail Sales use shall be located a minimum of 500 feet from any Residential Zone District, and vehicle traffic generated by the proposed Retail Sales use shall not create adverse impacts on nearby residential access streets.
    b. The Retail Sales use shall comply with the following parking standard instead of the minimum parking required in the Use and Parking Table in Article 9:
        i. The use shall provide a minimum of 1 parking space for each 600 square feet of Gross Floor Area.
        ii. The Zoning Administrator may reduce the required parking to 1 space per 1,200 square feet upon finding that characteristics of the proposed Retail Sales use justify a reduction in the parking requirement.

B. Retail Repair Services are limited to the following:

1. Repair of any commodity manufactured, processed, fabricated, stored or sold in the I-B zone district;
2. Vehicle body shop;
3. Upholstery or top shop;
4. Paint shop;
5. Refrigeration and air conditioning service and repair; or
6. Disinfecting and pest control service.

## SECTION 11.4.12 ANIMAL SERVICES AND SALES, HOUSEHOLD PETS ONLY

### 11.4.12.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. All sales and services shall be for household pets only. Wild or dangerous animal services and sales are prohibited.

B. Overnight boarding is permitted within a completely enclosed building; however, animal services or sales uses over 20,000 square feet in gross floor area that use a majority of their gross floor area for retail sales, shall have no more than 15 percent of their gross floor area devoted to overnight boarding.

C. The use must be completely enclosed except that outdoor animal runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are permitted subject to compliance with the following conditions:

1. Outdoor runs, including the addition, expansion, or relocation of an existing outdoor run, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.
2. Outdoor runs shall not be permitted within 20 feet of a habitable residential structure on a zone lot in a SU, TU, TH, or RH zone district.
3. The outdoor run may operate only between the hours of 6:30 a.m. and 9:00 p.m.
4. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.

D. The facilities shall be constructed, maintained and operated so that neither the sound nor smell of any animals boarded or kept on the premises during the time that full enclosure is required can be discerned on other zone lots provided, however, that existing facilities may continue to be maintained and operated as previously permitted.

## SECTION 11.4.13 ANIMAL SERVICES AND SALES, ALL OTHERS

### 11.4.13.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX, and M-GMX zone districts, where permitted with limitations:

A. Wild or dangerous animal boarding and breeding services are prohibited.

B. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.

C. Overnight accommodations are allowed.

D. Where located abutting a Residential Zone District, a minimum 50 foot wide landscaped buffer shall be provided, as approved by the Zoning Administrator. Such buffer is intended to substantially mitigate potential adverse effects from the animal service use, including but not limited to noise and odor.

## SECTION 11.4.14 FOOD SALES OR MARKET

### 11.4.14.1 All MX, MS and RX Zone Districts

In all MX, MS and RX zone districts, where permitted with limitations:

A. Accessory outdoor salesand displays, including outdoor sales of fruits or vegetables, shall occupy no greater than ¼ the gross floor area of the structure containing the Food Sales or Market primary use.

B. Outdoor storage is prohibited, unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

## SECTION 11.4.15 PAWN SHOP

### 11.4.15.1 All Zone Districts

In all zone districts where permitted with limitations:

A. No Pawn Shop establishment shall be established, operated, or maintained within 1,000 feet of another Pawn Shop establishment.

B. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

## SECTION 11.4.16 RETAIL SALES, SERVICES AND REPAIR, OUTDOOR

### 11.4.16.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, except the CMP-NWC-F zone district, where permitted with limitations:, Outdoor Retail Sales only are permitted, and Outdoor Retail Repair or Service uses are prohibited.

### 11.4.16.2 Industrial Zone Districts, CMP-NWC-F Zone District

In the Industrial Zone Districts and the CMP-NWC-F Zone District, where permitted with limitations:

A. All Outdoor Retail Repair and Service uses located within 500 feet of a Residential Zone District or Mixed Use Commercial Zone District shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

B. In the CMP-NWC-F zone district, all Outdoor Retail Repair and Service uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11 , Measurement of Separation or Distance.

## *Vehicle / Equipment Sales, Rentals, Service and Repair Use Category*

## SECTION 11.4.17 AUTOMOBILE EMISSIONS INSPECTION FACILITY

### 11.4.17.1 All MX-2A, -2; MS-2; Downtown Neighborhood Context Zone Districts

In all MX-2A, -2; MS-2; and Downtown Neighborhood Context zone districts, where permitted with limitations, all Automobile Emissions Inspection Facility uses shall be totally enclosed with no outdoor displays, sales, or storage.

## SECTION 11.4.18 AUTOMOBILE SERVICES, LIGHT OR HEAVY

### 11.4.18.1 All RX Zone Districts

In all RX zone districts, where permitted with limitations,

A. All Automobile Services uses, including the sale of automotive fuel and associated fuel pumps, shall be completely enclosed.

### 11.4.18.2 All MX-2A, -2; MS-2 Zone Districts

In all MX-2, -2A; MS-2 zone districts, where permitted with limitations, automobile wash, laundry, detail or polishing shops (a specific type of Automobile Services, Light use) are prohibited.

### 11.4.18.3 All C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

In all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts, where permitted with limitations, the following limitations shall apply and control in case of any conflict with the more general limitations in Section 11.4.1.9.4:

**A. Intent**

Improve the pedestrian experience in important mixed-use districts through Street Level active uses. While Automobile Services uses provide a desirable neighborhood service, such uses do not invite the high-intensity customer, visitor, and resident interactions throughout the day and night that substantially contribute to the activation, economic vitality, and safety of vibrant mixed-use neighborhoods. Street Level area set aside in buildings for non-Automobile Services uses according to this limitation is intended to be adequately configured and dimensioned to support the feasible use of such space for Street Level active uses

**B. Limitations**

1. Permitted Automobile Services uses are limited to routine maintenance and minor repair of automobiles, which may include greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other similar minor repair and servicing activities.

2. All Automobile Services uses shall be operated in a completely enclosed structure with no outdoor displays, sales, or storage.

*See also* C-CCN zone district use limitations related to Street Level Household Living uses in Section 11.2.5, C-CCN zone district supplemental design standards in Section 7.3.5.1 related to permitted Street Level active uses in structures or buildings containing parking spaces, Street Level active use requirements for the D-AS-12+ and D-AS-20+ zone districts in Section 8.8.5.1, and Street Level active use and Street Level active non-residential use requirements for the D-CPV-T, D-CPV-R, and D-CPV-C zone districts in Sections 8.9.5.1 and 8.9.5.2.

3. Accessory fuel sales, including the sale of compressed natural gas or liquefied petroleum, are prohibited, except accessory electric charging of vehicles shall be permitted.

4. Accessory trailer rental is prohibited.

5. Washing, cleaning, and/or waxing of automobiles by hand or with manually or automatically operated equipment is permitted only as accessory to the primary Automobile Services use, and shall be located in the same building as the primary Automobile Services use.

6. In the C-CCN zone districts, when located in a building that abuts one or more named or numbered public streets, Automobile Services uses may be located:

   a. On any story above or below the Street Level, and/or

   b. On the Street Level, but only if 100% of the building's street frontage(s) is occupied by one or more primary uses other than the Automobile Services use. Internal pedestrian-only access to the Automobile Services use from the primary street side(s) of the building is permitted (e.g., a pedestrian lobby or waiting area), and such area may be credited toward compliance with the 100% Street Level use frontage requirement.

### 11.4.18.4 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor public address or loudspeaker systems are prohibited.

B. Rental or sale of motor vehicles is prohibited, unless otherwise permitted as a primary use in the subject zone district.

C. Fuel pumps and permitted accessory trailer storage need not be enclosed, except in a RX zone district.

D. All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.

E. Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks or public park strips.

F. The use shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles; outdoor lighting shall be arranged so it neither unreasonably disturbs occupants of adjacent residential properties nor interferes with traffic.

G. All outdoor lighting shall be provided with full cut-off fixtures. The use shall extinguish all outdoor lighting that is not fully shielded at close of business or 11:00 p.m., whichever is earlier.

H. Trailer rentals are permitted as an accessory use subject to the following limitations:

   1. One trailer is permitted on the zone lot for each 4,000 square feet of land area in the zone lot, not, however, exceeding 5 trailers at any one time; and

   2. Each trailer shall not exceed 8 feet in height, length and width.

I. A single bay car wash containing either manual or automatic equipment is permitted as an accessory use subject to compliance with the accessory use standards in Division 11.7, Accessory Use Limitations, and in Division 11.10, Uses Accessory to Nonresidential Uses - Limitations.

J. An automobile services use may include the sale of compressed natural gas, liquefied petroleum, or other types of fuel for vehicles as regulated by the Denver Fire Code. Any above-ground fuel tanks shall be located a minimum of 1,000 feet from a protected use, as "protected use" is defined by the Denver Fire Code.

### 11.4.18.5 CMP-NWC-F Zone District

In the CMP-NWC-F zone district, where permitted with limitations, all Automobile Services uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

## SECTION 11.4.19 AUTOMOBILE SERVICES, LIGHT

### 11.4.19.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Automobile wash, laundry, detail or polishing shops are permitted as a type of Automobile Service, Light, use, subject to compliance with the following standards:

1. An automobile wash, laundry, detail or polishing shop shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards stated in the applicable zone district.

2. The structure housing the primary use shall be setback a minimum 8 feet from any abutting Residential Zone District.

3. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District.

4. If the zone lot containing the use abuts a SU or TU zone district, the hours of operation shall be limited to the time period between 7:00 a.m. and 10:00 p.m.

5. The use shall provide, in addition to any other required off-street parking, sufficient hard-surfaced and dust-free space on the same zone lot to accommodate at least 3 vehicles waiting to be washed for each washing stall.

## SECTION 11.4.20 AUTOMOBILE SERVICES, HEAVY

### 11.4.20.1 All Zone Districts

In all zone districts, where permitted with limitations, review is required according to Section 12.4.9, Zoning Permit with Special Exception Review, for facilities that involve an environmental hazard as determined by the Denver Fire Code, including but not limited to the following:

A. Vehicle body shop,

B. Upholstery or top shop, and

C. Paint shop.

### 11.4.20.2 All CC, MS; I-MX, I-A; M-IMX Zone Districts

In all CC, MS**;** I-MX, I-A; and M-IMX zone districts, where permitted with limitations:

A. The zone lot for all automobile services, heavy, uses shall be enclosed with a solid fence or wall except for the following excluded areas:

1. The Primary Street frontage of the zone lot directly in front of the Primary Street facing building wall or a Primary Street facing entrance of the primary structure, and in no

case shall such fence or wall be required along more than 40 percent of the length of the Primary Street frontage of the zone lot described in this Section 11.4.21.2;

2. The Primary Street frontage of the zone lot directly in front of an automobile retail display area; or

3. Any portion of a zone lot line containing a building wall.

B. Such fence or wall shall be constructed to a height adequate to conceal any vehicles, equipment, or parts located on the zone lot; provided, the height and location of such wall or fence shall not interfere with clear sight at the intersection with a right-of-way and complies with the Denver Building and Fire Code.

C. Permitted fence or wall materials shall consist of wood, brick, masonry or other similar durable materials as approved by the Zoning Administrator

D. Prohibited fence or wall materials include salvaged doors and corrugated or sheet metal.

## SECTION 11.4.21 AUTOMOBILE / MOTORCYCLE, LIGHT TRUCK SALES, RENTAL AND/OR LEASING; PAWN LOT OR VEHICLE AUCTIONEER

### 11.4.21.1 All Downtown Neighborhood Context Zone Districts and All C-CCN Zone Districts

In all Downtown Neighborhood Context zone districts and in all C-CCN zone districts, where permitted with limitations:

A. The use shall be operated in a Completely Enclosed Structure with no outdoor displays, sales, or storage.

B. Automobile pawn lots are prohibited.

### 11.4.21.2 All RX and MS Zone Districts

In all RX and MS zone districts, where permitted by limitations, all Automobile / Motorcycle, Light Truck Sales, Rental and/or Leasing uses and all Pawn Lot or Vehicle Auctioneer uses shall be operated in a Completely Enclosed Structure, with no outdoor displays, sales, or storage.

### 11.4.21.3 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor public address or loudspeaker systems are prohibited.

B. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and provision of services to the extent of installing the foregoing items, making minor mechanical adjustment, washing and polishing vehicles.

C. The facility shall not include Heavy Automobile Service uses, either as an accessory or primary use, unless otherwise permitted as a primary use in the subject zone district.

D. Adjoining Residential Zone Districts shall be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by the establishment of landscaped buffers or an opaque fence or wall at least 5 feet high, by the location of landscaped employee or public parking areas, or by other means to achieve the same protection purpose.

E. Vehicles being displayed, serviced or stored shall not be parked on streets, alleys, public sidewalks or public park strips.

F. As permitted, vehicles displayed outside a Completely Enclosed Structure may have individual signs and, when provided, such signs shall be located only inside such vehicles.

G. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.

## SECTION 11.4.22 HEAVY VEHICLE / EQUIPMENT SALES, RENTALS, AND SERVICES

### 11.4.22.1 All I-MX, I-A; M-IMX Zone Districts

In all I-MX, I-A; and M-IMX, zone districts, where permitted with limitations:

A. Heavy Vehicle / Equipment Sales, Rentals and Services uses shall be located 500 feet or more from the nearest boundary of any Residential Zone District existing at the time of application for the use.

B. This 500 foot spacing requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

### 11.4.22.2 I-B Zone District

In the I-B zone district, aircraft maintenance and repair shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that the proposed use, its siting, design, traffic generation, and other external effects indicate a reduced or eliminated separation will have no significant adverse impact on the nearby Residential Zone District.

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# DIVISION 11.5 INDUSTRIAL, MANUFACTURING AND WHOLESALE PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses within the Industrial, Manufacturing and Whole Primary Use Classification across multiple zone districts and neighborhood contexts.

## *Communications and Information Use Category*

## SECTION 11.5.1 COMMUNICATION SERVICES

### 11.5.1.1 All RX, CC, MX, MS Zone Districts

In all RX, CC, MX, MS zone districts, where permitted with limitations, where the permitted maximum building height in the zone district is 3 stories or less, a transmitter shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

### 11.5.1.2 All Downtown Neighborhood Context Zone Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations, this use is limited to radio and television broadcasting, including transmitter.

## SECTION 11.5.2 TELECOMMUNICATIONS TOWERS; TELECOMMUNICATIONS TOWER - ALTERNATIVE STRUCTURE; TELECOMMUNICATION FACILITIES - ALL OTHERS

### 11.5.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

**A. Intent**

The intent of this Section 11.5.2 is to establish regulations for telecommunications facilities to achieve the following goals:

1. To protect residential areas and lands by minimizing adverse impacts of towers;
2. To encourage the location of towers in nonresidential zone districts;
3. To minimize the total number of towers in the community;
4. To encourage the joint use of new and existing tower locations;
5. To ensure that towers are located in areas that minimize adverse impacts;
6. To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
7. To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
8. To consider public health and safety of telecommunications facilities;
9. To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
10. To encourage the attachment of antennas to existing structures; and
11. To facilitate the provision of telecommunications services throughout the city.

**B. Applicability and Exceptions**

These regulations shall apply to all towers and antennas as defined, except:

1. Any tower, or antenna, not more than 70 feet in height, owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive only facility.

2. High tension electric transmission or distribution line support towers used as mounts for antennas not more than 12 feet in height above the highest point of the said tower shall be permitted in all zone districts and are exempt from the separation requirements contained in this section. However, the requirements in Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities, shall apply.

**3. Telecommunications Tower - Alternative Structure Exception**

Telecommunications Tower - Alternative Structures not more than 50 feet in height shall be permitted in all zone districts subject to:

a. Section 11.5.2.1.A, Intent;

b. Section 11.5.2.1.C.7, Design Review;

c. The setback requirements for like structures in the zone district; and

d. Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities.

e. If such a Telecommunications Tower - Alternative Structure is in, or, as measured from the base of the tower to the nearest part of the zone district, within 200 feet of a Residential Zone District, MX-2x, -2A, -2; or MS-2x, -2 zone district, the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice, shall apply.

4. The provisions of this Section 11.5.2.1 shall be of no force and effect in the Open Space Context zone districts.

5. The provisions of this section 11.5.2.1 shall be of no force and effect for Emergency Telecommunications Services use.

**C. General Requirements**

**1. Not Utilities**

Towers, antennas and telecommunications support facilities shall be regulated and permitted pursuant to this Section and shall not be considered utilities.

**2. Permitted Uses**

Towers, antennas and telecommunication support facilities shall be considered permitted uses and the existence of another structure or use on the same zone lot shall not preclude the installation of towers, antennas and telecommunication support facilities.

**3. Towers in Nonresidential Zone Districts**

Towers are permitted in nonresidential zone districts and shall:

a. Comply with the regulations contained herein and the zone district regulations for permitted structures in the zone district in which it is located. The dimensions of the entire zone lot shall apply and not the dimensions of the leased parcel; and

b. Have a diameter of not more than 48 inches measured at the base of the tower.

**4. Antennas Not Attached to a Tower**

Antennas not attached to a tower and their associated telecommunications support facilities may be located in any zone district on:

a. Any nonresidential structure; or

b. A multi-unit dwelling structure containing 8 or more dwelling units that is at least 35 feet in height; or

c. A residential structure other than as provided in 4.b. above, provided any antenna is camouflaged or obscured so as to resemble architectural or natural features commonly associated with the site and district where located.

**5. Telecommunications Support Facilities**

Telecommunications support facilities shall comply with Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities.

**6. Abandonment**

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or towers shall remove the same and the accompanying telecommunications support facilities within 90 days of the issue date of the notice to remove the tower or antenna.

**7. Design Review**

a. Antennas, towers, and Telecommunications Tower - Alternative Structures, their associated antennas and arrays and telecommunications support facilities shall be subject to design review and approval. Applicants may submit their designs for pre-approval subject to the same procedures outlined herein.

b. Designs for antennas, towers, Telecommunications Tower - Alternative Structures, their associated antennas and arrays and telecommunications support facilities shall be submitted to the Zoning Administrator for design review.

c. Upon submission of a complete application for design review, the Zoning Administrator shall establish a schedule for processing the application. Design review shall be completed within 30 days of the date designated in the schedule, except that the review period may be extended by an amount of time equal to any delay caused by the applicant or agreed to by the applicant.

d. In reviewing the design of towers, the goals and requirements set forth in this Section 11.5.2.1 shall be considered. Within 7 days after completion of the design review, the Zoning Administrator shall approve, approve with conditions or deny the application.

e. A reasonable design review fee shall be assessed at the time of submittal.

**8. Screening and Landscaping**

If a tower is within 200 feet of a Residential Zone District or Mixed Use Commercial Zone District, the installation shall provide screening and landscaping in accordance with the following:

a. Unless the Zoning Administrator finds that alternative screening is appropriate to the character of the zone district and/or landscaping, including existing vegetation, topography or structures, screening shall be provided in one of the following two ways:

   i. Solid view-obscuring landscaping not less than 6 feet in height and landscaped in accordance with the landscaping requirement of Section 11.5.2.1.C.8.b, Screening and Landscaping; or

   ii. A finished masonry wall of similar material and/or finish to the primary structures on the site or adjacent properties, in which case landscaping shall not be required.

b. Except as provided in Section 11.5.2.1.C.8.a. above, landscaping shall be provided in accordance with the following requirements:

   i. The area around the tower shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base from property used for residences. The standard buffer shall consist of a landscaped strip at least 5 feet wide outside the perimeter of the fence described in Section

11.5.2.1.C.8.a.ii, Screening and Landscaping, and shall be composed of at least 50 percent coniferous or broadleaf evergreens that will reach at least 5 feet in height at maturity, and shall provide for and maintain minimal landscaping on the remainder of the zone lot.

ii. In locations where the visual impact of the tower would be minimal, or where landscaping would not reduce or alleviate the visual impact of the tower, the landscaping requirement may be reduced or waived.

iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer.

**D. Specific Requirements -- All Towers, Antennas and Telecommunications Support Facilities**

The following standards shall apply to all towers, antennas, and telecommunications support facilities, excluding Telecommunications Tower - Alternative Structuresnot more than 50 feet in height:

1. The design of towers, antennas, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures;

2. Signs shall be limited to those signs required for cautionary or advisory purposes only;

3. The mass of antennas or an antenna on a tower shall not exceed 450 cubic feet per user, with no one dimension exceeding 14 feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array.

**E. Specific Requirements -- Towers**

The following standards shall apply to all towers, excluding Telecommunications Tower - Alternative Structures not more than 50 feet in height (see Section 11.5.2.1.B.3, Applicability).

**1. Setbacks**

The minimum zone district setback requirements shall apply to all towers.

**2. Height**

The height and bulk of the tower shall be controlled by the district regulations of the zone district in which the tower is located but in no case shall it exceed the following maximum heights, measured from the lowest grade within 10 feet of the base of the tower to the highest point of the tower or any antenna attached thereto:

a. Single users: Not more than 75 feet in height;

b. Two or more users: Not more than 90 feet in height.

**3. Color**

Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

**4. Lighting**

Towers shall not be artificially illuminated unless required by the FAA, other governmental regulation, or as specified in the next two sentences. Towers that are used as flagpoles may be lit at night if they are flying the national flag. Ground level security lighting not more than 20 feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties.

**5. Separation Requirements**

The following separation requirements shall apply to all towers:

a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. If the requested separation distance is greater than or equal to the distance in Table 1, the Zoning Administrator can proceed to process the application hereunder. If the requested separation distance is less than the separation distances provided in Table 1, but more than or equal to 100 feet, the provisions of Section 11.5.2.5, Separation Allowances, shall apply.

**TABLE 1. TOWER SEPARATION FROM CERTAIN USES AND ZONES.**

| Off-Site Use/Designated Area | Separation Distance |
|---|---|
| Single-unit or two-unit dwellings | 500' or 3 times the height whichever is greater |
| Vacant platted or unplatted residentially zoned land | 500' or 3 times the height whichever is greater |
| Existing multi-unit residential units | 500' or the height of tower whichever is greater |
| City park and open space uses | 1,000' |
| Nonresidentially zoned lands with nonresidential uses | None; only setbacks apply |

b. Separation distances between towers shall be maintained and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower, pursuant to a site development plan of the proposed tower. If the requested tower separation distance is greater than or equal to the distance in Table 2, the Zoning Administrator can proceed to process the application hereunder. If the requested tower separation is less than the separation distance as provided in Table 2, but more than or equal to 500 feet, the provisions of Section 11.5.2.5, Separation Allowances, shall apply.

**TABLE 2. MINIMUM SEPARATION BETWEEN TOWERS (IN FEET)**

| Existing Towers--Types | Lattice | Guyed | Monopole 75 feet in height or greater | Monopole not more than 75 feet in height |
|---|---|---|---|---|
| Lattice | 2,500' | 2,500' | 1,500' | 1,000' |
| Guyed | 2,500' | 2,500' | 1,500' | 1,000' |
| Monopole 75 feet in height or greater | 1,500' | 1,500' | 1,500' | 1,000' |
| Monopole not more than 75 feet in height | 1,000' | 1,000' | 1,000' | 1,000' |

## F. Specific Requirements - Antennas Installed On Structures Other than Towers

The following height and bulk plane standards shall apply to antennas installed on a structure other than a tower:

1. The height and bulk plane of the antenna shall be controlled by the district regulations of the zone district in which it is located, provided that antennas, together with any support structure built to hold, camouflage or conceal them, may extend up to 14 feet beyond the highest point of the building or structure to which they are attached.

## G. Specific Requirements - Telecommunications Support Facilities

1. Telecommunications support facilities may be located on the roof of a building.

2. If located on a building, telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

3. Telecommunications support facilities shall not contain more than 350 square feet of gross floor area per user or be more than 12 feet in height, measured from the roof upon which the facility is placed to the highest part of the facility, or if on the ground, measured according to Division 13.1, Rules of Measurement.

4. If the telecommunications support facilities are located at grade, they shall comply with all the same requirements as those for towers in Section 11.5.2.1.C.8, Specific Requirements - Towers - Screening and Landscaping.

### 11.5.2.2 Application for Towers and Antennas

Every applicant for a tower, but not Telecommunications Tower - Alternative Structures 50 feet or less in height according to Section 11.5.2.1.B.3, Applicability, shall provide the Zoning Administrator with:

A. The first application for a permit by a provider or an applicant for a provider shall include an inventory of all of that provider's existing towers, antennas, or sites approved for towers or antennas, that are either within the city or within 1,000 feet of the border thereof and the provider shall also comply with the inventory and tracking requirement of this section;

B. The identification of its backhaul providers, updated on at least an annual basis, and the method of providing backhaul, wired or wireless;

C. A vicinity map drawn to scale showing adjacent land uses that require separation and zoning within 1,000 feet; including those in adjacent municipalities;

D. Upon the request of the Zoning Administrator, the Chief Information Officer or a member of city council, or their designees, the telecommunications provider shall meet with the requesting official and provide them with information concerning the proposed system design, which information shall not be reduced to writing and shall be treated as a confidential trade secret;

E. A scaled set of plans containing the following information:

1. Location and legal description of the proposed site;

2. Type and height of the proposed tower

3. On-site land uses and zoning;

4. Adjacent roadways;

5. Proposed means of access;

6. Setbacks from property lines;

7. Architectural elevation drawings of the proposed tower and any other telecommunications support facilities;

8. Site topography;

9. Parking;

10. A landscape plan showing specific landscape materials;

11. The method of fencing, finished color and, if applicable, the method of camouflage and illumination.

F. An affidavit from the owner of the property acknowledging that the owner of the property is responsible for the removal of a tower, and the associated telecommunications support facilities, that are abandoned or unused for a period of 12 months.

G. Every applicant for an antenna shall provide the Zoning Administrator with the information required in Section 11.5.2.2.E, where applicable.

H. The Zoning Administrator may share information, except for the confidential proposed system design, with other applicants applying for administrative approvals or use exceptions under this section or other organizations seeking to locate towers/antennas in the city, except that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

### 11.5.2.3 Inventory and Tracking

The Zoning Administrator shall compile a list of towers and maintain and update the same from information furnished by all service providers. The Zoning Administrator shall issue a registration number to be affixed to and displayed on each tower. Reasonable fee as determined by the Zoning Administrator shall be assessed for an initial registration and annual inspections.

### 11.5.2.4 Collocation and Modifications

#### A. Modifications and Collocations that are not Physically Substantial

1. Any Telecommunications Tower Structure, Telecommunications Tower-Alternative Structure, Annennas Not Attached to a Tower, Telecommunications Facility, Telecommunications Facility-All Others or Base Station may be modified or reconstructed in a manner that does not substantially change the physical dimensions of such structure. A modification shall be determined to be a substantial change to the physical dimensions of the subject structure only if the modification or change meets any of the following criteria:
    a. It increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
    b. It involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
    c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
    d. It entails any excavation or placement outside the current site of the telecommunications facility;
    e. It would defeat the concealment elements of the eligible support structure; or
    f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is not in conformance only in a manner that would not exceed the thresholds identified in this Section 11.5.2.4.A.1.
2. Upon submission of a complete application for collocation or modification that does not substantially change the physical dimensions of the subject structure under Section 11.5.2.4.A.1, the Zoning Administrator shall approve or approve with conditions the application within 60 days. Conditions of approval may include compliance with previously imposed conditions of approval, generally applicable building, structural, electrical, and

safety codes or other laws, including this Code, codifying objective standards reasonably related to health and safety.

**B. Modifications and Collocations that are Physically Substantial**

1. Modifications not defined in Section 11.5.2.4.A shall be considered physically substantial. A tower may be substantially modified or reconstructed to accommodate the collocation of additional antennas under the following conditions:
   a. The tower shall be the same type as the existing tower, unless the tower is replaced by a monopole not more than 48 inches in diameter, provided, however that an existing alternative tower structure not over 50 feet in height may only be replaced by another alternative tower structure not over 50 feet in height;
   b. An existing tower, to accommodate the collocation of an additional antenna, may be substantially modified or rebuilt only once to a taller height, not to exceed 30 feet more than the tower's existing height, provided, however that this Section 11.5.2.4.B shall not apply to Telecommunications Tower - Alternative Structures not over 50 feet in height;
   c. The additional height referred to in this Section 11.5.2.4.B.1 shall not require an additional distance separation as set forth in Table 2 of Section 11.5.2.1.E.6.b, Separation Requirements. The tower's pre-modification height shall be used to calculate distance separations;
   d. The existing tower shall comply with the separations from certain uses and zones in Table 1 of Section 11.5.2.1.E.6.a, Separation Requirements;
   e. If a tower is replaced to accommodate a physically substantial collocation, only 1 tower may remain on the zone lot; and
   f. If a tower is relocated on-site in compliance with all setback requirements, and within a 25 feet radius of its existing location, under the terms and conditions of this section, it shall not be deemed a violation of the separation requirements of Section 11.5.2.1.E.6, Separation Requirements.
2. Antennas may be attached to an existing tower that is accessory to a police station, fire station or hospital, and said tower may be substantially modified to a height not to exceed 135 feet above grade. No part of any collocated antenna shall be more than 90 feet above grade.

**C. Substantial Modifications to Towers not in Conformance**

Antennas may be attached to an existing tower that is not in conformance with all the requirements of Section 11.5.2.1, [Limitations Applicable in] All zone districts, and said tower may be substantially modified, with the following limitations:

1. The tower is of the same type as the existing tower, unless the tower is replaced by a monopole tower not more than 48 inches in diameter or a tower that meets the definition of a Telecommunications Tower - Alternative Structure, and;
2. The tower with the attached additional antenna as substantially modified must meet the requirements of Section 11.5.2.1.D., Specific Requirements - All Towers, Antennas and Telecommunication Support Facilities, and Section 11.5.2.1.G, Specific Requirements - Telecommunication Support Facilities.

## 11.5.2.5 Alternative Procedure for Separation Allowances

**A. Applicability**

1. The following provisions shall govern applications where the requested separations are less than the minimum requirements in Tables 1 and 2 of Sections 11.5.2.1.E.6, Separa-

tion Requirements, but greater than or equal to 100 feet for Section 11.5.2.1.E.6.a. (Table 1) and greater than or equal to 500 feet for Section 11.5.2.1.E.6.b. (Table 2).

2. This Section 11.5.2.5 shall not apply to Telecommunications Tower - Alternative Structures not over 50 feet in height. See Section 11.5.2.1.B.3, Telecommunications Tower - Alternative Structure Exception, for applicable procedures.

3. This Section 11.5.2.5 shall not apply to towers and antennas where the requested separations are less than 100 feet from a City Park.

### B. Applicable Review Procedure

In addition to meeting the minimum requirements of Section 12.4.2, Zoning Permit Review with Informational Notice, applications for telecommunication towers and antennas subject to this Section 11.5.2.5 shall comply with the following submittal, notification and certification, public meeting, and review criteria standards. In case of any conflict with the informational notice provisions in Section 12.4.2, this Section's requirements shall apply.

### C. Submittal Requirements

In addition to the application requirements of Section 11.5.2.2, Applications for Towers and Antennas, and a reasonable review fee, the Zoning Administrator may require that the applicant submit for review the following information or items if applicable:

1. Legal description of the zone lot and leased parcel (if applicable);

2. The setback distance between the base of the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties;

3. The separation distance from other towers located within 1,000 feet of the base of the proposed tower shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known;

4. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;

5. A description of the suitability of the use of existing towers, other structures or locations to provide the services to be provided through the use of the proposed new tower;

6. Such other information as is deemed by the Zoning Administrator to be necessary to render a determination.

### D. Notification and Certification Requirements

#### 1. Written Notice Required

a. Using a notice form supplied by the Zoning Administrator, the applicant shall promptly notify all property owners within 500 feet of the proposed tower and registered neighborhood organizations whose boundaries contain or are within 200 feet of the proposed tower as required in D.R.M.C., Section 12-96.

b. Such notice shall indicate the boundaries of the property included in the application, shall explain the character and dimensions of the proposed telecommunication tower, the nature and applicable separation distances and shall give directions for submitting written comments. The said notice shall also include notice of a date not less than 30 days after the delivery of the notice which has been set by the Zoning Administrator for consideration of the application and any written comments related thereto and that a public meeting may be requested.

c. The applicant shall also file a statement with the Zoning Administrator stating how and on what date the applicant has so notified said adjoining property owners and

registered neighborhood organizations. The Zoning Administrator may solicit comments from appropriate city agencies.

**2. Posting Requirements**

a. In addition to the written notice required above, the applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator.

b. The posted notices shall contain the same information as the written notices and shall be in number, size and location as required by the Zoning Administrator. The property shall remain posted for 20 days.

c. Such posted notices shall be removed by the applicant within 45 days after their posting, failure to remove such notices in a timely manner shall constitute a violation of this Code.

d. If the tower is approved by the Zoning Administrator the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

**E. If No Public Meeting is Requested**

If no timely request for a public meeting in accordance with this Section 11.5.2.5 is received, the Zoning Administrator shall consider the written comments of all interested parties and the factors contained in this subsection.

**1. Findings Required**

The Zoning Administrator may approve or approve with conditions the application providing findings are made that the proposed telecommunication towers will:

a. Not substantially or permanently injure the appropriate use of adjacent property;

b. Maintain the separation distances between towers and certain uses contained in Table 1 of Section 11.5.2.1.E.6, Separation Requirements, of at least 100 feet and a distance of at least 500 feet from any other tower if the tower has a diameter or width of less the 48 inches;

c. Maintain a setback distance of 500 feet from a Residential Zone District or residential structure if the tower has a diameter or width of more than 48 inches; and

d. Meet all zone district regulations.

**2. Considerations**

The Zoning Administrator shall consider the following factors in determining whether the application meets the goals contained in Section 11.5.2.1.A, Intent.

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers or other structures.

**3. Conditions**

In approving with conditions, the Zoning Administrator may place such conditions on the approval as deemed necessary to advance the goals contained in Section 11.5.2.1.A, Intent. Such conditions may include but are not limited to:

a. Moving the location of the tower to a more appropriate site;

b. Requiring an appropriate alternative tower structure; or

c. Other actions that will disguise or otherwise lessen the impact of the tower.

**F. If a Public Meeting is Requested**

If a request for a public meeting is received from 3 property owners within 500 feet of the proposed tower or from a registered neighborhood association whose boundaries contain or are within 200 feet of the proposed tower, the Zoning Administrator shall refer the application to the Chief Information Officer to arrange for a public meeting to be held within 30 days from the date of request.

**1. Committee**

A committee composed of the Chief Information Officer, the Manager, and the chairman of the Planning Board, or their designees, shall hold the public meeting.

**2. Notification and Posting**

All persons submitting comments or requests for a public meeting and all registered neighborhood organizations whose boundaries contain or are within 200 feet of the location of the proposed tower shall be notified of the date, time and location of the public meeting. The applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator. Such sign shall describe the proposed construction and the date, time and location of the public meeting. The property shall be posted for 15 days prior to the meeting date. Such posted notices shall be removed by the applicant within 45 days after their posting; failure to remove such notices in a timely manner shall constitute a violation of this Code. If the tower is approved by the Zoning Administrator, the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

**3. Recommendation**

Within 15 days of the public meeting the committee shall make a recommendation to the Zoning Administrator to approve, approve with conditions or deny the application. In making its recommendation the committee shall consider the comments at the public meeting and the goals of Section 11.5.2.1.A, Intent, and the provisions of Section 11.5.2.5.E.1, Findings Required, Section 11.5.2.5.E.2., Considerations, and Section 11.5.2.5.E.3, Conditions.

**4. Zoning Administrator's Decision**

Within a reasonable time of receiving the recommendation of the committee, the Zoning Administrator shall make a decision according to Section 11.5.2.5.E, If No Public Meeting is Requested, above.

### 11.5.2.6 Telecommunications Towers In and Adjacent to Residential Zone Districts or within 500 Feet of Another Tower

Subject to Section 12.4.9, Zoning Permit with Special Exception Review, telecommunication towers that are either in or within 100 feet of Residential Zone District or within 500 feet of another tower, but not including Telecommunications Tower - Alternative Structures not more than 50 feet in height, may be permitted subject to compliance with the following standards:

A. The placement of towers and their associated telecommunications support facilities in Residential Zone Districts, within 100 feet of a Residential Zone District, or within 500 feet of another tower, shall be permitted only if the Board of Adjustment finds that the proposed tower is necessary and essential to providing the applicant's telecommunication service.

B. The Board of Adjustment may place such conditions on the use as will advance the goals contained in Section 11.5.2.1.A, Intent, including but not limited to:

1. Moving the location of the tower or antenna to a more appropriate available site;

2. Using a different technology that will lessen the impact of the tower or antenna;

3. Requiring an appropriate alternative tower structure; or

4. Other actions that will disguise or otherwise lessen the impact of the tower or antenna.

## *INDUSTRIAL SERVICES USE CATEGORY*

## SECTION 11.5.3 CONTRACTORS, SPECIAL TRADE, GENERAL

### 11.5.3.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

A. Trucks having a manufacturer's capacity of more than 2 tons shall not remain on the premises except as necessary to load and discharge contents.

B. Any unenclosed areas permitted shall be provided with:

1. A fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot;

2. Proper grading for drainage; and

3. Asphalt, oil or any other dust-free surfacing. These areas shall be maintained in good condition, free of weeds, dust, trash and debris.

### 11.5.3.2 All Downtown Neighborhood Context Zone Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations, this use shall be operated within a completely enclosed structure.

### 11.5.3.3 All Industrial Context Zone Districts, CMP-NWC-F District

In all Industrial Context zone districts and the CMP-NWC-F zone district, where permitted with limitations:

A. The use shall be located at least 500 feet from any Residential Zone District.

B. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

C. In the CMP-NWC-F zone district, all Contractors, Special Trade, General uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

## SECTION 11.5.4 CONTRACTOR, SPECIAL TRADE-HEAVY/CONTRACTOR YARD

### 11.5.4.1 I-MX, I-A, I-B, CMP-NWC-F, M-IMX and M-GMX Zone Districts

A. In the I-MX, I-A, I-B, CMP-NWC-F, M-IMX, and M-GMX Zone Districts, where permitted with limitations, a contractor, special trade/heavy use shall be located at least 500 feet from a Residential Zone District.

B. In the CMP-NWC-F zone district, all Contractor, Special Trade-Heavy/Contractor Yard uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

## SECTION 11.5.5 FOOD PREPARATION AND SALES, COMMERCIAL

**A. All Zone Districts**

In all zone districts, where permitted with limitations, a Food Preparation and Sales, Commercial use engaged in the production of marijuana-infused products shall be allowed to produce marijuana concentrate through the use of the following extraction processes, provided all of the marijuana concentrate produced shall be incorporated into food products made on site:

1. Water-based extraction;
2. Food-based extraction; or
3. Alcohol- or ethanol-based extraction, but only if the production of marijuana concentrate is done without the application of any heat from a fuel-fired or electrified source and uses no more than 16 ounces of alcohol or ethanol during each extraction process.

## SECTION 11.5.6 LABORATORY, RESEARCH, DEVELOPMENT, TECHNOLOGICAL SERVICE

**A. All Zone Districts**

In all zone districts, where permitted with limitations, a Laboratory, Research, Development, Technological Service use may include sales facilities limited to non-retail sales and sales activities, which shall occupy no more than 20 percent of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.

## SECTION 11.5.7 SERVICE/REPAIR, COMMERCIAL

### 11.5.7.1 All CC, MX, MS Zone Districts

In all CC, MX, MS zone districts, except in the M-IMX zone districts, where permitted with limitations, Commercial Service/Repair uses are limited to building maintenance service uses only. All other Commercial Service/Repair uses are prohibited.

### 11.5.7.2 All Downtown Context Zone Districts

In all Downtown Context zone districts, where permitted with limitations, Service/Repair, Commercial uses are limited to: diaper service, linen supply, laundry, metal sharpening, and mirror silvering.

### 11.5.7.3 All I-A, I-B; CMP-NWC-F; M-IMX Zone Districts

In all I-A, I-B, CMP-NWC-F and M-IMX zone districts, where permitted with limitations:

A. Commercial Service/Repair uses are limited only to the following specific types:

1. Repair, rental and servicing of any commodity that is manufactured, processed, fabricated, stored or sold in the zone, and which may involve an environmental hazard as determined by the Denver Fire Code , including but not limited to the following:
   a. Vehicle body shop,
   b. Upholstery or top shop,
   c. Paint shop,
   d. Refrigeration and air conditioning service and repair,
   e. Disinfecting and pest control service.
2. Autoclave;
3. Laundry, dry cleaning, commercial, industrial.

B. In the CMP-NWC-F zone district, all Service/Repair, Commercial uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. All Commercial Service/Repair uses shall be located at least 500 feet from any Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

## *Manufacturing and Production Use Category*

## SECTION 11.5.8 MANUFACTURING, FABRICATION, AND ASSEMBLY - CUSTOM

### 11.5.8.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. On-site manufacturing of malted barley is prohibited.

B. Unenclosed outdoor storage is prohibited.

C. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided in all zone districts, except in the I-A zone district, such areas shall comply with the limitations stated in Section 11.10.12, for Outdoor Eating and Serving Areas Accessory to Eating/Drinking Establishment Use.

### 11.5.8.2 All RX and All MX -2x, -2A, -2; MS -2x, -2 Districts

In all RX, and MX-2x, -2A, -2, and MS-2x, -2 zone districts abutting a SU or TU zone district, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. Lighted signage shall be turned off during non-operating hours; and

B. All outdoor lighting shall be provided with full cut-off fixtures.

### 11.5.8.3 All RX and MX -2x, MS -2x Zone Districts

In all RX, MX-2x, and MS-2x zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

A. If the use is less than 100 feet from the boundary of any Protected District, all business activities open to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m

## SECTION 11.5.9 MANUFACTURING, FABRICATION, AND ASSEMBLY - GENERAL

### 11.5.9.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - General uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that the proposed use, its siting, design, traffic generation, and other external effects indicate a

reduced or eliminated separation will have no significant adverse impact on the nearby Residential Zone District.

### 11.5.9.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

1. A Manufacturing, Fabrication and Assembly - General use on a zone lot greater than 60,000 square feet or operating between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
2. A Manufacturing, Fabrication and Assembly - General use proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
3. A Manufacturing, Fabrication, and Assembly - General use involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following additional limitations:
   a. On-site manufacturing of malted barley is prohibited.
   b. Unenclosed outdoor storage is prohibited.
   c. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided such areas shall comply with the limitations stated in Section 11.10.12 for Outdoor Eating and Serving Areas Accessory to Eating/Drinking Establishment Use.

### 11.5.9.3 CMP-NWC-F Zone District

In CMP-NWC-F, where permitted with limitations, all Manufacturing, Fabrication and Assembly-General uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

## SECTION 11.5.10 MANUFACTURING, FABRICATION, AND ASSEMBLY - HEAVY

### 11.5.10.1 All Zone Districts

A. In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Heavy uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that the proposed use, its siting, design, traffic generation, and other external effects indicate a reduced or eliminated separation will have no significant adverse impact on the nearby Residential Zone District.

B. Special Exception review is required for the manufacturing, fabrication, and assembly of:
   1. (SIC 3631) Household cooking equipment;
   2. (SIC 3632) Household refrigerators and freezers;
   3. (SIC 3633) Household laundry equipment; or
   4. (SIC 3639 Household appliances.

C. Petroleum refining is prohibited except for the following activities, which are permitted only in the I-B zone district:
   1. (SIC 295) Asphalt paving and roofing materials; or
   2. (SIC 299) Miscellaneous products of petroleum and coal.

D. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses to a Manufacturing, Fabrication, and Assembly - Heavy use involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors.

## *Mining & Extraction and Energy Production Systems Use Category)*

## SECTION 11.5.11 OIL, GAS, PRODUCTION, DRILLING

### 11.5.11.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX and M-GMX zone districts, where permitted with limitations, oil gas, production, drilling uses are limited to geophysical services only. As part of the Site Development Plan review process, the Zoning Administrator shall determine the separation between the proposed use and any adjacent Residential Zone District based on the external effects of the proposed use.

### 11.5.11.2 O-1 and DIA Zone Districts

In the O-1 and DIA zone districts, where permitted with limitations:

A. All site plan applications for oil and gas uses shall be reviewed according to Section 12.4.3, Site Development Plan Review, with the addition of a representative from the building inspection division of Community Planning and Development, designated by the Manager, and a representative from the Department of Aviation, designated by the Manager of Aviation.

B. As part of the Site Development Plan Review, the Manager may recommend conditions on the approval of any oil and gas permit application to ensure the following public health, safety, and welfare objectives:

1. There shall be adequate financial assurances to insure the city against any claims which may arise due to the applicant's operation under any and all permits issued by the city;

2. The applicant shall provide appropriate protection of the natural environment and adjacent land uses; and

3. The applicant shall assure avoidance of any adverse impact on other permitted uses in the subject zone district.

## SECTION 11.5.12 SAND OR GRAVEL QUARRY

### 11.5.12.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX and M-GMX zone districts, where permitted with limitations, a sand or gravel quarry use shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

## SECTION 11.5.13 WIND ENERGY CONVERSION SYSTEM ("WECS")

### 11.5.13.1 All Zone Districts

In all zone districts, where permitted with limitations:

**A. Zone Lots Containing or Adjacent to Single-Unit or Two-Unit Dwelling Uses or Row House Building Forms**

Establishment of a wind conversion energy system use on a zone lot, or adjacent to a zone lot, that contains a single unit dwelling use or two-unit dwelling use, or that contains a Row House Building Form, is permitted according to Section 12.4.9, Zoning Permit with Special Exception

Review. The Board of Adjustment may approve such use only upon findings that the proposed wind energy conversion system complies with the following standards:

1. The applicant is the owner of the property and has submitted a site plan of the property that shows the location of the proposed system;

2. The proposed system, including guy wires, will not encroach into any setback space and will be no closer than 10 feet to any property line; provided, however, that for any zone lot not containing a single unit or two-unit dwelling use, or a Row House Building Form, the 10 foot setback only applies to zone lot lines abutting such residential zone lots; other setbacks shall be as per the applicable zone district and building form regulations.

3. The proposed system will extend no further than 30 feet above the highest point of existing buildings on the zone lot, unless the zone lot does not have a single unit or two unit dwelling use or Row House building form, in which case the proposed system will extend no further than 35 feet above the highest point of existing buildings on the zone lot, or 60 feet above the ground, whichever is higher;

4. All power transmission lines shall be located underground or inside a structure and that the proposed system, will consist of a tubular pole tower if the proposed system is to be a horizontal axis system;

5. Climbing access to the structure shall be limited by means of a fence 6 feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: "WARNING: Wind Energy Electrical Generating System";

6. Any system with a capacity in excess of 100 kilowatts shall not be installed in a Residential Zone District and shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference;

7. The proposed system will not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency; and

8. The proposed system will not substantially or permanently injure the appropriate use of adjacent conforming property.

**B. All Other Zone Lots - Systems Not Subject to Special Exception Review**

A wind energy conversion system may operate on any zone lot that is not adjacent to and does not have a single-unit dwelling or two-unit dwelling use. A wind energy conversion system may be permitted according to Section 12.4.2, Zoning Permit Review with Informational Notice, and subject to compliance with the following conditions:

1. The applicant is the owner of the property and has submitted a site plan of the property which shows the location of the proposed system.

2. The proposed system, including guy wires and blades, shall not encroach into any setback space, and in no event shall be within 10 feet of the front zone lot line.

3. The proposed system, including blades, shall extend no further than 35 feet above the highest point of existing buildings on the zone lot or any building within 100 feet of the zone lot or 60 feet above the ground, whichever is higher, provided, however that in no event may the system extend more than 75 feet above the building on which it is mounted.

4. All power transmission lines shall be located underground or inside a structure.

5. Climbing access to the structure shall be limited by means of a fence six feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: "WARNING Wind Energy Electrical Generating System".

6. Any system with a capacity in excess of 100 kilowatts shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.

7. The proposed system shall not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency.

8. The proposed system shall not substantially or permanently injure the appropriate use of adjacent conforming property.

## *Transportation Facilities Use Category*

## SECTION 11.5.14 HELIPAD, HELISTOP, HELIPORT

### 11.5.14.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, the use shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.

### 11.5.14.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

A. The use shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.

B. The Helipad or Helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses; except that helipads or helistops in the CMP-H and CMP-H2 zone districts and in the D-GT zone district located south of 8th Avenue shall not be subject to this 1,000 feet distance requirement.

C. Helipads or helistops in the CMP-H and CMP-H2 districts and in the D-GT zone district located south of 8th Avenue shall be subject to Zoning Permit with Special Exception Review.

### 11.5.14.3 I-A, I-B Zone Districts

In the I-A, I-B zone districts, where permitted with limitations, the Helipad or Helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses.

## SECTION 11.5.15 RAILROAD FACILITIES

### 11.5.15.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. A railway facility proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

B. All mass transit railroad facilities located within 200 feet of a conforming residential structure shall be reviewed according to Section 12.4.3, Site Development Plan Review.

### 11.5.15.2 All Downtown Zone districts

In all Downtown zone districts where permitted with limitations, all mass transit railroad facilities located within 200 feet of a conforming residential structure shall comply with review procedures according to Section 12.4.3, Site Development Plan Review.

## SECTION 11.5.16 TERMINAL, STATION OR SERVICE FACILITY FOR PASSENGER TRANSIT SYSTEM

### 11.5.16.1 All Residential Zone Districts

In all Residential zone district, where permitted with limitations, the use shall be limited to a stop or station for the mass passenger transit system only; and parking provided for the use of passengers or employees of the passenger transit provider.

## SECTION 11.5.17 TERMINAL FREIGHT, AIR COURIER SERVICE

### 11.5.17.1 I-MX, I-A, I-B, M-IMX, M-GMX and All Downtown Zone Districts

In the I-MX, I-A, I-B, M-IMX, M-GMX and all Downtown Zone Districts, where permitted with limitations:

A. Any terminal proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than 15 percent gross floor area or gross site area.

B. The 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion greater than 15 percent gross floor area or gross site area of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

## *Waste Related Services*

## SECTION 11.5.18 AUTOMOBILE PARTS RECYCLING BUSINESS

### 11.5.18.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

A. The use shall be located no less than 500 feet from a Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

B. The use shall comply with the screening and enclosure requirements of Section 9.1.4.7, Required Screening and Enclosure.

C. Vehicle parts and bodies shall be arranged and/or stacked in an orderly manner. Outdoor aisles shall be graveled or covered with a dust-free surface material, and the site along with abutting street right-of-way areas shall be kept free of weeds and litter. The dismantling area shall not be visible from the street or from abutting residential or business zoned properties. Outdoor storage areas shall be enclosed by a solid wall or fence, except where such business adjoins a similar use along a side or rear lot line. Provision shall be made to control, contain and collect for proper disposal oil, antifreeze and other liquids generated by the dismantling or storage of motor vehicles or parts. Disposal of CFC's (chlorofluorocarbons) from vehicle air conditioners shall be done in accordance with chapter 4 of the Revised Municipal Code and applicable rules and regulations.

## SECTION 11.5.19 JUNKYARD

### 11.5.19.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

**A. Separation**
The use shall be a minimum of 1,000 feet from any Residential Zone District, Mixed Use Commercial Zone District, or Downtown Neighborhood Context zone district.

**B. Screening**
The use shall comply with the screening and enclosure requirements of Section 9.1.4.7, Required Screening and Enclosure. The height of such fence or wall shall screen the view from an abutting Primary Street of the stored material and shall not exceed a height of 10 feet. Existing solid walls or fences consisting of prohibited materials shall be replaced with approved materials no later than June 15, 1993.

## SECTION 11.5.20 RECYCLING CENTER

### 11.5.20.1 I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts

In the I-MX, I-A, I-B, M-IMX and M-GMX Zone Districts, where permitted with limitations:

**A. Separation**
The recycling center facility shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

**B. Screening**
The use shall comply with the screening and enclosure requirements of Section 9.1.4.7, Required Screening and Enclosure Standards.

## SECTION 11.5.21 RECYCLING PLANT, SCRAP PROCESSOR

### 11.5.21.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations:

**A. Separation**
The recycling plant shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

**B. Screening**
The use shall comply with the screening and enclosure requirements of Section 9.1.4.7, Required Screening and Enclosure Standards.

## *Wholesale, Storage, Warehouse and Distribution Use Category*

## SECTION 11.5.22 AUTOMOBILE TOWING SERVICE STORAGE YARD

### 11.5.22.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, an automobile towing service storage yard plant shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

## SECTION 11.5.23 MINI-STORAGE FACILITY

### 11.5.23.1 All MX, MS, and Downtown Zone Districts

In all MX, MS, and Downtown zone districts, where permitted with limitations, a Mini-Storage Facility use shall not have individual entrances to storage units from the exterior of the structure.

### 11.5.23.2 All MX, MS, CC, and Downtown Zone Districts

In all MX, MS, CC, and Downtown zone districts, where the Zone Lot is located within 1/4 mile of a Rail Transit Station Platform, a Mini-Storage Facility shall be prohibited.

### 11.5.23.3 All I-A and I-B Zone Districts

In all I-A and I-B zone districts, where the Zone Lot is located within 1/4 mile of a Rail Transit Station Platform, and where permitted with limitations, a Mini-Storage Facility use shall not have individual entrances to storage units from the exterior of the structure.

## SECTION 11.5.24 VEHICLE STORAGE, COMMERCIAL

### 11.5.24.1 All Downtown Neighborhood Context Districts

In all Downtown Neighborhood Context zone districts, where permitted with limitations:

A. Vehicle Storage is limited to enclosed garage storage for commercial and public utility vehicles only.

B. Commercial storage of automobiles and light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

### 11.5.24.2 I-A, I-B and CMP-NWC-F Zone Districts

In I-A , I-B and CMP-NWC-F zone districts, where permitted with limitations:

A. The Vehicle Storage use shall be located at least 500 feet from a Residential Zone District.

B. In CMP-NWC-F, all Vehicle Storage, Commercial uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

C. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

### 11.5.24.3 All CC Zone Districts

In all CC zone districts, where permitted with limitations, Vehicle Storage, Commercial shall be limited to the assembling or standing of operable vehicles having a capacity of not more than one and one-half tons.

## SECTION 11.5.25 WHOLESALE TRADE OR STORAGE, GENERAL

### 11.5.25.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, all Wholesale Trade or Storage, General uses shall be located a minimum of 500 feet from a Residential Zone District.

## SECTION 11.5.26 WHOLESALE TRADE OR STORAGE, LIGHT

### 11.5.26.1 All CC, MX, MS, CMP, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

In all CC, MX, MS, CMP, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts, where permitted with limitations:

A. A Wholesale Trade or Storage, Light use proposed on a zone lot greater than 25,000 square feet or is proposed to operate between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

B. A Wholesale Trade or Storage, Light use proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard, or within 300 feet of any boundary with any portion of Adams County other than the Rocky Mountain Arsenal, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, in order to permit review and comment by adjacent jurisdictions.

C. In CMP-NWC-F, all Wholesale Trade or Storage, Light uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

# DIVISION 11.6 AGRICULTURAL PRIMARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations and standards applicable to permitted primary, accessory, or temporary uses. This Division contains limitations and standards applicable to specific uses within the Agricultural Primary Use Classification across multiple zone districts and neighborhood contexts.

## SECTION 11.6.1 AQUACULTURE

In all zone districts, where permitted with limitations, the outdoor storage of waste material from fish processing is prohibited.

## SECTION 11.6.2 GARDEN, URBAN

### 11.6.2.1 All Zone Districts

In all zone districts, where permitted with limitations, bee keeping is permitted as accessory to the Urban Garden use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.

## SECTION 11.6.3 HUSBANDRY, ANIMAL

### 11.6.3.1 I-MX, I-A, I-B Zone Districts

In the I-MX, I-A, I-B zone districts, where permitted with limitations, a Husbandry, Animal use shall be located at least 500 feet from a Residential Zone District.

### 11.6.3.2 OS-B Zone Districts

In the OS-B zone district, where permitted with limitations, a Husbandry, Animal use is limited to the raising and/or grazing of livestock animals and any confinements for such animals, provided such use is located at least 500 feet from a Residential Zone District.

## SECTION 11.6.4 HUSBANDRY, PLANT

### 11.6.4.1 All Zone Districts

In all zone districts, where permitted with limitations, growing of marijuana is permitted only as a "husbandry, plant" use, and shall occur only within a completely enclosed structure.

### 11.6.4.2 I-A Zone District

In the I-A zone district, where permitted with limitations, when not operated inside a completely enclosed structure, the Plant Husbandry use shall be located at least 500 feet from a Residential Zone District.

## SECTION 11.6.5 PLANT NURSERY

### 11.6.5.1 In All Zone Districts

In all zone districts, where permitted with limitations:

A. The outdoor storage of waste material from accessory fish processing (Aquaculture) is prohibited.

B. Bee keeping is permitted as accessory to a Plant Nursery use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.When not operated inside a completely enclosed structure, the Plant Nursery use shall be located at least 500 feet from a Residential Zone District.

### 11.6.5.2 I-MX Zone Districts

In the I-MX zone district, where permitted with limitations, a Plant Nursery use shall be operated within a completely enclosed structure.

### 11.6.5.3 I-A, I-B, OS-B, O-1, M-IMX, M-GMX and DIA Zone Districts

In the I-A, I-B, OS-B, O-1, M-IMX, M-GMX and DIA zone districts, where permitted with limitations, an unenclosed Plant Nursery use shall be located at least 500 feet from a Residential Zone District.

# DIVISION 11.7 ACCESSORY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains general standards applicable to all accessory uses across multiple zone districts and neighborhood contexts.

## SECTION 11.7.1 GENERAL PROVISIONS APPLICABLE TO ALL ACCESSORY USES

### 11.7.1.1 General Allowance for Accessory Uses

A. Accessory uses shall be clearly incidental, subordinate, customary to, and commonly associated with operation of a primary use. Accessory uses may be incidental to a primary use permitted without limitations, or to a permitted primary use with limitations.

1. For an unclosed primary use, such as a recreational playing field or other similar open space, the primary use is the unenclosed use of the land. Any structures common and customary to the unenclosed primary use (such as structures containing restrooms, equipment storage, concession stands, etc.) shall be deemed "accessory structures" and shall comply with the applicable accessory building form standards.

B. The Use and Parking Tables in Articles 3 through 9 list specific accessory uses permitted in each zone district; applicable limitations may further restrict the type or operations of an accessory use.

### 11.7.1.2 Limitations Applicable to All Accessory Uses

**A. General Limitations**

All accessory uses, except accessory dwelling unit uses and Short-term Rental accessory uses, shall comply with all of the following general limitations. Accessory dwelling units, where permitted, shall comply with the specific limitations stated in Section 11.8.2, Accessory Dwelling Units, instead of these general limitations. Short-term Rental accessory uses, where permitted, shall comply with the specific limitations stated in 11.8.10, Short-term Rental, instead of these general limitations.

1. Such use shall be clearly incidental and customary to and commonly associated with the operation of the primary use.

2. Such accessory use shall be operated and maintained under the same ownership and on the same zone lot as the primary use; provided, however, that in all Mixed Use Commercial Zone Districts, lessees or concessionaires may operate the accessory use; and provided further that in nonresidential structures owned and operated by a place for religious assembly in a Residential Zone District, non-profit lessees or concessionaires may operate the accessory use.

3. Such use shall not include residential occupancy in a detached accessory structure offered for rent or for other commercial gain. Residential occupancy in a detached accessory structure is permitted by members of a household occupying the primary structure, or domestic employees and the immediate families of such employees.

4. The area of specific accessory uses shall be calculated as follows:

**a.** **Pool tables.** The area occupied shall be calculated by adding 3 feet to each dimension of such pool table to include the area of play.

**b.** **Pinball, video games and other similar Amusement Devices**. The area occupied shall be calculated by adding three feet to the area directly in front of the device.

**c. Dance floors.** The area shall be the sum total of all of the areas of the dance floor and any stage or area used for the playing or performance of recorded or live music.

**B. Limitations in the Primary Structure**

**1. Applicability**

This Section 11.7.1.2.B's limitations on accessory uses in the primary structure shall apply to all accessory uses. A limitation in this Section 11.7.1.2.B shall not apply when it conflicts with a limitation specific to an accessory use found in Divisions 11.8, Uses Accessory To Primary Residential Uses - Limitations,11.9, Home Occupations Accessory to a Primary Residential Use - All zone districts, or 11.10, Uses Accessory to Primary Nonresidential Uses - Limitations.

**2. Limitations on Size of Accessory Use in the Primary Structure**

If an accessory use is operated partially or entirely within the structure containing the primary use, the gross floor area within such structure utilized by the accessory use (except loading docks, and dining rooms for the exclusive use of occupants or persons employed in the structure) shall not be greater than:

a. In a Residential Zone District, 20 percent of the gross floor area, but not to exceed 300 square feet, of a single unit dwelling use, two-unit dwelling use, or multi-unit dwelling use in a structure containing 8 or less dwelling units.

b. In a Residential Zone District, 10 percent of the gross floor area occupied by a primary use other than a single unit dwelling use, two-unit dwelling use, or a multi-unit dwelling use in a structure containing 8 or less dwelling units.

c. In a Mixed Use Commercial Zone District or Industrial Context zone district, 20 percent of the gross floor area of the structure containing the primary use.

When more than one accessory use is associated with a single primary use, the above limitations shall apply to the cumulative total gross floor area of all the accessory uses in the same primary structure.

## 11.7.1.3 Prohibited Accessory Uses in Residential Zone Districts

A. In a Residential Zone District, the sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer is prohibited.

B. The accessory parking/storage of vehicles, trailers, commercial vehicles, and RVs are governed by Division 10.9, Parking, Keeping and Storage of Vehicles.

C. The growing of marijuana is prohibited as accessory to a primary nonresidential use established in a Residential Zone District.

# DIVISION 11.8 USES ACCESSORY TO PRIMARY RESIDENTIAL USES - LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses accessory to primary residential uses across multiple zone districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.7 above, the following specific accessory uses shall comply with this Division's use-specific standards.

## SECTION 11.8.1 [RESERVED]

## SECTION 11.8.2 ACCESSORY DWELLING UNIT ("ADUS")

### 11.8.2.1 All Zone Districts

In all zone districts where permitted with limitations:

**A. Accessory to Primary Single Unit Dwelling Uses Only**

1. An Accessory Dwelling Unit is permitted as accessory only to a primary Single Unit Dwelling use according to the following requirements, except that an Accessory Dwelling Unit use is not permitted as accessory to a Single Unit Dwelling use in a Tandem House building form.

2. In case of conflict between the requirements for Accessory Dwelling Units stated in this Section 11.8.2.1 and the general conditions stated in Division 11.7, Accessory Use Limitations, the requirements in this subsection shall apply.

**B. General Building Requirements**

1. Mobile homes, recreational vehicles, and travel trailers shall not be used as Accessory Dwelling Units.

2. Accessory Dwelling Units established in a detached accessory structure shall comply with the Detached Accessory Dwelling Unit Building form standards in the applicable zone district.

**C. Structural and Location Requirements**

All Accessory Dwelling Unit uses shall meet the following requirements:

1. The primary Single Unit Dwelling use shall not be altered in any way so as to appear from a public street to be a multiple-unit dwelling use.

2. The structure housing an Accessory Dwelling Unit shall not be served by a driveway separate from that serving the primary Single Unit Dwelling except to utilize a new access from an alley.

3. The Accessory Dwelling Unit may be accessed by a separate outside stairway located in conformance with all building and zoning requirements, except outside access stairways shall not be located on the front facade of the building housing the primary Single Unit Dwelling use.

4. Roof and exterior wall materials and finishes for a detached structure housing the Accessory Dwelling Unit use shall be comparable in composition and appearance to that of the primary single unit dwelling structure on the zone lot.

5. Wherever feasible, water and sewer shall be supplied to both the primary Single Unit Dwelling use and the Accessory Dwelling Unit use through single taps, and electric and/or gas utilities shall be supplied through a single meter.

6. A dwelling unit containing an Accessory Dwelling Unit use may be established with either a Partial Kitchen or Full Kitchen, but only 1 kitchen per Accessory Dwelling Unit is allowed. A Partial Kitchen in an Accessory Dwelling Unit may be permitted to change to a Full Kitchen.

**D. Special Allowance for ADUs on Existing Carriage Lots**

Accessory Dwelling Unit uses may be established on a carriage lot, even in the absence of a primary Single Unit Dwelling use on such carriage lot, provided the Accessory Dwelling Unit use complies with the standards in this Section 11.8.2 and with all applicable standards in Section 12.10.4, Development on Carriage Lots.

### 11.8.2.2 All SU Zone Districts

In all SU zone districts, where permitted with limitations:

1. The Accessory Dwelling Unit use shall be operated and maintained under the same ownership as the primary Single Unit Dwelling use.

2. No more than one Accessory Dwelling Unit shall be established on the same zone lot as the primary Single Unit Dwelling use.

3. Accessory Dwelling Units shall not be sold apart from the primary dwelling unit.

4. The owner of the zone lot on which an Accessory Dwelling Unit use is maintained shall occupy either the primary dwelling unit or the ADU as the owner's legal and permanent residence. For purposes of this provision, "the owner's legal and permanent residence" shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

5. An Accessory Dwelling Unit use, whether detached or attached, shall not exceed a maximum size as stated in the following table, unless otherwise specifically permitted by this Code.

| ZONE LOT OR CARRIAGE LOT SIZE | MAXIMUM FLOOR AREA OF ACCESSORY DWELLING UNIT USE |
|---|---|
| 6,000 $ft^2$ or less | 650 $ft^2$ |
| Greater than 6,000 $ft^2$ and up to 7,000 $ft^2$ | 864 $ft^2$ |
| Greater than 7,000 $ft^2$ | 1,000 $ft^2$ |

6. In order to avoid overcrowding of the accessory dwelling unit, the Accessory Dwelling Unit use shall contain a minimum of 200 square feet of gross floor area per occupant.

## SECTION 11.8.3 DOMESTIC EMPLOYEES

In all zone districts, where permitted with limitations, housing of one or more domestic employee(s) is permitted as accessory to all primary residential household living uses.

## SECTION 11.8.4 GARDEN

### 11.8.4.1 All Zone Districts

In all zone districts, where permitted with limitations, the growing of marijuana shall comply with the following:

A. No more than 6 plants may be grown for each registry identification card holder or for each adult 21 years or older residing in a dwelling unit, not to exceed 12 plants per dwelling unit.

B. Growing and/or storage of marijuana shall occur within a completely enclosed structure.

C. Growing and/or storage of marijuana shall not occur in a common area associated with the dwelling unit.

D. Growing shall be for personal use only by persons residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of marijuana and any off-site distribution of such plants or derived products are prohibited.

### 11.8.4.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, retail or wholesale sales of goods or products derived from a Garden accessory to a primary residential use are prohibited in a Residential Zone District unless permitted as a Fresh Produce and Cottage Foods Sales Home Occupation.

## SECTION 11.8.5 KEEPING OF HOUSEHOLD ANIMALS

### 11.8.5.1 All Zone Districts

In all zone districts, where permitted with limitations:

**A. Animals Permitted Without a Zoning Permit**

The keeping of domestic or household animals is permitted as accessory to a primary dwelling unit use, subject to compliance with the following standards regarding number and kinds of animals:

| KIND OF ANIMAL PERMITTED | PERMITTED NUMBER OF ANIMALS ALLOWED / STANDARDS |
|---|---|
| Dogs | 3 maximum |
| Cats | 5 maximum |
| Combination of dogs and cats | No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total. |
| Rabbits | 2 maximum |
| Pigeons or doves | 25 maximum |
| Horses | No more than 1 horse for each 1/2 acre of zone lot area |
| Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals | No numerical limit, however, the raising or breeding of these animals for resale is prohibited. |
| Fish | No numerical limit, however, the raising or breeding of these animals for resale is prohibited. |
| Small reptiles and amphibians. The types of these animals is regulated by chapter 8 of the Revised Municipal Code | No numerical limit, however, the raising or breeding of these animals for resale is prohibited. |
| Domestic Honey Bees | • 2 hives per zone lot;<br>• Hives must be in rear 1/3 of zone lot with a 5 foot setback from side and rear zone lot lines;<br>• Hives must be screened so that the bees must surmount a 6 foot barrier, which may be vegetative, before leaving the property;<br>• No outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive. |
| Chickens and Ducks | • No more than 8 chickens and ducks combined per zone lot.<br>• No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.<br>• On any residential zone lot, the animals shall be maintained in the rear 50% of the Zone Lot Depth.<br>• Slaughtering of the animals as part of keeping such animals is prohibited. |
| Dwarf Goats | • No more than 2 Dwarf Goats, except any number of their offspring younger than 6 months , may be kept per zone lot.<br>• No structure used to house the animals may be closer than 15' to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.<br>• On any residential Zone Lot, the goats shall be maintained in the rear 50% of the Zone Lot Depth.<br>• Slaughtering of the animals as part of keeping such animals is prohibited. |

**B. Animals Permitted With a Zoning Permit**

The Zoning Administrator may allow the accessory keeping of animals of a type or number other than permitted in Section 11.8.5.1.A above, upon finding that the use complies with Section 11.7.1, General Provisions Applicable to All Accessory Uses, and subject to the following limitations:

1. Section 12.4.2, Zoning Permit Review with Informational Notice, is required.
2. The Zoning Administrator may not approve the keeping of animals otherwise prohibited by federal, state, or other city law.
3. The animal shall be kept solely as a pet; a hobby; for educational, research, rehabilitation or propagation purposes; or for the production of food products for personal consumption by the resident.
4. Slaughtering of the animals as part of keeping such animals is prohibited.
5. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot.

### 11.8.5.2 Related Animal-Keeping Provisions

Related provisions governing the keeping of animals are found in D.R.M.C., Chapter 8 (Animals).

## SECTION 11.8.6 KENNEL OR EXERCISE RUN

### 11.8.6.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor kennels and exercise runs shall not exceed 200 square feet in area;

B. The use shall be located not less than 20 feet from any habitable building on an adjacent zone lot;

C. The use shall be located in the rear one-half of the zone lot;

D. The use shall be visually screened from adjacent residential property by a solid fence or wall; and

E. The number of animals permitted on-site shall comply with the limit on the number and kinds of animals stated in Section 11.8.5, Keeping of Household Animals, of this Code.

## SECTION 11.8.7 LIMITED COMMERCIAL SALES, SERVICE ACCESSORY TO MULTI-UNIT DWELLING USE

### 11.8.7.1 All Zone Districts

In all zone districts, where permitted with limitations:

**A. Specific Accessory Uses Permitted**

One or more of the following Commercial Sales or Service uses may be operated as accessory to a primary Multi-Unit Dwelling use in a single structure containing 50,000 square feet or more gross floor area, provided a zoning permit is obtained according to Section 12.4.1, Zoning Permit Review, before the establishment of such accessory use or activity:

1. Banking and Financial Services.
2. Retail Sales, Repair, Service uses, provided such use contains no greater than 10,000 square feet of gross floor area.

3. Eating and Drinking Establishments, completely enclosed, provided no live entertainment or accessory Amusement Devices are permitted; and

4. Office, but not including Dental/Medical Office and/or Clinic.

**B. Applicable Limitations**

The specific accessory uses listed above may be permitted, provided such uses:

1. Are provided principally for the convenience of the owner or owners of the zone lot and the tenants thereof;

2. Do not have outdoor signs of any type;

3. Do not have separate outside entrances to the accessory use facing any street;

4. Are not evident from any street; and

5. Are incidental to the primary use.

## SECTION 11.8.8 OUTDOOR STORAGE, RESIDENTIAL

### 11.8.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances) shall not be allowed.

B. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.

C. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.

D. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

## SECTION 11.8.9 SECOND FULL KITCHEN ACCESSORY TO SINGLE UNIT DWELLING USE

### 11.8.9.1 Intent

The allowance for a second Full Kitchen accessory to a single-unit dwelling use is intended to accommodate additional indoor cooking and food preparation areas to supplement a home's primary kitchen.

### 11.8.9.2 All Zone Districts

In all zone districts, where permitted with limitations:

A. A second Full Kitchen in a primary single unit dwelling, not otherwise permitted as part of a permitted attached Accessory Dwelling Unit use, is permitted as an accessory use provided a zoning permit is procured according to Section 12.4.1, Zoning Permit Review, prior to establishment of the accessory kitchen and subject to compliance with the following limitations:

1. The applicant is the owner of the subject structure and uses the structure as his/her primary residence;

2. The second Full Kitchen shall be used only by the residents or domestic servants; and

3. The applicant complies with all provisions of the Denver Building and Fire Code in the construction of the kitchen.

B. An approved zoning permit for a second Full Kitchen shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the Zoning Administrator and the conditions set forth above. Such agreement shall be recorded with the Denver City Clerk and Recorder.

C. The permit for an approved exception shall automatically expire at such time as the applicant no longer resides at the subject property.

## SECTION 11.8.10 SHORT-TERM RENTAL

### 11.8.10.1 All Zone Districts

In all zone districts, where permitted with limitations, a Short-term Rental:

A. Shall be clearly incidental and customary to and commonly associated with the operation of the primary residential household living use.

B. Shall be operated by the person or persons maintaining the dwelling unit use as their primary residence. For purposes of this provision, "person or persons" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity. For purposes of this section 11.8.10, the term "primary residence" shall have the meaning prescribed thereto in D.R.M.C. Chapter 33.

C. Shall not include rentals where the length of stay per guest visit is 30 or more days.

D. Shall not be located in mobile homes, recreational vehicles, or travel trailers.

E. Shall not display or create any external evidence of the Short-term Rental, except one non-animated, non-illuminated flat wall or window sign having an area of not more than 100 square inches.

F. Shall not have any employees or regular assistants not residing in the primary or accessory dwelling unit located on the subject zone lot.

G. Shall not include simultaneous rental to more than one party under separate contracts.

H. Shall not be subject to a maximum number of guests per night.

### 11.8.10.2 Related Provisions

Related provisions governing licensing requirements for a Short-term Rental are found in D.R.M.C. Chapter 33.

## SECTION 11.8.11 YARD AND/OR GARAGE SALES

### 11.8.11.1 All Zone Districts

In all zone districts, where permitted with limitations, yard and/or garage sales:

A. Shall not exceed 72 hours of total duration;

B. Shall not have more than one such sale in the period from January 1st to June 30th and no more than one such sale in the period from July 1st to December 31st;

C. Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale; and

D. All external evidence of the sale shall be removed immediately upon the conclusion of the sale.

# DIVISION 11.9 HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES - ALL ZONE DISTRICTS

## SECTION 11.9.1 INTENT

11.9.1.1 Home Occupations are a type of accessory use that accommodates limited business activities conducted incidental to a primary residential use. This Division's allowance for Home Occupations is intended to achieve multiple city goals and objectives, including reducing the number of home-to-work vehicle trips with related improvements in air quality; facilitating small business ventures that contribute to the city's overall economic health; and accommodating demand for certain business services convenient to where prospective clients or customers live. The standards and review procedures applicable to Home Occupations are generally intended to minimize the impact such uses may have on the character and enjoyment of the surrounding residential neighborhood, while furthering the goals and objectives stated herein.

11.9.1.2 The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to Home Occupation uses accessory to primary residential uses across multiple zone districts and neighborhood contexts.

## SECTION 11.9.2 LIMITATIONS APPLICABLE TO ALL HOME OCCUPATIONS - ALL ZONE DISTRICTS

In addition to any use-specific limitations in this Division 11.9, all Home Occupations in all zone districts shall comply with the following general limitations. In case of any conflict between the general limitations in this Section and a more specific use limitation, the more specific use limitation shall apply to the Home Occupation.

### 11.9.2.1 Residential Use

A Home Occupation legally operated in a dwelling unit according to this Section shall be considered, in combination with the primary dwelling unit use, a residential use for all purposes of this Code.

### 11.9.2.2 Location

A. All Home Occupations shall operate in a completely enclosed structure, except that:

   1. A child care home (small or large) may include outdoor play and/or seating areas.

   2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed.

B. Home Occupations may operate in the primary dwelling unit structure, or in a detached accessory structure, allowed under this Code.

### 11.9.2.3 Personal to Applicant

A. Only the person or persons maintaining the dwelling unit as their primary place of residence shall operate the Home Occupation. For purposes of this provision only, "person" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

B. A zoning permit for an approved Home Occupation shall automatically expire at such time as the applicant no longer resides at the subject property.

### 11.9.2.4 External Evidence and Signage

A. If operated inside the primary dwelling unit structure, the Home Occupation shall not have a separate external entrance serving the Home Occupation.

B. The Home Occupation shall not display or create outside the building any external evidence of the operation of the Home Occupation, except for the following:

1. A child care home (small or large) may include outdoor play and/or seating areas.

2. For Fresh Produce and Cottage Foods Sales, retail sales may operate unenclosed and utilize temporary, portable furniture such as tables, chairs, and umbrellas during permitted operating hours only.

3. One non-animated, non-illuminated flat wall or window sign having an area of not more than 100 square inches is permitted for each street frontage of the subject zone lot.

### 11.9.2.5 Size

One or more Home Occupation(s), whether located within a primary dwelling unit or a detached accessory structure, shall not in the aggregate utilize more than 20 percent of the gross floor area of the dwelling unit primary use, but in no case shall exceed 300 square feet. However, this limitation shall not apply to Foster Family Care, Adult Care Home, Child Care Home, Small or Large, Craft Work, or Artist Studio, or to portions of a Home Occupation permitted to operate unenclosed.

### 11.9.2.6 Other Limitations

A. The Home Occupation shall not have any employees or regular assistants not residing in the primary or accessory dwelling unit located on the subject zone lot, unless specifically permitted or required by the terms of a state or city license necessary to operate the permitted Home Occupation.

B. The use of hand tools is permitted without limitation.

C. The use of mechanical equipment is limited to the use of electric motors for power, with a total limitation of not greater than 3 horsepower.

D. Other than as part of a permitted Fresh Produce Cottage Foods Sales use or permitted Online Retail Sales use, no Home Occupation may include on-premise Retail Sales.

## SECTION 11.9.3 CHILD CARE HOME – LARGE

Large Child Care Home, where permitted with limitations, is permitted as a Home Occupation subject to compliance with the following limitations:

11.9.3.1 The applicant shall be the owner or the applicant has written permission of the owner of the subject property.

11.9.3.2 The proposed Large Child Care Home is the applicant's primary place of residence.

11.9.3.3 The applicant has obtained or will obtain upon granting of the zoning permit all licenses and certifications required by the state and the city.

11.9.3.4 The proposed Large Child Care Home complies with the building and fire codes and all regulations established by the City.

11.9.3.5 No other Large Child Care Home is located within 400 feet of the proposed Large Child Care Home.

11.9.3.6 The proposed Large Child Care Home complies with all the requirements of the zone district in which it is located, excepting for any legally nonconforming structure.

11.9.3.7 The applicant shall implement and maintain an ongoing traffic management program that ensures that the operation of the proposed Home Occupation will not create traffic or parking problems in the neighborhood as a result of either the additional traffic introduced or the drop-off and pick-up of children, and that off-street parking shall be provided for each member of the staff on duty unless it is clearly proven that such off-street parking provisions should be modified by the Zoning Administrator.

11.9.3.8 The Zoning Administrator may fix such reasonable terms and conditions to the granting of a zoning permit found necessary to mitigate adverse impacts on adjacent properties. In addition, each zoning permit approved for a Large Child Care Home shall include the following conditions and requirements:

A. The proposed home shall provide full-time supervision of the children in the home during hours of operation; and

B. The proposed home shall comply with the limitations on external effects as established for primary uses in the district in which it is located.

## SECTION 11.9.4 ALL OTHER TYPES

In all zone districts, where permitted with limitations, the following types of Home Occupations are permitted subject to compliance with the use-specific limitations listed below.

### 11.9.4.1 Adult Care Home

In zone districts where Home Occupations of Foster Family Care, rooming and/or boarding and adult care home are permitted, only one such Home Occupation will be permitted in any single-unit dwelling or dwelling unit.

### 11.9.4.2 Animal Care Services

Animal Care Services, including grooming, care, or boarding of domestic or household animals (but not including retail sales), are permitted as a Home Occupation provided the total number of animals in the dwelling unit is no greater than the maximum number of animals permitted as accessory uses in Section 11.8.5, Keeping of Household Animals, above.

### 11.9.4.3 Artist Studio

A. An Artist Studio is permitted as a Home Occupation only to create individual works of art and display them for viewing purposes only; Art Galleries are not permitted.

B. In all MU zone districts, the restoration of individual works of art is permitted as part of the Artist Studio Home Occupation, provided the use of hazardous or toxic materials within the dwelling unit shall be subject to review and approval by the Fire Department for compliance with the Denver Fire Code.

### 11.9.4.4 Beauty Shop or Salon

### 11.9.4.5 Child Care Home, Small

### 11.9.4.6 Clock and Watch Repair

### 11.9.4.7 Craft Work

### 11.9.4.8 Custom Dressmaking, Millinery, Tailoring, Sewing

### 11.9.4.9 Food Preparation

### 11.9.4.10 Foster Family Care

Foster Family Care is permitted as a Home Occupation subject to compliance with the following standards:

A. The dwelling unit in which the Foster Family Care is proposed is located in a Residential Zone District or Mixed Use Commercial Zone District.

B. In zone districts where Home Occupations of Foster Family Care, rooming and/or boarding, and adult care home are permitted, only one such Home Occupation will be permitted in any one dwelling unit.

C. The permit is necessary and desirable to provide a service or a facility that would contribute to the general wellbeing of the community.

### 11.9.4.11 Fresh Produce and Cottage Foods Sales

Fresh Produce and Cottage Foods Sales is permitted as a Home Occupation subject to compliance with the following standards:

A. Items for sale are limited to the products defined in Subsection 11.12.8.2.9 Fresh Produce and Cottage Food Sales;

B. Sales are permitted only from 8:00 a.m. until dusk daily; and

C. The home occupation permittee must have grown, cultivated, and/or prepared all items for sale.

D. Wholesale activities are prohibited.

### 11.9.4.12 Laundering and Pressing

### 11.9.4.13 Office, Non-Medical, Non-Dental

Office, not including Dental/Medical Office and/or Clinic, is permitted as a Home Occupation subject to compliance with the following standards:

A. No goods, wares or merchandise shall be commercially created, displayed, exchanged, stored or sold as part of the permitted Home Occupation use.

B. Professional and personal services provided shall be by appointment only. Walk-in appointments are prohibited.

### 11.9.4.14 Online Retail Sales

Online Retail Sales are permitted as a Home Occupation use subject to the following limitations:

A. On-premise Retail or Wholesale sales direct to consumers are prohibited

B. No goods may be sold that are otherwise illegal for retail sale or exchange in Colorado, or prohibited for retail sale or exchange under any other city, state or federal law.

C. Any requisite business license must be obtained and sales taxes must be paid as required by law, as applicable.

### 11.9.4.15 Professional Studio

A. Instructional or other services provided shall be by appointment only. Walk-in appointments are prohibited.

### 11.9.4.16 Rooming and/or Boarding

Rooming and/or Boarding is permitted as a Home Occupation subject to compliance with the following standards:

A. The dwelling unit shall contain not more than one kitchen.

B. Number of roomers/boarders permitted - see table below:

| PRIMARY RESIDENTIAL USE - ZONE DISTRICT | MAXIMUM NUMBER OF ROOMERS/BOARDERS PERMITTED AS HOME OCCUPATION |
|---|---|
| Single Unit Dwelling Use - All SU Zone Districts | 1 |
| Single Unit Dwelling Use - All Other Zone Districts | 2 |
| Two-Unit Dwelling Use - All Zone Districts | 2 |
| Multi-Unit Dwelling Use - All Zone Districts | 2 |

C. The number of roomers/boarders permitted under this subsection shall not affect the number of Domestic Employees permitted to reside in the same dwelling unit. See Section 11.8.3, Domestic Employees, for provisions allowing domestic employees as an accessory use to all primary residential use.

D. In zone districts where Home Occupations of Foster Family Care, rooming and/or boarding and adult care home are permitted, only one such Home Occupation will be permitted in any single-unit dwelling or dwelling unit.

#### 11.9.4.17 Tutoring Services

Tutoring services are permitted as a Home Occupation, provided no more than 4 students shall be tutored simultaneously.

## SECTION 11.9.5 UNLISTED HOME OCCUPATIONS

Generally, an accessory home occupation use not listed as specifically permitted in this Division 11.9 is prohibited. However, the Zoning Administrator may approve Home Occupation uses not specifically listed in this Division 11.9 according to the general provisions stated in Section 11.10.1, Unlisted Accessory Uses, except that all determinations shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. The Zoning Administrator shall not allow any of the following uses as Home Occupations:

11.9.5.1 Adult business uses.

11.9.5.2 Animal services and sales, except as specifically permitted in Section 11.9.4, Home Occupations - All Other Types.

11.9.5.3 Commercial parking.

11.9.5.4 Commercial warehousing or storage uses.

11.9.5.5 Industrial, manufacturing and wholesale uses, except as specifically permitted in Section 11.9.4, Home Occupations - All Other Types.

11.9.5.6 Retail or wholesale sales except for Fresh Produce and Cottage Foods Sales and Online Retail Sales home occupations as limited by Section 11.9.2.6.

11.9.5.7 Vehicle or equipment sales, rentals, and services, including repairs.

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# DIVISION 11.10 USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES - LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific uses accessory to primary nonresidential uses across multiple zone districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.7 above, the following specific accessory uses shall comply with this Division's general and specific standards.

## SECTION 11.10.1 UNLISTED ACCESSORY USES

### 11.10.1.1 All Zone Districts

A. The Zoning Administrator shall determine and impose limitations on accessory uses not otherwise listed as permitted in an applicable Use and Parking Table in Articles 3 through 9, or not otherwise covered by the standards in this Article 11.

B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory use is common and customary to a specific use by right, and if the use or structure is incidental to the specific use by right.

C. The Zoning Administrator may impose limitations on the proposed accessory use, which shall be uniform throughout the zone district, and taking into consideration the intensity of the accessory use, the numbers of accessory uses, the space required by the accessory use, and the effect on adjacent property.

D. Matters that may be regulated according to this Section 11.10.1 shall include, but shall not be limited to the types and intensity of repairs accessory to a use by right.

## SECTION 11.10.2 AMUSEMENT DEVICES ACCESSORY TO EATING/DRINKING ESTABLISHMENTS, COLLEGE/UNIVERSITY AND THEATER USES

### 11.10.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Notwithstanding more restrictive provisions of this Code, any establishment holding a beer and wine license, a hotel and restaurant license, or a club or tavern license, as issued by the State Department of Revenue, may maintain as an accessory use a number of Amusement Devices as follows:

1. 10 devices or that number which occupies no more than 10 percent of the gross floor area of the Eating and Drinking Establishment, whichever is more restrictive. This allowance excludes adult amusement or entertainment.

B. No Amusement Device serving as an accessory use to a primary use located within 1,000 feet of a school meeting the compulsory education laws of the state shall be operated by children under the age of 18 years old during the following described periods: between 8:00 a.m. and 4:00 p.m., Monday through Friday, from September 1 to June 15, excluding holiday vacations observed by such schools.

C. Amusement devices may be operated and maintained as a part of a primary Theater and/or Performance Space use under the following limitations:

1. Shall be operated within the same structure and under the same management as the theater;
2. Shall occupy a floor area not exceeding ten percent of the lobby area or shall contain no more than ten Amusement Devices, whichever is more restrictive;
3. Shall be used by theater customers who have purchased a ticket and shall not be made available to the general public; and
4. Shall be operated in compliance with all other applicable ordinances of the city.

D. Amusement devices may be maintained and operated as a part of a permitted College or University use, provided such devices are located in the student center, lounge or residential dormitories and do not occupy an area more than 10 percent of the ground level floor area of the structure.

## SECTION 11.10.3 AUTOMOBILE RENTAL SERVICES ACCESSORY TO CERTAIN RETAIL USES

### 11.10.3.1 S-CC-3x, -5x; E-CC-3x Zone Districts

In S-CC-3x, -5x; E-CC-3x zone districts, where permitted with limitations:

A. The automobile rental services shall be accessory to a primary Retail Sales, Service, & Repair, All Other use containing 20,000 or more square feet of Gross Floor Area, or to a primary Automobile/Motorcycle/Light Truck Sales, Rentals, Leasing use;

B. Storage of all rental automobiles shall be located on the same zone lot as the office for the automobile rental service;

C. Not more than 15 rental automobiles shall be stored at any one location;

D. Servicing and maintenance work on automobiles is permitted only as limited to Automobile Services, Light, uses permitted in the zone district;

E. The land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space; and

F. Truck rental is not permitted.

## SECTION 11.10.4 BOOK OR GIFT STORE; MEDIA RECORDING AND PRODUCTION FACILITIES ACCESSORY TO LIBRARY, MUSEUM, ASSEMBLY, AND COLLEGE/UNIVERSITY USE

### 11.10.4.1 All Residential Zone Districts

A. In a Residential zone district, where permitted with limitations, the following are permitted as accessory to a primary public Library, Museum, Place of Religious Assembly, or University or College use:

1. Book or gift store; and
2. Media recording and production facilities.

B. All such accessory uses shall not occupy more than 10 percent of the gross floor area occupied by the primary use or uses.

## SECTION 11.10.5 CAR WASH BAY ACCESSORY TO AUTOMOBILE SERVICES OR HOTEL USES

### 11.10.5.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. A car wash bay is permitted as accessory to an Automobile Services, Light or Heavy, use only. The car wash bay shall be limited in capacity to one vehicle and may be operated with either manual or automatic equipment;

B. An accessory car wash bay shall be sited on a zone lot and constructed, operated, and maintained in compliance with the standards stated in this subsection, and shall comply with the building form standards in the applicable zone district;

C. The car wash bay shall be set back a minimum 8 feet from any abutting residential use or Residential Zone District;

D. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District;

E. If the zone lot containing the car wash bay abuts a residential use or Residential Zone District, the hours of operation of the car wash bay shall be limited to the time period between 7:00 a.m. and 10:00 p.m.; and

F. Sufficient space on the same zone lot shall be provided to accommodate 3 vehicles waiting for the car wash bay, in addition to the required off-street parking for the primary use.

### 11.10.5.2 CMP-NWC-F Zone District

In the CMP-NWC-F zone district, where permitted with limitations, a Car Wash Bay Accessory to Automobile Services or Hotel must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line:

## SECTION 11.10.6 COLLEGE ACCESSORY TO A PLACE FOR RELIGIOUS ASSEMBLY

### 11.10.6.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. A College is permitted as accessory to a primary Religious Assembly use only;

B. The accessory College use shall not have an enrollment greater than 75 students;

C. The accessory College use shall provide no student or faculty housing;

D. The accessory College use shall not operate any activities before 8:00 a.m. or after 6:00 p.m.; and

E. The accessory College use shall provide off-street parking according to the parking requirements for university or college uses in the Urban Neighborhood Context (See Article 5).

## SECTION 11.10.7 CONFERENCE FACILITIES ACCESSORY TO HOTEL USE

### 11.10.7.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Conference facilities are permitted as accessory to a primary hotel use.

B. Notwithstanding the gross floor limitations for accessory uses, conference facilities not exceeding 20 percent of the gross floor area of the hotel are permitted in addition to the floor area occupied by all other accessory uses.

C. For purposes of this allowance for accessory conference facilities, "gross floor area" shall include net meeting space plus related service and pre-function space.

## SECTION 11.10.8 DRIVE-THROUGH FACILITY ACCESSORY TO EATING/ DRINKING ESTABLISHMENTS AND TO RETAIL SALES, SERVICE, AND REPAIR USES

### 11.10.8.1 All Zone Districts

In all zone districts, where permitted with limitations:

#### A. General Limitations

1. Drive-Through Facilities shall be permitted as accessory to a primary Eating and Drinking Establishment or to a primary Retail Sales, Service, or Repair use only.

2. Drive-Through Facilities accessory to a primary Eating and Drinking Establishment shall comply with all applicable use limitations for Eating and Drinking Establishments found in this Article 11. In case of conflict with the use standards stated in this Section specific to Drive-Through Facilities, the standards in this Section shall apply.

3. Accessory Drive-Through Facilities shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards allowed in the applicable zone district, and with these use-specific standards.

#### B. Site Design Standards

1. Any Drive-Through Facility visible from a public street or from a Residential Zone District shall provide an opaque screen along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in Section 10.5.4.3, Perimeter Surface Parking Lot Landscaping Standards.

2. All parts of any Drive-Through Facility shall be separate from parking circulation aisles.

3. Vehicle access to the site shall not unreasonably interfere with automobile or pedestrian traffic. Queuing lanes shall be adequate to prevent backups onto public streets.

4. This subsection's Drive-Through Facility standards apply only to drive through facilities that commence operations after June 1, 2006.

#### C. Drive-Through Facilities Adjacent to a Residential Zone District

Accessory Drive-Through Facilities on a zone lot adjacent to a Residential Zone District shall comply with the following additional standards:

1. There shall be no glare from permanent lighting or vehicle headlights projected onto an abutting Residential Zone District. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto adjacent residential uses shall not exceed 0.3 footcandles.

2. No device that amplifies sound shall be so designed or operated that the amplified sound exceeds the City's noise ordinance standards on any private property zone lot located within a Residential Zone District beyond the boundaries of the zone lot on which the Drive-Through Facility is operated.

3. Any Drive-Through Facility located on a zone lot that is adjacent to a Residential Zone District and which has any portion of the facility located 85 feet or less from the Residential Zone District may only be open during the hours of 5:30 a.m. to 11:00 p.m., Sunday through Thursday, and 5:30 a.m. to midnight Friday and Saturday.

4. This subsection's Drive-Through Facility standards apply only to drive through facilities that commence operations after June 1, 2006.

**D. Drive-Through Facilities in Close Proximity to Rail Transit**

1. In all Zone Districts except the Suburban (S-) context Zone Districts, where permitted with limitations, when a Zone Lot is within 1/4 mile of a Rail Transit Station Platform, accessory Drive-Through Facilities are prohibited.

2. In all Suburban (S-) context Zone Districts, where permitted with limitations, when a Zone Lot is within 1/4 mile of a Rail Transit Station Platform, an accessory Drive-Through Facility shall only be established when the primary structure containing the primary use complies with the General or Shopfront building form standards..

## SECTION 11.10.9 EMERGENCY VEHICLE ACCESS POINT

### 11.10.9.1 CMP-H and CMP-H2, D-GT Zone Districts

In CMP-H and CMP-H2 zone districts and and in the D-GT zone district located south of 8th Avenue, where permitted with limitations:

A. An Emergency Vehicle Access Point is subject to Zoning Permit with Special Exception Review

## SECTION 11.10.10 GARDEN

### 11.10.10.1 All Zone Districts

In all zone districts, where accessory garden uses are permitted with limitations:

A. The growing of marijuana in an accessory garden is prohibited when the marijuana is made available for use in a marijuana establishment requiring a license by the City or made available for sale. Any growing of marijuana in an accessory garden shall occur inside a completely enclosed structure and shall not exceed the number of plants allowed under the laws and rules and regulations of the City.

B. Bee keeping is permitted as incidental to the accessory Garden use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.5, Keeping of Household Animals, except that the bee keeping use need not be sited within the rear 50% of the zone lot, and except that in an Industrial Context zone district, Open Space Context zone district, or the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.

C. In a Residential Zone District, retail or wholesale sales of goods or products derived from a Garden are permitted when such use is accessory to a primary nonresidential use, including but not limited to a permitted Public, Institutional and Civic Use. In all other zone districts, retail or wholesale sales of goods or products derived from a Garden are permitted when such use is accessory to a primary nonresidential use.

# SECTION 11.10.11 KEEPING OF ANIMALS

## 11.10.11.1 All Zone Districts

In all zone districts, where accessory keeping of animals is permitted with limitations:

**A. Animals Permitted Without a Zoning Permit**

Keeping of no more than 8 chickens and ducks combined per zone lot, and no more than 2 Dwarf Goats, except any number of their offspring younger than 6 months, per zone lot may be kept, provided:

1. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot; and
2. Slaughtering of the animals as part of keeping such animals is prohibited.

**B. Animals Permitted With a Zoning Permit**

The Zoning Administrator may allow the accessory keeping of animals of a type or number other than permitted in Section 11.10.10.1.A above, upon finding that the use complies with Section 11.7.1, General Provisions Applicable to All Accessory Uses, and subject to the following additional limitations:

1. Section 12.4.2, Zoning Permit Review with Informational Notice, is required when the subject property is in a:
   a. Residential Zone District;
   b. MS-2x and MX-2x zone district; or
   c. Mixed Use Commercial Zone District where the subject property is adjacent to a Residential Zone District.
2. For all other requests, Section 12.4.1, Zoning Permit Review, is required.
3. The Zoning Administrator may not approve the keeping of animals otherwise prohibited by federal, state, or other city law;
4. No structure used to house the animals may be closer than 15 feet to: (1) a structure on an abutting zone lot containing a dwelling unit, and (2) a dwelling unit not the residence of the animal keeper(s) and located in a primary structure on the same zone lot; and
5. Slaughtering of the animals as part of keeping such animals is prohibited.

## 11.10.11.2 Related Animal-Keeping Provisions

Related provisions governing the keeping of animals are found in D.R.M.C., Chapter 8 (Animals).

# SECTION 11.10.12 OCCASIONAL SALES, SERVICES ACCESSORY TO PRIMARY PLACES OF RELIGIOUS ASSEMBLY OR PRIMARY USES OPERATED BY NON-PROFIT ORGANIZATIONS

## 11.10.12.1 All Zone Districts

In all zone districts, where permitted with limitations, occasional sales of goods and services, including unenclosed occasional sales of goods and services, are permitted as accessory to the following primary uses:

A. A primary Religious Assembly use; or

B. A primary use operated by a non-profit organization.

# SECTION 11.10.13 OUTDOOR EATING AND SERVING AREAS ACCESSORY TO EATING/DRINKING ESTABLISHMENT USE

## 11.10.13.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor Eating and Serving Areas are permitted as accessory to an Eating and Drinking Establishment use, and shall comply with all applicable limitations stated for primary Eating and Drinking Establishments in Section 11.4.9, Eating and Drinking Establishments - All Types. In case of conflict with the use limitations stated in this section specific to Outdoor Eating and Serving Areas, the more restrictive limitation shall apply.

B. All Outdoor Eating and Serving Areas shall comply with the following limitations:

1. The Outdoor Eating and Serving Area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.

2. The Outdoor Eating and Serving Area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 42 inches tall, except for the following:

   a. Temporary canvas awnings or umbrellas may serve as sun shades.

   b. Permanent structures that form a covering over the Outdoor Eating and Serving Area, provided:

      i. The entire area of the surface of such covering shall be at least 50% permanently open to the sky and openings shall be evenly dispersed across the surface of the covering; and

      ii. A detached permanent structure shall comply with the applicable Detached Accessory Structure building form standards except the detached building form's setback standards shall not apply.

3. The Outdoor Eating and Serving Area shall have a hard, all weather surface.

4. No required off-street parking spaces shall be used for the Outdoor Eating and Serving Area.

### C. Specific Limitations When Located Less than 50 feet from a Protected District

#### 1. Applicability

This Section 11.10.13.1.C's use standards shall apply to all accessory Outdoor Eating and Serving Areas, where permitted with limitations, in the following zone districts:

a. All RX zone districts

b. All CC-3x, -5x zone districts

c. All CC-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

d. All MX-2x, -2A, -2 zone districts

e. All MX-3A, -3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

f. All MS-2x, -2 zone districts

g. All MS-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver

h. All C-CCN zone districts

i. All I-MX, I-A, I-B zone districts

j. All M-RX, -IMX, -GMX zone districts

**2. Use Limitations**

a. In all C-CCN zone districts, Outdoor Eating and Serving Areas are not permitted when located above the Street Level and less than 50 feet from the nearest boundary of a Protected District.

b. In all other zone districts, and in all C-CCN zone districts when not located above the Street Level, Outdoor Eating and Serving Areas located less than 50 feet from the nearest boundary of a Protected District shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

c. The Board of Adjustment, in addition to compliance with the general limitations for Outdoor Eating and Seating Areas stated in this Section 11.10.12, shall allow the operation of the Outdoor Eating and Seating Area beyond 6 p.m. only upon consideration of the following factors:

i. Neighboring uses;

ii. Seating capacity of the outdoor eating and seating area;

iii. Type of food or drink being served; and

iv. The ambient noise generated by activity on the eating and seating area, including whether outdoor speakers will be authorized.

d. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

**D. Specific Limitations When Located Between 50 feet and Less than 100 feet from Protected District**

**1. Applicability**

This Section 11.10.12.1.D's limitations shall apply to all accessory Outdoor Eating and Serving Areas, where permitted with limitations, in the following zone districts:

a. All RX zone districts,

b. All CC-3x, -3, 5x zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,

c. All MX-2x, -2A, -2 zone districts,

d. All MX-3A, -3 zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,

e. All MS-2x, -2 zone districts,

f. All MS-3 zone districts except when zone district abuts an Arterial Street as designated in Blueprint Denver,

g. All I-MX, I-A, I-B zone districts,

h. All M-RX, -IMX, -GMX zone districts.

**2. Use Limitations**

a. When the Outdoor Eating and Serving Area is between 50 feet and less than 100 feet from the boundary of a Protected District, the use of the Outdoor Eating or Serving Area shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the Outdoor Eating and Serving area shall cease by 11:00 p.m.

b. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

## SECTION 11.10.14 OUTDOOR ENTERTAINMENT ACCESSORY TO AN EATING/ DRINKING ESTABLISHMENT USE

### 11.10.14.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Outdoor Entertainment uses are permitted accessory to a primary eating and drinking establishment use only.

B. Outdoor Entertainment uses are subject to compliance with all applicable standards stated for primary Eating and Drinking Establishments in Section 11.4.9, Eating and Drinking Establishments - All Types. In case of conflict with the use standards stated in this Section specific to Outdoor Entertainment, the standards in this Section shall apply.

C. All Outdoor Entertainment areas shall comply with the following standards:

1. The Outdoor Entertainment area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.

2. The Outdoor Entertainment area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 6 feet tall, except that temporary canvas awnings or umbrellas may serve as sun shades.

3. Any part of the Outdoor Entertainment area located outside of the completely enclosed structure shall have a hard, all weather surface.

4. No required off-street parking spaces shall be used for an Outdoor Entertainment area.

D. If the Outdoor Entertainment area is less than 100 feet from the boundary of a Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), the use of the Outdoor Entertainment area and all activities therein shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.

E. If the Outdoor Entertainment area is less than 50 feet from the nearest boundary of any Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

## SECTION 11.10.15 OUTDOOR RETAIL SALE AND DISPLAY

### 11.10.15.1 All Zone Districts

In all zone districts, where permitted with limitations, Outdoor Retail Sales and Display shall comply with the following limitations:

**A. Intent**

To ensure accessory Outdoor Retail Sale and Display areas are located, contained, and designed to be consistent with the general purpose of the applicable zone district.

**B. Exemption**

Vehicles for sale, lease, or rent as part of a permitted use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the requirements of this Section 11.10.14.1.

**C. Location and Placement Standards**

1. Outdoor retail sales and display areas shall not exceed 20 feet in height.

2. Outdoor retail sales and display areas shall not obstruct the ingress/egress paths to the public way or any required fire access lane or drive aisle abutting such facade. Display of highly combustible goods shall be located at least 5 feet from ingress/egress paths.

3. Outdoor retail sales and display areas shall not obscure visibility of exits or address numbers (premises identification) from the primary street frontage.

4. If located beneath building projections, the outdoor retail sales and display areas area shall be protected by sprinklers if the primary building is protected by sprinklers.

5. Outdoor retail sales and display areas shall be located such that ADA standards are met.

6. Outdoor retail sales and display areas shall be limited in area to no more than 10% of the Gross Floor Area of the Primary Structure(s) on the Zone Lot.

7. Outdoor retail sales and display areas located less than 50 feet from the nearest boundary of a Protected District shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

8. Outdoor retail sales and display areas shall not occupy any required off-street parking spaces or areas required to meet any standards in Division 10.5 of this Code (Landscaping, Fences, Walls, and Screening).

### 11.10.15.2 All C-CCN Zone Districts

**A. Intent**

To ensure that outdoor retail and display areas are located, contained, and designed to be consistent with the intent of the C-CCN zone districts, to promote pedestrian and retail shopping activity at the Street Level, to ensure continuity of storefronts located at the setback line, and to use outdoor spaces to provide settings for activities that contribute to a high-quality pedestrian experience.

**B. Limitations**

In all C-CCN zone districts, where permitted with limitations, Outdoor Retail Sale and Display accessory to a primary nonresidential use shall comply with the limitations in Subsection 11.10.14.1 All zone districts, in addition to the following limitations:

**1. Location on Zone Lot**

Outdoor retail sale and display shall be located within the boundaries of the subject zone lot. Structures for the outdoor retail sale and display use shall not encroach into the minimum street setback(s) applicable to the primary building. Encroachment of outdoor retail sale and display into the public right-of-way is also prohibited.

**2. Relation to Temporary Outdoor Retail Sales**

This section's limitations on accessory outdoor retail sale and display do not apply to *temporary* outdoor retail sales permitted in the C-CCN zone districts and subject to Section 11.11.11, Outdoor Retail Sales.

## SECTION 11.10.16 OUTDOOR STORAGE, GENERAL

### 11.10.16.1 All Zone Districts

In all zone districts, where permitted with limitations, General Outdoor Storage uses shall comply with the following limitations:

A. General outdoor storage shall only be permitted following review of a site development plan illustrating the extent of the permitted area for general outdoor storage and compliance with these limitations.

B. Shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District.

C. Shall not be permitted in a primary or side street setback area or otherwise forward of the primary street facing facade of a Primary Structure on the Zone Lot.

D. May be located in a side interior or rear setback area.

E. Shall be screened by a 100 percent opaque fence or wall that complies with all of the following standards:

1. The screening fence or wall shall be high enough to completely conceal all general outdoor storage from view from adjacent rights-of-way and from any adjacent Residential Zone District or Mixed Use Commercial Zone District.

2. When a general outdoor storage area is located within 200 feet of a Residential or Mixed Use Commercial Zone District, the screening wall or fence shall have a minimum height of 7 feet and maximum height of 10 feet.

3. When a general outdoor storage area is located within 100 feet of a Residential Zone District or Mixed Use Commercial Zone District, stored materials and products shall not be stacked to a height above that of the screening wall or fence.

F. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.

G. All materials or wastes that may cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

H. The following limitation shall apply to the above-ground storage of certain materials:

1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:

a. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks, provided they are located a minimum of 1,000 feet from a Protected District protected use.

b. Vaulted tanks as approved by the Fire Department may be located above ground.

c. The parking of railroad tank cars containing explosive or flammable materials shall be located at least 1,000 feet from a protected use. The 1,000-foot spacing may be reduced by the Zoning Administrator with review and concurrence of the Fire Department, provided the owner proves by a preponderance of the evidence that the proposed storage facility will not create a hazard for nearby protected uses.

d. For purposes of this provision only, a "protected use" is any residential use, a hospital, or an auditorium or other building used for public assembly.

2. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that permitted by the Denver Fire Code.

3. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that permitted by the Denver Fire Code.

# SECTION 11.10.17 OUTDOOR STORAGE, LIMITED

## 11.10.17.1 All Zone Districts

In all zone districts, where permitted with limitations, Limited Outdoor Storage uses shall comply with the following limitations:

A. Shall only be permitted following approval of a site development plan illustrating the extent of the permitted area for limited outdoor storage and compliance with these limitations.

B. Shall be limited in area to no more than 10% of the gross floor area of the Primary Structure on the Zone Lot.

C. Stored materials and products shall not be more than 12 feet in height. This height limitation shall not apply to stored materials and products in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

D. Shall be fully screened from view from the public right-of-way, public Off-Street Parking Areas, or adjacent Residential Zone Districts by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the street from a Residential Zone District. See also Section 10.5.5, Fences and Walls.

**E. Location on Zone Lot**

The location of limited outdoor storage on a zone lot is subject to the following conditions:

1. Shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District;

2. Shall be located behind the Primary Street facing facade of a Primary Structure on the same zone lot;

3. May be located to the side of a building, provided it is not located within the required side interior or side street setback.

F. Vehicles awaiting repair may be stored up to 14 days within the required screened limited outdoor storage area.

G. Shopping cart storage areas located within a surface parking lot for the convenience of the primary land use's customers are exempt from the location and screening standards in Sections 11.10.16.1.B, D, and E above.

H. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.

I. All materials or wastes that may cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.

J. The following limitation shall apply to the above-ground storage of certain materials:

1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:

a. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks, provided they are located a minimum of 1,000 feet from a Protected District protected use.

b. Vaulted tanks as approved by the Fire Department may be located above ground.

c. The parking of railroad tank cars containing explosive or flammable materials shall be located at least 1,000 feet from a protected use. The 1,000-foot spacing may be reduced by the Zoning Administrator with review and concurrence of the Fire Department, provided the owner proves by a preponderance of the evidence that the proposed storage facility will not create a hazard for nearby protected uses.

d. For purposes of this provision only, a "protected use" is any residential use, a hospital, or an auditorium or other building used for public assembly.

2. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that permitted by the Denver Fire Code.

3. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that permitted by the Denver Fire Code.

## SECTION 11.10.18 RENTAL OR SALES OF ADULT MATERIAL ACCESSORY TO RETAIL SALES OF BOOKS

### 11.10.18.1 All Zone Districts

In all zone districts, where permitted with limitations, if a bookstore rents or sells adult materials, as described in the definition of "Adult Bookstore" (see Section 11.12.4.1.B.2, Adult Bookstore), as an accessory use, such accessory use shall comply with the following limitations:

A. The quantity of adult materials displayed or sold shall not exceed the numerical limitations specified in the definition for "Adult Bookstore";

B. All adult materials shall be segregated into a separate section of the bookstore and screened from public view; and

C. Access to the adult materials shall be denied to all persons under the age of 18 years.

# DIVISION 11.11 TEMPORARY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains limitations applicable to specific temporary uses across multiple zone districts and neighborhood contexts. Temporary uses are permitted according to Section 12.4.1, Zoning Permit Review, and subject to compliance with this Division's use-specific standards, as applicable. Structures used to house permitted temporary uses are not required to comply with primary or accessory building form standards.

## SECTION 11.11.1 UNLISTED TEMPORARY USES

### 11.11.1.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. The Zoning Administrator may allow and impose limitations on unlisted temporary uses according to this subsection 11.11.1.

B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

## SECTION 11.11.2 AMBULANCE SERVICE

### 11.11.2.1 All Zone Districts

In all zone districts, where permitted with limitations:

A. Not more than 2 ambulances at any one location;

B. Vehicles to be parked in completely enclosed structure when not in use;

C. No mechanical or maintenance work is to be done on premises and no gasoline is to be stored there;

D. No office is to be maintained in connection with the temporary ambulance service use; and

E. Each permit shall be valid for a period of not more than 6 months, but may be renewed; provided, however, that failure to comply with any of these standards shall be cause for revocation of any permit.

## SECTION 11.11.3 AMUSEMENT / ENTERTAINMENT USES

### 11.11.3.1 All Industrial Context Zone Districts; O-1 Zone District; CMP-H Zone Districts; and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

In all Industrial Context zone districts, the O-1 zone district, the CMP-H and CMP-H2 zone districts, and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F, and CMP-NWC-R zone districts, where permitted with limitations, a temporary amusement, entertainment or recreational use on the payment of a fee or admission charge shall comply with the following standards:

A. The temporary use shall not be enclosed.

B. The temporary use shall be a minimum of 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

C. Each permit shall be valid for a period of not more than 6 calendar months, but may be renewed.

## SECTION 11.11.4 BAZAAR, CARNIVAL, CIRCUS OR SPECIAL EVENT

### 11.11.4.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

A. Such temporary use is limited to a place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, not including motorized amusement rides.

B. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.

C. A temporary bazaar, carnival, circus or special event permitted under this subsection shall be valid for a period not to exceed 12 consecutive days and a period of at least 90 days shall intervene between the termination of one permit and the issuance of another permit for the same location.

### 11.11.4.2 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B zone district, where permitted with limitations:

A. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.

B. The temporary use may have motorized rides only if located at least 500 feet from a Residential Zone District.

C. Each permit for such temporary use shall be valid for a period of not more than 12 consecutive days and a period of at least 90 days shall intervene between the termination of one permit and the issuance of another permit for the same location. The Zoning Administrator may allow an extension of the original time limit, not to exceed 120 days total, including the length of time originally allowed, if:

1. The extension of the requested temporary use shall have no adverse impacts on abutting property and shall not substantially harm the public health, safety, and general welfare; and,

2. The temporary use is compatible in intensity, characteristics and appearance with existing uses in the immediate vicinity of the location considering its proposed temporary duration, and the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected by the use or activities with it. Factors such as location, access, traffic generation, noise, light, dust control and hours of operation will all be considered.

## SECTION 11.11.5 BUILDING OR YARD FOR CONSTRUCTION MATERIALS

### 11.11.5.1 All Zone Districts

In all zone districts where permitted with limitations, temporary building or yard for construction materials, which is the storage of equipment and/or excavated materials both incidental and necessary to a construction project, and which may include temporary parking for construction and/or temporary parking to replace parking temporarily displaced by construction, are permitted, subject to compliance with the following limitations:

A. Every such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.

B. Each permit shall specify the location of the building, yard and/or parking and the location of the permitted operation.

C. Construction materials, equipment, excavated materials and/or parking shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting to the proposed site.

D. Such materials, equipment and/or parking shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required that is taller than 8 feet.

E. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.

F. A temporary building shall comply with the most restrictive building setback requirements of the zone district in which it is located.

G. Temporary parking for construction and temporary parking to replace parking temporarily displaced by construction shall not be subject to Article 10 General Design Standards.

## SECTION 11.11.6 CONCRETE, ASPHALT, AND ROCK CRUSHING FACILITY

### 11.11.6.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary concrete, asphalt, and rock crushing facilities, both incidental and necessary to a specific construction or demolition project, shall comply with the following limitations:

A. Equipment and/or excavated materials shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting the proposed site.

B. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required in excess of eight feet in height.

C. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.

D. Any temporary buildings shall comply with the most restrictive building setback requirements of the zone district in which they are located.

E. Each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 10 successive periods at the same location.

F. Site cleanup, shall be completed within 30 days after completion of the project, regardless of the length of the permit.

## SECTION 11.11.7 FENCE FOR DEMOLITION OR CONSTRUCTION WORK

### 11.11.7.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary fences for demolition or construction work are permitted subject to compliance with the following limitations:

A. Notwithstanding other limitations on fence heights in setback areas, a 6 foot high security fence may be installed around the boundary of a zone lot where demolition or construction is to occur.

B. Each permit shall be valid for 6 months and shall not be renewed for more than 2 successive periods.

## SECTION 11.11.8 HEALTH CARE CENTER

### 11.11.8.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, temporary health care centers are permitted subject to compliance with the following standards:

A. Such use shall be operated by a political subdivision of the State of Colorado and shall provide a service but not a commodity; and

B. Each permit shall be valid for a period of 1 calendar year and may be renewed.

## SECTION 11.11.9 NONCOMMERCIAL CONCRETE BATCHING PLANT

### 11.11.9.1 All Zone Districts

In all zone districts where permitted with limitations, temporary noncommercial Concrete Batching Plants, both incidental and necessary to a specific construction project, are permitted subject to compliance with the following standards:

A. Each permit shall specify the location of the plant and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than two miles from the plant.

B. Each such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than six successive periods at the same location.

## *OUTDOOR RETAIL SALES, TEMPORARY - ALL TYPES*

## SECTION 11.11.10 OUTDOOR RETAIL SALES - PEDESTRIAN /TRANSIT MALL

### 11.11.10.1 All Mixed Use Commercial Zone Districts; All Downtown Neighborhood Context Zone Districts

In all Mixed Use Commercial Zone Districts and in all Downtown Neighborhood Context Zone Districts, where permitted with limitations, temporary outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles, within 125 feet of a pedestrian and/or transit mall, are permitted subject to compliance with the following standards:

A. The use will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, and shall not create congestion on adjoining public sidewalks;

B. The use will not generate an undue amount of noise, fumes, glare or other external effects; and

C. The use will not create a debris or litter problem.

## SECTION 11.11.11 OUTDOOR RETAIL SALES

### 11.11.11.1 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B zone district, where permitted with limitations, temporary outdoor sales involving the sale and display of goods and merchandise as an extension of a primary use operating on the same zone lot, shall comply with the following standards:

A. Each permit for the proposed use shall be valid for a period of not more than 45 days with one renewal for a period of not more than 30 days during any six month period, if all requirements hereof have been complied with during the original permit period.

B. No required off-street parking space will be used for such merchandise display, storage or dispensing.

C. The proposed use must be set back at least 30 feet from the curb of a public street and at least 150 feet from a single unit or two unit dwelling use.

D. No part of the proposed use shall obstruct visibility of motorists if located near a street corner or driveway entrance, nor shall such use obstruct the parking lot circulation system or block access to a public street.

E. No temporary structure erected in conjunction with the proposed use shall be built out of used or unpainted lumber or rusty metal, or similar material as determined by the Zoning Administrator. Tents are permitted, subject to Fire Department regulations.

F. Notwithstanding more restrictive signage regulations found elsewhere, a maximum of 24 square feet of sign area is permitted for each use. Signage shall be limited to the walls or side of a tent, or structure or to a single freestanding sign which is not more than 24 square feet in area per sign face. The maximum sign area provisions of Division 10.10, Signs, shall not apply to this use.

G. The applicant shall be responsible for the storage and daily removal of all trash, refuse and debris occurring on the site. All trash storage areas shall be screened from the view of persons using adjacent rights of way.

H. This provision shall in no way be deemed to authorize the outdoor sale of used furniture, used appliances, used plumbing, used housewares, used building materials or similar items.

## SECTION 11.11.12 OUTDOOR SALES, SEASONAL

### 11.11.12.1 All RX Zone Districts, All Mixed Use Commercial Zone Districts, I-A Zone District;, and OS-B Zone District

In all RX zone districts, all Mixed Use Commercial Zone Districts, the OS-B zone district, and the I-A zone district, where permitted with limitations, temporary seasonal outdoor sales, not limited to the sale and display of goods and merchandise as an extension of a permitted use operating on the same zone lot, are permitted subject to compliance with the following limitations.

#### A. Sale of Christmas Trees and Related Holiday Items

In all zone districts, where temporary seasonal outdoor sales are permitted with limitations, the seasonal outdoor retail sales of Christmas trees, wreaths, and other related holiday goods shall comply with the following limitations:

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice shall apply.

2. In the MX-2x and MS-2x zone district, when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.

3. No permit shall be effective prior to the 1st day of November in each calendar year;

4. No permit shall be valid for a period of more than 60 days; and

5. Site cleanup shall be completed no later than 5 days after Christmas day.

**B. Sale of Plants or Plant Sales Facilities**

In all zone districts, where temporary seasonal outdoor sales are permitted with limitations, seasonal plant sales facilities shall comply with the following limitations:

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice shall apply.

2. In a MX-2x and MS-2x zone district when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice shall apply.

3. The applicant is the owner of the subject property or has written consent of the owner.

4. The proposed temporary use shall be operated wholly or partially within a temporary structure, which is not a motor vehicle or trailer.

5. The proposed temporary use, not including parking, encompasses an area of no more than one acre.

6. Permits shall be valid from April 1 through October 31 of each calendar year.

7. Parking shall be provided to encompass a minimum area equal to one-half the covered and uncovered retail sales area proposed at the facility. The Zoning Administrator may reduce or eliminate this off-street parking requirement if the applicant shows by a preponderance of the evidence that alternative parking is available and convenient to the proposed use, including but not limited to nearby on-street parking, public parking facilities, or commercial parking lots or garages. If provided on-site, parking surfaces shall be either paved or shall consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot by more than ten percent.

8. Vehicle access to the proposed facility shall provide appropriate ingress and egress areas to preclude traffic congestion on adjacent streets.

9. A security fence shall be installed around the entire area of the proposed facility consisting of an approved fencing material such as wire mesh at a height of not less than 6 feet.

10. Any advertising signage at the proposed facility shall be in place only during the proposed operations of the facility; signage shall be limited to a maximum of 50 square feet per face with no more than two signs for each street frontage of the proposed facility; and all signs shall be non-portable and shall conform to zone district setback requirements.

11. Adequate utilities including water and electricity, as well as restroom facilities for the employees of the applicant, are available at or can be provided to the facility.

12. Lighting shall be provided for evening and night operations.

13. The proposed temporary use shall be operated in a manner that does not emit any obnoxious or dangerous degrees of heat, light, glare, or fumes beyond any boundary line encompassed by the facility.

**C. All Other Types of Temporary Outdoor Sales, Seasonal**

1. In all RX zone districts, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.

2. In all MX-2x, -2A, -2 and MS-2x, -2 zone districts, when located within 500 feet of a Residential Zone District, Section 12.4.2, Zoning Permit with Informational Notice, shall apply.

3. Permits shall be valid for no longer than 6 consecutive months of any one calendar year, unless more specifically restricted in this Section.

4. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily.

5. The temporary use shall provide off-street parking in an amount equal to one-half of the covered and uncovered retail sales area proposed at the facility. The Zoning Administrator may reduce or eliminate this off-street parking requirement if the applicant shows by a preponderance of the evidence that alternative parking is available and convenient to the proposed use, including but not limited to nearby on-street parking, public parking facilities, or commercial parking lots or garages. If provided on-site, parking surfaces shall either be paved or consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed temporary use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot.

6. The temporary use shall comply with the setback requirements for the zone district in which it is located and shall be at least 50 feet from any Residential Zone District.

7. The temporary use shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street.

8. Temporary structures associated with the temporary seasonal outdoor use shall be limited to no more than 200 square feet in gross floor area and shall obtain all required building and safety permits from the Fire Department, Environmental Health Department, and Community Planning and Development.

9. Any electrical work shall be duly permitted by the City prior to operation of the temporary use and related structures.

10. Signs shall be limited to not more than two ground or wall signs as defined in Article 13, Rules of Measurement and Definitions, with a total area not exceeding 24 square feet and located on the same zone lot as the seasonal outdoor sales. Such signs shall meet the most restrictive setback requirements of the zone district in which they are located.

11. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with screening adequate to fully conceal such facilities from adjacent properties.

12. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area.

13. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any types of chemicals or gasoline are stored or sold.

## SECTION 11.11.13 PARKING LOT DESIGNATED FOR A SPECIAL EVENT

### 11.11.13.1 All Residential Zone Districts

In Residential Zone Districts, where permitted with limitations, a temporary Off-Street Parking Area designated for a special event may be permitted by zoning permit on zone lots occupied by a non-residential use, including but not limited to a Civic, Public and Institutional use, subject to compliance with the following limitations:

A. The Off-Street Parking Area, enclosed or unenclosed, may be used for parking for a special event only if the Off-Street Parking Area was legally established as Accessory Parking.

B. A surface Off-Street Parking Area shall be surfaced with an all-weather surfacing material, but need not include any screening or landscaping as required by Division 10.4, Parking and Loading, or by Division 10.5, Landscaping, Fences, Walls and Screening.

C. A parking lot manager or attendant shall either be present on the zone lot or shall make periodic, regular inspections of the zone lot (e.g., once every 30 - 60 minutes) during the entire period of each special event.

D. The applicant shall be the owner of the property, or the owner's authorized agent.

E. The zone lot shall be maintained in a manner that mitigates any adverse impacts on the surrounding neighborhood, including but not limited to the effect of dust, erosion and litter, and from damage caused by automobiles. The property shall be cleaned up within 24 hours after its use.

F. Violation of any of the requirements of this section shall result in the cancellation of the zoning permit, and no new zoning permit for special event parking shall be issued for the subject zone lot until after a six-month period of time has transpired.

G. Each zoning permit shall be valid only for a calendar year or remaining portion thereof, and shall allow parking only for the designated special events or series of special events as listed in the application for the permit.

### 11.11.13.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations, a temporary Off-Street Parking Area designated for a special event may be permitted by zoning permit on a zone lot, subject to compliance with the following limitations:

A. Each zoning permit shall be valid only for the duration of the designated special event; provided, however, that if the designated special event is a seasonal activity, the permit may be valid for the entire season but shall be restricted in use to designated dates and times during which the event is occurring.

B. For Developed Zone Lots Containing a Structure:

1. The Off-Street Parking Area, enclosed or unenclosed, may be used for parking for a special event only if the Off-Street Parking Area was legally established as Accessory Parking.

2. A temporary surface Off-Street Parking Area shall be improved according to Section 10.4.7, Use and Maintenance of Parking Areas, and the dimensions for and the arrangement of parking spaces and driving aisles shall comply with the requirements of Section 10.4.6, Vehicle Parking Design.

C. For Vacant Zone Lots:

1. The surface Off-Street Parking Area shall be improved with an all-weather surfacing material comprised, at a minimum, of gravel or road base material with a thickness of at least 4 inches.

2. The dimensions for and the arrangement of parking spaces and driving aisles shall comply with Section 10.4.6, Vehicle Parking Design.

### 11.11.13.3 All I-A, I-B, OS-B, and O-1 Zone Districts

In all I-A, I-B, OS-B, and O-1 zone districts, where permitted with limitations:

A. Each permit for temporary surface Off-Street Parking Area for a designated special event shall be valid only for the duration of the designated event; provided, however, if the designated special event is a seasonal activity, the permit may be granted for the entire season but restricted in use to designated dates and times in which the event is occurring.

B. Except in the O-1 and OS zone districts, a temporary surface Off-Street Parking Area shall be improved with an all-weather surfacing material comprised, at a minimum, of gravel or road base material with a thickness of at least 4 inches.

### 11.11.13.4 All Zone Districts - Posted Sign Required

A. At each legal vehicle entry from the public street, no more than one advertising or directional sign may be installed, which shall be limited in size to 12 square feet.

B. All signs related to the temporary surface Off-Street Parking Area shall be installed only during the time of the special event, shall not exceed a height of 6 feet, and need not be set back from any property line.

C. Each parking lot shall have one sign 6 square feet in area which is installed on the front property line and which contains the following information printed in letters 2 inches high:

1. Owner's name
2. The temporary permit number
3. Number of cars permitted in the lot
4. The designated special event for which the parking is permitted

## SECTION 11.11.14 RETAIL FOOD ESTABLISHMENT, MOBILE

### 11.11.14.1 All Mixed Use Commercial Zone Districts; I-A, I-B Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts; I-A, I-B zone districts; and OS-B zone district, where permitted with limitations, mobile retail food establishments are permitted subject to compliance with the following standards:

A. Permits shall be valid for 12 consecutive months and shall be renewed annually.

B. Permits shall be valid for 4 consecutive hours for each day at each zone lot.

C. No more than 1 retail food establishment, mobile shall be permitted to operate per day at each zone lot.

D. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.

E. Operations shall only occur on zone lots and shall not reduce the area required for parking for any other use on the zone lot.

F. Operations shall be at least 200 feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued, and at least 200 feet from any other retail food establishment, mobile.

G. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk.

H. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation.

I. Operations shall not occur outside of the retail food establishment, mobile.

J. Structures, canopies and outdoor tables and chairs are prohibited.

K. Signs must be permanently affixed to or painted on the retail food establishment, mobile.

L. Signs shall not project from the retail food establishment, mobile and shall not illuminate.

M. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.

N. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile.

O. Operations shall be located at least 50 feet from any Residential Zone District.

P. Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.

## SECTION 11.11.15 TEMPORARY CONSTRUCTION OFFICE

### 11.11.15.1 All Zone Districts

In all zone districts, where permitted with limitations, temporary construction offices needed for a specific construction project are permitted provided each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.

## SECTION 11.11.16 TEMPORARY OFFICE - REAL ESTATE SALES

### 11.11.16.1 All Residential and Mixed Use Commercial Zone Districts

In all Residential Zone Districts and Mixed Use Commercial Zone Districts, where permitted with limitations, temporary offices, for the sale or rental of dwelling units within one (1) specific project under construction, rehabilitation or recently completed, and both incidental and necessary for the sale or rental of real property in the zone district are permitted subject to compliance with the following standards:

A. Such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than four successive periods for the same project.

B. Each permit shall specify the location of the temporary office and the area, within the same zone district, of the permitted operation, no part of which area shall be a distance of more than 2 miles from the temporary office.

## SECTION 11.11.17 TEMPORARY TINY HOME VILLAGE

### 11.11.17.1 Intent and Purpose

The intent of this temporary use is to grant flexibility from building form and site design requirements for providers of housing for people who are experiencing homelessness or are at risk of becoming homeless.

### 11.11.17.2 SU, TU, RH Zone Districts

In all SU, TU, RH Zone Districts, where permitted with limitations, a Temporary Tiny Home Village is permitted only in combination with and on the same Zone Lot as a primary Civic, Public or Institutional Primary Use, and shall be limited to a maximum of 30 sleeping units.

### 11.11.17.3 All Zone Districts

In all Zone Districts, where permitted with limitations, Temporary Tiny Home Village uses are permitted subject to compliance with the following standards:

#### A. Duration of Zoning Permit

1. Permits for Temporary Tiny Home Village uses shall be valid for a period not more than 4 years.

2. After a Temporary Tiny Home Village vacates a site, no additional zoning permits or renewals for Temporary Tiny Home Villages may be issued at the subject site until an additional 4 years has passed from the vacation date.

**B. Owner and Operational Requirements**

1. The applicant shall be the Zone Lot owner(s) or have written approval of the owner(s) of the subject Zone Lot.
2. An operational plan shall be submitted with the application for a zoning permit. The Manager shall establish minimum requirements for the operational plan.

**C. Permit Requirements**

1. A Pre-Application meeting is required according to Section 12.3.2.
2. A Community Information Meeting is required according to Section 12.3.4.6. before submitting the zoning application.
3. Upon application for a zoning permit, the applicant shall provide:
   a. The following information about the Community Information Meeting:
      i. Documentation of outreach efforts as required by Section 12.3.4.6.;
      ii. A written record of the meeting; and
      iii. A summary of any follow-up plans with the community.
   b. A site plan demonstrating compliance with siting and design standards of Section 11.11.17.3.D.
   c. Documentation of Owner and Operational Requirements set forth in Section 11.11.17.3.B.
4. Zoning permits to establish or renew a Temporary Tiny Home Village use shall run with the land for the duration of the permit.
5. A new operator of an established Temporary Tiny Home Village use shall:
   a. Provide evidence to the Manager that the operator meets all requirements of Section 11.11.17.3.B; and
   b. Hold a Community Information Meeting according to Section 12.3.4.6.

**D. Site Design Requirements**

The following building form standards shall apply to all temporary structures associated with the Temporary Tiny Home Village use:

1. A zoning permit for a Temporary Tiny Home Village allows construction or relocation of temporary structures on the zone lot. The use may be located wholly or partially within an existing permanent structure, but new permanent structures are not permitted to establish this use.
2. Side Interior, Side Street and Rear setbacks from zone lot lines (min) shall be 5 feet.
3. Primary Street setbacks in SU, TU and RH Zone Districts (min) shall be 20 feet.
4. Primary Street setbacks in all other applicable zone districts shall be the least setback required for any primary building form permitted on the subject zone lot, not including any permitted setback encroachments. For example, if the zone district for the subject site is U-MX-3, the minimum Primary Street setback shall be 0 feet, according to the General and Shopfront building form standards.
5. Required minimum setbacks shall be open and unobstructed. Setback encroachments are permitted only where allowed for "All Building Forms" in the applicable zone districts.
6. All structures intended for common use by the Temporary Tiny Home Village residents and located within 25 feet of a Primary Street zone lot line shall have an Entrance with

Entry Feature facing the Primary Street, unless the common use structure contains only toilet or bathing facilities.

**E. Residential Outdoor Storage**

Residential Outdoor Storage is permitted with the Temporary Tiny Home Village use. See definition of Outdoor Storage, Residential in Section 11.12.7.5. Any Residential Outdoor Storage shall comply with the following standards:

1. The storage of junk, waste, discarded, or salvaged materials, or items customarily associated with indoor use (e.g., upholstered furniture or indoor appliances), is prohibited.
2. Automobile parts and tools, equipment, and supplies used for automobile repair shall not be stored outdoors.
3. Heavy tools, equipment, and supplies typically used for commercial construction, such as backhoes, excavators, and stock piles of brick, gravel, or lumber, shall not be stored outdoors, except when used in connection with on-site construction and only for the duration of the on-site construction.
4. No outdoor storage shall occur in required minimum zoning setback areas.
5. For storage of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

**F. Fences and Walls**

Fences and Walls shall be governed by applicable standards in the subject site Zone District and Article 10, with the following exception:

1. The maximum height when forward of any Primary Street facing Temporary Structure shall be 4 feet.
2. Where additional privacy or security is required, the Zoning Administrator may permit construction of a fence with a maximum height of 6 feet. Any 4-feet linear section of such over-height fence or wall shall be no more than 75 percent solid over its entire area.
3. All fences or walls taller than 4 feet shall require a zoning permit, and shall expire on the same date as the permit for the related Temporary Tiny Home Village.

**G. Accessory Uses**

Accessory Uses are prohibited, except that a sleeping unit in a Temporary Tiny Home Village may be treated as a dwelling unit for the allowance of the following Accessory Uses:

1. Garden, according to Section 11.8.4.
2. Keeping of Household Animals, according to Section 11.8.5.1.A.
3. Fresh Produce and Cottage Food Sales according to Section 11.9.4.11.
4. Rental of sleeping unit: For every 10 sleeping units, the Temporary Tiny Home Village operator may rent 1 sleeping unit to an employee or volunteer who works directly with residents of the Temporary Tiny Home Village. Rentals may be for any length of stay.

**H. Use Permit Application and Review**

Following the required Community Information Meeting and submittal of a complete zoning permit application, the Zoning Administrator shall review the application according to the procedures in Section 12.4.1. In making a final decision, the Zoning Administrator may consider relevant stakeholder comments and applicant commitments documented during the Community Information Meeting.

## SECTION 11.11.18 TENT FOR RELIGIOUS SERVICES

### 11.11.18.1 All Industrial Zone Districts; CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

In all Industrial Zone Districts and the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts, where permitted with limitations, tents for religious services shall comply with the following limitations:

A. Must be 500 feet from a Residential Zone District.

B. Applications shall be reviewed by the Denver Fire Department.

C. Each such permit shall be valid for a period of one month and may be renewed.

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# DIVISION 11.12 USE DEFINITIONS

This Division 11.12 contains definitions of primary, accessory and temporary uses permitted in this Code. The Division is organized in the same order as uses are presented in the Use and Parking Tables in Articles 3 through 9, with specific use definitions organized by sections and sub-sections that align with the primary use classifications and use categories, followed by sections for accessory uses and temporary uses.

## SECTION 11.12.1 PRIMARY USE CLASSIFICATION

11.12.1.1 All primary or principal land uses in Denver are organized into one of the following five general land use classifications:

A. Residential Uses

B. Civic, Public & Institutional Uses

C. Commercial Sales, Service & Repair Uses

D. Industrial, Manufacturing & Wholesale Uses

E. Agriculture Uses

11.12.1.2 Uses are further organized into use categories and specific use types listed under each general land use classification. A definition of a specific use type shall also meet the definition of the use category in which it falls. The Use and Parking Tables in Articles 3 through 9 are all similarly organized into the above five general land use classifications, use categories and specific use types.

11.12.1.3 The general land use classifications and use categories listed in this Division are intended to be mutually exclusive; that is, a use classified into one use category, such as "lodging accommodations," cannot be classified in a different use category, such as "group living," unless otherwise expressly permitted by this Code.

## SECTION 11.12.2 PRIMARY RESIDENTIAL USES

### 11.12.2.1 Definition of Household Living Use Category

#### A. Definition of Category

1. Household Living is defined as residential occupancy of a "dwelling unit" by a single "household". Tenancy is arranged on a month-to-month or longer basis.

#### B. Definitions of Related Terms

**1. Dwelling Unit**
One or more habitable rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.

**2. Household**
A dwelling unit occupied by persons in any one of the following four categories living as a single non-profit housekeeping unit, including any permitted domestic employees:

a. A single person plus any number of persons bearing to each other the relationship of: parent, grandparent, child, sibling, step-child, step-sibling, step-parent, grandchild, parent-in-law, sibling-in-law, child-in-law, parent-sibling (uncle or aunt), or nibling (nephew or niece); or

b. Two persons living together as spouses, domestic partners, or civil union partners, plus any number of persons bearing to either the relationship of: parent, grandparent, child, sibling, step-child, step-sibling, step-parent, grandchild, parent-in-law, sibling-in-law, child-in-law, parent-sibling (uncle or aunt), or nibling (nephew or niece); or

c. In a single unit dwelling use only: One or two unrelated adults over the age of 18 years plus any persons bearing to either of the two unrelated adults the relationship of parent, grandparent, child, sibling, step-child, step-sibling, step-parent, grandchild, parent-in-law, sibling-in-law, child-in-law, parent-sibling (uncle or aunt), or nibling (nephew or niece); or

d. In a two-unit dwelling use or multi-unit dwelling use only: Up to four unrelated adults over the age of 18 years plus any persons bearing to either of the four unrelated adults the relationship of parent, grandparent, child, sibling, step-child, step-sibling, step-parent, grandchild, parent-in-law, sibling-in-law, child-in-law, parent-sibling (uncle or aunt), or nibling (nephew or niece).

#### C. Specific Household Living Use Types and Definitions

**1. Dwelling, Single Unit**
One dwelling unit contained in a single structure.

**2. Dwelling, Two Unit**
Two dwelling units contained in one structure located on a single zone lot.

**3. Dwelling, Multi-Unit**
Three or more dwelling units contained in a single structure.

**4. Dwelling, Live/Work**
A combination of residential occupancy and commercial activity located within the same dwelling unit. In a "Live/Work Dwelling," the commercial activity is a primary use in combination with a primary residential occupancy use, and the commercial occupancy shall not be considered a "Home Occupation" or other accessory use.

### 11.12.2.2 Definition of Group Living Use Category

Group Living is defined as residential occupancy of a structure by a group of people that does not meet the definitions of "household living," "lodging," or "correctional institution". Tenancy is arranged on a monthly or longer basis, except as permitted in a Shelter for the Homeless group living use, and the size of the group may be larger than a single household, and may include supervisory employees who reside on-site. Often, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not reside at the site. "Group living" includes the term "group home".

#### A. Specific Group Living Use Types and Definitions

**1. Assisted Living Facility**
A residential structure or structures licensed by the state as an assisted living residence and housing more than 8 adults. This use is a residential facility that makes available to more than 8 adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required.

a. Such a use shall not include residential treatment facilities for substance abusers or the mentally ill.

b. This use shall not include the uses nursing home, hospice or residence for older adults.

c. A facility that otherwise meets this definition but has 8 or fewer residents shall be considered a Residential Care use, small, and not an assisted living facility.

**2. Community Corrections Facility**

A structure which provides a residence for three or more persons who have been placed in a community corrections program of correctional supervision, including a program to facilitate transition to a less-structured or independent residential arrangement; and residents of such facilities shall be those persons placed in the community corrections program by the judicial or correctional departments of the city, the state or the federal government. A community corrections facility shall be considered a Large Residential Care use.

**3. Nursing Home, Hospice**

An establishment licensed by the state department of public health, which establishment maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care, including hospices, specifically excluding, however, hospitals. A nursing home, hospice shall not be considered a Residential Care use.

**4. Residence for Older Adults**

A single unit dwelling or multi-unit dwelling housing a number of unrelated mobile older adults (individuals fifty-five (55) or more years of age) in excess of the number of unrelated persons permitted per dwelling unit, receiving fewer services than a special care home or assisted living facility. A residence for older adults shall not be considered a Residential Care use.

**5. Residential Care Use**

**a. Definition**

A specific type of group living use where the residents are provided supervised medical, psychological, or developmental care or treatment on a daily, regular basis.

**b. Types of Residential Care Uses**

"Residential care use" is limited to the following specific types of group living uses:

**i. Transitional housing:** A residential structure housing a number of unrelated persons in excess of the number of unrelated persons permitted per dwelling unit in the zone district, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a "special care home" and where occupancy of such housing is primarily made available for more than 30 days and less than 2 years. Transitional housing shall be considered a Small Residential Care use.

**ii. Shelter for the homeless**: See definition of "shelter for the homeless" in subsection 11.12.2.2.A.7.

**iii. Community corrections facility**: See definition of "community corrections facility" in subsection 11.12.2.2.A.2.

**iv. Special care home:** A special care home is a residential structure housing a number of unrelated persons in excess of the number of unrelated persons permitted per dwelling unit in the zone district in which the dwelling unit is located, where such persons are living as a single housekeeping unit and are receiving more than 12 hours per day of on-premises treatment, supervision, custodial care or special care due to physical condition or illness, mental condition or illness, or behavioral or disciplinary problems. A special care home, depending on its size, shall be considered a large or Small Residential Care use.

**c. Exclusions**

Residential care uses shall NOT include any of the following types of group living or institutional uses:

i. Assisted living facility

ii. Foster family care

iii. Nursing home or hospice

iv. Residence for older adults

v. Rooming and/or boarding house.

vi. A residential structure containing residents whose principal form of support is financial assistance.

**vii. Safe house**: A residential structure that provides residents a place of refuge from abusive people or dangerous social situations. Such structure does not provide refuge for fugitives from justice. Such use may be permitted as a "multi unit dwelling" use.

**d. Residential Care Use, Large**

A Residential Care use that is the primary residence of 9 or more persons. "Large Residential Care use" shall include shelter for the homeless of any size, or a community corrections facility of any size.

**e. Residential Care Use, Small**

A residential structure that is the primary residence of 8 or fewer persons, but housing a number of unrelated persons in excess of the number of unrelated persons permitted per dwelling unit in the zone district or transitional housing of any size. This use shall not include a community corrections facility, shelter for the homeless, rooming and/or boarding house, nursing home, safe house, or large special care home.

### 6. Rooming and Boarding House

A residential building containing one or more guest rooms that are used, rented, or hired out, with or without meals, for permanent occupancy. A Rooming and Boarding House makes no provision for cooking in any of the guest rooms occupied by paying guests.

a. A Rooming and Boarding House use shall not be considered a Residential Care use.

b. A Rooming and Boarding House use shall not be considered a Student Housing use.

### 7. Shelter for the Homeless

A facility that has as its primary function the provision for overnight sleeping accommodations for homeless people. Tenancy may be shorter than a monthly basis in a shelter for the homeless. A shelter for the homeless shall be considered a Large Residential Care use.

### 8. Student Housing

A structure used for long-term group residential accommodations for students of a college, university or seminary, and where such structure is related to the college, university or seminary. Common cooking facilities and common gathering rooms for social purposes may also be included. May include a building used for group living quarters for members of a fraternity or sorority that has been officially recognized by the college, university or seminary.

# SECTION 11.12.3 PRIMARY CIVIC, PUBLIC & INSTITUTIONAL USES

## 11.12.3.1 Basic Utilities

### A. Definition of Basic Utilities Use Category

Basic Utilities is defined as buildings, structures, or other facilities used or intended to be used by any private or governmental utility, not including telecommunications. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level.

### B. Specific Basic Utilities Use Types and Definitions

#### 1. Utility, Major Impact

"Major impact utility" shall mean a utility that falls into one or more of the following descriptions:

a. Above-grade utilities exceeding 10,000 square feet of gross site area that have a substantially larger-than-local impact; or

b. Any above-ground utility use in the following SIC groups:
4911 Electric services, including high-voltage transmission lines (115 kilovolts or more), solar generating stations with a gross site area of 10,000 square feet or greater, and wind generating stations, but not including electrical substations with a gross site area of less than 10,000 square feet (which are defined as Minor Impact Utility);
4922 Natural gas transmission;
4923 Natural gas transmission and distribution;
4924 Natural gas distribution;
4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution;
493 Combination electric and gas, and other utility services;
494 Water supply;
495 Sanitary services;
496 Steam and air-conditioning supply;
497 Irrigation systems; or

c. The following specific uses:

**i. Sanitary Service Facility**
Establishments primarily engaged in sewage systems or sewage waste treatment facilities that collect, treat and dispose of waste.

ii. Other similar facilities, as determined by the Zoning Administrator.

#### 2. Utility, Minor Impact

a. Above-grade utilities of less than 10,000 square feet of gross site area that have a localized impact on surrounding properties and are necessary to provide essential services, including, but not limited to, above-ground utilities of less than 10,000 square feet of gross site area in the following SIC groups:

i. 4813 Telephone communications, except radiotelephone, limited to telephone switching stations;

ii. 4911 Electric services, limited to electrical substations, and electrical relay switching stations, and solar generating stations (NAICS 221114);

iii. 4923 Natural gas transmission and distribution, limited to natural gas distribution substations;

iv. 494 Water supply, limited to utility pumping stations.

### 11.12.3.2 Community / Public Services

#### A. Definition of Community / Public Services Use Category

Community / Public Service uses are defined as community or public safety services that meet public needs for both safety and human services such as day care, Community Centers, fire, police, or life protection, together with incidental storage and maintenance of necessary vehicles. Typical uses include senior or Community Centers, adult or child day care, fire and police stations, detention facilities and ambulance services.

#### B. Specific Community / Public Services Use Types and Definitions

**1. Community Center**

A building or open land, together with lawful accessory buildings and uses, used to provide social, recreational, cultural, educational, health care and/or food services, which is not operated for profit.

**2. Day Care Center**

An establishment used for the purposes of providing care for either children or adults for less than a 24 hour consecutive period.

**a. For adults:** "Day Care Center" means a facility limited to 5 or more persons who are 18 years and older and not related to the owner, operator or manager thereof, and where care is provided for less than a 24 hour consecutive period.

**b. For children:**

i. "Day Care Center" means a child care center organized under Chapter 11 of the Denver Revised Municipal Code, which is maintained for the whole or part of the day but for less than 24 hour care, which offers care to 5 or more children not related to the owner, operator, or manager thereof, from the ages of 6 weeks through 18 years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.

ii. "Day Care Center" includes, but is not limited to, facilities commonly known as Day Care Centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school.

iii. "Day Care Center" shall not include any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 5 grades or operated as a component of a school district's preschool program operated pursuant to article 28 of Title 22, C.R.S.

iv. "Day Care Center" shall not include any facility licensed as a "child day care home" or "Foster Family Care", as defined in this Code or in the Colorado Revised Statutes.

**3. Postal Facility, Neighborhood**

A facility that has distribution boxes, collection, and/or retail services related to mail delivery for the general public, but no mail carriers.

**4. Postal Processing Center**
A facility used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

**5. Public Safety Facility**
Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.

**6. Hospital**
An institution licensed by the state providing 24-hour health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**7. Correctional Institution**
A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency, in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

## 11.12.3.3 Cultural / Special Purpose / Public Parks & Open Space

### A. Definition of Cultural / Special Purpose / Public Parks & Open Space Use Category

Cultural/ Special Purpose/Parks and Open Space use category is defined as uses generally providing for display, performance, preserving, or enjoyment of heritage, history, the arts, parks and open space. The use category includes, but is not limited to museums, libraries, parks and open space owned or operated by either public or private entities.

### B. Specific Use Types and Definitions

**1. Cemetery**
Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities, or a combination thereof. Mortuaries shall be included when operated within the boundary of such cemetery. The definition of "cemetery" also includes "crematorium."

**a. Crematorium**
A location containing properly installed, certified apparatus intended for use in the act of cremation.

**2. City Park**
An area of land owned or leased by the City and operated or managed by the Denver Department of Parks and Recreation.

**3. Library**
A public or private special purpose cultural institution housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

**4. Museum**
A public or private facility, including an aquarium, botanic garden, or zoo, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, but not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to, all uses in the following SIC group: 84 Museums, botanical, zoological gardens.

#### 5. Open Space - Conservation

Any Zone Lot, parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation of right-of-way purposes. Conservation open space may include agricultural uses and natural features located on a site, including but not limited to steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an "open space, conservation" use.

## 11.12.3.4 Education

### A. Definition of Education Use Category

A public or private facility for the general or specialized education or instruction of children or adults. Education uses may or may not meet the requirements of the State of Colorado compulsory education laws. Education uses include elementary or secondary schools, universities or colleges, and vocational or professional schools.

### B. Specific Education Use Types and Definitions

#### 1. Elementary or Secondary School

A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten and grades above. The definition of Elementary or Secondary School also includes "High School."

##### a. High School

Any school designed for instruction that includes grades 10 through 12, regardless of whether instruction is also provided in other grades.

#### 2. University or College

An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. University or college uses may be composed of multiple buildings and uses organized on an integrated campus property composed of one or more zone lots and blocks. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining zone lots.

#### 3. Vocational or Professional School

Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as Home Occupation, college or university, or elementary or secondary school.

## 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 11.12.4 PRIMARY COMMERCIAL SALES, SERVICES, & REPAIR USES

### 11.12.4.1 Adult Business

#### A. Definition of Adult Business Use Category
Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display or other offering of live entertainment, dancing, or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. For purposes of this use definition, the following terms shall mean:

1. **Specified Sexual Activities:** Shall include:
   a. Human genitals in a state of sexual stimulation or arousal;
   b. Acts of human masturbation, sexual intercourse, oral or anal sex, or sodomy; or
   c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
2. **Specified Anatomical Area:** Shall include less than completely and opaquely covered:
   a. Human genitals and/or pubic region;
   b. The area of the buttock which is located around the lower backbone between straight lines drawn from the outermost point of the pelvis on the side of the body to the ischial tuberosity;
   c. The area of the female breast described as follows: the areola and the lower quadrant of each breast as defined by two (2) lines which crisscross the breast and intersect at right angles at the areola. Such lines also intersect at a forty-five-degree angle the vertical axis of the body as represented by the backbone when viewed from the front of the body; or
   d. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

#### B. Specific Adult Business Use Types and Definitions

##### 1. Adult Amusement or Entertainment
Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical area" or which feature strippers or dancers, or similar entertainment by people who expose any specified anatomical area; provided, however, that live entertainment involving any specified sexual activity is prohibited.

##### 2. Adult Bookstore
An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals and goods and items, including video tapes and computer software, held for sale or rental which are distinguished or characterized by their

emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" ("adult materials"). An establishment which utilizes in excess of ten (10) percent of its gross floor area or its occupied shelf space for the display of adult materials or which has more than ten (10) percent of its total monthly receipts derived from the sale or rental of adult materials shall be regarded as an "adult bookstore."

**3. Photo Studio, Adult**
An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified anatomical areas."

**4. Sexually Oriented Commercial Enterprise**
A massage parlor, nude studio, modeling studio, love parlor, encounter parlor or any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer but not including: (a) a business licensed to sell alcoholic beverages, (b) any bookstore or theater, (c) a business operated or employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and (d) a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts.

**5. Theater, Adult**
A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

## 11.12.4.2 Arts, Recreation & Entertainment

### A. Definition of Arts, Recreation & Entertainment Use Category

Arts, Recreation & Entertainment use category includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants and night clubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as "eating and drinking establishments."

### B. Specific Arts, Recreation & Entertainment Use Types and Definitions

**1. Arts, Recreation and Entertainment Services, Indoor**
Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, Community Center and adult business uses. This definition includes, but is not limited to:

**a. Art Gallery**
A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale of the individual art pieces or the sale of related objects and services.

**b. Artist Studio**
A place where any of the commercial activities or a combination of commercial activities listed below occur:

i. Art Gallery.

ii. Custom or Craft Manufacturing, Fabrication, and Assembly.

iii. Professional Studio.

**c. Amusement Center and Arcade**

**d. Billiard Parlor**

**e. Bowling Center; Ice Rink; Swimming Pool, Tennis Club and Similar Sports Clubs, Indoor**

**f. Children's Indoor Play Center**

**g. Cinemas, Motion Picture or Movie Theater**
Cinemas, motion picture or movie theaters, but not including drive-in movie theaters.

**h. Fitness and Recreational Sports Center**
Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

**i. Personal Instruction Studio**
Personal instruction studios for dance, martial arts, photography, music and similar activities.

**j. Theater and/or Live Performance Space**
Establishments that produce, organize, promote, and/or present live performances of actors, singers, dancers, musical groups, artists, and other entertainers (including independent entertainers). Live performances may be presented as musicals, operas, plays, comedy and improvisation, mime, puppet shows, or dinner theater. Such performances are open to the general public and admission may be gained by a payment or fee. Meal service may be included with the performance. This definition excludes any establishment categorized by this Code as "adult business uses."

**k. Professional Studio**
A specific type of arts, recreation and entertainment, indoor service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.

**l. Conference Center, Event Center**
(1) A facility that provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; or (2) a nonresidential building leased or rented for private parties and other various social or business gatherings for large numbers of people (e.g., banquet halls, reception halls, dance halls, private event centers) and not associated with another permitted use such as lodging accommodations or schools.

**2. Arts, Recreation and Entertainment Services, Outdoor**
Commercial establishments engaged in providing outdoor amusement, recreation, or entertainment services by and for participants, for the payment of a fee or admission charge, excluding Community Center and adult business uses. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to:

**a. Amusement/Special Interest Parks**
A complex with both indoor and Outdoor Entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.

**b. Batting Cages**

**c. Go-Cart Raceway**

**d. Ice Rinks, Outdoor**

**e. Miniature Golf Course**

**f. Private Golf Course**
Private golf course, defined to mean an area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

**g. Skateboard Centers or Parks**

**h. Swimming Pools, Outdoor**

**i. Tennis Clubs, Outdoor**

**j. Outdoor Theaters, Amphitheaters, or Other Permanent Outdoor Performance Spaces**

**3. Event Space with Alternate Parking and Loading**
Commercial establishments engaged in providing outdoor amusement, recreation or entertainment services by and for participants, often for the payment of a fee or admission charge, excluding Community Center and adult business uses. The outdoor event space may be used alternately as an Off-Street Parking Area or for Loading.

**4. Sports and/or Entertainment Arena or Stadium**
Commercial establishments designed, intended, or used primarily for indoor or outdoor large-scale spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

## 11.12.4.3 Parking of Vehicles

### A. Definition of Parking of Vehicles Use Category
Parking of Vehicles is a use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

### B. Specific Parking of Vehicles Use Types and Definitions

**1. Parking, Garage**

a. Any structure, other than a private garage, for the assembling, or standing of vehicles in a structure for relatively temporary periods of time, either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

b. The term "Garage Parking" includes underground parking, which means a parking surface that is located a minimum of 8 feet below the Street Level and is covered by a structure which provides a surface for another use.

c. A parking garage may include accessory off-street parking spaces required or permitted under this Code.

**2. Parking, Surface**
The assembling or standing of vehicles on a surface parking lot for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

## 11.12.4.4 Eating & Drinking Establishments

### A. Definition of Eating & Drinking Establishments Use Category
Commercial establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption.

**B. Specific Eating & Drinking Establishments Use Types and Definitions**

**1. Eating and Drinking Establishment**
A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a completely enclosed structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.

**2. Brewpub**
A specific type of eating and drinking establishment. A facility at which malt, vinous, or spirituous liquors are manufactured on the premises, bottled, and sold on the same premises as where the eating and drinking services are provided. No more than 30% of the manufactured product may be sold to off-premises customers. The volume of liquor manufactured on the premises of the brewpub shall not exceed 300 gallons per day each calendar year.

## 11.12.4.5 Lodging Accommodations

**A. Definition of Lodging Accommodations Use Category**
Lodging accommodations uses are characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days except as specifically permitted for a Single Room Occupancy (SRO) Hotel. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices, but excludes Short-term Rentals as defined in Section 11.12.7.7.

**B. Specific Lodging Accommodations Use Types and Definitions**

**1. Bed and Breakfast Lodging**
A manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. A Bed and Breakfast may provide simultaneous lodging to different parties under separate contracts.

**2. Extended Stay Hotel**
A hotel containing guest rooms oriented to allow independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking.

**3. Hotel**
One or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby.

**4. Hostel**
A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one kitchen and provides sleeping accommodations for not more than 25 persons. All housekeeping duties are shared by the occupants under the supervision of a resident manager.

**5. Motel**
One or more buildings providing residential accommodations and containing rental rooms and/or dwelling units, each of which has a separate outside entrance leading directly to rooms from outside the building. Services provided may include maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. Up to 20 percent of the residential units may be utilized for permanent occupancy.

**6. Single Room Occupancy (SRO) Hotel**
One or more buildings providing lodging accommodations in 6 or more "SRO rooms" A SRO Hotel use shall not be considered a Residential Care use or a Student Housing use. A "SRO room" means:

a. A guest room intended or designed to be used, rented, or hired out, and which is occupied as a primary residence for any duration; and

b. SRO Rooms may contain kitchens and/or the building(s) may contain congregate cooking and dining facilities.

### 11.12.4.6 Office

#### A. Definition of Office Use Category

The Office use category is defined as uses where services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code or separately listed in the Use and Parking Tables.

The Office Use Category also include business operations typically less service-oriented than the more traditional office uses listed above, including but not limited to: (1) software and internet content development and publishing; (2) computer systems design and programming; (3) graphic and industrial design; (4) data processing or call centers; (5) facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; (6) scientific and technical services; and (7) medical and/or dental laboratories.

Contractors and others who perform services off-site but who store major equipment and materials on the site are not included in this use category.

#### B. Specific Office Use Types and Definitions

**1. Dental / Medical Office or Clinic**

An office use where the primary service is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses.

### 11.12.4.7 Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)

#### A. Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair

1. The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses.

2. This category includes but is not limited to:
   a. Banking and financial services,
   b. Food sales,
   c. Animal sales and services,
   d. General merchandise sales,

e. Personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, and funeral homes, and mortuaries including accessory crematory services), and

f. Consumer repair services.

3. This land use category excludes motor vehicle and equipment sales, leasing, rental, or repair, except for the sale of motorized vehicles that do not require a license from the Colorado Department of Motor Vehicles.

**B. Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair**

**1. Animal Sales and Services, Household Pets Only**

An establishment engaged in any of the following:

a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.

b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats shall be considered a primary "animal services and sales - household pets only" use.

c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

**2. Animal Sales and Services, All Others**

An establishment engaged in the retail sale, grooming, care, breeding, or boarding of animals, not restricted to domestic or household pets, and which may include overnight accommodations. Includes provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners and animal kennels or other animal boarding facilities not limited to domestic or household pets.

**3. Food Sales or Market**

Retail establishments primarily engaged in the retail sale of food and beverages for off-site or home consumption. Typical uses include supermarkets, groceries, markets, or delicatessens. This definition includes, but is not limited to, all uses in the following SIC group: 54 Food stores.

**4. Pawn Shop**

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This definition excludes motor vehicles.

**5. Retail Sales, Service and Repair - Outdoor**

Retail sale of new or used goods or retail provision of consumer, repair, or rental services, excluding the sale, service, or repair of motor vehicle or heavy equipment (and associated vehicle/equipment parts) and firearms, any or all of which primary sale, service or repair activity occurs outside a completely enclosed structure.

**6. Retail Sales, Service & Repair - Firearm Sales**

A retail establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

**C. Retail Sales, Service & Repair, All Others -- Definition**

This use type includes all other retail sales, service and repair uses not otherwise specifically defined in Section 11.12.4.7.B, Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair, but which are consistent with

Section 11.12.4.7.A, Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair.

**1. Banking and Financial Services**
A retail establishment engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:

a. 60 Depository institutions; or

b. 61 Non-depository institutions.

**2. Body Art Establishment**
A retail establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.

**3. Learning Center**
A commercial business that regularly provides on-site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age.

**4. Liquor Store**
Retail establishments licensed by the state and/or city to engage in the sale of alcoholic beverages for off-premises consumption.

**5. Manufacturer Sales Room**
An establishment licensed by the state through the Manufacturers License to engage in the sale of Colorado manufactured alcoholic beverages of their own manufacture and other Colorado manufacurers as enabled by the State license.

## 11.12.4.8 Vehicle / Equipment Sales, Rentals, Service & Repair

### A. Definition of Vehicle / Equipment Sales, Rentals, Service & Repair Use Category

Vehicle/Equipment Sales, Rental, Service and Repair includes establishments engaged in the sales, rental or service of motor vehicles and equipment for homeowner use and minor residential construction and landscaping projects. Accessory uses may include offices, parking, minor repair services, and storage of equipment and vehicles.

### B. Specific Vehicle / Equipment Sales, Rentals, Service & Repair Use Types and Definitions

**1. Automobile Emissions Inspection Facility**
A facility that is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility owner or operator is licensed by the State of Colorado to operate as an inspection and/or readjustment station. The use "automobile emissions inspection" does not include a retail establishment engaged in the sale of automotive fuel or motor oil for automobiles.

**2. Automobile Services, Light**
A retail establishment engaged in the provision of one or more of the following types of services, but not including heavy automobile service uses or any servicing of large-scale motor vehicles and trailers or Recreational Vehicles, Large:

a. The sale of automotive fuel, motor oil, and/or services; and/or

b. Routine maintenance and minor repair serving of automobiles, which may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing; and/or

c. Washing, cleaning, and/or waxing of automobiles by hand or with manually operated equipment or automatic machinery.

d. This definition includes the uses in the following SIC groups:

i. 5541 Gasoline service stations, except truck stops; and

ii. 7549 Automotive services, except the following: towing service, automotive; and wrecker service (towing), automotive.

**3. Automobile Services, Heavy**

A retail establishment engaged in the provision of one or more of the following types of services to automobiles:

a. Major repairs to and the servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. This use includes body work and painting. This definition includes, but is not limited to, all uses in the following SIC groups:

i. 753 Automotive repair shops;

ii. 7549 Automotive services.

b. Large-scale motor vehicles and trailers or Recreational Vehicle, Large washing/laundering and/or steam cleaning.

c. Such use excludes commercial wrecking, dismantling, junk yard, tire, and truck-tractor repair.

d. An "automobile services, heavy" use that is combined with one or more light automobile service use shall still be categorized as "automobile services, heavy" under this Code.

**4. Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer**

a. Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, automobile hitches or utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junk yard. This definition includes, but is not limited to, all uses in the following SIC groups:

i. 551 New and used car dealers;

ii. 552 Used car dealers;

iii. 557 Motorcycle dealers.

b. A business that sells at auction or loans money on deposit of such personal property as:

i. Automobiles, motorcycles, light trucks;

ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or

iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats.

c. A business that deals in the purchase or possession of such personal property as vehicles or heavy vehicle equipment on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**5. Heavy Vehicle / Equipment Sales, Rentals & Service**

a. The sales, leasing, or rental, and related servicing, of:

i. High capacity mechanical devices for moving earth or other materials, and mobile power units including but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower.

ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or

iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junk yard.

b. Establishments primarily engaged in servicing, repairing, overhauling, inspecting, licensing, and maintaining aircraft.

## SECTION 11.12.5 PRIMARY INDUSTRIAL, MANUFACTURING & WHOLESALE USES

### 11.12.5.1 Communications and Information

#### A. Definition of Communications and Information Use Category

Communication and Information includes plant, equipment and property used for the transmission of voice, data, image or video programming.

#### B. Specific Communications and Information Use Types and Definitions

**1. Antennas Not Attached to a Tower**

Any antennas or antennas attached to any structure other than a Telecommunications Tower structure or a Telecommunications Tower, Alternative Structure. This use also includes the antennas' associated telecommunications support facilities.

**2. Base Station**

A structure or equipment at a fixed location that enables Federal Communication Commission-licensed or authorized wireless communications between user equipment and a communications network, including, but not limited to, radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supply, and comparable equipment. The term Base Station does not encompass Telecommunications Tower Structure or Telecommunications Tower – Alternative Structure or any equipment associated therewith.

**3. Communication Services**

Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, telecommunication facilities major impact utilities. Facilities that broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as non-dental or non-medical "office" uses. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services.

**a. Broadcast and/or Recording Studio**

An establishment containing one or more broadcasting studios for the over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, television programs or motion pictures. This term does not include transmission towers.

**4. Emergency Telecommunication Services**

Telecommunications established or maintained by any public agency providing emergency services such as but not limited to fire, police, and other rescue or first responders.

**5. Telecommunications Towers**
Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

**6. Telecommunications Tower - Alternative Structure**
A man made structure that camouflages or obscures the presence of a tower and is designed to resemble architectural or natural features commonly associated with the site and district where they are located. All such structures shall be subject to the regulatory limitations, such as maximum height and bulk, which are otherwise applicable to like features in the zone district. This term also includes any antenna or antenna array attached to the Telecommunications Tower - Alternative Structure.

**7. Telecommunication Facilities**
The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

**8. Telecommunication Facilities, All Others**
This use type includes all other Telecommunications Facilities not otherwise specifically defined in this Section 11.12.5.1.

## 11.12.5.2 Industrial Services

### A. Definition of Industrial Services Use Category
Industrial Service includes the repair or servicing of industrial, business or consumer goods mainly by providing centralized services for separate retail outlets. Contractors and similar uses perform services off site. Few customers, especially the general public, come to the site.

### B. Specific Industrial Services Use Types and Definitions

**1. Contractor, Special Trades - General**

a. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:
   i. 15 General building contractors;
   ii. 171 Plumbing, heating, air-conditioning;
   iii. 172 Painting and paper hanging;
   iv. 173 Electrical work;
   v. 174 Masonry, stonework, and plastering;
   vi. 175 Carpentry and floor work;
   vii. 176 Roofing, siding, and sheet metal work;
   viii. 1793 Glass and glazing work;
   ix. 1796 Installing building equipment;
   x. 1799 Special trade contractors.

b. Includes special trades contractor involving the following trades:
   i. Air conditioning;
   ii. Cabinet making;
   iii. Carpentry;

iv. Decorating;
v. Electrical work;
vi. Exterminations;
vii. Fire-proofing;
viii. Floor laying;
ix. Glass;
x. Glazing;
xi. Heating;
xii. Linoleum;
xiii. Masonry;
xiv. Ornamental iron work;
xv. Painting;
xvi. Paper hanging;
xvii. Plumbing;
xviii. Refrigeration;
xix. Sign construction or installation;
xx. Stone work;
xxi. Title;
xxii. Waterproofing;
xxiii. Wiring;
xxiv. Other similar trades not listed elsewhere in this Code, but specifically excluding contractors dealing with excavation, structural steel, well drilling, and other similar heavy construction.

**2. Contractors, Special Trade-Heavy/ Contractor Yard**
Establishments providing general contracting and/or building construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies. This definition includes, but is not limited to, the following SIC groups:

a. 6 Heavy construction, **except** building;
b. 178 Water well drilling
c. 1791 Structural steel erection
d. 1794 Excavation work
e. 1795 Wrecking and demolition work

**3. Food Preparation and Sales, Commercial**
Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens. This definition includes, but is not limited to, uses in the following SIC groups:

a. 2099 Food preparations
b. 2051 Bread and other bakery products, except cookies and crackers
c. 2052 Cookies and crackers
d. 5812 Caterers, commissaries, and contract feeding

**4. Laboratory, Research, Development, and Technological Services**

A building or group of buildings in which are located one or more of the following types of facilities.

a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.

b. A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.

c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.

d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.

e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

f. A facility devoted to the testing and analysis of any product or animal (not including humans), including medical laboratories, biological product (not including diagnostic) manufacturing, and blood and organ banks.

g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

**5. Service/Repair, Commercial**

Commercial establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. Commercial services includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

a. Building maintenance service

b. Laundry or dry cleaning, commercial, industrial

c. 721 Laundry, Cleaning, and Garment Services

d. 735 Equipment Rental and Leasing

e. 7623 Refrigeration Service and Repair

f. 7692 Welding Repair

g. 7694 Armature Rewinding Shops

h. 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and, to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith, or gunsmith shops; and septic tank or sewer cleaning services; but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.

## 11.12.5.3 Manufacturing and Production

### A. Definition of Manufacturing and Production Use Category

Manufacturing and Production includes manufacturing and production firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. In most cases, relatively few customers come to the manufacturing site.

### B. Specific Manufacturing and Production Use Types and Definitions

#### 1. Manufacturing, Fabrication & Assembly, Custom

Custom Manufacturing, Fabrication and Assembly uses are defined as either 1.a. or 1.b. below:

a. Establishments engaged in the on-site assembly of completely hand-fabricated parts, or engaged in the on-site hand-manufacture or hand-fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving only the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, needlework, weaving, leather work, woodwork, metal or glass work, candle making facilities, or custom jewelry makers.

b. Establishments that fall into one of the following SIC groups shall be categorized as Custom Manufacturing, Fabrication and Assembly uses; this use does not include or permit the production of marijuana concentrate:

i. 2082 Malt beverage manufacturing of no more than 110,000 gallons per calendar year not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use.

ii. 2084 Wines, brandy and brandy spirits manufacturing of no more than 100,000 gallons per year , or a manufacturing operation licensed by the State of Colorado as a "Limited Winery", provided the wines/brandy spirits manufacturing or Limited Winery use are not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided brandy and brandy spirits manufacturing uses shall be subject to the same limits on flammable liquids applicable to SIC Code 2085 (Distilled and Blended Liquor) uses in paragraph B.1.b.iii. below.

iii. 2085 Distilled and blended liquors manufacturing of no more than 11,000 gallons per year not otherwise defined as a "General" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided no more than 960 gallons of Class 1B Flammable Liquids (ethanol) with an alcohol by volume (ABV) content of greater than 19% may be produced or utilized in production within a single building at any point in time, including bulk storage for the purposes of aging or awaiting shipment. Bottled distilled spirits and blended liquors are excluded from this limitation.

#### 2. Manufacturing, Fabrication & Assembly, General

General Manufacturing, Fabrication and Assembly uses are defined as:

a. A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the

nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

b. Establishments that fall into one of the following SIC groups shall be categorized as General Manufacturing, Fabrication and Assembly uses, provided the operations of such use are consistent with Paragraph 2.a. above:

   i. 2082 Malt beverage manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use;

   ii. 2084 Wines, brandy and brandy spirits manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided: (a) wine manufacturing uses shall be limited to no more than 100,000 gallons per year, or a manufacturing operation licensed by the State of Colorado as a "Limited Winery"; and (b) brandy and brandy spirits manufacturing uses shall be subject to the same limits on flammable liquids applicable to SIC Code 2085 (Distilled and Blended Liquor) uses in paragraph B.2.b.iii. below.

   iii. 2085 Distilled and blended liquors manufacturing not otherwise defined as a "Custom" or "Heavy" Manufacturing, Fabrication and Assembly use, and provided no more than 960 gallons of Class 1B Flammable Liquids (ethanol) with an alcohol by volume (ABV) content of greater than 19% may be produced or utilized in production within a single building at any point in time, including bulk storage for the purposes of aging or awaiting shipment. Bottled distilled spirits and blended liquors are excluded from this limitation.

c. This definition includes all uses or products in the following SIC groups except as noted:

   i. 20 Food and kindred products, **except:**

      a) 2011 Meat packing plants;

      b) 2015 Poultry slaughtering;

      c) 2061 Sugar cane;

      d) 2062 Sugar cane refining;

      e) 2063 Sugar beet refining;

      f) 2076 Vegetable oil mill;

      g) 2077 Animal and marine fats and oils;

   ii. 22 Textile mill products

   iii. 23 Apparel and other textile products

   iv. 24 Lumber and wood products except furniture, **except:**

      a) 2491 Wood preserving;

   v. 25 Furniture and fixtures

   vi. 26 Paper and allied products, **except:**

      a) 261 Pulp mills;

      b) 262 Paper mills; and

      c) 263 Paper board mills

   vii. 27 Printing, heat set webb process only

   viii. 28 Chemicals and allied products, **except:**

      a) 281 Industrial inorganic chemicals;

b) 282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, except glass;

c) 2822 Synthetic rubber;

d) 2836 Biological products;

e) 284 Soap; detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations;

f) 2851 Paints, varnishes, lacquers, enamel, and allied products;

g) 286 Industrial organic chemicals;

h) 287 Agricultural chemicals; and

i) 289 Miscellaneous chemical products.

ix. 30 Rubber and miscellaneous plastics and products **except:**

a) 301 Tires and inner tubes.

x. 31 Leather and leather products

xi. 34 Fabricated metal products except machinery and transportation equipment **except:**

a) 3462 Iron and steel forgings;

b) 3463 Nonferrous forgings; and

c) 3465 Automotive stampings.

xii. 35 Industrial and commercial machinery and computer equipment

xiii. 36 Electronic and other electrical equipment and components **except:**

a) 3612 Power, distribution, and specialty transformer;

b) 3613 Switchgear and switchboard apparatus;

c) 3621 Motors and generators;

d) 3624 Carbon and graphite products;

e) 3625 Relays and industrial;

f) 3629 Electrical industrial apparatus;

g) 3631 Household cooking equipment;

h) 3632 Household refrigerators and freezers;

i) 3633 Household laundry equipment; and

j) 3639 Household appliances.

xiv. 37 Transportation equipment

xv. 375 Motorcycles, bicycles, and parts

xvi. 38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks

xvii. 39 Miscellaneous manufacturing industries

d. Establishments engaged in the production of marijuana concentrate through the use of water-based extraction, food-based extraction, and/or solvent-based extraction, where no more than 3,000 square feet of gross floor area is used in the solvent-based extraction process. This definition shall not include marijuana concentrate production that complies with the definition and limitations for a "Food Preparation and Sales, Commercial" land use under this Code.

i. For purposes of this definition, "gross floor area" shall be the sum of all floor area within a completely enclosed structure where any step in the extraction process occurs, including related storage space for equipment, chemicals or

other materials used in the extraction process or space for storage of waste and by-products. However, "gross floor area" shall not include floor area devoted to offices, restrooms, or other primary land use(s) operating within the same structure. All such "gross floor area" may or may not be contiguous with each other.

**3. Manufacturing, Fabrication & Assembly, Heavy**

a. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products.

b. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process.

c. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

d. This definition includes, but is not limited to, all uses or products in the following SIC groups and the following uses:

i. 2011 Meat packing plants;

ii. 2015 Poultry slaughtering;

iii. 2061 Sugar cane;

iv. 2062 Sugar cane refining;

v. 2063 Sugar beet refining;

vi. 2076 Vegetable oil mill;

vii. 2077 Animal and marine fats and oils;

viii. 2082 Malt beverage manufacturing not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

ix. 2084 Wines, brandy and brandy spirits, not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

x. 2085 Distilled and blended liquors not otherwise defined as a Custom or General Manufacturing, Fabrication & Assembly use;

xi. 2491 Wood preserving;

xii. 261 Pulp mills;

xiii. 262 Paper mills;

xiv. 263 Paper board mills;

xv. 281 Industrial inorganic chemicals;

xvi. 282 Plastic materials, and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, **except** glass;

xvii. 2822 Synthetic rubber;

xviii. 2836 Biological products;

xix. 284 Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations;

xx. 2851 Paints, varnishes, lacquers, enamels and allied products;

xxi. 286 Industrial organic chemicals;

xxii. 287 Agricultural chemicals;

xxiii. 289 Miscellaneous chemical products;

xxiv. 29 Petroleum refining;

xxv. 295 Asphalt paving and roofing materials;

xxvi. 299 Miscellaneous products of petroleum and coal;
xxvii. 301 Tires and inner tubes;
xxviii. 32 Stone, clay, glass and concrete products;
xxix. 321 Flat glass;
xxx. 322 Glass and glassware, pressed or blown;
xxxi. 324 Cement, hydraulic;
xxxii. 325 Structural clay products;
xxxiii. 3291 Abrasive products;
xxxiv. 3295 Minerals and earths, ground or other otherwise treated;
xxxv. 3297 Non-clay refractories;
xxxvi. 33 Primary metal industries;
xxxvii. 3462 Iron and steel forgings;
xxxviii. 3463 Nonferrous forgings;
xxxix. 3465 Automotive stampings;
xl. 3612 Power, distribution, and specialty transformer;
xli. 3613 Switchgear and switchboard apparatus;
xlii. 3621 Motors and generators;
xliii. 3624 Carbon and graphite products;
xliv. 3625 Relays and industrial;
xlv. 3629 Electrical industrial apparatus;
xlvi. 3631 Household cooking equipment;
xlvii. 3632 Household refrigerators and freezers;
xlviii. 3633 Household laundry equipment;
xlix. 3639 Household appliances;
l. 3711 Motor vehicles;
li. 3713 Truck and bus bodies;
lii. 3715 Truck trailers;
liii. 3716 Motor homes;
liv. 3721 Aircraft;
lv. 3724 Aircraft engines;
lvi. 3728 Aircraft parts and auxiliary equipment;
lvii. 373 Ship and boat building;
lviii. 374 Railroad equipment;
lix. 376 Guided missiles and space vehicles and parts;
lx. 3792 Travel trailers and campers;
lxi. 3795 Tanks and tank components.
lxii. Asphalt and concrete plant;
lxiii. Concrete, asphalt, and rock crushing facility.

e. Establishments engaged in the production of marijuana concentrate through the use of water-based extraction, food-based extraction, and/or solvent-based extraction, where more than 3,000 square feet of gross floor area is used for the solvent-based extraction process. This definition shall not include marijuana concentrate

production that complies with the definition and limitations for a "Food Preparation and Sales, Commercial" land use under this Code.

i. For purposes of this definition, "gross floor area" shall be the sum of all floor area within a completely enclosed structure where any step in the extraction process occurs, including related storage space for equipment, chemicals or other materials used in the extraction process or space for storage of waste and by-products. However, "gross floor area" shall not include floor area devoted to offices, restrooms, or other primary land use(s) operating within the same structure. All such "gross floor area" may or may not be contiguous with each other.

### 11.12.5.4 Mining & Extraction and Energy Producing Systems

#### A. Definition of Mining & Extractions and Energy Producing Systems Use Category

Mining, Extraction and Energy Producing Systems include the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

#### B. Specific Mining & Extractions and Energy Producing Systems Use Types and Definitions

**1. Oil, Gas - Production, Drilling**
Production of and drilling for gas and oil, along with the installation of pumps, tanks, pits, treaters, separators and other equipment, transportation of petroleum products, and natural gas and natural gas liquids processing.

**2. Sand or Gravel Quarry**
An open pit from which sand, gravel is taken to be processed for commercial purposes.

**3. Wind Energy Conversion Systems**
Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

### 11.12.5.5 Transportation Facilities

#### A. Definition of Transportation Facilities Use Category

Transportation Facilities Category includes a variety of facilities, generally open to the public, related to the movement of passengers and goods, whether by private auto or public transportation. Typical uses include airports, mass transit facilities, and parking facilities for vehicles.

#### B. Specific Transportation Facilities Use Types and Definitions

**1. Airport**
A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities necessary for, directly related to, or commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to the following uses:

a. Landing fields;

b. Facilities for the parking, storage, fueling, repair, and rental of aircraft;

c. Passenger and baggage terminals;

d. Air cargo operations and associated facilities;

e. Public transportation infrastructure, including terminals and stations;

f. Safety facilities such as fire and police stations;

g. Open space uses such as agriculture, parks, golf courses, and recreation;

h. Energy production;

i. Retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space.

j. Other accessory uses as determined by the Zoning Administrator, in consultation with the Manager of the Department of Aviation or designee, according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

**2. Helipad, Helistop, Heliport**
A facility for landing or take-off area for rotor craft; may include a passenger terminal and/or routine servicing of rotor craft.

**3. Railroad Facilities**
Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

**4. Railway Right-of-Way**
A public or private Right-of-Way for the purpose of allowing rail travel, including, but not limited to, the following elements: rail tracks, guideways, overhead power lines, relay stations, and substations, but not including Railroad Facilities.

**5. Terminal, Station or Service Facility for Passenger Transit System**
Facilities primarily engaged in furnishing mass passenger transportation (e.g., via bus or rail) over regular routes and on regular schedules, the operations of which may be principally outside of a single municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Terminal and service facilities for passenger transit systems are limited only to the following specific uses:

a. Passenger stations, terminals, or transfer stations;

b. Service facilities for transit vehicles but not including railway yard, maintenance, or fueling facilities for rail transit vehicles (the latter are categorized as "railway facility" uses); and

c. Parking lots provided for the use of passengers or employees of the transit provider.

**6. Terminal, Freight, Air Courier Services**
Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:

a. 421 Trucking and courier services;

b. 423 Trucking terminal facilities;

c. Railroad terminal facilities;

d. 4513 which includes:

i. Courier services, air;

ii. Letter delivery, private: air;

iii. Package delivery, private: air;

iv. Parcel delivery, private: air.

## 11.12.5.6 Waste Related Services

### A. Definition of Waste Related Services Use Category

Waste Related Services include establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste/Salvage uses also include uses that receive hazardous wastes from others.

### B. Specific Waste Related Services Use Types and Definitions

#### 1. Automobile Parts Recycling Business
An establishment at which motor vehicles are dismantled for the purpose of selling usable parts and which does not include a junk yard.

#### 2. Junk yard
A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

#### 3. Recycling Center
A facility at which recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.

#### 4. Recycling Collection Station
Establishments engaged in collecting recyclable paper, household items, glass, plastic, aluminum, or other materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper, or plastic.

#### 5. Recycling Plant, Scrap Processor
A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; organic materials; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production or for retail or wholesale trade. This definition includes, but is not limited to, all uses in the following SIC group:

a. 5093 Scrap and waste materials.

#### 6. Solid Waste Facility
An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products shall occur in this facility. This use may include a waste transfer station.

## 11.12.5.7 Wholesale, Storage, Warehouse & Distribution

### A. Definition of Wholesale, Storage, Warehouse & Distribution Use Category
Establishments primarily engaged in the sale, storage and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This land use category does not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

### B. Specific Wholesale, Storage, Warehouse & Distribution Use Types and Definitions

#### 1. Automobile Towing Service Storage Yard
The assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling or repairing of vehicles.

**2. Mini-storage Facility**

Provision of storage space for nonhazardous household or commercial goods within a completed enclosed building, which building typically permits direct public access to individual storage spaces. Storage of non-toxic, non-hazardous materials only, and sale or distribution of stored goods is prohibited. This use may include quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security.

**3. Storage Services**

The use of a building or part of a building designed for storing nonhazardous goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Typically, such building does not provide individual entrances to storage units from the exterior of the structure.

**4. Vehicle Storage, Commercial**

The assembling or standing of operable vehicles for periods of more than one day. Such use shall not include the storage of damaged, dismantled or impounded vehicles. This land use need not be enclosed.

**5. Wholesale Trade or Storage, General**

"Wholesale trade or storage, general" use is defined to include all of the following activities:

a. Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots.

b. The sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials as defined in Article 13, Rules of Measurement and Definitions.

c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:

   i. Advertising;

   ii. Employment services;

   iii. Equipment rental and leasing;

   iv. Property management, security and maintenance, including custodial services;

   v. Printing and reproduction services;

   vi. Publishing and bookbinding;

   vii. Air courier pickup and delivery "drop-off points";

   viii. Personnel services;

   ix. Computer programming, data processing and other computer-related services;

   x. Mailing, addressing, stenographic services; and

   xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.

   xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as "office" uses.

d. The wholesale trade, distribution, or storage of products in the following SIC groups:

i. 501 Motor vehicles, parts, and supplies (except motor vehicle parts, used, SIC group 5015);

ii. 505 Metals and minerals, except petroleum;

iii. 5047 Medical, Dental and Hospital Equipment and Supplies

iv. 508 Machinery, equipment, and supplies;

v. 515 Farm-product raw materials;

vi. 516 Chemicals and allied products;

vii. 5191 Farm supplies.

e. Operations with more than 25 percent of sales to retail customers shall be categorized as "retail sales" rather than as "wholesale trade" uses.

f. This use shall not include Mini-Storage Facility.

**6. Wholesale Trade or Storage, Light**

"Wholesale trade or storage, light" use is defined to include all of the following activities:

a. Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors; to professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties.

b. "Wholesale trade or storage, light" does not include the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials, as defined in Article 13, Rules of Measurement and Definitions.

c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:

i. Advertising;

ii. Employment service;

iii. Equipment rental and leasing;

iv. Property management, security and maintenance, including custodial services;

v. Printing and reproduction services;

vi. Publishing and bookbinding;

vii. Air courier pickup and delivery "drop-off points";

viii. Personnel services;

ix. Computer programming, data processing and other computer-related services;

x. Mailing, addressing, stenographic services; and

xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.

xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as "office" uses.

d. The wholesale trade, distribution, or storage of products in the following SIC groups:

i. 502 Furniture and home furnishings;

ii. 503 Lumber and construction materials;

iii. 504 Professional and commercial equipment;

iv. 506 Electrical goods;

v. 507 Hardware, plumbing, and heating equipment;

vi. 509 Miscellaneous durable goods (except scrap and waste materials, SIC group 5093);

vii. 511 Paper and paper products;

viii. 512 Drugs, proprietaries, and sundries;

ix. 513 Apparel, piece goods, and notions;

x. 514 Groceries and related products;

xi. 518 Beer, wine, and distilled beverages;

xii. 519 Miscellaneous nondurable goods (except farm supplies, SIC group 5191).

e. The following specific uses:

i. Storage services, as defined in Subsection B.3 above.

f. Operations with more than 25 percent of sales to retail customers shall be categorized as "retail sales" rather than as "wholesale trade" uses.

g. This use shall not include Mini-Storage Facility.

## SECTION 11.12.6 PRIMARY AGRICULTURE USES

### A. Definition of Agriculture Use Category

Agriculture Use Category includes cultivation, production, keeping, or maintenance for personal use, donation, sale or lease, of: (1) plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; herbs; and ornamental plants; and (2) livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses.

### B. Specific Agriculture Use Types and Definitions

#### 1. Aquaculture

An agricultural use in which food fish, shellfish or other marine foods, aquatic plants, or aquatic animals are cultured or grown in order to sell them or the products they produce. Includes fish hatcheries, growing tanks or raceways; the processing, storage, packaging and distribution of shellfish and fish; and accessory uses such as feed storage and water treatment facilities. This use does not include or permit the growing of marijuana.

#### 2. Garden, Urban

Land that is (1) managed by a public or nonprofit organization, or by one or more private persons, and (2) used to grow and harvest plants for donation, for personal use consumption, or for off-site sales by those managing or cultivating the land and their households. This use does not include or permit the growing of marijuana.

#### 3. Husbandry, Animal

The cultivation, production, and management of animals and/or by-products thereof, including, but not limited to grazing of livestock and production of meat, fur, or eggs; excluding, however, feed lots (see definition below), hog farms, dairies, poultry and egg production facilities, bee-keeping and apiaries, horse boarding, and riding stables.

##### a. Feed Lot

A feed lot shall be determined to be any of the following facilities:

i. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; or

ii. Any structure, pen or corral wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock before final shipment to market; or

iii. The raising of swine under any conditions.

**4. Husbandry, Plant**

An agricultural use, other than a Plant Nursery, in which plants are cultivated or grown for the sale of such plants or their products, or for their use in any other business, research, or commerce; excluding, however, forestry and logging uses. This use includes the cultivation or growing of marijuana.

**5. Plant Nursery**

An agricultural use in which plants are grown, cultivated, produced, or managed for the on-site or off-site sale of such plants or their products, or for their use in any other business, research, or commerce. Other customarily incidental products may be sold with the plants. A Plant Nursery may include accessory Aquaculture use, when the Aquaculture is integral to the growing and maintenance of the plants, and provided the accessory Aquaculture occurs within a completely enclosed structure. This use does not include or permit the growing of marijuana.

Examples of Plant Nursery uses include, but are not limited to: wholesale or retail plant nurseries with greenhouses or garden stores; retail nurseries where plant inventory and related plant products are sold, but which may not be grown or produced on-site; tree farms; vineyards and orchards; flower farms; field nurseries; and sod farms. Plant Nursery uses do not include forestry or logging uses, or the keeping of animals or livestock except where expressly permitted as an accessory use.

## SECTION 11.12.7 DEFINITIONS OF USES ACCESSORY TO PRIMARY RESIDENTIAL USES

### 11.12.7.1 Accessory Dwelling Unit

A second dwelling unit located on the same zone lot as a primary single unit dwelling use. An accessory dwelling unit is a type of accessory use. An accessory unit may be either "attached" or "detached", defined as follows:

**A. Dwelling, Accessory unit, Attached**

An accessory dwelling unit that is connected to or an integrated part of the same structure housing the primary single unit dwelling (for example, an attached accessory dwelling unit may be located in the basement level of a structure also housing a single-unit dwelling use).

**B. Dwelling, accessory unit, Detached**

An accessory dwelling unit that is located within an accessory structure detached from the structure housing the primary single unit dwelling use.

### 11.12.7.2 Domestic Employee

A person or persons living in the household of another, paying no rent for such occupancy and paying no part of any household utilities; where such person or persons perform household and/or property maintenance duties for the general care, comfort and convenience of the household occupants.

### 11.12.7.3 Garden

The growing and cultivation of fruits, flowers, herbs, vegetables, and/or other plants. An accessory Garden use may operate as either an enclosed or unenclosed use.

### 11.12.7.4 Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use

Commercial sales, service, and repair uses limited to the following:

A. Banking and Financial Services as defined in Section 11.12.4.7.C.1, Banking and Financial Services.

B. Eating and Drinking Establishment as defined in Section 11.12.4.4.B.1, Eating and Drinking Establishment.

C. Office as defined in Section 11.12.4.6.A, Definition of Office Use Category.

D. Retail Sales, Service & Repair uses as defined in Section 11.12.4.7.A, Retail Sales, Service & Repair Use Category.

### 11.12.7.5 Outdoor Storage, Residential

The placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside of a Partially or Completely Enclosed Structure. Objects that are customarily placed outside and clearly incidental and commonly associated with the permitted use including, but not limited to, lawn furniture, lawn care equipment, gardening supplies, pool equipment, or food preparation equipment intended for outdoor use, shall not be considered Outdoor Storage, Residential. The storage of vehicles is not included.

### 11.12.7.6 Second Full Kitchen, Accessory to Single Unit Dwelling Use

A second Full Kitchen accessory to a primary single-unit dwelling use and located in the same primary structure.

### 11.12.7.7 Short-term Rental

The provision of temporary guest housing to non-residents, for compensation, by the person or persons maintaining the primary dwelling unit use as their primary residence. The length of stay per guest visit is less than 30 days. Short-term Rental does not include rental of a dwelling unit for meetings such as luncheons, banquets, parties, weddings, fund raisers, or other similar gatherings for direct or indirect compensation.

### 11.12.7.8 Vehicle Storage, Repair and Maintenance

1. Storage of operable automobiles or trucks but not "Large-Scale Motor Vehicles and Trailers" or "Recreational Vehicles, Large," as defined in this Code, except as specifically permitted in Division 10. 9, Parking, Keeping and Storage of Vehicles.

2. Routine maintenance and minor repair servicing of automobiles or trucks that are not "Large-Scale Motor Vehicles and Trailers" or "Recreational Vehicles, Large," as defined in this Code, where such vehicles are owned by occupants of the primary residential use. Routine maintenance and repair may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.

### 11.12.7.9 Wind Energy Conversion Systems

See Section 11.12.5.4 for definition of "Wind Energy Conversion System."

## SECTION 11.12.8 DEFINITIONS OF HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES

### 11.12.8.1 General Definition of Home Occupation

A business use (e.g., personal care services or, office), accessory to a primary residential use, which is conducted entirely within a Dwelling Unit, or in a detached structure accessory to such Dwelling Unit, which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the Dwelling Unit for Residential Occupancy.

### 11.12.8.2 Specific Home Occupation Use Types and Definitions

**1. Adult Care Home**
A Home Occupation providing less than 24-hour care of 4 or fewer clients, over the age of 16 years.

**2. Animal Care Service**
A Home Occupation that provides for the keeping and day-time care only of household animals of a type and number specifically permitted under Section 11.8.5. The number of such animals shall not exceed the number(s) permitted under Section 11.8.5 including any animals kept by the resident(s) of the primary dwelling unit. As a home occupation, Animal Care Services may also include cleaning and grooming services.

**3. Artist Studio**
See definition of "Artist Studio" in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions.

**4. Child Care Home, Small**
A Home Occupation providing the care and education for periods of less than 24 hours of not more than 6 children, plus 2 additional children who attend either before or after school hours, subject to the licensing requirements of the state and the city.

**5. Child Care Home, Large**
A Home Occupation operated in a single-unit dwelling unit or in a dwelling unit in a multiple-unit dwelling providing care and education for periods of less than 24 hours of 7 to 12 children subject to the licensing requirements of the state and the city.

**6. Craft Work**
A Home Occupation where individual pieces are crafted but not mass produced, and which shall consist of one (1) or more of the following: ceramics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work.

**7. Food Preparation**
A Home Occupation where prepared food items that are not Cottage Foods, as defined in Fresh Produce and Cottage Food Sales, are made and assembled for off-premises consumption by others and/or for off-premises sale.

**8. Foster Family Care**
A Home Occupation that provides full-time care of not more than 4 children or 2 adults unrelated to the residents by blood or adoption subject to the licensing requirements of the state. A qualified foster care adult is a person who is placed in the home by an agency of the state or one of its political subdivisions.

**9. Fresh Produce and Cottage Foods Sales**
A Home Occupation where:

a. Raw, uncut fresh fruits, vegetables, and herbs , excluding marijuana, that were grown in a permitted accessory Garden or primary Urban Garden are sold; and/or

b. Cottage Foods are prepared and/or sold.

Cottage Foods are defined in the State of Colorado Cottage Foods Act (House Bill 13-1158) unless otherwise prohibited by the Department of Environmental Health. Cottage Foods shall not include any food products made with marijuana.

**10. Office, Non-Medical, Non-Dental**
See Section 11.12.4.6.A, Definition of Office Use Category, but not including Dental / Medical Office or Clinic.

**11. Online Retail Sales**
Online Retail Sales are retail or wholesale sales where the transaction originates on and is completed on the Internet via an individual website or a third party marketplace. Online Retail Sales may include the sale of handmade or craft goods created, fabricated or assembled on the residential premises. Online Retail Sales are distinguished from Retail Sales or Wholesale in that goods or services are not transferred directly to a buyer at the residential premises.

**12. Professional Studio**
See definition of "Professional Studio" in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions.

**13. Rooming and/or Boarding**
A Home Occupation that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

## SECTION 11.12.9 DEFINITIONS OF USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES

### 11.12.9.1 Amusement Devices
An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes but is not limited to pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children's rides, or pool and/or billiard tables.

### 11.12.9.2 Automobile Rental Services
The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, and (2) no mechanical or maintenance work on automobiles shall be done on the premises, and (3) the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.

### 11.12.9.3 Car Wash Bay
Washing, cleaning, and/or waxing of private automobiles, light trucks and vans, but not commercial fleets, by hand or with manually operated equipment or automatic machinery.

### 11.12.9.4 College Accessory to a Place for Religious Assembly
A post-secondary education facility operated by a place for religious assembly and physically located on a zone lot occupied by such place for religious assembly.

### 11.12.9.5 Conference Facilities
A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

### 11.12.9.6 Drive Through Facility
An accessory use designed and operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle. The facility includes the area of the drive aisle dedicated to placing orders or picking up such goods or services, as well as the actual facility for placing orders and picking up of such goods or services.

### 11.12.9.7 Emergency Vehicle Access Point
The entrance to portion of a building that houses a Hospital use that provides the intake of patients from Ambulances or similar emergency services vehicles. This includes the Driveway and Drive Aisles designed for access of the entrance for such emergency vehicles from the public right-of-way.

### 11.12.9.8 Garden

The growing and cultivation of fruits, flowers, herbs, vegetables, and/or other plants. An accessory Garden use may operate as either an enclosed or unenclosed use.

### 11.12.9.9 Occasional Sales, Services Accessory to Places of Religious Assembly

Retail sales of goods to the general public for a time period not to exceed 6 consecutive months in any one calendar year, and which sales are made from the same zone lot that contains a permitted religious assembly use.

### 11.12.9.10 Outdoor Eating and Serving Area Accessory to an Eating/Drinking Establishment Use

An unenclosed area containing only tables and chairs where food and drinks are served to patrons of the primary eating and drinking establishment.

### 11.12.9.11 Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use

An accessory use allowing the provision of live and/or Outdoor Entertainment to the general public for a fee. The use is conducted in open or partially enclosed or screened facilities. This use does not include adult businesses or any permitted primary land uses.

### 11.12.9.12 Outdoor Retail Sale and Display

An accessory use; an outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the display, sale and/or advertising of a business, product, or service. The outdoor location of soft drink or similar vending machines shall be considered outdoor retail sales and display. Outdoor retail sales and display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered "outdoor storage" as defined herein). Temporary outdoor retail sales and displays are regulated as temporary uses and structure according to Division 11.11, Temporary Use Limitations.

### 11.12.9.13 Outdoor Storage

The permanent placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted primary use. "Outdoor storage" is more intensive than "Outdoor Retail Display and Sales" use, with such Outdoor Storage typically remaining outdoors overnight. Vehicles for sale, lease, or rent as part of a permitted primary use (including boats and manufactured housing) shall not be considered "outdoor storage" for purposes of this Code.

#### A. Outdoor Storage, General

The overnight outdoor storage of fuel, raw materials, shipping containers, lumber, pipe, steel, junk and other similar merchandise, material, or equipment.

#### B. Outdoor Storage, Limited

The overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility); merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers; garden supplies; building supplies; plants; fleet vehicles; and other similar merchandise, material or equipment.

## SECTION 11.12.10 DEFINITIONS OF TEMPORARY USES

#### A. Ambulance Service

The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.

**B. Amusement/Entertainment Uses**
An amusement, entertainment, or recreation use accessible to the general public upon payment of a fee or admission charge. Examples include temporary circus or sport events.

**C. Bazaar**
A place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, but not including motorized amusement rides.

**D. Building or Yard for Construction Materials**
The storage of equipment and/or excavated materials both incidental and necessary to a construction project. Building materials may include lumber, shingles, and the like. This may also include temporary parking for construction and/or temporary parking to replace parking temporarily displaced by construction.

**E. Concrete, Asphalt, and Rock Crushing Facility**
A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.

**F. Health Care Center**
A facility or institution providing health services.

**G. Noncommercial Concrete Batching Plant**
A facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

**H. Outdoor Retail Sales**
Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a completely enclosed structure, and operated as an extension of a primary retail sales use on the same zone lot.

**I. Outdoor Retail Sales - Pedestrian / Transit Mall**
Outdoor retail sales, not operated in a completely enclosed structure, and located within 125 feet of a pedestrian and/or transit mall (e.g. the downtown 16th Street pedestrian mall), including retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles. Such retail sales are not required to be operated as an extension of a primary retail sales use on the same or different zone lot.

**J. Outdoor Sales, Seasonal**
The outdoor retail sales of trees, plants, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items, not operated in a completely enclosed structure, and not as an extension of a primary retail sales use on the same zone lot. Seasonal Outdoor Sales may be conducted by a single person or multiple persons on the same Zone Lot.

Seasonal outdoor sales include, but are not limited to, seasonal sales of Christmas trees , seasonal outdoor sales of plants, seasonal outdoor farmers markets, and other seasonal sales of foods, fruits, and vegetables, such as roasted chiles and corn.

**1. Sales of Christmas Trees and Related Holiday Items**
Retail sales of Christmas trees, wreaths, garlands, tree stands, tree care items, and other incidental and customary holiday items.

**2. Sale of Plants or Plant Sales Facilities**
Retail sales of horticultural items including, but not limited to bedding plants, plant containers, seeds, small trees and bushes, and accessories therefor; incidental sales of agricultural chemical and fertilizer products are permitted only if prepackaged.

**3. All Other Types of Temporary Outdoor Sales, Seasonal**
Retail sales of trees, plants, flowers, fruits, vegetables, or other similar foods or prepared food products, including incidental sales of customary non-food items. This use sub-type includes farmers markets, and sales of roasted chiles and corn.

**K. Retail Food Establishment, Mobile**
Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.

**L. Temporary Tiny Home Village**
Residential occupancy of multiple relocatable temporary buildings containing only sleeping units, combined with one or more separate buildings containing eating, bathing, toilet and gathering facilities for common use, all located on the same zone lot. Tenancy is typically 30 days or longer. This temporary use does not include Trailer Camp or Court as defined in the Zoning Code.

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# ARTICLE 12. ZONING PROCEDURES & ENFORCEMENT

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# DIVISION 12.1 GENERAL PROVISIONS

## SECTION 12.1.1 GENERAL

### 12.1.1.1 Purpose

This Article 12 establishes the procedures and criteria by which the City will review proposed land use and development for compliance with this Code.

### 12.1.1.2 Applicability

In addition to compliance with other D.R.M.C. requirements, all use and development of land or structures, construction of buildings and improvements to land, and changes in the use of land or structures, shall be required to obtain permits and approvals according to this Article 12, unless specifically exempted.

### 12.1.1.3 Zoning Approval Required Prior to Building or Occupancy

No building permit shall be issued prior to the approval of a zoning permit required by this Article 12 for the proposed development, occupancy, or activity, unless specifically permitted by the Zoning Administrator.

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# DIVISION 12.2 REVIEW AND DECISION MAKING BODIES

Division 12.2 states the roles and responsibilities of all bodies with respect to administering and enforcing this Code.

## SECTION 12.2.1 CITY COUNCIL

### 12.2.1.1 General Authority

The City Council may exercise powers described by the charter, ordinances, and rules and regulations.

### 12.2.1.2 Authority for Final Action

The City Council is responsible for final action regarding:

A. Official Map Amendments (Rezoning)

B. Text Amendments

## SECTION 12.2.2 PLANNING BOARD

### 12.2.2.1 General Authority

The Planning Board may exercise the powers described by D.R.M.C. Sec. 12-45, Powers and Duties of the Planning Board, and as described in this Code.

### 12.2.2.2 Authority for Final Action

The Planning Board is responsible for final action regarding:

A. District Sign Plans in the Downtown Theater zone district.

B. District Sign Plans in the CMP-NWC, CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts.

C. Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Division 2 (Campus Context) of this Code.

### 12.2.2.3 Review Authority

The Planning Board shall review and make recommendations to the authority responsible for final action shown in Section 12.2.9, Summary Table of Authority and Notice, regarding:

A. Official Map Amendments (Rezoning)

B. Text Amendments

C. Comprehensive Sign Plans for Large Facilities

## SECTION 12.2.3 MANAGER OF COMMUNITY PLANNING & DEVELOPMENT

### 12.2.3.1 Short Title

The Manager of Community Planning and Development shall be known as “Manager” for the purposes of this Code.

### 12.2.3.2 General Authority

The Manager may exercise powers described by the Charter and D.R.M.C., Section 12-17, General Powers and Duties, and other ordinances, rules and regulations. In addition, the Manager shall:

A. Maintain the Official Map showing the current zoning classification of all land in the city;

B. Record with the Denver County Clerk and Recorder and file with the Denver City Clerk all matters and documents required by this Code to be recorded or filed;

C. Maintain written records of all actions taken by the department under this Code; and

D. Adopt rules and regulations when necessary to implement this Code, according to Chapter 12 (Community Planning and Development), Section 12-18 (Rule-making) of the Denver Revised Municipal Code.

### 12.2.3.3 Enforcement Authority

The Manager shall be responsible for the enforcement of this Code through the powers and procedures stated in Chapter 12 (Community Planning and Development) of the Denver Revised Municipal Code and stated in Article 12, Division 11 (Enforcement, Violations and Penalties) of this Code.

### 12.2.3.4 Review Authority

The Manager shall review and make recommendations to the City Council or other final decision-making body regarding:

A. Official Map Amendments (Rezoning)

B. Text Amendments

C. Site Development Plan Review

D. Zoning Permit with Special Exception Review

### 12.2.3.5 Delegation of Authority

The Manager may designate any staff member to represent the Manager in any function or authority assigned by this Code. The Manager shall remain responsible for any final action.

## SECTION 12.2.4 ZONING ADMINISTRATOR

### 12.2.4.1 Appointment by Manager

The Manager shall appoint a Zoning Administrator to exercise the authority granted under this Section 12.2.4.

### 12.2.4.2 Authority for Final Action

The Zoning Administrator is responsible for final action regarding:

A. Zoning Permit

B. Zone Lot Amendment

C. Administrative Adjustment

D. Comprehensive Sign Plan for Large Facilities; and

E. Code Interpretation and Determination of Unlisted Uses.

### 12.2.4.3 Review Authority

With respect to this Code, the Zoning Administrator shall review and make recommendations to the Manager regarding text amendments and site development plans, and shall review and make recommendations to the Board of Adjustment regarding variances, special exceptions, and appeals of administrative decisions.

### 12.2.4.4 Delegation of Authority

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function or authority assigned by this Code.

## SECTION 12.2.5 DEVELOPMENT REVIEW COMMITTEE

### 12.2.5.1 Creation

The Development Review Committee ("DRC") shall consist of the Manager, the manager of Public Works, and the manager of Parks and Recreation, or their designated representatives, provided that additional agencies may participate at the discretion of the Manager.

### 12.2.5.2 Authority for Final Action

The Development Review Committee is responsible for final action regarding:

A. Site Development Plan Review

B. Minor Deviations and Repeals of General Development Plans

C. Large Development Review

D. Infrastructure Master Plan

### 12.2.5.3 Review Authority

The Development Review Committee shall review and make recommendations to the Zoning Administrator regarding:

A. Zoning Permit Review, as the Zoning Administrator may determine on a case-by-case basis.

## SECTION 12.2.6 BOARD OF ADJUSTMENT

### 12.2.6.1 Authority for Final Action

The Board of Adjustment is responsible for final action regarding:

A. Variances (see Section 12.4.7);

B. Appeals from Administrative Decisions (see Section 12.4.8); and

C. Zoning Permit with Special Exception Review (see Section 12.4.9).

### 12.2.6.2 Creation; Alternates

A. Consistent with the City Charter, there shall be and hereby is created a Board of Adjustment consisting of 5 members. The members of the Board shall be appointed by the mayor for a term of 5 years. Any vacancy which occurs in the Board of Adjustment shall be filled by the mayor for the unexpired term of any member whose term became vacant.

B. A member of the Board of Adjustment may be removed only for cause upon written charges and after public hearing. Should a member of the Board of Adjustment fail to attend one-third of the meetings scheduled during any period of 12 consecutive months, that failure shall be deemed cause for removal upon written charges being made and after a public hearing.

C. The mayor may appoint for a term of between 1 to 5 years 2 alternate members of the Board of Adjustment in addition to the 5 members. When a member of the Board is recused or is absent, the alternate member first appointed by the mayor shall act with full authority. The alternate members shall thereafter rotate or substitute, one for the other, their service on the Board as the need arises. Except as to attendance, the provisions with regard to removal for cause and vacancies shall apply to such alternates.

D. The compensation of the members of the Board of Adjustment and the alternate members shall be fixed by City Council. No member of the Board of Adjustment or an alternate member shall be on the staff of the Board or be employed by Community Planning and Development.

### 12.2.6.3 Staff

The staff of the Board of Adjustment shall consist of a director and such other assistants as may be authorized by City Council. The director shall be the technical advisor to the Board of Adjustment and custodian of its records, shall conduct official correspondence, and generally supervise the clerical and technical work of the Board of Adjustment. The director shall be appointed by the Board of Adjustment and shall devote all time to the duties of the office. The salary of the director, the number of additional assistants, and the salaries of such additional assistants shall be fixed by City Council.

### 12.2.6.4 Rules for Proceedings Before Board

The Board of Adjustment shall adopt rules governing all proceedings before it. Such rules of the Board of Adjustment shall be maintained and available for public review in the office of director.

### 12.2.6.5 Officers

For the purpose of exercising the powers provided under this Code, the Board of Adjustment shall elect a chairperson and vice-chairperson.

### 12.2.6.6 Oaths and Attendance of Witnesses

The chairperson or, in the chairperson's absence, the vice-chairperson or acting chair shall administer oaths to or accept affirmations from all witnesses, and may compel the attendance of witnesses. A failure or a refusal to appear in response to a subpoena issued by the Board of Adjustment shall constitute a violation of this Code.

### 12.2.6.7 Stay of Effective Date of Orders

A. Whenever Community Planning and Development has issued an order to cease and desist from the operation of dwelling units in excess of the number authorized by this Code, and the Board of Adjustment also finds that literal enforcement of the provisions of this Code by reason of unique and exceptional circumstances including owner's physical condition, age, or other factors as deemed by the Board of Adjustment to be unique or exceptional, will result in unnecessary hardship, then the Board of Adjustment may order a delay, for no more than 5 years, of the enforcement of such order.

B. Upon expiration of any delayed enforcement or other order, the Board of Adjustment may review, at a public hearing before the Board, an applicant's request for a further extension and grant any such extension not to exceed a cumulative total of 5 years from the date of the original order, should the Board of Adjustment find that condition(s) found in Section 12.2.6.7.A. still exists.

C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant therefor, shall only allow continued operation of the excess dwelling units by the persons occupying such unit at the time of the Board of Adjustment's original order, and shall not be transferable.

### 12.2.6.8 Six-Month Delay of Enforcement

A. Whenever Community Planning and Development has issued an order to cease and desist from any use not authorized by this Code, except as provided in Section 12.2.6.7, the Board of Adjustment, upon appeal, may find that the literal enforcement of the provisions will result in unnecessary hardship by reason of unique and exceptional circumstances, including but not limited to the owner's physical condition, age, and/or other factors as deemed by the board to be unique or exceptional. The Board of Adjustment may order a delay, for no more than 6 months, of the enforcement of such cease and desist order.

B. Upon expiration of any order delaying enforcement of such cease and desist order, the Board of Adjustment may review, at a public hearing, an applicant's request for an additional 6 months'

extension and grant only one such extension should the Board of Adjustment find that the unique and exceptional circumstances justifying the original order to delay still exist.

C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant, and shall not be transferable.

### 12.2.6.9 Limitations on Powers

**A. Concurring Vote Required**

The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official authorized to act under this Code, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Code or to grant a variance to this Code.

**B. Recording of Hearings and Findings of Fact**

1. All proceedings before the Board of Adjustment shall be recorded.

2. Every decision of the Board of Adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions herein shall be construed as limitations on the power of the Board of Adjustment. Mere recitation of the conditions unaccompanied by findings of specific facts shall not constitute compliance with this Code. All findings of fact shall be available for public review within 21 days from the date of the Board of Adjustment's final decision.

**C. Powers Strictly Construed**

Nothing herein contained shall be construed to empower the Board of Adjustment to amend the text of this Code, to effect changes in the Official Zoning Map, or to add to the specific uses permitted in any district. The powers of the Board of Adjustment shall be construed to strictly enforce this Code and the Official Zoning Map.

### 12.2.6.10 Appeals from the Board of Adjustment to District Court

**A. Procedure**

Any person or any taxpayer aggrieved, the City, or any officer or department of the City may have a decision of the Board of Adjustment reviewed in the manner provided by the Colorado Rules of Civil Procedure. The plaintiff in any appeal to District Court shall be responsible for all costs to prepare the Board of Adjustment's record for transmittal to the court, according to fees set by the Board, which shall be paid prior to transmittal of the record to the District Court.

**B. Effect of Appeal**

The filing of an appeal to District Court shall not stay proceedings upon the decision appealed from, unless the court grants a restraining order or stay.

## SECTION 12.2.7 CHERRY CREEK NORTH DESIGN ADVISORY BOARD

### 12.2.7.1 Creation

A. The Cherry Creek North Design Advisory Board shall consist of seven members appointed by the mayor.

B. The board shall consist of the following individuals to be appointed by the mayor from a list of nominations provided by the board of Cherry Creek North Business Improvement district: three licensed architects and one licensed landscape architect who reside in Denver; one member of the board of Cherry Creek North Business Improvement District or its designated successor; one property owner from the district; and one retailer from the district.

C. The members of the board shall be appointed by the mayor for a term of three years and shall serve at the pleasure of the mayor. Vacancies shall be filled within 30 days by the mayor from the date on which the vacancy occurs.

### 12.2.7.2 Review Authority

A. Within the C-CCN zone districts, the Cherry Creek North Design Advisory Board shall review and make recommendations to the Development Review Committee or the Zoning Administrator as specified in adopted rules and regulations, as may be amended from time to time.

## SECTION 12.2.8 DOWNTOWN DESIGN ADVISORY BOARD

### 12.2.8.1 Creation

A. The Downtown Design Advisory Board shall consist of seven members appointed by the Mayor. The seven members shall include individuals from the following categories: four design professionals, including architects, landscape architects, and urban designers, at least one of whom shall be a landscape architect; one owner of property in the downtown area; one resident or community representative of the downtown area; and one representative of the development/construction industry, including but not limited to engineers, contractors, and developers. All board members must be residents of Denver.

B. The members of the board shall be appointed by the Mayor for terms of three years and shall serve at the pleasure of the Mayor. Terms of office shall be staggered by making the appointments so that approximately one-third of the members' terms expire each year. Vacancies shall be filled by the mayor within 30 days from the date on which the vacancy occurs.

### 12.2.8.2 Board Meetings

A. All meetings of the Downtown Design Advisory Board shall be open to the public and allow opportunity for public comment.

### 12.2.8.3 Review Authority

A. The Downtown Design Advisory Board shall review and make recommendations to the Development Review Committee or Zoning Administrator for all projects submitted for review within the Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+ (D-AS-20+), Downtown Central Platte Valley – Auraria Transition (D-CPV-T), Downtown Central Platte Valley – Auraria River (D-CPV-R), and Downtown Central Platte Valley – Auraria Center (D-CPV-C) zone districts, as specified in adopted rules and regulations, which may be amended from time to time. The Zoning Administrator shall conduct all review and approval of projects submitted before April 1, 2019.

# SECTION 12.2.9 SUMMARY TABLE OF AUTHORITY AND NOTICE

| | REVIEW AND DECISION-MAKING AUTHORITY | | | | | | TYPE OF PUBLIC NOTICE REQUIRED | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | D = Decision-Making Authority<br>R = Review and Recommendation Authority<br>* = Public Hearing Required | | | | | | ■= Notice Required<br>Blank Cell = Notice Not Required | | | | | |
| | | | | | | | Informational Notice | | | Notice of Public Hearing | | |
| | Zoning Administrator | Manager | DRC | Board of Adjustment | Planning Board | City Council | Written and Posted Notice of Community Information Meeting | Written and Posted Notice of Receipt of Application | Posted Notice of Final Administrative Decision | Written | Posted | Published |
| Zoning Permit Review | D | | | | | | | | | | | |
| Zoning Permit Review with Informational Notice | D | | | | | | | ■ | ■ | | | |
| Site Development Plan Review | R | R | D/R<br>See Sec. 12.4.3 for site development plans where DRC has reivew and recommendation authority | | D*<br>See Sec. 12.4.3 for site development plans that require public notice | | | ■<br>See Sec. 12.4.3 for site development plans that require public notice | ■<br>See Sec. 12.4.3 for site development plans that require public notice | ■<br>See Sec. 12.4.3 for site development plans that require notice of a public hearing | | |
| Zone Lot Amendment | D | | | | | | | | | | | |
| Administrative Adjustment | D | | | | | | | | | | | |
| Code Interpretation, Determination of Unlisted Use | D | | | | | | | | | | | |
| Comprehensive Sign Plan | D | | | | R* | | | ■ | ■ | ■ | ■ | |
| Variance | R | | | D* | | | | Refer to rules of Board of Adjustment | | | | |
| Appeal of Administrative Decision | R | | | D* | | | | Refer to rules of Board of Adjustment | | | | |
| Special Exception | R | R | | D* | | | | Refer to rules of Board of Adjustment | | | | |
| Official Map Amendment (Rezoning) | | R | | | R* | D* | | ■<br>- Written Notice Only | | ■ | ■ | ■ |
| Text Amendment | R | R | | | R* | D* | | | | ■ | | ■ |
| Infrastructure Master Plan | R | | D | | | | | | | | | |
| Large Development Review | | | D | | | | ■ | | | | | |
| Repeal of an Approved General Development Plan | | | D | | | | | | | ■ | ■ | |

| | REVIEW AND DECISION-MAKING AUTHORITY | | | | | | TYPE OF PUBLIC NOTICE REQUIRED | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **D = Decision-Making Authority<br>R = Review and Recommendation Authority<br>* = Public Hearing Required** | | | | | | **■= Notice Required<br>Blank Cell = Notice Not Required** | | | | | |
| | | | | | | | Informational Notice | | | Notice of Public Hearing | | |
| | Zoning Administrator | Manager | DRC | Board of Adjustment | Planning Board | City Council | Written and Posted Notice of Community Information Meeting | Written and Posted Notice of Receipt of Application | Posted Notice of Final Administrative Decision | Written | Posted | Published |
| Regulating Plan | R | D | | | | | | | | | | |
| Temporary Tiny Home Village | D | | | | | | ■ | | | | | |

# DIVISION 12.3 REQUIREMENTS COMMON TO ALL ZONING PROCEDURES

Division 12.3 states those procedural steps or requirements that are generally common to all zoning procedures stated in this Article, unless otherwise stated in this Code. Division 12.4 states the procedural steps and requirements specific to each type of zoning application procedure, which will include references to the common requirements stated in this Division 12.3 as applicable.

## SECTION 12.3.1 GENERAL

The following review procedures are common to all zoning procedures, unless otherwise stated in this Code, and shall apply to applications submitted under this Code. Additional details may be included in the specific procedures included in Division 12.4 of this Article.

## SECTION 12.3.2 PRE-APPLICATION MEETING/ CONCEPT PLAN REVIEW

### 12.3.2.1 Optional

Except as stated in Section 12.3.2.2 below, an applicant may schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards and regulations required for approval in accordance with this Code.

### 12.3.2.2 Mandatory

Before submitting an application for the following, an applicant shall schedule a pre-application meeting or concept plan review with the Manager to discuss the procedures, standards, and regulations required for approval in accordance with this Code.

A. Zoning Permit with Informational Notice

B. Site Development Plan

C. Zoning Permit with Special Exception Review

D. Official Map Amendment (Rezoning)

E. Text Amendment

F. Large Development Review (LDR)

G. Infrastructure Master Plan (IMP)

### 12.3.2.3 Effect of the Pre-Application Meeting or Concept Plan Review

Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, Manager and other staff opinions or comments made during a pre-application meeting or concept plan review are informational only and do not represent a commitment on behalf of the City regarding a final decision on the development proposal. However, at the pre-application meeting , the Manager may waive application submittal requirements or request that additional information be submitted.

### 12.3.2.4 Timely Application Submittal Required

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, if an application is not submitted within 180 days after a mandatory pre-application meeting or concept plan review, the Manager may require a new pre-application meeting or concept plan review.

## SECTION 12.3.3 SUBMISSION OF APPLICATIONS

### 12.3.3.1 Authority to File Applications

The person having legal authority to take action according to the approval sought shall file an application for review or approval under this Code, and is hereinafter referred to as the "Applicant." That

person is presumed to be the owner of record, purchaser under a sale with the owner's consent, or the duly authorized agent of the owner of record, unless otherwise authorized in Division 12.4.

### 12.3.3.2 Applications

Applications shall be submitted only after a pre-application meeting or concept plan review, if mandatory. All applications shall be submitted to Community Planning and Development.

### 12.3.3.3 Application Contents

**A. Application Contents—General**

The Manager is authorized to establish submittal requirements for all applications required by this Code, and to update and amend such requirements as necessary to ensure effective and efficient review.

**B. Submittal Waivers**

The Manager may waive certain application submittal requirements:

1. To tailor the requirements to the information necessary to review a particular application; or

2. Where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such waiver.

**C. Additional Information Requested**

The Manager shall have the authority to request additional information from the applicant when necessary to complete review of the application.

### 12.3.3.4 Application Fees

A. Except as specified in paragraph B. below, the Manager shall adopt, and may amend from time to time, a fee schedule setting forth an assessment of fees to defray the cost of processing applications under this Code.

B. The Board of Adjustment shall recommend, and the City Council shall approve, processing fees for all applications determined by the Board of Adjustment, including applications for variances, zoning permit with special exception reviews, and appeals from administrative decisions. The application fee schedule for Board of Adjustment applications, as may be amended from time to time, can be found in the rules of the Board of Adjustment.

C. At the time of submittal, all applications shall include payment of the application fee, except that application fees are not required for an application initiated by the City Council, an individual City Council member, the Manager, or the manager of a city agency or department.

D. An applicant may submit a written request to the Manager for the waiver of all or a portion of fees. Upon a finding by the Manager that, owing to exceptional or extraordinary circumstances, collection of the required fees will result in unnecessary hardship, the fees may be reduced or waived by the Manager.

E. Other fees, such as recording fees, may be applicable in addition to Community Planning and Development application fees.

### 12.3.3.5 Statements During Review

A. Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, statements that are necessary for compliance with this Code that are made by the applicant in the course of the application review process and/or public hearings may, in the sole discretion of the decision-making body, be made specific conditions of approval.

### 12.3.3.6 False or Misleading Information

Any false or misleading information given by the applicant in an application, or in other statements to staff, or in a public hearing as applicable, may result in suspension or rescission of a permit, as permitted under Division 12.11, Enforcement, Violations and Penalties, of this Article.

### 12.3.3.7 Complete Applications Required for Processing

A. All applications shall be complete and sufficient for processing before any review of the application will begin.

B. An application is complete when the Manager finds that it is submitted in the required form, includes all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application meeting or concept plan review, and is accompanied by the applicable fee or fees.

C. An application shall be considered incomplete if the Manager determines that the submittal is inconsistent or contrary to a previous plan or permit approval that is regulatory and controlling.

D. An application for an official map amendment (rezoning) shall be considered incomplete if the Manager determines that the submittal does not meet the location and adjacency requirements or any other minimum requirements for rezoning to the proposed zone district. See Section 12.4.10, Official Map Amendments.

### 12.3.3.8 Determination of Complete Application

A. Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, the Manager shall review the application and make a determination of completeness by no later than 15 days from the date of receipt of the applicant's submittal. Failure to make a determination of completeness within the requisite 15-day time period shall automatically deem the application"complete."

B. A "complete" application shall be processed according to this Article.

C. If the Manager determines that the application is incomplete, the Manager shall notify the applicant and specifically identify how the application is deficient and state that Community Planning and Development will not process incomplete applications. The application shall then be classified as "Incomplete."

D. Community Planning and Development shall not review an incomplete application, and shall not forward such application to any review or decision-making bodies, until the application is made complete. Wherever this Code refers to the forwarding or referral of an application to any review or decision-making body, the obligation to forward or refer the application shall not arise until the application is determined to be complete.

### 12.3.3.9 Concurrent Applications

A. Applications may be filed and reviewed concurrently, at the option of the applicant, and with the approval of the Manager. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.

B. Applications submitted concurrently may be subject to approval of all other related applications. Disapproval of any concurrently submitted application may stop consideration of related applications until the disapproved application is resolved.

C. Notwithstanding Section 12.4.10.2, zone districts Not Available for Rezoning, creation of a new zone district by text amendment according to Section 12.4.11, Text Amendment, may, with the Manager's approval, be filed and reviewed concurrent with a map amendment according to Section 12.4.10, Official Map Amendment (Rezoning). In no case, however, shall a map amendment

rezoning land into a new zone district be approved until the text amendment creating the new zone district is approved.

### 12.3.3.10 Modification of a Pending Application

With the Manager's approval, a pending application may be modified at the applicant's request at any time before public notice of a public hearing, as applicable, is given. After public notice for a public hearing has been given, the applicant may request modifications to the application at the public hearing, which the review- or decision-making body may accept as conditions of approval.

### 12.3.3.11 Withdrawal of Pending Applications

A. Except where otherwise expressly provided (e.g., see Section 12.3.3.12, Inactive Applications), only the applicant may withdraw an application. The applicant shall request the withdrawal in writing, and after such withdrawal, the Manager will not take further action on the application. To re-initiate review after withdrawal, the applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review, scheduling, and payment of fees.

B. Withdrawal from consideration of an application from a public meeting or hearing agenda is discretionary with the applicable review or decision-making body.

### 12.3.3.12 Inactive Applications

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, the following provisions shall apply to inactive applications:

A. The Manager shall notify the applicant in writing that an application is considered inactive and will be automatically withdrawn unless the applicant takes action to revive the application according to the Manager's direction within thirty (30) days, if at any point in a review process either:

1. The Manager has notified the applicant that additional or corrected materials are required, and the applicant has not submitted such materials or responded with a request for a reasonable extension within 45 days after the date of such notification; or

2. As applicable, the applicant has not responded to a staff report, or has not agreed to a date for a required meeting or hearing before the Planning Board, City Council, or Board of Adjustment, or has not given proper public notice as required by this Code, or has not taken other affirmative steps within a reasonable time frame that is within the applicant's control and is necessary to advance the application for a final determination.

B. No further processing of an inactive application shall occur until the deficiencies are corrected and the application revived. If the applicant does not correct the deficiencies or take other substantial action to address the deficiency within the 30-day correction period, the inactive application shall be considered automatically withdrawn. Any re-submittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application processing fees.

## SECTION 12.3.4 PUBLIC NOTICE REQUIREMENTS

### 12.3.4.1 General Provisions and Intent

All applications that require public hearings before the Planning Board, the Board of Adjustment, or the City Council shall be subject to this Section's public notice of hearing requirements. In addition, certain applications require public notice of receipt of such application and/or notice of the final decision or appeal opportunities. Some types of applications require a public meeting prior to submission of an application, during which the community can learn more about the proposed development. Public notice is intended to provide an the opportunity for public participation or public information regarding land use and development applications under this Code.

### 12.3.4.2 Types of Public Notice

There are three types of public notice addressed by this Section:

**A. Notice of Public Hearings**

When required by Section 12.2.9, Summary Table of Authority and Notice, "Notice of Public Hearings" provides the public with advance notice of a required hearing at which a review- or decision-making body will take action on an application under this Code. Such notice may be provided in writing (mailed), by posting (signs), or by publication.

**B. Informational Notice**

When required by Section 12.2.9, Summary Table of Authority and Notice, "Informational Notice" provides the public with notice of Community Planning and Development's receipt of an application for review (e.g., a zoning permit or site development plan), and/or the approving authority's final decision on such application and available avenues for appeal. Such notice may be provided in writing (mailed) and/or by posting (signs).

**C. Notice of Community Information Meetings**

When required by Section 12.2.9, Summary Table of Authority and Notice, a "community information meeting" provides the opportunity for the public to learn directly from the applicant about a potential application before it is submitted. Notice of the community information meeting shall be provided in writing (mailed) and by posting signs.

### 12.3.4.3 Public Notice – When Required

Required public notices are summarized in the table shown in Section 12.2.9, Summary Table of Authority and Notice. More detailed information may be included with each specific zoning procedure described in Division 4 of this Article 12.

### 12.3.4.4 Notice of Public Hearing

**A. Written Notice of Public Hearings**

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of a public hearing shall be provided in compliance with the following standards:

**1. Official Map Amendment (Rezoning) - Written Notice of Planning Board Public Hearings**

a. No later than 15 days before a required Planning Board public hearing on a proposed official map amendment (rezoning), the Manager shall notify the following parties:

i. The city council members in whose district the subject property is located.

ii. The at-large city council members.

iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).

iv. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

**2. All Other Applications - Written Notice of Planning Board Public Hearings**

a. Except for an official map amendment (rezoning) application, no later than 15 days before a required Planning Board public hearing on an application, the Manager shall notify the following parties:

i. The city council members in whose district the subject property is located.

ii. The at-large city council members.

iii. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed application.

**3. Written Notice of City Council Public Hearings**

No later than 21 days before a required City Council public hearing on an application, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization's boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

**4. General Requirements**

a. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

b. Notification shall include, where applicable, the location and general description of the proposed action; the process to be followed, including the date, time and place of the scheduled public hearing and/or public meeting.

**5. Minor Defects in Notice Do Not Impair Hearing**

Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review or decision-making body shall make a finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

**B. Posted Notice of Public Hearings**

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of a required public hearing shall be provided in compliance with the following standards:

1. No later than 15 days prior to the required Planning Board public hearing, and no later than 21 days prior to the required City Council public hearing, the applicant shall be responsible for posting signs on the subject property providing public notice thereof.

2. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the public meeting or hearing, and any other information prescribed by the Manager.

3. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.

4. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

**C. Published Notice of City Council Public Hearing**

No later than 21 days prior to the required City Council public hearing, the Office of the City Council, together with the Denver City Clerk's Office, shall publish notice of the time and place of a required public hearing before the City Council in the official newspaper.

## 12.3.4.5 Informational Notice – General Provisions

### A. Written Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, written notice of receipt of application shall be provided in compliance with the following standards:

#### 1. Official Map Amendment (Rezoning) - Timing of Notice

For an official map amendment (rezoning) application, Community Planning and Development shall cause written informational notice to be provided no later than 10 days after the determination that a complete application has been received in accordance with Section 12.3.3.8, Determination of Complete Application. Community Planning and Development shall cause written informational notice to be sent to the following parties:

a. The city council members in whose district the subject property is located.

b. The at-large city council members.

c. Registered neighborhood organizations registered according to D.R.M.C. Section 12-94 whose boundaries encompass or are located within 200 feet of the proposed official map amendment (rezoning).

d. The owners of any real property located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).

#### 2. All Other Applications - Timing of Notice

Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.

#### 3. Notice to Landmark Preservation Commission

If the subject property falls within an area designated as a structure or district for preservation according to the D.R.M.C., Chapter 30 (Landmark Preservation), Community Planning and Development shall notify the Denver Landmark Preservation Commission regarding the application within the same time periods specified in paragraphs 1 and 2 above.

#### 4. General Rules

a. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

b. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled; and information concerning, as applicable, when and where written comments may be submitted.

c. The failure of any real property owner or a registered neighborhood organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the city.

### B. Posted Notice of Receipt of Application

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of receipt of an application shall be provided in compliance with the following standards:

1. No later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for 10 days with a sign or sign template provided by Community Planning and Development. The start of the 10-day period shall be the first day of the posting of the sign.

2. Such sign shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the beginning of the posting period, and state that any final decision to approve the application shall be posted at the same location for 15 days as soon as it is effective.

3. Posted notices shall be removed by the applicant from the subject property by no later than 15 days after the end of the posting period. Failure to do so shall constitute a violation of this Code.

**C. Posted Notice of Final Administrative Action**

When required by Section 12.2.9, Summary Table of Authority and Notice, posted notice of final administrative action on an application shall be provided in compliance with the following standards:

1. Within 7 days after reaching a final decision to approve an application subject to informational notice, Community Planning and Development shall cause the applicant to post the property with a copy of the approving decision for a period of 15 days.

2. The applicant shall post the property in a conspicuous location with a sign or sign template provided by Community Planning and Development.

3. The effective date of the final administrative action and the start of the 15-day period during which appeals may be made to the Board of Adjustment shall be the first day of the posting of the sign. Such sign shall describe how an appeal from the final administrative decision may be filed and state that any appeal must be filed within 15 days, and shall provide contact information for obtaining the standards and criteria that will govern the appeal.

### 12.3.4.6 Community Information Meeting

**A. Timing of Community Information Meeting**

When required prior to submitting an application, the applicant shall schedule a community information meeting and provide public notice of the community information meeting according to the following standards.

**1. Large Development Review**

The applicant shall schedule a community information meeting following the DRC's preliminary determination of the LDR scope according to Section 12.4.12.6, and prior to application for Large Development Review according to Section 12.4.12.8.

**2. Temporary Tiny Home Village**

The applicant shall schedule a community information meeting following a pre-application meeting (see Section 11.11.17.2.C.1) and prior to application for a zoning permit.

**B. Required Public Notice**

**1. Written Notice of Community Information Meeting**

The applicant shall send written notice at least 21 days prior to the date of the community information meeting in compliance with the following standards:

a. The written notice of the community information meeting shall be sent to:

i. Owners and tenants (if the latter is different from owners) of the subject site and any real property located within 400 feet of the subject site;

ii. The City Council members in whose districts the subject site is located, and the at-large City Council members;

iii. Any neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 400 feet of the subject site;

iv. Other community organizations that are not registered neighborhood organizations and are either located within 400 feet of the subject site or operate within the statistical neighborhood or neighborhoods that contain the subject site or district boundary. Applicants shall use reasonable efforts to identify such organizations, examples of which may include schools, religious assemblies, and other community-based nonprofit organizations.

b. In addition to the written notice required by Section 12.3.4.6.A.1, above, written notice for a Large Development Review shall also be sent to:

i. Any neighboring municipality or county that is contiguous to any boundary of the LDR area;

ii. Denver Public Schools if the LDR area anticipates residential development; and

iii. Any special district of which any part of the district's boundaries is included in the LDR area.

c. The written notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

d. Notification shall include the location and general description of the proposed application, the location, time and date of the community information meeting, and, if applicable, the process to be followed, including date, time and place of any related public meeting or hearing, if such has been scheduled.

e. The failure of any real property owner, tenant, registered neighborhood organization, or non-RNO organization, for whatever reason, to receive a notification required hereunder shall not invalidate any final action by the city.

**2. Posted Notice of Community Information Meeting**

Posted notice of the community information meeting shall be provided in compliance with the following standards:

a. No later than 21 days prior to the date of the required community information meeting, the applicant shall be responsible for posting one or more signs on the subject property providing public notice thereof.

b. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the community information meeting, and any other information prescribed by the Zoning Administrator.

c. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.

d. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the community information meeting has been held. Failure to do so shall constitute a violation of this Code.

**3. Conduct of Community Information Meeting, General**

The Manager shall publish guidelines for the conduct of community information meetings specific to the application types for which such meetings are required.

## SECTION 12.3.5 EFFECT OF APPROVED APPLICATIONS, PLANS AND PERMITS

All applications, plans and permits approved under this Article 12 and this Code shall be binding upon the applicants, their successors and assigns, shall limit and control the issuance and validity of all subsequent site development plans and zoning permits, and shall restrict and limit the construction, location, use, and operation of all land and structures in accordance with such plans or permits. See also Section 12.3.7, Modification and Amendment of Approved Applications, Plans and Permits, below.

## SECTION 12.3.6 LAPSE OF APPROVAL PROVISIONS AND EXTENSION OF APPROVAL PERIOD

### 12.3.6.1 In General - Lapse of Approved Applications, Plans and Permits

An application, site development plan, or zoning permit approved under this Code may lapse if certain actions related to the approved application are not taken within a specified time period as set forth in Division 12.4, Zoning Application and Review Procedures. Specific actions that must be taken with regard to each application, plan or permit to avoid lapsing of the approval are set forth in Division 4 of this Article for each type of zoning application.

### 12.3.6.2 Beginning of Approval Period - General Rule

Unless otherwise specified in Division 4 of this Article 12, the approval period of an approved application, plan or permit, after which lapse will occur, shall begin on the date of the decision-making body's final action, which shall be interpreted to mean:

A. Except as stated in Section 12.3.6.2.B regarding site development plans, for approved plans or permits that this Code requires to be recorded: the date of recordation.

B. For all other approved applications, plans or permits, including site development plans: the date of the decision-making body's final action, which shall be affixed to all approved applications, plans or permits.

### 12.3.6.3 Extension of Approval Period

A. The Zoning Administrator may grant an extension of an approval period up to 12 months for good cause, including but not limited to a showing that development was delayed by economic or physical problems beyond the applicant's or property owners' control.

B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property's zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.

C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:

1. Payment of any required fee for the extension review; and

2. A narrative stating the reasons for the applicant's or owner's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.

D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.

E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

## SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS

### 12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits

This Section 12.3.7.1 shall not apply to modifications to LDFs, IMPs, or GDPs; instead see Sections 12.4.12 and 12.4.14.

The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications" rather than "amendments," and may be approved administratively by the Zoning Administrator according to this Section.

**A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits**

1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly permitted as "administrative adjustments" under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.

2. The Zoning Administrator may allow minor changes to an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.

3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder's Office, and shall register a modified zoning permit in the records of Community Planning and Development.

**B. Other Modifications to Approved Applications, Plans, or Permits**

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section 12.3.7.1.A above, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

## 12.3.7.2 Amendments to Approved Applications, Plans and Permits

This Section 12.3.7.2 shall not apply to amendments to LDFs, IMPs, or GDPs. See Sections 12.4.12 and 12.4.14.

**A. Procedure for Amendments**

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.

2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.

3. The Manager shall record all amendments to a site development plan approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

**B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits**

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council

approval), which do not qualify as a “modification" under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.

2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:
   a. An increase in overall project density;
   b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
   c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
   d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretations and Determination of Unlisted Uses);
   e. A change to the location of permitted land uses that would substantially change the development's character or impacts on surrounding property, as determined by the Zoning Administrator;
   f. A reduction in required minimum setbacks from zone lot lines;
   g. An increase in required build-to location from zone lot lines;
   h. An increase in permitted building coverage, including coverage by surface parking;
   i. A reduction by more than 5 percent in the land area designated for landscaping;
   j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;
   k. A change in the permitted number, size or lighting of signs;
   l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
   m. Changing or negating a condition of approval; or
   n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

## SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS

12.3.8.1 This Section 12.3.8 shall not apply to a Large Development Framework. See Section 12.4.12.

12.3.8.2 Pursuant to the same procedure and subject to the same limitations and requirements by which such Site Development Plans, Infrastructure Master Plans (IMPs), or General Development Plans (GDPs) were approved and recorded, all Site Development Plans, IMPs, and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

# DIVISION 12.4 ZONING APPLICATION AND REVIEW PROCEDURES

Division 12.4 contains the specific procedures and review criteria for land use and development applications required by this Code (collectively referred to as "zoning applications"). Applicants should also refer to Division 12.3, Requirements Common to All Zoning Procedures, for procedural requirements generally applicable to all zoning applications, including provisions governing pre-application meetings, application submittals, public notice, and vested rights.

## SECTION 12.4.1 ZONING PERMIT REVIEW

### 12.4.1.1 Purpose

The purpose of the zoning permit review process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan.

### 12.4.1.2 Applicability

A zoning permit is required prior to the following:

**A. Structures**

1. The construction or alteration of any structure, not including fences and walls but including retaining walls, that is greater than 12 inches in height.
2. The construction or alteration of any fence and wall greater than 4 feet.
3. The construction or alteration of any fence and wall less than 4 feet when located on property that:
   a. Contains a structure for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation); or
   b. Contains a structure in a district for preservation designated under D.R.M.C., Chapter 30 (Landmark Preservation); or
   c. Abuts a Parkway designated under D.R.M.C., Chapter 49.
4. The erection, alteration, or maintenance of any sign, except where the requirement for a zoning permit is expressly waived in Division 10.10, Signs.
5. Establishment or construction of a new off-street parking area or expansion of an existing off-street parking area.

**B. Uses**

1. Establishment of a primary use.
2. Change of a primary use.
3. Change in the gross floor area of a structure that increases the off-street parking requirements for a use.
4. The establishment of an accessory use, or the change of accessory use, only when a zoning permit is required in the Use and Parking Tables found in Articles 3-9.
5. The establishment of a temporary use of any structure or land.

### 12.4.1.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

**A. Prohibitions on Activities Prior to Zoning Permit**

No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

**B. Approval of Required Site Development Plan**
When a Site Development Plan is required by Section 12.4.3, no zoning permit for construction shall be issued until a Site Development Plan is approved.

**C. Payment of Gateway Regional Systems Development Fee**
No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence and wall, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

**D. Manager of Parks and Recreation Approval of Uses and Development in the OS-A District**
No zoning permit for an applicable zone lot shall be issued for any use or development in an OS-A zone district until the Manager of Parks and Recreation, or designee, has agreed to the approval of the zoning permit in writing.

**E. Denver International Airport (DIA) Review of Uses and Development in the DIA Influence Area Overlay District (AIO)**
No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the Zoning Administrator, shall be deemed a recommendation of approval.

### 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.

### 12.4.1.6 Requirements and Limitations After Zoning Permit Issuance

#### A. Expiration

1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.

2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land except as otherwise restricted by this Code.

3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

#### B. Modification and Rescission

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

#### C. Modifications and Amendments to an Approved Zoning Permit

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

## SECTION 12.4.2 ZONING PERMIT REVIEW WITH INFORMATIONAL NOTICE

### 12.4.2.1 Purpose

The purpose of the zoning permit review with informational notice process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Zoning permit review with informational notice is intended for specific types of development or establishment of specific permitted uses that are consistent with the intent of the zone district and generally compatible with surrounding building forms and uses, but which have the potential for adverse off-site impacts. Zoning permit review with informational notice provides an opportunity for potentially affected parties to be notified of the city's receipt of the application, the process for making comments, the final decision, and appeal opportunities.

### 12.4.2.2 Applicability

Zoning permit review with informational notice is required for the following types of development:

A. Establishment, expansion or enlargement of a primary, accessory, or temporary use permitted subject to informational notice, as indicated by the designation "ZPIN" (Zoning Permit with Informational Notice) in the applicable Use and Parking Tables found in Articles 3 through 9 of this Code.

B. Establishment, expansion or enlargement of a primary, accessory, or temporary use permitted in a zone district under Articles 3 through 9 or under any other provision in this Code, where such provision explicitly requires zoning permit review with informational notice and approval prior to establishment of the use.

C. Deviations from the Sign Code permitted with a Comprehensive Sign Plan for Large Facilities authorized under Division 10.10, Signs.

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.

### 12.4.2.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

#### A. Prohibitions on Activities Prior to Zoning Permit

No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

#### B. Payment of Gateway Regional Systems Development Fee

No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence and wall, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

#### C. Denver International Airport (DIA) Review of Uses and Development in the DIA Influence Area Overlay District (AIO)

No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the Zoning Administrator, shall be deemed a recommendation of approval.

### 12.4.2.4 Review Process

#### A. Initiation

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

#### B. Pre-Application Meeting

A pre-application meeting is mandatory before submittal of an application for zoning permit review with informational notice. 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 with informational notice shall be filed in writing with 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 with informational notice application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the zoning permit is issued according to this Section, unless the Zoning Administrator allows an exception in writing.

**D. Informational Notice**

**1. Written and Posted Notice of Receipt of Application**
Written and posted notice of receipt of application shall be provided according to Sections 12.3.4.5.A and 12.3.4.5.B.

**2. Supplemental Information Notice Requirements for Large Residential Care Uses**
In addition to the general Informational Notice requirements in Section 12.3.4, information notice for proposed Large Residential Care Uses shall include a packet including a copy of the completed application; a detailed explanation of applicant's and operator's experience; the facility's operational plan as set forth by the operator; the name, address and telephone number of a staff member of the applicant and operator designated as the contact person; and a summary of licensing procedures required for the proposed facility.

**E. Review, Referral and Final Decision**

**1. Review and Referral**
The Zoning Administrator may refer the zoning permit review with information notice application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.

**2. Planning Board Review of Comprehensive Sign Plans**
The Zoning Administrator shall forward zoning permit applications for review of Comprehensive Sign Plan for Large Facilities (authorized under Division 10.10, Signs) to the Planning Board for the Planning Board's review and recommendation.

a. The Planning Board shall hold a public hearing to review the zoning permit application and make a recommendation to the Zoning Administrator.

b. The applicant shall provide written and posted public notice of such public hearing according to Section 12.3.4, Public Notice Requirements.

c. The Planning Board shall review the public testimony and the criteria for review, and shall adopt a recommendation for denial, approval, or approval with conditions. The Planning Board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the Planning Board's recommendation.

**3. Final Decision**

a. 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.

b. The Zoning Administrator may attach conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

**F. Posted Informational Notice of Final Administrative Action**
The applicant shall provide posted informational notice of the final administrative action according to Section 12.3.4.5.C.

### 12.4.2.5 Review Criteria
The Zoning Administrator shall consider all public comment and the following criteria in making a decision on an application for zoning permit with informational notice 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.

C. The proposal will not substantially or permanently injure the appropriate use of adjacent conforming properties, taking into consideration all proposals for mitigation of such impacts.

**D. Additional Review Criteria for Homeless Shelters**
In addition to the review criteria above, the Zoning Administrator shall approve a zoning permit for a homeless shelter only if the Zoning Administrator finds the proposed shelter will not substantially or permanently injure the appropriate use of conforming residential properties located within 500 feet of the proposed use. Evidence of such injury shall clearly establish the anticipated specific problems attributed to residents of the proposed shelter for the homeless while in or around the shelter as distinct from the general problems attributed to persons using or passing through the subject area.

### 12.4.2.6 Requirements and Limitations After Zoning Permit Issuance

**A. Expiration**

1. Except as otherwise allowed in subsection C. below, all approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.

2. Except as otherwise allowed in subsection C. below, an approved zoning permit authorizing a permitted use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land.

3. If a zoning permit is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

**B. Modification and Rescission**
The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

**C. Modifications and Amendments to an Approved Zoning Permit**
Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

## SECTION 12.4.3 SITE DEVELOPMENT PLAN REVIEW

### 12.4.3.1 Purpose

The purpose of the site development plan review process is to ensure compliance with the standards and provisions of this Code and other applicable city standards, rules and regulations, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Site development plan review is generally reserved for development with the potential for significant on-site and off-site impacts necessitating inter-departmental and inter-agency referral, review, and, in some cases, approval prior to final action by Community Planning and Development. After the City's approval of a site development plan, Community Planning and Development is authorized to issue requisite zoning permits under this Code.

### 12.4.3.2 Applicability

A. Site development plan review is required for the following (see Article 13, Division 13.3, for definition of the term "development" as used below):

1. Development in all zone districts except the following types of residential development:
   a. Development of a single-unit or two-unit dwelling use in the Urban Center, Downtown, or Industrial Contexts; or
   b. Development of a suburban house, urban house, tandem house, or duplex building form on a single zone lot.
   c. Development of a Detached Accessory Dwelling Unit building form.
2. Creation of or development on a flag lot.
3. Development subject to an approved General Development Plan (GDP), Large Development Framework (LDF), or Infrastructure Master Plan (IMP).
4. Development within a PUD District; however, development within a PUD District subject to an approved Detailed PUD District Plan under Section 9.6.1.3, Requirement for a PUD District Plan, is exempt from this requirement for site development plan review.
5. Development on a Parkway designated according to Chapter 49 of the D.R.M.C.
6. Establishment of a primary, accessory, or temporary use permitted in a zone district under Articles 3 through 9, Article 11, or any other provision of this Code, where such provision explicitly requires site development plan review and approval prior to establishment of the use.
7. Requests for shared parking or participation in an off-site car-sharing program to meet minimum parking requirements, as specified in Article 10, Section 10.4.5.4, Shared Vehicle Parking, and Section 10.4.5.3.B, Off-Site Car Sharing Program.

B. The Zoning Administrator may require site development plan review for any development not listed in subsection A. above, where the proposed development requires approval by a city agency or department other than Community Planning and Development.

C. No development shall occur on property subject to these requirements until a site development plan has been approved and requisite zoning and building permits issued, unless the Zoning Administrator expressly allows an exception.

### 12.4.3.3 Review Process

#### A. Initiation

The owner(s) of the subject property or the owner's or owners' authorized agent may initiate an application for site development plan review.

#### B. Pre-Application Concept Plan Review

1. A pre-application concept plan review is mandatory before submittal of a formal site development plan application. During the concept plan review, the DRC will confirm the applicability of site development plan review to the proposed development activity and the specific procedure steps and submittal requirements the applicant will follow. See also Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.
2. During the concept plan review, the DRC may waive an otherwise mandatory requirement for site development plan review if the DRC finds that the nature and complexity of the proposed development, and the development's compliance with this Code, can be fully addressed through the zoning permit review procedure in Section 12.4.1.

3. During the concept plan review, the DRC shall determine whether Large Development Review (LDR) or an Infrastructure Master Plan (IMP) is required for the proposed development activity according to Sections 12.4.12 and 12.4.14. If the DRC determines a LDR or IMP is required the Site Development Plan application shall not be approved until a LDR or IMP, as applicable, is completed and/or approved.

### C. Application and Fees

#### 1. Submittal in Writing

All applications for site development plan review shall be filed in writing with 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

Concurrent applications may be allowed according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the site development plan is approved and all zoning permits issued according to this Article, unless the Zoning Administrator allows an exception in writing.

### D. Public Notice Requirements

Informational Notice shall be provided according to Section 12.3.4.5, Informational Notice-General Provisions, for the following types of site development plan review applications only:

1. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.

2. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.2.3, Construction Subject to Review and Final Decision by Planning Board.

### E. Review, Referral and Decision by Development Review Committee

1. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
    a. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the DRC, shall be deemed a recommendation of approval.

2. If required by Section 12.4.3.3.F, Review and Final Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.

3. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.

4. The DRC may attach conditions to the site development plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

### 12.4.3.4 Review Criteria

The following criteria shall be considered in making a decision on an application for Site Development Plan review:

A. The Site Development Plan has been reviewed and approved by the DRC, where such approval is authorized and required by the D.R.M.C. The DRC or Planning Board shall not approve a Site Development Plan until all DRC departments have approved the site development plan pursuant to their charter or D.R.M.C. authority.

B. The Site Development Plan is consistent with all prior approvals that are regulatory and controlling for the subject property, as applicable. For example, the Site Development Plan shall be consistent with a previously approved Large Development Framework, Infrastructure Master Plan, General Development Plan, or Regulating Plan.

C. The Site Development Plan complies with all applicable regulations in this Code.

**D. Additional Review Criteria for Certain Construction in the CMP-H and CMP-H2 Districts**
The following additional criteria shall be considered in making a decision on an application for site development plan review submitted to permit certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board:

1. Whether the project is generally compatible with the Comprehensive Plan, including any neighborhood plans, and with the campus facility's plans for future development;

2. Whether there has been demonstrated neighborhood involvement in reviewing the project and its potential impacts, including meetings with applicable RNOs, and whether neighborhood concerns have been appropriately addressed;

3. Whether the project has a significant adverse impact on historically designated or architecturally significant buildings as determined by Community Planning and Development; and

4. Whether the construction project is consistent with the Campus zone district in which it is proposed to be located.

5. Consideration for the growth needs and viability of healthcare districts in CMP-H and CMP-H2 zone districts.

### 12.4.3.5 Appeal

Section 12.4.8, Appeal of Administrative Decision, shall apply.

### 12.4.3.6 Requirements and Limitations After Site Development Plan Approval

**A. Recordation of Approved Site Development Plans**
Community Planning and Development shall register a copy of the approved Site Development Plan among its records and shall record the approved site development plan in the real property records of the Denver County Clerk and Recorder.

**B. Effect of Approval**

1. A Site Development Plan approved according to this Section shall regulate the future use and development of the subject property.

2. Approval of a Site Development Plan means a proposed development complies with the standards and provisions of this Code and, consequently, the City may issue zoning per-

mits and building permits to an applicant, assuming all other City standards and regulations have been satisfied.

3. After approval of the site development plan and all requisite zoning permits, if the Zoning Administrator finds that development is not proceeding in accordance with the approved site development plan, the Manager, through its enforcement authority, may immediately issue an order stopping any or all work on the property that does not comply with such plans, until such time as any noncompliance is remedied. See Division 12.11, Enforcement, Violations and Penalties.

**C. Expiration**

1. An approved site development plan shall expire after 18 months from the date of approval if an approved zoning permit and building permit (as applicable) have not been obtained and if construction, (as applicable), has not started. See Article 13, for definition of "start of construction."

2. The Zoning Administrator may extend the original 18-month validity period for site development plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

**D. Modification and Rescission**

The Zoning Administrator may change, modify, or rescind any site development plan decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of an approved site development plan is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

**E. Modifications and Amendments to or Withdrawal of Approved Site Development Plans**

Modifications and amendments to an approved site development plan are allowed according to Section 12.3.7 of this Code. Withdrawal of an approved and recorded site development plan is allowed according to Section 12.3.8 of this Code.

### 12.4.3.7 Site Development Plan Rules and Regulations

The Manager has the authority to adopt rules and regulations to establish alternative procedures for review of different types of site development plans, including but not limited to different review process for relatively less complex site development plans. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.3 for approval of a site development plan. Once adopted by the Manager, such rules and regulations shall supersede the process, time frames, and application contents for site development plan review established in this Section 12.4.3.

## SECTION 12.4.4 ZONE LOT AMENDMENTS

### 12.4.4.1 Purpose

This Section establishes the administrative process to amend the boundaries of a previously designated zone lot. See also, Article 1, Division 1.2, Zone Lots, for general requirements related to zone lots.

### 12.4.4.2 Review Process

**A. Initiation**

All owners of the subject property shall initiate an application for a zone lot amendment.

**B. Pre-Application Meeting**

A pre-application meeting is optional before submittal of an application for zone lot amendment. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

**C. Application and Fees**

**1. Submittal in Writing**
All applications for zone lot amendment shall be filed in writing with 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 zone lot amendment application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications.

**D. Review, Referral and Final Decision by Zoning Administrator**

1. The Zoning Administrator may refer the zone lot amendment application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.

2. In deciding to approve, approve with conditions, or deny the proposed zone lot amendment, the Zoning Administrator shall consider relevant comments of all interested parties.

3. The Zoning Administrator may attach any condition to the zone lot amendment reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

### 12.4.4.3 Review Criteria

The Zoning Administrator may approve an application for zone lot amendment only if the application meets the following review criteria:

A. All owners of the zone lot have indicated in writing their agreement to the amendment.

B. Except in the case of adding or removing land by an act of government through right-of-way vacation, condemnation, or threat of condemnation, the following criteria shall be met:

1. A zone lot amendment shall not result in the creation of a new nonconforming or compliant zone lot, structure or land use.

2. Nor shall a zone lot amendment increase an existing nonconforming or compliant structure's degree of nonconformity with this Code's standards (e.g., a zone lot amendment that would further decrease an existing compliant side interior setback is not allowed).

3. A Zone Lot amendment shall not result in the creation of a Zone Lot that contains multiple Zone Districts when any Zone District on the amended Zone Lot(s) is a Protected District.

### 12.4.4.4 Recordation

The Zoning Administrator shall record all approved zone lot amendments in the real property records in the office of the Denver County Clerk and Recorder.

## SECTION 12.4.5 ADMINISTRATIVE ADJUSTMENT

### 12.4.5.1 Purpose

The Zoning Administrator may adjust, in minor ways, certain provisions of this Code otherwise applicable to a property pursuant to the procedures in this Section. Administrative adjustments may authorize minor changes to pending applications, or to approved plans and permits, and relief from specified standards as stated in this Section. Administrative adjustments are intended to relieve unnecessary hardship in complying with the strict letter of this Code or with overriding federal law, and to promote context-sensitive development in Denver's established neighborhoods. Administra-

tive adjustments are not intended to relieve specific cases of financial hardship, nor to allow circumventing the intent of this Code and its standards.

## 12.4.5.2 Applicability

### A. Adjustments to Approved Applications, Plans and Permits

#### 1. General Allowance

The Zoning Administrator may grant administrative adjustments to a previously approved application, plan or permit approved pursuant to this Code, except that the Zoning Administrator may grant administrative adjustments to a previously approved site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

#### 2. Limits on Authority to Grant Adjustments

The Zoning Administrator may approve administrative adjustments to a previously approved plan or permit according to the allowances and limits stated in Section 12.4.5.3, Permitted Types of Administrative Adjustments, below. In no circumstance, however, shall the Zoning Administrator approve an administrative adjustment to a previously approved application, plan or permit that qualifies as an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans or Permits.

### B. Adjustments to Pending Zoning Applications

The Zoning Administrator may grant administrative adjustments as part of the review of a pending zoning application otherwise required by this Code according to the allowances and limits stated in Section 12.4.5.3, Permitted Types of Administrative Adjustments, below, except that the Zoning Administrator may grant administrative adjustments to a pending site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

## 12.4.5.3 Permitted Types of Administrative Adjustments

### A. Administrative Adjustments to Relieve Unnecessary Hardship

The Zoning Administrator may grant administrative adjustments to the following zoning standards shown in the table below, subject to any limitations stated in the table and subject to compliance with the review criteria stated in Section 12.4.5.5:

<table>
<tr><th rowspan="2">ZONING STANDARD</th><th colspan="2">MAXIMUM ADJUSTMENT<br>"NA" = NOT APPLICABLE OR AVAILABLE</th></tr>
<tr><th>Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only</th><th>All Other Building Forms</th></tr>
<tr><td colspan="3">HEIGHT AND BULK STANDARDS:</td></tr>
<tr><td colspan="3">1. NON-HISTORIC STRUCTURES</td></tr>
<tr><td>• Maximum height (in stories or feet)</td><td rowspan="2">May exceed maximum standards , but the subject building and its elements shall be no taller in feet than a similar building form located within the "existing neighborhood" as defined in Section 12.4.7.5.D.2, "Compatibility with Existing Neighborhood." In addition, a height adjustment to a Detached Accessory Dwelling Unit building shall not result in more than 2 stories.</td><td>na</td></tr>
<tr><td>• Bulk Plane Dimensions</td><td>na</td></tr>
</table>

| ZONING STANDARD | MAXIMUM ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE | |
|---|---|---|
| | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
| **2. NON-HISTORIC STRUCTURES IN THE D-GT ZONE DISTRICT ONLY** | | |
| • Maximum height (in feet) | Up to an additional 25' permitted, according to Section 8.6.1.3 (Maximum Height) of this Code. | |
| **3. HISTORIC STRUCTURES** | | |
| • Maximum height (in stories or feet)<br>• Bulk Plane Dimensions | The Zoning Administrator may approve an adjustment that results in a structure taller than a similar building form located within the existing neighborhood, as defined in Section 12.4.7.5.D.2, "Compatibility with Existing Neighborhood," if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmark Preservation) finds specifically that development on the Zone Lot conforming to this Code's height or bulk regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved. | |
| **SITING STANDARDS:** | | |
| Determination of Primary Street Zone Lot Line(s) on Corner Lots of Oblong Blocks or Square Blocks | Zoning Administrator may designate either or both zone lot lines parallel to the intersecting streets as a Primary Street Zone Lot Line, provided the resulting street setback standards shall be more compatible with an established pattern of street setbacks for buildings on the same face blocks containing the subject property. | |
| Minimum zone lot width requirements | 5% | 5% |
| Block sensitive primary street setback | No limit, provided the resulting primary street setback range (min/max) shall be more compatible with an established pattern of primary street setbacks for buildings on the same face block as the subject building. | |
| Side Interior Setback requirements on Zone Lots greater than 30 feet wide up to and including 40 feet wide | No limit when based on a finding of neighborhood compatibility (see Section 12.4.7.5.D), provided the adjustment results in a side interior setback no less than 3'. | na |
| Setback requirements, all others, except primary street setback in the C-CCN Zone Districts | 10% | 20% |
| Build-to requirement -- Adjustment applies only to the min/max range of required build-to (e.g., an adjustment is permitted to the 0' to 5' range, but not to the minimum 70% build-to portion of the standard). | na | Adjustment for irregularly shaped lots only, not to exceed a min/max build-to range of 0' to 15' |
| Build-to requirement to accommodate required water quality and/or detention/retention facilities. | na | Adjustment to allow a build-to alternative (e.g., a garden wall) to count up to 40% (e.g., a standard states up to 25% of the 70% build-to may be met by a garden wall - with adjustment, 25% may be increased to 40%) |
| Build-to requirement - Adjustment applies only to zone lots that are 80' wide or less. | na | Adjustment to the required minimum internal drive dimension for the purposes of public street access required by the City. |
| Build-to requirement - Adjustment applies only to sites with gas station uses existing on June 25, 2010. | na | Adjustment not to exceed 40%, The adjustment is permitted only when compliance with the build-to requirement is not feasible because of the impracticality of moving existing underground fuel tanks. |
| Maximum building coverage | 5% | na |

| ZONING STANDARD | MAXIMUM ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE | |
|---|---|---|
| | Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only | All Other Building Forms |
| **DESIGN ELEMENT STANDARDS:** | | |
| Building Configuration | na | 15% |
| Attached Garage | Attached garage may be located closer to the minimum Primary Street setback line than the Primary Street facing facade(s) of the primary structure enclosing the primary use, provided the resulting attached garage shall be more compatible with a predominant established pattern on the same or opposite face block as the subject property. | na |
| Upper Story, Primary Street Step-back for individual landmarks and structures in historic districts | The Zoning Administrator may approve an adjustment if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmark Preservation) finds specifically that development on the Zone Lot conforming to this Code's stepback regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved. | |
| **OTHER STANDARDS:** | | |
| Garden wall alternative to build-to standards | na | Adjustment permitted for use of alternative garden wall materials when Zoning Administrator finds alternative garden wall materials will better complement primary building materials. |
| Required Amount of Parking in the Historic Structure Use Overlay District (UO-3) Only | • Required parking for office/art studio use in a Historic Structure: no maximum limit if applicant can show compliance with required parking is physically impossible.<br>• Required parking for bed and breakfast use in a Historic Structure: 20%<br>• See Section 9.4.4.8 | |
| Required Parking for Limited Nonresidential Uses Permitted in Existing Business Structures | Adjustment permitted to relieve hardship due to physical limitations of the site<br>• See Section. 11.4.6 | na |
| Required Amount of Parking to Preserve Established Trees | na | Adjustment permitted when Zoning Administrator finds the adjustment is necessary to preserve existing, mature trees See Section 10.4.5. and Section 10.5.3 |
| Required Bicycle Parking and Required Mix of Bicycle Parking Facilities | na | 20%<br>See Section 10.4.3.3. |
| Minimum Width of Parking Aisles or Internal Drives in Off-Street Parking Areas | na | Adjustment permitted when Zoning Administrator finds adjustment is necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow lots. |
| Minimum Landscaping Standards | na | Adjustment permitted when Zoning Administrator finds the adjustment is necessary to: (1) preserve existing, mature trees; (2) mitigate excessive improvement costs; (3) relieve impractical hardship due to physical limitations of the site. See Section 10.5.4.1. |
| Open Space in Large Developments - Design Standards in Section 10.8.1.6 | Adjustment permitted when Zoning Administrator finds the Open Space in Large Developments, with the adjustment(s) in design standards, is consistent with the intent and purpose for the open space stated in Section 10.8.1.1. | |
| As expressly permitted in other parts of this Code, the Zoning Administrator may grant administrative adjustments according to the allowances and limits expressed, and according to the procedures in this Section 12.4.5. | | |

## B. Administrative Adjustments to Ensure Compliance with Federal Law

### 1. Compliance with Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

#### a. General

The Zoning Administrator may grant administrative adjustments to any use, building form, or design standard stated in Articles 3 through 9, Contexts and Zone Districts, Article 11, Use Limitations, or Article 10, General Design Standards in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.

#### b. Limitations

In no circumstance shall the Zoning Administrator approve an adjustment that allows a religious assembly use, or any uses/structures/activities accessory to it, in a zone district where Articles 3 through 9 prohibit such use or accessory use/structure/activity.

#### c. Conditions of Approval

In granting an administrative adjustment, the Zoning Administrator may require conditions that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or screening.

### 2. Reasonable Accommodations under Federal Fair Housing Act (FFHA)

a. The Zoning Administrator may grant administrative adjustments to provide reasonable accommodations under the Federal Fair Housing Act. In the application for an administrative adjustment under this subsection, the applicant shall identify the type of housing being provided and cite the specific provisions of the Federal Fair Housing Act that require reasonable accommodations be made for such housing. The Zoning Administrator may grant the following types of administrative adjustments to assure reasonable accommodations required by law:

   i. Modify any minimum distance or spacing requirements, building setback, height, open space or building coverage, or landscaping requirement by no more than 10 percent; or

   ii. Reduce any off-street parking requirement by no more than 1 space.

b. The Zoning Administrator may approve a type of reasonable accommodation different from that requested by the applicant if the Zoning Administrator concludes that a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer adverse impacts on adjacent areas. The decision of the Zoning Administrator shall be accompanied by written findings of fact as to the applicability of the Federal Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a Variance or Official Map Amendment (Rezoning) process.

### 3. Compliance with Other Federal Laws

The Zoning Administrator is authorized to grant administrative adjustments necessary to ensure compliance with any other applicable federal law, provided the adjustment is no greater than any adjustment specifically authorized by this Section 12.4.5. Requests for adjustments that are not otherwise authorized by this Section may only be approved through a Variance or Official Map Amendment (Rezoning) process.

### 12.4.5.4 Review Process

**A. Initiation**

The owner of the subject property or the owner's authorized agent may initiate an application for an administrative adjustment.

**B. Pre-Application Meeting**

A pre-application meeting is mandatory before submittal of an application for administrative adjustment. See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

**C. Application and Fees**

**1. Concurrent Review for Administrative Adjustments**

Requests for administrative adjustments may be submitted concurrently with any other required zoning application according to Section 12.3.3.9, Concurrent Applications. In such cases, the Zoning Administrator shall review and take action on the administrative adjustment during the review of the primary application.

**2. All Other Requests for Administrative Adjustments**

All applications for administrative adjustment shall be filed in writing with 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.

**D. Review, Referral and Final Decision by Zoning Administrator**

1. The Zoning Administrator may refer the administrative adjustment application to other affected or interested parties and agencies for review and comment, as deemed necessary to make a decision on the application.

2. In deciding to approve, approve with conditions, or deny the proposed adjustment, the Zoning Administrator shall consider relevant comments of all interested parties and agencies.

3. The Zoning Administrator may attach any condition to approval of an administrative adjustment reasonably necessary to protect the health, safety and welfare of the community, to secure substantially the objectives of the modified standard, and to minimize adverse impacts on adjacent properties.

### 12.4.5.5 Review Criteria

The Zoning Administrator may approve an Administrative Adjustment only upon finding that:

A. The adjustment is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Act as provided in Section 12.4.5.3.B.2.; or

B. The adjustment is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 as provided in Section 12.4.5.3.B.1.; or

C. The adjustment is necessary to satisfy the mandates under any other federal law or requirements as provided in Section 12.4.5.3.B.3.; or

D. All of the following criteria have been met.; or

1. The requested adjustment is consistent with the stated intent and purpose of this Code.

2. The requested adjustment is consistent with the stated intent and purpose of the applicable zone district.

3. The requested adjustment is consistent with the stated intent and purpose of a previously approved PUD District Plan, as applicable.

4. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.

5. The requested adjustment is needed to compensate for unnecessary hardship. For purposes of satisfying these administrative adjustment review criteria, determination of "unnecessary hardship" shall mean the application satisfies the review criteria for a zoning variance stated in Sections 12.4.7.5 and 12.4.7.6, except compliance with the criteria stated in Section 12.4.7.5.E, Nonconforming or Compliant Uses in Existing Structures, shall not be applicable to an application for administrative adjustment.

**E. Review Criteria for Open Space in Large Developments Administrative Adjustments**
Or, applicable only to adjustments to the Open Space in Large Developments design standards in Section 10.8.1.6., the requested adjustment is an alternative design approach that does not comply with one or more of the specific design standards, but the alternative design approach is consistent with the open space intent and purpose stated in Section 10.8.1.1.

### 12.4.5.6 Requirements and Limitations After Administrative Adjustment Approval

**A. Administrative Adjustments to Approved Plans or Permits**
Adjustments to an approved plan or permit shall be noted on a revised plan or permit, which shall be plainly marked as "Revised," and submitted to the Zoning Administrator. The Zoning Administrator shall note the terms of the approved administrative adjustment directly on the revised plan or permit and affix his signature and the date of approval. If the original plan or permit was required to be recorded, the Zoning Administrator shall record such revised plan or permit in the real property records of the Denver County Clerk and Recorder within 30 days of the Zoning Administrators approval of the adjustment.

**B. Noted on Pending Application**
The Zoning Administrator shall specify any approved administrative adjustment from building form or design standards and the justifications for such adjustment on the pending zoning application for which the adjustments were sought. Alternately, the Zoning Administrator may include such final determination, in writing, as part of staff report for a required public hearing.

**C. Expiration**

1. As applicable, an approved administrative adjustment shall be valid for the same time frame as the approval with which it was joined or for the same time frame as the originally approved plan or permit.

2. In all other cases, an administrative adjustment shall be valid for the same time frame and have the same effect as the zoning application with which it is joined, as such application is ultimately approved.

## SECTION 12.4.6 CODE INTERPRETATIONS AND DETERMINATION OF UNLISTED USES

### 12.4.6.1 Purpose and Applicability

A. This Section establishes a procedure whereby interpretation of this Code's provisions may be sought and determined, including but not limited to:

1. Interpretations of terms, words, and phrases not otherwise defined in this Code;

2. Interpretations of Code provisions when additional clarity is required to apply such provisions to a specific case or to guide general application of the Code;

3. Determination which of two or more conflicting provisions apply generally or to a specific case;

4. Determination of whether a specific unlisted primary, accessory, or temporary use type may be permitted in one or more zone districts, and what type of use review is required (i.e., no zoning permit, ZP, ZPIN, or ZPSE); and

5. Interpretations regarding disputed boundaries of zone districts shown on the Official Zone Map.

B. The provisions of this Section shall not apply to permit any specific use that is expressly prohibited in a zone district or by this Code's provisions. If, pursuant to this Section, a specific use type cannot clearly be determined to be in a use classification or category permitted in a particular zone district or by this Code's provisions, such use may be incorporated into the zoning regulations only by a text amendment to this Code, as provided in Section 12.4.11.

### 12.4.6.2 Authority to Make Code Interpretations

The Zoning Administrator shall be the final decision-maker for all Code Interpretations and Determinations of Unlisted Uses.

### 12.4.6.3 Review Process

**A. Initiation**

Any of the following persons may initiate a request for Code Interpretations and Determinations of Unlisted Uses:

1. A member of the City Council;

2. A member of the Planning Board;

3. The City Attorney;

4. The Manager;

5. The manager or director of any other city department or agency; or

6. A private party with an interest in the subject real property when the Code Interpretation would affect the status or treatment of a proposed or submitted zoning application, or the status of an existing or proposed use, related to such property.

**B. Pre-Application Meeting**

A pre-application meeting is optional prior to submittal of a request for Code Interpretations and Determinations of Unlisted Uses. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review.

**C. Application and Fees**

All applications for Code Interpretations and Determinations of Unlisted Uses shall be filed in writing with 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.

**D. Review by Zoning Administrator**

Within 30 days of receipt of a complete application for Code Interpretations and Determinations of Unlisted Uses, the Zoning Administrator shall:

1. Review and evaluate the application in light of this Code, the Comprehensive Plan, established administrative practices and past interpretations, the potential for establishing a precedent with the interpretation, and any other relevant policy and regulatory documents;

2. Review and evaluate the application with consideration of the general rules of interpretation specified in this Section 12.4.6.3.F, as applicable; and

3. Consult with the Manager, City Attorney, other agencies and staff, as necessary.

### E. Final Decision by Zoning Administrator

#### 1. Timing of Final Decision

Within 30 days of receipt of a complete application for Code Interpretations and Determinations of Unlisted Uses, the Zoning Administrator shall complete the review and make a final interpretation or determination unless the applicant agrees to an extension of time.

#### 2. Authority to Impose Reasonable Conditions

In making a determination to allow an unlisted use, the Zoning Administrator may impose reasonable conditions on such use, which conditions shall be uniform throughout the zone district. In imposing conditions, the Zoning Administrator shall consider, at a minimum, the compatibility of the use within the zone districts in which the use may be permitted, the intensity of the use, the amount and configuration of physical space occupied by the use, and the potential for adverse impacts on adjacent properties.

#### 3. Determination of Applicable Zoning Procedure

As part of a Code Interpretation or Determination of Unlisted Uses, the Zoning Administrator shall, as applicable, make a determination whether one or more of this Code's zoning procedures apply. For example, in determining that an unlisted use is permitted as a primary use in a zone district, the Zoning Administrator shall also determine what zoning procedure applies (e.g., ZP, ZPIN or ZPSE). The Zoning Administrator's determination of applicable zoning procedure shall be based on consideration of the zoning procedure(s) applicable to similar land uses or subject matter, and/or the degree to which the zoning procedure may inform mitigation of possible adverse impacts from the subject Code Interpretation or Use Determination.

#### 4. Form of Determination

The Zoning Administrator shall provide the Code Interpretation or Determinations of Unlisted Uses to the applicant in writing. Such interpretation or determination shall also be kept in the files of the Zoning Administrator.

### F. General Rules of Interpretation

When making a Code Interpretation or Determination of Unlisted Uses, the Zoning Administrator shall employ the following general rules, as applicable:

1. Employ the definitions contained in Article 13 to determine the meaning of words and phrases, or if not defined in Article 13, apply the plain meanings of all other words and phrases. When not defined in Article 13, if a word or phrase is subject to differing interpretations, then the Zoning Administrator shall apply the meaning assigned first by the D.R.M.C., as applicable, and then by a dictionary in general use.

2. Employ the definitions of land uses in Article 11 to determine the appropriate use classification, use category and/or specific use type in which to classify an unlisted use.

3. Where more than one interpretation of required procedures is possible, the Zoning Administrator shall select the interpretation of procedures that requires the lesser time and expense to the applicant consistent with the provisions of the charter, the D.R.M.C., and this Code.

4. Where more than one interpretation of required provisions or procedures is possible, the Zoning Administrator shall chose that interpretation that best implements the Comprehensive Plan and/or this Code in a manner consistent with applicable law.

5. In the case of any conflict between the General Rules for Interpretation in this Section 12.4.6.3.F and the Rules of Interpretation found in Division 13.2 of this Code, the General Rules for Interpretation in this Section 12.4.6.3.F shall apply.

## 12.4.6.4 Review Criteria

### A. General Review Criteria for All Code Interpretations and Determinations of Unlisted Uses

The Zoning Administrator shall make Code Interpretations and Determinations of Unlisted Uses only upon finding that the interpretation or determination is:

1. Consistent with the intent of this Code; and
2. Consistent with the intent of the subject Neighborhood Context and zone district(s), and with the intent of any specific Code provision(s) at issue.

### B. Additional Review Criteria for Unlisted Use Determinations

In addition to applying the general review criteria stated in Section 12.4.6.4.A, the Zoning Administrator shall apply the following criteria for a Determination of Unlisted Use:

1. The proposed use has a character and impact that are similar in nature, function, and duration to the other uses permitted in the zone district(s). In making such finding, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:
   a. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
   b. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
   c. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);
   d. The type, size, and typical massing of buildings and structures associated with the unlisted use;
   e. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
   f. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
   g. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
   h. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
   i. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses permitted in the zone district.

# SECTION 12.4.7 VARIANCE

## 12.4.7.1 When Authorized

The Board of Adjustment may authorize variances from the terms of this Code pursuant to the charter, subject to terms and conditions fixed by the Board of Adjustment, as will not be contrary to the public interest where, owing to unusual conditions or disability or owing to a property's historic designation, or where a variance would produce a more compatible development, literal enforcement of the provisions of this Code will result in unnecessary hardship.

## 12.4.7.2 Related Procedure

Under certain circumstances, modifications of this Code's standards may be permitted according to the Administrative Adjustment procedure in Section 12.4.5, without resort to this Variance procedure. The Zoning Administrator may grant administrative adjustments to relieve unnecessary hardship and practical difficulties, without review by the Board of Adjustment for a variance.

## 12.4.7.3 Limitations on Variances for Signs

### A. General Limitations on Sign Variances

No variance from the provisions of Division 10.10, Signs, on permitted signs shall be granted or authorized by the Board of Adjustment, which would result in any of the following:

1. Any variance from the provisions of Section 10.10.21, Outdoor General Advertising Devices;
2. An existing roof sign that is higher than 32 feet above grade or a new or existing projecting sign that is higher than 32 feet above grade;
3. A new roof sign;
4. A new projecting sign that exceeds 20 square feet in sign area in a Residential Zone District or in the MX-2x, MS-2x, or O-1 zone districts; or that exceeds 50 square feet in sign area in the MX-2A, MX-2, MX-3A, MX-3, MS-2, MS-3, I-MX, I-A, or M-IMX zone districts; or that exceeds 80 square feet in sign area in all other zone districts;
5. A new or existing projecting sign where more than 1 other sign is maintained or is to be maintained for the same primary use on the same building front;
6. A new or existing ground sign that is higher than 32 feet above grade, except that a variance permitting the maintenance of an existing ground sign that is not higher than 35 feet above grade may be granted where said ground sign and all other signs for the same primary use comply with all other applicable provisions of Division 10.10, Signs;
7. A new or existing sign with a sign area larger than that which is permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the primary use is or will be maintained, except that a variance permitting the maintenance of an existing sign with a sign area up to 50 percent larger than the maximum sign size permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the use by right is maintained may be granted where no other signs are maintained for the same primary use on the same building front and where the total area of signs maintained for the same primary use does not exceed that permitted under the applicable provisions of Division 10.10, Signs; or
8. A greater total area of signs than that which is permitted under the provisions of Division 10.10, Signs, for the primary use in the zone district in which the primary use is or will be maintained.

**B. Variances for Signs for Religious Assembly Uses**

Notwithstanding the limitations set forth in this Section 12.4.7.3, Limitations on Variances for Signs, the Board of Adjustment shall have the power to grant variances from the provisions of Division 10.10, Signs, for signs that identify religious assembly uses when such signs are located on the same zone lot as the religious assembly use.

### 12.4.7.4 Review Process

**A. Initiation**

The owner of the subject property or the owner's authorized agent may initiate an application for a variance.

**B. Application and Fees**

All applications for variance shall be filed in writing according to the rules of the Board of Adjustment. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Application.

**C. Public Hearing and Decision by Board of Adjustment**

1. Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve, approve with conditions, or deny the variance request based on whether the applicant has evidenced an unnecessary hardship according to the review criteria below, and subject to any limitations in Section 12.4.7.7 regarding variances for signs.

2. The Board may attach any condition to a variance approval necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties, including but not limited to a condition changing the location or dimensions of a proposed development directly related to the request for a variance.

### 12.4.7.5 Review Criteria - Showing of Unnecessary Hardship

The Board of Adjustment may grant a variance only if it finds that there is an unnecessary hardship whereby the application satisfies the criteria of **any one of** paragraph A. **or** B. **or** C. **or** D. or E. of this subsection **and** satisfies the criteria of Section 12.4.7.6, Review Criteria - Applicable to All Variance Requests.

**A. Disability**

1. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property.

**B. Unusual Conditions**

1. There are unusual physical circumstances or conditions, including, without limitation:
   a. Irregularity, narrowness or shallowness of the lot, or
   b. Exceptional topographical or other physical conditions peculiar to the affected property; or
   c. Unusual physical circumstances or conditions arising from an existing, nonconforming or compliant structure on the affected property; and

2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located, or the circumstances or conditions relate to drainage conditions and challenges found consistently throughout the neighborhood or zone district in which the property is located; and

3. The development or use of the property cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district; however,

loss of a financial advantage, hardship that is solely financial, or the fact that a more profitable use of the property might be had if a variance were granted are not grounds for a variance; and

4. The unusual physical circumstances or conditions have not been created by the applicant.

**C. Designated Historic Property or District**

The property could be reasonably developed in conformity with the provisions of this Code, but the building has been designated as a Historic Structure or is in a designated historic district. As part of the review pursuant to D.R.M.C., Chapter 30 (Landmark Preservation), the approving authority has found that development on the Zone Lot conforming to this Code's regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

**D. Compatibility with Existing Neighborhood**

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed adjustment or variance will result in a building form that is more compatible, in terms of building height, siting, and design elements, with the existing neighborhood in which the subject property is located. In making a determination of whether the subject property, with the proposed variance, would be more compatible with the existing neighborhood, the decision-making body may choose not to consider primary or accessory buildings in the existing neighborhood that have been granted variances or administrative adjustments based on unusual physical circumstances or conditions of such properties.

2. "Existing neighborhood" shall mean:

   a. For changes in building or site elements within the rear 35% of a zone lot: Any similar zone lot or building on a zone lot which is located on the same face block or on an adjacent face block (i.e., across a rear property line or rear alley).

   b. For changes in building or site elements within the front 65% of a zone lot: Any zone lot or primary building on a zone lot which is located on the same face block or the face block across a public street from the subject building.

3. For purposes of a variance review only, the Board of Adjustment may consider similar buildings located beyond the same face block, opposite face block, or adjacent face block from the subject building if the Board deems doing so reasonable and necessary to make its determination of compatibility with the existing neighborhood. This allowance does not apply to review of a request for an administrative adjustment.

**E. Nonconforming or Compliant Uses in Existing Structures**

A variance to increase the floor area occupied by a nonconforming or compliant use in an existing structure may be granted only if the Board of Adjustment finds the following conditions to exist:

1. The use is a nonconforming or compliant use, as defined in this Code, and such use is in full compliance with all requirements under this Code applicable to nonconforming or compliant uses and is authorized to continue in operation and to exist;

2. The structure in which an increase in floor area is sought was in existence on the date on which the nonconforming or compliant use became nonconforming or compliant, and is in existence at the time of the hearing;

3. On the date on which the use became nonconforming or compliant, the use was in occupancy and in operation on a portion of the floor area of the structure in which an increase in floor area is sought;

4. The applicant does not propose or intend to enlarge the existing structure, does not propose or intend to increase the floor area of such structure, and that any authorized increase in occupancy of floor area by the nonconforming or compliant use will not involve remodeling, changing or altering any load-bearing member of such structure; and

5. That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Code will result in unnecessary hardship.

### 12.4.7.6 Review Criteria - Applicable to All Variance Requests

The Board of Adjustment may grant a variance only if the Board finds that, if granted, the variance:

A. Would not authorize the operation of a primary, accessory, or temporary use other than those uses specifically enumerated as permitted primary, accessory, or temporary uses for the zone district in which the property is located.

B. Would not grant a change to either (a) a waiver or condition attached to an approved rezoning, or (b) an approved PUD District plan that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits, or (c) an approved GDP that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits.

C. Would not, other than allowed in Section 12.4.7.5.A. above to accommodate persons with disabilities, relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure.

D. Would not substantially impair the intent and purpose of this Code.

E. Would not substantially impair the intent and purpose of the applicable zone district.

F. Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property.

G. Would be the minimum change that would afford relief and would be the least modification of the applicable provisions of this Code.

H. Would adequately addresses any concerns raised by the Zoning Administrator or other city agencies in their review of the application.

### 12.4.7.7 Requirements and Limitations After Variance Approval

#### A. Expiration

1. A variance authorizing construction shall expire unless substantial construction has started within 3 years and is completed within 5 years from the date the variance was granted. Upon the completion of construction, the variance shall run with the land.

2. For variances unrelated to construction, the variance shall run with the land unless the Board of Adjustment specifies otherwise as a condition of the variance.

3. A variance shall automatically lapse and have no further effect if the Zoning Administrator finds that redevelopment of the subject property makes compliance with this Code possible without the previously approved variance.

## SECTION 12.4.8 APPEAL OF ADMINISTRATIVE DECISION

### 12.4.8.1 Review Process

#### A. Initiation

1. Any person aggrieved or any officer or department of the City may appeal to the Board of Adjustment from any administrative order, requirement, or any decision or determination

made by a Community Planning and Development administrative official in the enforcement of this Code.

2. Such appeal shall be filed within the time provided by the rules of the Board of Adjustment and must specify the particular grounds upon which the appeal is taken.

**B. Application**

**1. Appeal and Fees**
All appeals of an administrative order or decision shall be filed in writing according to the rules of the Board of Adjustment. The appellant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

**C. Effect of Appeal – Stay of Enforcement Proceedings**
An appeal to the Board of Adjustment of a cease and desist order issued by Community Planning and Development shall stay all enforcement proceedings of the cease and desist order unless the Zoning Administrator certifies that, by reason of the facts stated in the certificate, a stay in the Zoning Administrator's opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted, after due notice to Community Planning and Development, by the Board of Adjustment or a court of proper jurisdiction.

**D. Action by Zoning Administrator**
Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

**E. Public Hearing and Decision by Board of Adjustment**
Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve or deny the appeal based on the review criteria below, and to that end the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

**F. Presumption and Review Criteria**

**1. Presumption**
Any order or decision of an administrative official authorized to act under this Code shall be presumed to be correct unless the preponderance of the evidence introduced before the Board of Adjustment supports a contrary determination or finding.

**2. Review Criteria**
The Board of Adjustment shall consider whether or not the action by the administrative officer complied with the applicable portions of this Code when approving or denying an administrative appeal.

## SECTION 12.4.9 ZONING PERMIT WITH SPECIAL EXCEPTION REVIEW

### 12.4.9.1 Applicability

Zoning permit with special exception review is required for the following:

A. Establishment, expansion or enlargement of any use listed as a "Special Exception" use ("ZPSE") in the Use and Parking Tables found in Articles 3 through 9.

B. Establishment, expansion or enlargement of any use where an applicable use limitation in Articles 3 through 9, or in Article 11, Use Limitations and Definitions, or any other provision of this Code, states that Special Exception review under this Section is required.

### 12.4.9.2 Review Process

**A. Initiation**

The owner of the subject property or the owner's authorized agent may initiate an application for a zoning permit with special exception review.

**B. Pre-Application Meeting**

A pre-application meeting with the Zoning Administrator is mandatory for review of a use qualifying as a zoning permit with special exception review under this Section. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review. Pre-application meetings for all other special exceptions are optional.

**C. Application and Fees**

**1. Submittal in Writing**

All applications for zoning permit with special exception review shall be filed in writing with the Zoning Administrator 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 an application for zoning permit with special exception review concurrent with other applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall the City issue a building permit, as applicable, until the Board of Adjustment approves the special exception use and Community Planning and Development issues a zoning permit.

**D. Public Notice Requirements**

Informational Notice shall be provided as stated in Section 12.3.4.5, Informational Notice - General Provisions.

**E. Review, Referral, and Recommendation by Zoning Administrator**

1. The Zoning Administrator shall refer the application to the Board of Adjustment. The Board of Adjustment shall schedule the application for review and final decision at a public hearing, according to the rules of the Board of Adjustment.

2. The Zoning Administrator may refer the application to other affected or interested agencies for review and comment.

3. The Zoning Administrator shall consider the comments from all interested agencies, prepare a written recommendation based on the application's compliance with the review criteria below, and submit a written recommendation to the Board of Adjustment according to the rules of the Board of Adjustment.

**F. Public Hearing and Final Decision by Board of Adjustment**

1. The Board of Adjustment shall provide public notice and hold a public hearing on the proposed special exception according to the rules of the Board of Adjustment. The Board shall consider the recommendation of the Zoning Administrator and any relevant public comments, in addition to the review criteria below, and approve, approve with conditions, or deny the application for a zoning permit with special exception review.

2. The Board of Adjustment may place conditions and restrictions upon the establishment, location, construction, maintenance, and operation of a special exception use as it deems necessary to promote the public health, safety, and general welfare of the community.

**G. Issuance of Zoning Permits after BOA Final Decision**

After the Board of Adjustment's final decision on an application for a zoning permit with special exception review, Community Planning and Development shall either issue or deny a zoning permit consistent with the Board of Adjustment's final decision. Community Planning and De-

velopment shall expressly note on the face of the zoning permit any conditions or restrictions approved by the Board of Adjustment.

### 12.4.9.3 Review Criteria

No application for a zoning permit with special exception review shall be approved by the Board of Adjustment unless the Board finds that all of the following conditions are met or can be met through conditions placed on approval of the application:

A. The special exception is consistent with the Comprehensive Plan;

B. The proposed special exception shall be consistent with the purposes and objectives of the zone district in which it is located;

C. If located within an LDF, IMP or GDP area, the special exception shall be consistent with the LDF, IMP or GDP;

D. The special exception is in compliance with all applicable regulations in this Code, including but not limited to, any specific use limitations stated in Articles 3 through 9, and in Article 11, Use Limitations and Definitions;

E. The establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare of the community;

F. The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special exception;

G. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

H. The aggregate impacts of similar special exceptions shall not result in harmful external effects or environmental impacts; and

I. Any potential adverse impacts from the proposed special exception can and will be adequately mitigated.

### 12.4.9.4 Requirements and Limitations After Zoning Permit Issuance

#### A. Expiration and Extensions

1. Except as otherwise allowed in subsection A.2. below, a zoning permit with special exception review shall expire 12 months from the date of the Board of Adjustment's decision unless the special exception use begins operating, or a valid building permit is issued. Upon a showing of good cause, the Zoning Administrator may extend the permit for the special exception for additional time periods not to exceed a total of 12 additional months.

2. If a zoning permit with special exception review is granted upon review and approval of a Site Development Plan according to Section 12.4.3 of this Code, then the zoning permit authorizing construction or a permitted use shall expire at the same time as the approved Site Development Plan.

#### B. Limit on Reapplication for Denied Special Exceptions

No application for a zoning permit with special exception review denied by the Board of Adjustment shall be considered for a period of 1 year from the date of the original denial unless the Zoning Administrator determines that the application contains substantial changes that address the reasons for denial of the application.

# SECTION 12.4.10 OFFICIAL MAP AMENDMENT (REZONING)

## 12.4.10.1 Applicability

An official map amendment may be required to correct an error in the map or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area to implement adopted plans, or to change the regulations and restrictions of an area as reasonably necessary to promote the public health, safety or general welfare.

## 12.4.10.2 Zone Districts Not Available for Rezoning

Except as otherwise provided in Section 9.4.2.1 and Section 12.3.3.9, no land may be rezoned into any zone district not established in this Code. In addition, the following zone districts established in this Code, while mapped on the Official Zoning Map, shall not be applied to any lands after June 25, 2010:

A. D-GT Downtown Golden Triangle zone district

B. D-AS Downtown Arapahoe Square zone district

C. O-1 zone district

D. Adult Use Overlay District (UO-1)

E. Billboard Use Overlay District (UO-2)

## 12.4.10.3 Adjacency and Location Requirements

### A. Requirements

Official Map amendments for the following zone districts shall meet the following requirements:

1. Applications proposed to be zoned to the D-C, D-TD, D-LD, D-CV, D-AS-12+, or D-AS-20+ zone districts shall be adjacent to the same zone district sought for the subject property. For the purposes of this provision, adjacency shall not be destroyed by the existence of a dedicated public right-of-way.

2. Applications proposed to be zoned to the DIA zone district shall be adjacent to an existing DIA zone district if the application is not initiated by the Manager of Aviation. For the purposes of this provision, adjacency shall not be destroyed by the existence of a dedicated public right-of-way.

3. Applications proposed to be zoned to all Master Planned Context zone districts shall be located within a General Development Plan area where the GDP area is a minimum of 50 acres, and shall not include lands located within ¼ mile of an existing or planned Rail Transit Station Platform.

### B. Exceptions to Additional Requirements

The following Official Map amendments are exempt from this section's requirements:

1. An Official Map amendment determined by the City Attorney to be a legislative zone map amendment.

2. An Official Map amendment applying zoning to lands newly included within the city's corporate boundaries after City Council approval of a minor boundary adjustment.

## 12.4.10.4 Review Process

### A. Initiation

#### 1. By City Council

a. According to its authority under the City Charter, the City Council or any individual member of the City Council may initiate an official map amendment.

b. The City Council or an individual City Council member may, but is not required to, follow the public notice or procedures in this Section 12.4.10.4. However, the City Council or any individual City Council member shall comply with the public notice and process provisions required by the Charter for an official map amendment (rezoning).

#### 2. By Other Parties

Other than City Council or an individual City Council member, only the following parties may initiate an official map amendment:

a. The Manager.

b. All official map amendment applications for a PUD District, or for a zone district with waivers and/or conditions under Section 12.4.10.6, shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.

c. For official map amendment applications for other than a PUD District or zone district with waivers and/or conditions, an application for an official map amendment may be initiated by either:

i. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or

ii. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized in writing to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51 percent or more of the total area of the zone lots subject to the application for amendment.

### B. Pre-Application Meeting

1. A pre-application meeting is mandatory for an official map amendment (Rezoning). See Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

2. The Development Review Committee (DRC) shall determine at the pre-application meeting whether a Large Development Review (LDR) is required under Section 12.4.12.

### C. Application and Fees - General

1. All applications for official map amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications. This provision does not apply to map amendments initiated by the Manager.

### D. Review and Referral by Manager

All applications for official map amendments shall be subject to the following review process:

#### 1. Referral and Examination of Application

Upon receipt of a complete application, the Manager shall transmit copies of the application to other agencies that might be affected by the proposed application. If considered necessary, any such agency may require the applicant to furnish additional information of

a pertinent and reasonable nature. Any such agency may transmit comments and recommendations concerning the application to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the complete application. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

**2. Disposition of Application**

a. Except as allowed in subsection D.2.b. below, when the Manager determines an application for an official map amendment, including agency comments and recommendations, is ready for Planning Board action, the Manager shall submit the application to the Planning Board together with the Manager's written recommendation to the Planning Board.

b. Where an amendment is necessary only to correct an error in the official map, the Manager may submit the application, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.10.4.F, below.

### E. Public Hearing and Recommendation by Planning Board

1. The Planning Board shall notice and hold a public hearing on the application for an official map amendment according to Section 12.3.4, Public Notice Requirements. The Planning Board shall consider the recommendation of the Manager and any comments, in addition to the review criteria below, in recommending approval, approval with conditions, or denial of an official map amendment.

2. The Planning Board's recommendation shall be forwarded to the City Council for consideration within 30 calendar days after the closing of the public hearing, unless the applicant consents to an extension of such time.

### F. Consideration of Application by Council Committee

1. City Council shall appoint a committee of its members to examine all applications for official map amendment and the related department reports, Manager's recommendation, and the Planning Board's recommendation. The Council committee may at that time require additional information from the applicant, from anyone submitting comments, or from city agencies, including information previously waived.

2. The Council committee shall direct any further action on the application under this Section and, when deemed ready for hearing, shall forward the application to the City Council.

### G. Public Hearing and Final Decision by City Council

1. The Manager shall submit the complete application with such supporting material as designated by the Council committee.

2. The City Council shall notice and hold a public hearing on the proposed official map amendment according to Section 12.3.4, Public Notice Requirements. The City Council shall consider the recommendations of the Planning Board and Manager, and any other comments received, in addition to the review criteria below, in approving, approving with conditions, or denying an official map amendment.

## 12.4.10.5 Protest Petition

### A. Effect of Protest to Amendment

1. If a protest to an official map amendment signed by the owners of 20 percent or more either of (1) the area of the lots included in such proposed change; or (2) the total land area from the perimeter of the area proposed for change to a distance of 200 feet outside

of the perimeter of the area proposed for change, is filed with the City Council per subsection B. below, then the amendment shall not become effective except by the favorable vote of 10 members of the City Council.

2. For the purpose of defining owners and the area of land represented by the owner, land owned by more than one owner shall be divided to the extent of each owner's percentage of ownership interest in determining whether a protest has the required percentage of signatures.

3. The Manager shall determine the adequacy of all protest petition signatures.

**B. Filing of Protests; Time Limitations; Withdrawal**

All protests to an official map amendment and any withdrawal of the protest or specific petition signatures shall be filed with the City Council on or before, and not later than, noon 7 days prior to the date for the public hearing before City Council on the official map amendment. No protests shall be signed until the official map amendment council bill is ordered published by City Council.

### 12.4.10.6 Waivers of Rights and Obligations and Approval of Reasonable Conditions

A. Whenever an application for an official map amendment, in whole or in part, is based upon a written representation by the applicant(s) that the applicant(s) wishes to waive certain rights or obligations under the proposed district classification, the City Council may adopt such waivers as a part of the ordinance amending the official map if such waivers are approved in writing by the applicant(s).

B. Whenever public necessity, convenience, general welfare or good zoning practice justify the attachment of reasonable conditions to an official map amendment, the City Council may adopt such conditions as a part of the ordinance amending the official map if such conditions are approved in writing by the applicant(s).

C. Upon adoption of an ordinance pursuant to subsections A. or B. above, no zoning permits shall be issued except in strict compliance with the approved waivers or conditions. Any person who applies for a permit to alter or erect a structure in such area shall be deemed to have assented to all of these waivers and conditions.

D. Every official map amendment based, in whole or in part, upon waivers as set forth in subsection A. or conditions as set forth in subsection B. above, shall contain an exact description of any such waivers or conditions. Such ordinance may be amended by City Council upon application for an amendment either by the original applicant or by a successor in interest; provided, however, that prior to such amendment, public notice shall be given similar in all respects to the public notice required for an official map amendment. Nothing contained in this Section shall be construed as a requirement that all applications for rezoning must contain waivers or have conditions.

E. When City Council approves a text amendment to the standards applicable in a zone district (see Section 12.4.11), such text amendment applies equally to all previously approved official map amendments to that zone district, including official map amendments that were based, in whole or in part, upon waivers or conditions.

### 12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

**A. Consistency with Adopted Plans**

The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan.

**B. Uniformity of District Regulations and Restrictions**

The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

**C. Public Health, Safety and General Welfare**

The proposed official map amendment furthers the public health, safety and general welfare of the City.

### 12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

In addition to compliance with the general review criteria stated in Section 12.4.10.7, the City Council may approve an official map amendment that the City Attorney has determined is not a legislative rezoning only if the City Council finds the application meets the following criteria:

**A. Justifying Circumstances**

One of the following circumstances exists:

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;
4. Since the date of the approval of the existing Zone District, there has been a change to such a degree that the proposed rezoning is in the public interest. Such change may include:
    a. Changed or changing conditions in a particular area, or in the city generally; or,
    b. A City adopted plan; or
    c. That the City adopted the Denver Zoning Code and the property retained Former Chapter 59 zoning.
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

**B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements**

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed zone district.

### 12.4.10.9 Additional Review Criteria for Rezoning to PUD District

In addition to the general review criteria stated in Section 12.4.10.7, for all proposed official map amendments requesting a PUD District, the City Council shall find:

A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;

B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;

C. The development proposed on the subject property is not feasible under any other zone districts, and would require an unreasonable number of variances or waivers and conditions;

D. The PUD District and the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and

E. The PUD District and the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

### 12.4.10.10 Appeal

A decision by the City Council on a proposed official map amendment may be appealed to District Court.

### 12.4.10.11 Requirements and Limitations After Rezoning Approval

#### A. Registration and Recording of Official Map Amendments

##### 1. Recording Required

The Manager shall record the final action of the City Council on an official map amendment in the real property records of the Denver County Clerk and Recorder, and shall cause the amendment of the official zone map to designate the subject property according to the amendment.

##### 2. Approved PUD District Plans

The Manager shall record all approved PUD District Plans in the real property records of the Denver County Clerk and Recorder along with the ordinance approving such PUD District Plan, and the Manager shall cause the amendment of the official zone map to designate the area included in the approved PUD District Plans as follows:

a. For approved PUD Districts with General PUD District Plans: "PUD-G #_____."

b. For approved PUD Districts with Detailed PUD District Plans: "PUD-D #_____."

#### B. Effect and Limitations on Approval

##### 1. Effect of Rezoning Approval - In General

Approval of an official zone map amendment does not automatically confer any right to development or construction. Development shall comply with all applicable standards and procedures in this Code and the D.R.M.C.

##### 2. Effect of Approved Detailed PUD District Plans

a. The standards and provisions of an approved Detailed PUD District Plan shall constitute the zoning regulations for use and development of the subject property. Approval of a Detailed PUD District Plan shall constitute site development plan review for zoning compliance purposes only under Section 12.4.3, and zoning permits may be issued and site work commenced according to the approved Detailed PUD District Plan.

b. An approved Detailed PUD District Plan shall expire after 18 months from the date of City Council approval if an approved zoning permit and building permit (as applicable) has not been obtained and if construction (as applicable) has not started. See Article 13, for definition of "start of construction."

c. The Zoning Administrator may extend the original 18-month expiration time frame for Detailed PUD District Plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

##### 3. Effect of Approved General PUD District Plans

a. Within a PUD District subject to an approved General PUD District Plan, no zoning permits may be issued and no work may commence until a site development plan

has been approved according to Section 12.4.3, Site Development Plan Review, or unless a Detailed PUD District Plan for a portion or portions of the PUD District has been approved by City Council according to Section 9.6.1.3.A of this Code.

b. A site development plan within a PUD District may be for the entirety of the district, or for only one or more phases of the entire PUD District area. The approval of a site development plan for any one phase of the PUD District may be contingent on improvements that involve other or all phases. In any site development plan application for less than the entirety of the PUD District, the applicant shall submit plan exhibits that clearly show the relation of the subject site development phase(s) to the remainder of the PUD District area.

c. The standards and provisions of the approved PUD District subject to a General PUD District Plan, together with all approved site development plans for the PUD District, shall constitute the zoning regulations regulating all use and development of the subject property.

#### 4. City Council Authority to Rezone in Case of No Progress in a PUD District with a General PUD District Plan

Areas covered by an approved PUD District with a General PUD District Plan may be considered by City Council for rezoning to a more appropriate classification under this Section if a complete site development plan for at least one phase of the PUD District has not been submitted within 30 months following approval of the PUD District with a General PUD District Plan; provided all owners of property subject to such amendment or rezoning have been first notified in writing by Community Planning and Development that the City Council is considering such rezoning.

#### 5. Modifications or Amendments to Approved PUD Districts

a. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, for regulations governing permitted modifications and amendments to approved PUD Districts and associated PUD District Plans.

b. All approved amendments to a recorded PUD District Plan shall be recorded.

### 12.4.10.12 Limits on Re-Application for Denied Official Map Amendments

No application for an official map amendment shall be made concerning any land area, or any portion thereof, that was the subject of a public hearing conducted by City Council within the immediately preceding 12 months period and which public hearing resulted in a rejection of the proposed official map amendment. However, this limitation shall not apply to those land areas or portions thereof for which a different zone district classification is proposed than that which was denied by City Council.

## SECTION 12.4.11 TEXT AMENDMENT

### 12.4.11.1 Applicability

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the City, the text of this Code shall not be amended except to correct a manifest error in the chapter, or because of changed or changing conditions in a particular area or in the city generally, including any change to the regulations and restrictions of an area thereof, or to implement adopted plans, or as otherwise reasonably necessary to the promotion of the public health, safety or general welfare.

### 12.4.11.2 Text Amendments to Create New Use Overlay Zones Not Allowed

After June 25, 2010, no new Use Overlay District may be established through a text amendment to this Code.

## 12.4.11.3 Review Process

### A. Initiation

A proposed text amendment may be initiated by:

#### 1. City Council

a. According to its authority under the City Charter, the City Council or any individual member of the City Council may initiate a text amendment. The City Council or an individual City Council member may, but is not required to, follow the public notice or procedures in this Section 12.4.11.3. However, the City Council or any individual City Council member shall comply with the public notice and process provisions required by the Charter for a text amendment.

#### 2. Other Parties

a. The Manager on the Manager's initiative or upon request of private parties may initiate a text amendment; or the manager of any city department or agency may initiate a text amendment.

### B. Application

1. All requests for proposed text amendments shall be filed in writing with the Manager. This provision does not apply to text amendments initiated by the Manager.

### C. Agency Referral and Recommendation

1. Upon receipt of a written request for a proposed text amendment, the Manager shall transmit copies of the request to any other agencies, either public or private, which might be affected by the amendment. Any such agency may transmit comments and recommendations concerning the proposed text amendment to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the written request. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

2. No text amendment shall be forwarded for City Council consideration until the amendment has been referred to affected agencies and the recommendations of those agencies, if any, considered.

### D. Disposition of Initiated Text Amendments

1. Except as allowed in subsection D.2 below, when a request for a proposed text amendment, including agency comments and recommendations, is completely assembled, the Manager shall submit it, along with the Manager's written recommendation, to the Planning Board for the Planning Board's review and recommendation.

2. Where a text amendment is necessary only to correct an error or mistake in fact in the Code language, the Manager may submit the proposal, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.11.3.F, below.

### E. Public Hearing and Recommendation by Planning Board

The Planning Board shall notice and hold a public hearing on the proposed text amendment according to Section 12.3.4, Public Notice Requirements. The Planning Board shall consider the recommendation of the Manager and any comments received, in addition to the review criteria below, in recommending approval, recommending approval with conditions, or recommending denial of a text amendment. The Planning Board shall forward its recommendation to City Council.

#### F. Consideration by Council Committee

1. City Council shall appoint a committee of its members to examine all proposed text amendments and agency reports. The Council committee may at that time require additional information from the initiator of the proposed text amendment or from city agencies, including information previously waived.

2. The Council committee shall direct any further action on the proposed text amendment under this Section and, when deemed ready for hearing, shall forward the proposal to the City Council.

#### G. Public Hearing and Final Decision by City Council

1. The Manager shall submit the complete proposal with such supporting material as designated by the Council committee to the City Council for Council action.

2. The City Council shall notice and hold a public hearing on the proposed text amendment according to Section 12.3.4, Public Notice Requirements. The City Council shall consider the recommendations of the Planning Board and Manager, comments received, and the review criteria below, in approving or denying a text amendment.

### 12.4.11.4 Review Criteria

#### A. Consistency With Adopted Plans

All text amendments shall be consistent with the City's adopted plans, or the proposed text amendment is necessary to provide for a community need that was not anticipated at the time of the adoption of the Comprehensive Plan.

#### B. Public Health, Safety and General Welfare

All text amendments shall further the public health, safety and general welfare of the City.

#### C. Uniformity of District Regulations and Restrictions

A text amendment to this Code shall result in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

### 12.4.11.5 Appeal

A decision by the City Council on a text amendment may be appealed to District Court.

## SECTION 12.4.12 LARGE DEVELOPMENT REVIEW

### 12.4.12.1 Intent

#### A. General Intent

The intent of the Large Development Review (LDR) process is to implement City Council adopted plans that provide guidance for future land use and development, and resulting public infrastructure, open space, and public parks, on sites that are large or otherwise require a more coordinated inter-agency development review process. The LDR process provides an early opportunity to identify issues and the development's relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. The LDR results in a framework for coordinating development, infrastructure improvements, and regulatory decisions before site-specific development proceeds within the subject area.

#### B. Intent of the LDR Review Process

The LDR process is intended to:

1. Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies;

2. Ensure that development in the LDR area is consistent with City Council adopted plans;

3. Ensure that development in the LDR area will implement adopted plan policies related to infrastructure, open space, and public parks, as applicable, by establishing the appropriate timing and requirements for subsequent regulatory steps, submittals and approvals;

4. Produce a written document ("Large Development Framework") that states and describes all applicable planning and regulatory reviews and establishes a rational sequence of the required reviews to ensure that development in the LDR area is consistent with Section 12.4.12.1.A. General Intent; and

5. Provide an early opportunity for public and community information about the LDR and framework process.

## 12.4.12.2 Applicability

A. The Large Development Review (LDR) process and preparation of a Large Development Framework (LDF) is mandatory when the Development Review Committee (DRC) determines (1) the specific circumstances warrant a coordinated master framework process to guide future development; (2) the land use, development, open space, parks, housing, urban design, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development plan review; or (3) the area at issue is subject to a previously approved regulatory plan or document that established a coordinated master framework process, including but not limited to a General Development Plan or LDF. In determining whether circumstances warrant the LDR process and preparation of a LDF, all relevant factors shall be considered, including but not limited to the following:

**1. Adopted Plan Recommendation**
A City Council adopted plan recommends use of the LDR process, preparation of an Infrastructure Master Plan (IMP), or General Development Plan (GDP) for all or portions of the subject area.

**2. Large-Scale Development**
The Manager determines that the gross land area at issue is more than 5 acres or 3 Blocks or will result in the creation of 3 or more Blocks.

**3. Infrastructure Network or System Improvements**
Future development in the subject area anticipates any of the following infrastructure improvements:

a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or

b. Establishing, extending, expanding, or otherwise changing an existing regional stormwater system; or

c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.

**4. General Development Plan Amendments**
The area is subject to a previously approved GDP and the GDP needs to be amended according to Section 12.4.12.18.A, Amendments and Minor Deviations to an Approved General Development Plan.

B. A determination whether the LDR process is applicable according to this subsection shall be made after the pre-application meeting as described in Section 12.4.12.5 below.

**C. Optional LDR**

An owner may request a LDR process for the property in order to establish a coordinated regulatory and review framework for the property.

### 12.4.12.3 Timing of LDR Review

When LDR is mandatory, the Large Development Framework (LDF) shall be approved before final approval of the following.

A. Official Map Amendment

B. Subdivision under D.R.M.C., Chapter 50.

C. Site Development Plan under Section 12.4.3.

D. Infrastructure Master Plan under Section 12.4.14.

### 12.4.12.4 Initiation

A. A LDR may be initiated by any one or combination of the following parties:

1. The owner or owners of the entire subject property;
2. The owner(s)'s authorized agent(s);
3. The Manager;
4. The manager of Parks and Recreation; or
5. The manager of Public Works.

### 12.4.12.5 Pre-Application Meeting for LDRs

A. A pre-application meeting is mandatory to determine the applicability of the LDR process for a specific development concept according to Section 12.4.12.2, Applicability. See 12.3.2, Pre-Application Meeting/Concept Plan Review.

B. An applicant shall request a pre-application meeting for LDR either on the applicant's own initiative, or when directed by the Manager after submittal of an application for a different regulatory process, including but not limited to an Official Map Amendment, Infrastructure Master Plan, Site Development Plan, or Subdivision under D.R.M.C. Chapter 50. For example, the Manager may refer an applicant to the LDR pre-application meeting process in lieu of a pre-application meeting/concept review for Site Development Plan under Section 12.4.3.3.

C. The DRC shall attend the pre-application meeting, at which the applicant shall present the land use and development concept for the subject property.

D. When the DRC has sufficient information to assess the future land use and development proposal for infrastructure impacts, no later than 30 days following the pre-application meeting, the DRC shall inform the applicant in writing whether the Large Development Review (LDR) process and preparation of a Large Development Framework (LDF) is mandatory.

E. Any DRC determination that LDR is not required will not automatically mean that future development in the area at issue is not subject to a future LDR process in accordance with this section. For example, if the DRC determines that a LDR process is not required prior to approval of an Official Zoning Map Amendment for the area at issue, preparation of a LDF may still be required as part of a future request for a subdivision or site development plan in the area at issue.

### 12.4.12.6 Preliminary Determination of LDR Scope

If the DRC has determined that the LDR process is required in accordance with Section 12.4.12.2 (Applicability) and 12.4.12.5 (Preapplication Meeting), no later than 60 days following the pre-application meeting, the Manager shall inform the applicant of the DRC's preliminary findings addressing, at a minimum, the following items:

A. The boundaries of the LDR;

B. Whether a City Council adopted plan (or plans) provides clear and sufficient guidance for changes in land use, development, and infrastructure in the subject area;

1. City Council adopted plans may include, but are not limited to, neighborhood plans, station area plans, master plans, and citywide plans (Blueprint Denver).

2. The Manager shall evaluate all applicable adopted plan policies and may determine "clear and sufficient guidance" exists considering all relevant factors, including but not limited to whether (1) the City Council adopted plans provide a level of detail for the subject LDR area sufficient to establish a framework for interconnected land uses, streets, open space, public parks, and other infrastructure, as applicable; (2) the plan was adopted within the previous 20 years from the date of the LDR preapplication meeting; and (3) the plan adequately addresses current community conditions for the subject area.

C. The type and timing of necessary regulatory processes applicable to the proposed development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, amendments or repeals of previously approved General Development Plans, or approval of any urban design standards and guidelines;

D. When the Manager finds that an Official Map Amendment is necessary for the proposed large development and when the Manager has made a preliminary finding of no clear and sufficient City Council adopted plan guidance according to Section 12.4.12.6.B above, the type and timing of necessary planning processes applicable to the proposed development of the subject area;

E. Whether any land dedication will be required through a subsequent regulatory process in the LDR area for streets, trails, open space, public parks, schools and other public purposes; and

F. Whether any additional actions will be required to ensure community benefits are achieved for the large development area identified in a City Council adopted plan, including but not limited to an affordable housing plan or a schools plan, as applicable.

### 12.4.12.7 Community Information Meeting

A community information meeting is required for LDRs according to Section 12.3.4.6.

### 12.4.12.8 Application and Fees

All applications for LDR review shall be filed in writing with Community Planning and Development within 180 days of the Community Information Meeting according to Section 12.4.12.7. If an application for LDR review is not submitted within 180 days after the community information meeting, the Manager may require a new pre-application meeting, revised determination of the LDR scope, and a new community information meeting. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

### 12.4.12.9 Review, Referral, and Final Determination of LDR Scope by the DRC

#### A. Review and Referral

The Manager shall refer the LDR application to the DRC and all affected or interested agencies for review and comment.

**B. Final DRC Determination of LDR Scope**

The DRC shall evaluate any relevant new information received since the Preliminary Determination of LDR Scope in Section 12.4.12.6 above, and establish the final scope for preparation and submittal of the Large Development Framework in Section 12.4.12.10 below.

### 12.4.12.10 Preparation and Submittal of the Large Development Framework

The applicant shall prepare and submit a Large Development Framework ("LDF") that addresses, at a minimum, the following:

A. The final LDR scope established by the DRC;

B. The type and timing of necessary regulatory or planning processes applicable to development of the subject area, including but not limited to any Official Map Amendments, Subdivision of land under D.R.M.C Chapter 50, approval of an Infrastructure Master Plan in accordance with Section 12.4.14, Site Development Plans, amendments or repeals of previously approved General Development Plans, approval of any urban design standards and guidelines, or approval of any planning processes, as applicable;

C. The report summarizing the community information meeting;

D. Development phasing plans, as applicable; and

E. Additional information required by the DRC.

### 12.4.12.11 Final Decision on LDF by Development Review Committee

A. The DRC shall consider the review criteria stated in Section 12.4.12.12, and make a final decision to approve, approve with conditions, or deny a LDF.

B. The DRC may attach conditions to the final LDF approval reasonably necessary to protect the health, safety and welfare of the community, or to mitigate adverse impacts on surrounding properties.

### 12.4.12.12 Review Criteria

The DRC shall approve a Large Development Framework (LDF) only if the DRC finds:

A. The LDF implements City Council adopted plans through the type and sequencing of regulatory or planning tools, as applicable; and

B. The LDF establishes a coordinated development review process that ensures the future development of the subject area will address land use, development, infrastructure, open space, public parks, schools, and other related issues, as applicable, in accordance with City Council adopted plans.

### 12.4.12.13 Appeals

Section 12.4.8, Appeal of Administrative Decision, shall apply to final decisions of the DRC on a LDF in accordance with this section.

### 12.4.12.14 Recordation of Approved LDF

Community Planning and Development shall register a copy of the final LDF document among its records and shall record the final LDF document in the real property records of the Denver County Clerk and Recorder.

### 12.4.12.15 Effect of Approved LDFs and GDPs

In addition to Section 12.3.5, Effect of Approved Applications, Plans and Permits, the following applies:

A. A recorded Large Development Framework (LDF) or previously approved General Development Plan (GDP), including any subsequently recorded amendments, shall be in full force and effect until and unless such time as the LDF or GDP is either superseded or rescinded.

B. The City Council may approve an official map amendment (rezoning) application for property located within an approved LDF or GDP area, taking into consideration the approved LDF or GDP.

C. The City may issue subdivision approvals, site development plan approvals, infrastructure master plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved LDF or GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved LDF or GDP.

## 12.4.12.16 Amendments to an Approved Large Development Framework

### A. Intent

In addition to Section 12.4.12.1, Intent, the LDF amendment process is specifically intended to allow for LDFs to change over time as needed and to establish appropriate procedures for amendments to LDFs.

### B. Applicability

This Section 12.4.12.16 shall apply to any change to a previously approved LDF.

### C. Initiation

Amendments to an approved LDF may be initiated by any one or combination of the following parties:

1. One or more owner(s) or agent of the owner(s) of the properties to which the amendment applies;
2. The Manager;
3. The manager of Parks and Recreation; or
4. The manager of Public Works.

### D. Procedure for LDF Amendments

1. DRC shall review an amendment to an approved LDF according to the same procedures and subject to the same limitations and requirements as the original LDF approval, and according to the additional review criteria in Section 12.4.12.16.E.
2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.
3. The Manager shall record all amendments to a LDF approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

### E. Additional Review Criteria for LDF Amendments

In addition to the review criteria in Section 12.4.12.12, the DRC shall approve the LDF amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved LDF area, where such impacts are not otherwise substantially mitigated.

## 12.4.12.17 Withdrawal of Recorded Large Development Frameworks

Pursuant to the same procedure and subject to the same limitations and requirements by which such LDFs were approved and recorded, all LDFs recorded under this Code may be withdrawn, either partially or completely. LDFs may be withdrawn if the DRC determines that since the date of the approval of the existing LDF, conditions in the LDF area have changed to a degree that

withdrawal of the LDF is in the public interest or 10 or more years have lapsed. Upon approval of an application to withdraw by the DRC, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

## 12.4.12.18 Amendments and Minor Deviations to an Approved General Development Plan

### A. Amendments to an Approved GDP

#### 1. Intent

The GDP amendment process is intended to allow for GDPs to change over time and to establish appropriate procedures for different types of amendments to GDPs.

#### 2. Applicability

Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.4.12.18.A. The DRC shall decide if the proposed change falls within any of the following:

a. Significantly modifying or reallocating the permitted height, mix of uses, or density of development;

b. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;

c. Substantially moving or altering the vehicle access and circulation to or within the development;

d. Changing or negating a condition of approval; or

e. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager; or

f. A repeal of a GDP not eligible for the process set forth in Section 12.4.12.19, Repeal of an Approved General Development Plan

#### 3. Procedure for Amendments

An amendment to an approved GDP may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications. An amendment to an approved GDP under this Section 12.4.12.18.A shall be reviewed for applicability to the Large Development Review (LDR) process in Section 12.4.12.2.

### B. Minor Deviations to an Approved GDP

The DRC may authorize minor deviations from a previously approved General Development Plan (GDP). Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.4.12.18.A, Amendments to an Approved GDP. All minor deviations to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder's Office.

## 12.4.12.19 Repeal of an Approved General Development Plan

### A. Intent

The GDP repeal process set forth in this section is intended to provide a flexible process for repeal of certain types of GDPs. This section is intended for those GDPs that may be repealed without a substantial reduction of any community benefits conferred through the GDP, and with no adverse impacts on infrastructure systems or property owners in the GDP area that cannot otherwise be substantially mitigated.

### B. Applicability

Any General Development Plan approved under this Code or Former Chapter 59 is eligible for the GDP repeal process in this Section 12.4.12.19, provided the request meets all of the applicable standards and notice requirements in this section. Any requests for GDP repeals not eligible

for this process shall be subject to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.

### C. Procedure for Review of GDP Repeals

#### 1. Initiation

A GDP repeal may be initiated by any one or combination of the following parties:

a. One or more property owners or their authorized agent(s) within the area subject to the repeal request;

b. The Manager;

c. The Manager of Parks and Recreation; or

d. The Manager of Public Works.

#### 2. Pre-Application Meeting

A pre-application meeting is mandatory before submittal of an application for a GDP repeal in accordance with this section. See Section 12.3.2, Pre-Application Meeting/ Concept Plan Review

#### 3. Public Notice Requirements

**a. Written Notice of Receipt of Application**

Written notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.A, except as follows:

i. No later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the following parties:

a) Owners and tenants (if the latter is different from owners) of any real property located within 400 feet of the GDP proposed for a repeal;

b) The City Council members in whose districts the GDP proposed for a repeal is located, and the at-large City Council members;

c) Any neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 400 feet of the GDP proposed for a repeal; and

d) Other community organizations that are not registered neighborhood organizations and are either located within 400 feet of the subject site or operate within the statistical neighborhood or neighborhoods that contain the subject site or district boundary. Applicants shall use reasonable efforts to identify such organizations, examples of which may include schools, religious assemblies, and other community-based nonprofit organizations.

v. Such written notice shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the date of the written notice, and state that any final decision to approve the application shall be posted in accordance with DZC Section 12.3.4.5.C.

**b. Posted Notice of Receipt of Application**

Posted notice of the receipt of the GDP repeal application shall be required in accordance with Section 12.3.4.5.B.

**c. Posted Notice of Final Administrative Action**

Posted notice of the final decision on the GDP repeal application shall be required in accordance with Section 12.3.4.5.C.

**4. Review, Referral, and Decision by Development Review Committee**

a. The DRC shall refer the GDP repeal application to all affected or interested agencies for review and comment.

b. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the proposed repeal of a general development plan, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying repeal of a general development plan in accordance with this section. Relevant comments shall include but are not limited to comments that the GDP repeal will negatively impact community benefits conferred through the GDP or adverse impacts that will not be substantially mitigated to property within or surrounding the proposed GDP repeal area.

c. If the DRC deems any comments received during the public notice period as relevant, the GDP repeal process shall proceed according to Section 12.4.12.18, Amendments and Minor Deviations to an Approved General Development Plan.

d. The DRC may attach conditions to the General Development Plan repeal approval that are reasonably necessary to protect the health, safety and welfare of the community and to substantially mitigate adverse impacts on adjacent properties, as authorized by this Code.

**5. Review Criteria**

The DRC may approve the repeal of a GDP only upon finding that:

a. The repeal will not result in adverse impacts that have not been substantially mitigated; and

b. The repeal will not create a substantial reduction of any community benefits conferred through the GDP and not conferred through other regulatory tools, including but not limited to:

i. Vehicle, pedestrian, or bicycle connections; or

ii. Coordinated stormwater, wastewater, or water infrastructure systems; or

iii. Open space or parks systems serving the GDP area; or

iv. A phasing plan that sets forth the timing of and responsibility for development in the GDP area; or

v. Other community benefits that the DRC determines would be negatively impacted with the GDP repeal.

### 12.4.12.20 Large Development Review Rules and Regulations

The Manager has the authority to adopt rules and regulations relevant to the Large Development Review process that supplements the procedures and requirements set forth in this Section 12.4.12. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.12 for approval of a LDF.

## SECTION 12.4.13 REGULATING PLAN

### 12.4.13.1 Intent

**A. General Intent of a Regulating Plan**

A Regulating Plan is used to apply permitted building forms, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a zone district. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all zone districts except in the M-GMX zone district. An approved Regulating Plan provides a binding plan that narrows the

broad flexibility otherwise permitted in the zone district as site specific development proceeds within the subject area.

**B. Intent of Regulating Plan in the M-GMX Zone District**

For properties zoned to a Master Planned General Mixed Use ("M-GMX") District, a Regulating Plan is mandatory prior to site development. The M-GMX zone district allows a broad menu of potential building forms and land uses, which are intended to allow flexibility to create places with a specific character, as described in an approved General Development Plan. The broad menu of building forms and land uses must be restricted in their geographic location in order to successfully implement the approved General Development Plan, and to provide predictability and certainty for future property owners within the M-GMX zone district. The geographic application of specific building forms, building heights and land uses is shown through a Regulating Plan, which ensures the character described in the General Development Plan is implemented throughout the M-GMX zone district.

## 12.4.13.2 When Required & General Allowances

**A. When Required**

**1. Mandatory in the M-GMX Zone District**

Preparation of a Regulating Plan is mandatory in the M-GMX zone district, except when the subject property is included in a General Development Plan, which includes the same level of detail and information as required by this Section 12.4.13, including but not limited to the designation of Primary Streets.

**2. Mandatory for Development within Certain General Development Plan Areas**

Preparation of a Regulating Plan is mandatory prior to site development subject to a General Development Plan where the GDP does not include designation of Primary Streets.

**3. Optional in All Other Cases**

In all zone districts other than in the M-GMX zone district, and when a Regulating Plan is not otherwise mandatory under this Section, preparation of a Regulating Plan is optional.

**B. General Allowances**

1. A Regulating Plan may encompass all or a portion of the area within a General Development Plan, as applicable; in addition, there may be multiple Regulating Plans within the same GDP area.

2. There is no minimum area required for submittal of a Regulating Plan.

## 12.4.13.3 Review Process

**A. Intent of the Regulating Plan Review Process**

The review process established in this Section 12.4.13 for a Regulating Plan is intended to:

1. Narrow the application of the permitted building forms, land uses, and building heights within a zone district to specific geographic sites; and

2. Ensure that the implementation of the zone district standards are consistent with the approved General Development Plan.

**B. Timing of Regulating Plan Review**

When preparation of a Regulating Plan is required according to this Section, the Regulating Plan shall be approved before approval of any of the following zoning applications, as applicable, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications. A Regulating Plan may also be incorporated into or a part of a Site Development Plan if applicable.

1. Special Exception Review

2. Variances

3. Site Development Plan Review

4. Zoning Permit

### C. Initiation

A Regulating Plan may be initiated by any one or combination of the following parties:

1. All of the owners of the entire land area subject to the application for a regulating plan, or their representatives authorized in writing to do; or

2. The Manager.

### D. Pre-Application Meeting

A pre-application meeting is mandatory. See 12.3.2, Pre-Application Meeting/ Concept Plan Review.

### E. Application and Fees

#### 1. Submittal in Writing

All applications for Regulating Plan review shall be filed in writing with 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.

### F. Regulating Plan Contents

#### 1. Regulating Plan

a. The regulating plan shall be provided in a digital format acceptable to the Manager.

b. A regulating plan shall be produced at a scale appropriate for review, but at no less than 1"=200' scale.

c. The regulating plan shall show:

i. The land area that is the subject of the Regulating Plan, including 250 additional feet beyond the plan area to establish context, and shall also show the immediately adjoining land uses, roads, water bodies, and other rights-of-way or easements.

ii. The boundaries of the area within the M-GMX zone district, as applicable.

iii. Proposed size and layout of blocks.

iv. The location of all streets, alleys and drives with the street type specification and width of each.

v. Designation of Primary Streets and Side Streets.

vi. The location of all publicly accessible open spaces, including public parks or open space, common open space, and schools.

vii. The assignment of one or more permitted building form standards (e.g., urban house building form, general building form), including the maximum or range of heights permitted for such building forms, to each face block or zone lot. Building forms to apply within the Regulating Plan may be chosen from any of the building forms permitted in the applicable zone district.

viii. The land use or land uses permitted on each face block or zone lot.

ix. Where applicable, the location of dwelling units meeting the developer's affordable housing obligations under the Denver Revised Municipal Code.

x. The applicant may also assign supplemental building form standards to specific face blocks or zone lots to achieve urban design objectives for the

proposed development, provided such supplemental standards shall be no less restrictive than otherwise applicable building form standards.

For example, while the applicable building form standards may limit a building's height to a *maximum* of 5 stories, a Regulating Plan may require a building located at a critical focal point within the development to have a *minimum* height of 2 stories. On the other hand, a Regulating Plan in the same instance cannot allow a maximum building height of 8 stories.

**2. Project Report**

a. The project report shall not be part of the recorded approval, but shall serve as background for the Manager in making a final decision on the Regulating Plan.

b. The project report shall include the following components.

i. Description of how the Regulating Plan is consistent with and implements any precedent approved plan for the area, such as a Neighborhood or Small Area Plan approved by the city, and the approved General Development Plan.

ii. Development program for the proposed Plan area, including:

a) Description of land use concepts and general geographic distribution for each land use concept;

b) Tabulation of acreages, as applicable, of each building form; and

c) Estimated sequence and timing (where known) of project construction

iii. Description of proposed transitions at the edge of the Regulating Plan area to promote compatibility between the Regulating Plan area and adjacent land uses, where applicable. For example, a Regulating Plan might illustrate the use of building height, the location of open space, landscaping and buffers, or streets and streetscape as transition tools along Regulating Plan area edges adjacent to more or less intensive building forms and land uses.

**G. Review, Referral and Final Decision by Manager**

**1. Review and Referral**

The Manager may refer the Regulating Plan application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application.

**2. Final Decision**

a. The Manager shall make a final decision to approve, approve with conditions, or deny the Regulating Plan application, taking into consideration relevant agency or other party comments.

b. The Manager may attach conditions to the Regulating Plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

### 12.4.13.4 Review Criteria

The Manager shall approve a Regulating Plan application only if the Manager finds:

A. That the proposed allocation and geographic location of building forms, building heights, and land uses are consistent with applicable City plans, including but not limited to any approved General Development Plan, the Comprehensive Plan, Blueprint Denver, the Strategic Transportation Plan, small area plans, and all amendments and supplements to such plans;

B. The Regulating Plan provides a plan that will enable the predictable development of building forms and heights, and the predictable establishment of land uses within the plan's area; and

C. Design of the mix of building forms, heights, and land uses will respect existing adjacent neighborhood context, where applicable, and creates an appropriate transition at the edges of the Regulating Plan.

### 12.4.13.5 Appeals

The final decision of the Manager may be appealed to the Board of Adjustment according to Section 12.4.8, Appeal of Administrative Decision.

### 12.4.13.6 Requirements and Limitations After Regulating Plan Approval

#### A. Execution and Recording

1. The applicant shall submit an electronic file of the final approved Regulating Plan for recording, which shall include an electronic copy of the original Regulating Plan cover sheet signed by all owners of the subject property and by the Zoning Administrator.

2. Following execution of the final regulating plan, the Zoning Administrator shall record the electronic Regulating Plan in the records of the Denver County Clerk and Recorder's Office.

#### B. Effect of Approved Regulating Plans

1. All approved Regulating Plans and any Regulating Plan amendments shall be binding upon the applicants and their successors and assigns, shall control the issuance of all subdivision approvals, site development plan approvals, zoning permits, and the construction, location, use, and operation of all land and structures included within the Regulating Plan area.

2. A recorded Regulating Plan shall be in full force and effect until and unless such time as the Regulating Plan is amended or replaced by a new Regulating Plan for the same location according to this Section's procedures.

#### C. Modifications and Amendments to an Approved Regulating Plan

1. Modifications and amendments to an approved Regulating Plan are allowed according to Section 12.3.7 of this Code.

2. Except in cases where Section 12.4.13.2 mandates the use of a Regulating Plan, withdrawal of an approved and recorded Regulating Plan is allowed provided all land and structures remaining under such Regulating Plan can be made to comply with all regulations established by the applicable zone district and this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

## SECTION 12.4.14 INFRASTRUCTURE MASTER PLAN

### 12.4.14.1 Intent

The intent of the Infrastructure Master Plan (IMP) process is to:

A. Implement City Council adopted plans by establishing conceptual, horizontal land use, development, and infrastructure systems for large development areas prior to final, site-specific planning and engineering design;

B. Implement regulatory processes and actions established through a Large Development Framework (LDF), as applicable, including but not limited to official map amendments (rezonings) and subdivisions; and

C. Use existing development review processes established in DZC Article 12 to coordinate infrastructure, open space, and public parks systems, both in and surrounding an LDR area, as applicable.

### 12.4.14.2 Applicability

The Manager of Community Planning and Development shall determine if Infrastructure Master Plan (IMP) review is required based on consideration of the following factors, as applicable to the proposed development:

A. An approved LDF in accordance with Denver Zoning Code (DZC) Section 12.4.12 requires an IMP for the proposed development area;

B. A City Council adopted plan recommends preparation of an IMP for the proposed development area;

C. The proposed development is in a previously approved General Development Plan area;

D. The Manager of Community Planning and Development determines that the gross area of the proposed development is more than 5 acres, or 3 Blocks, or will result in 3 or more Blocks; or

E. The Manager of Community Planning and Development determines that the proposed development is of a scale and complexity where a coordinated process addressing horizontal development systems is necessary to implement City Council adopted plans or a General Development Plan, as applicable.

### 12.4.14.3 Review Process

#### A. Initiation

An IMP may be initiated by any one or combination of the following parties:

1. The owner or owners of the entire subject property;
2. The owner(s)'s authorized agent(s);
3. The Manager of Community Planning and Development;
4. The Manager of Parks and Recreation; or
5. The Manager of Public Works.

#### B. Development Review Committee – Final Approval Authority

The Development Review Committee ("DRC") shall have the authority to approve, approve with conditions, or deny an Infrastructure Master Plan.

#### C. Pre-Application Concept IMP Review

A pre-application Concept IMP review is mandatory before submittal of a formal IMP application. During the Concept IMP review, the DRC will confirm the applicability of IMP review to the proposed development activity and the specific procedural steps and submittal requirements the applicant will follow. See also Denver Zoning Code (DZC) Section 12.3.2, Pre-Application Meeting/Concept Plan Review.

#### D. Final IMP Submittal and Review

After completion of the pre-application Concept IMP review, submission of applications shall comply with DZC Section 12.3.3, Submission of Applications, DZC Section 12.3.3.4, Application Fees, and with additional requirements set forth below and in the IMP Rules and Regulations:

**1. Submittal and Timing After Concept IMP**

The applicant shall submit a Final IMP for review within 180 days after completion of the Concept IMP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180-day filing period

expires, and is not otherwise extended, the applicant shall be required to submit a new application for Concept IMP review and pay all required fees.

**2. Concurrent Applications**

a. Concurrent applications with IMPs may be allowed according to Denver Zoning Code (DZC) Section 12.3.3.9, Concurrent Applications, and shall be in accordance with any approved Large Development Framework (LDF), as applicable.

b. No Site Development Plan shall be approved in the proposed development area until the IMP is approved, unless the DRC finds that no IMP is necessary for the proposed development in accordance with DZC Section 12.4.14.2, or allows an exception in writing.

c. No IMP shall be approved before a LDF is approved, unless the DRC finds that no LDF is necessary for the proposed development in accordance with DZC Section 12.4.12.2.B, or allows an exception in writing.

**3. Submittal Requirements**

At a minimum, the final IMP application shall include the items set forth in the IMP Rules and Regulations.

**E. Final IMP Review, Referral, and Decision by Development Review Committee**

1. The DRC shall refer the IMP application to all affected or interested agencies for review and comment related to the IMP's consistency with adopted plans and rules and regulations.

2. The DRC shall consider the relevant comments of all interested parties, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying an IMP application.

3. The DRC may attach conditions to the IMP approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

### 12.4.14.4 IMP Review Criteria

The DRC shall approve an IMP only upon finding that the following review criteria have been met, as applicable:

A. The IMP is consistent with City Council adopted plans;

B. The IMP meets the standards set forth in the IMP Rules and Regulations;

C. The IMP is consistent with all prior approvals that are regulatory and controlling for the subject property. For example, the IMP shall be consistent with a previously approved Large Development Framework, General Development Plan, Regulating Plan, and any applicable Urban Design Standards and Guidelines;

D. The pedestrian, transit, and street pattern is appropriate and adequate to serve the IMP area and provide connectivity to surrounding properties, and promotes and accommodates multimodal transportation;

E. The IMP contains an adequate master plan for provision of drainage, wastewater, and water systems through the IMP or a separate regulatory process;

F. Unique natural resource features and sensitive areas, including but not limited to the regulatory floodplain, can be adequately protected and accommodated through the IMP or a separate regulatory process;

G. The IMP contains an adequate master plan for the provision of publicly accessible and usable open space and/or public parks; and

H. The IMP provides an adequate master plan to ensure all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development, as may be further ensured through subsequent or separate regulatory processes.

### 12.4.14.5 IMP Appeals

Denver Zoning Code Section 12.4.8, Appeal of Administrative Decision, shall apply.

### 12.4.14.6 Requirements and Limitations After IMP Approval

#### A. Recordation of Approved Infrastructure Master Plans

Community Planning and Development shall register a copy of the approved IMP among its records and shall record the approved IMP in the real property records of the Denver County Clerk and Recorder.

#### B. Effect of Approval

Denver Zoning Code Section 12.3.5, Effect of Approved Applications, Plans, and Permits, applies with the addition of the following.

1. An IMP approved according to these rules and regulations shall regulate the future use and development of the subject property.

2. After approval of an IMP, the City may issue site development plans, zoning permits, and building permits to an applicant, provided such approvals are consistent with the approved IMP and comply with all other City standards and regulations, including those set forth in an approved Large Development Framework.

3. After approval of the IMP and all requisite zoning permits, if the Development Review Committee (DRC) finds that development is not proceeding in accordance with the approved IMP, the Manager, through all enforcement authority available, may immediately issue an order stopping any or all work on the property that does not comply with the approved IMP, until such time as the noncompliance is remedied.

### 12.4.14.7 IMP Expiration

An approved IMP shall expire if no site development plans, zoning permits, or building permits have been approved or issued within any 10 year time period after approval of the IMP, or as otherwise specified by the DRC in writing.

### 12.4.14.8 Vested Rights in Infrastructure Master Plans

#### A. Certain Infrastructure Master Plans Eligible for Vested Rights

1. An IMP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the IMP, may result in vested rights concurrently with the approved IMP.

2. An IMP approved prior to or concurrent with the City Council's approval of one or more official map amendment (rezonings) to implement the IMP may be amended after approval of the official map amendment(s) to obtain vested rights. All IMP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria stated in Section 12.4.14.9, IMP Amendments, Repeals, and Minor Deviations below.

3. An IMP eligible for vested rights according to this subsection may be afforded vested rights only for the following items. In no case may the DRC confer vested rights that conflict with any standards set forth in the Denver Zoning Code or the Denver Revised Municipal Code at the time of approval of the IMP.

a. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the IMP area and to adjacent development or public amenities/facilities such as schools, parks, and open space;

b. The location and functional classification of the future street network within the IMP area, as applicable;

c. The designation of Primary Streets to guide future development in compliance with the Denver Zoning Code;

d. The location of future publicly accessible open space and parks; and

e. The location of future public facilities, as applicable.

4. The vested rights in an approved IMP are directly proportional to the level of detail and specificity approved in the plan.

**B. Vesting Period in IMPs**

Rights vested through approval of an IMP shall remain vested for three years or until such time as the IMP is either superseded or rescinded, whichever occurs first, unless otherwise approved by City Council. Amendments to IMPs shall not affect vested rights unless expressly stated otherwise in the amendment.

## 12.4.14.9 IMP Amendments

**A. Intent**

In addition to Section 12.4.14.1, Intent, the amendment process is intended to allow for IMPs to change over time as needed and to establish appropriate procedures for different types of amendments to IMPs.

**B. Applicability**

This Section 12.4.14.9 shall apply to any change to a previously approved IMP.

**C. Initiation**

Amendments to an approved IMP may be initiated by any one or combination of the following parties:

1. One or more property owners or their authorized agent(s) within the area being amended;

2. The Manager of Community Planning and Development;

3. The Manager of Parks and Recreation; or

4. The Manager of Public Works.

**D. Procedure for IMP Amendments**

1. DRC shall review an amendment to an approved IMP according to the same procedures and subject to the same limitations and requirements as the original IMP approval, and according to the additional review criteria in Section 12.4.14.9.E.

2. An amendment to an approved LDF may be reviewed concurrently with other applications according to Section 12.3.3.9, Concurrent Applications.

3. The Manager shall record all amendments to a LDF approved according to this Section in the real property records of the Denver County Clerk and Recorder's Office.

**E. Additional Review Criteria for LDF Amendments**

In addition to the review criteria in Section 12.4.14.4, the DRC shall approve the IMP amendment only if the DRC finds the amendment will not result in any material adverse impacts on the remainder of the approved IMP area, where such impacts are not otherwise substantially mitigated.

### 12.4.14.10 Infrastructure Master Plan Rules and Regulations

The Manager has the authority to adopt rules and regulations relevant to the Infrastructure Master Plan (IMP) process that supplements the processes set forth for IMP review and generally this Article 12, including common decision making authority and requirements common to all zoning procedures.

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# DIVISION 12.5 COMPLIANT USES

## SECTION 12.5.1 INTENT

The creation in this Division of the legal status of "compliant use" is intended to provide greater flexibility than the category of "nonconforming uses" in the continuation, expansion or enlargement of existing land uses still permitted in the subject zone district, but which no longer comply with this Code's use limitations.

## SECTION 12.5.2 DEFINITION

See Article 13 for definition of "Use, Compliant," and "Use, Conforming."

## SECTION 12.5.3 EFFECT

### 12.5.3.1 Right to Continue

Compliant uses are legal uses for all purposes under this Code, and may continue to operate indefinitely.

### 12.5.3.2 General Allowance and Limitation on Expansion

A. Provided it continues to comply with all provisions of this Division, any compliant use may continue in operation on the same zone lot and on the same floor area in a structure that was occupied by the compliant use on the date the use first became a compliant use.

B. Except as authorized in this Division 12.5, the zone lot or the floor area in a structure devoted to the operation and maintenance of a compliant use shall not be increased if the extent or degree of noncompliance with this Code is increased.

C. Continuance authorized in this Division shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of land area to the number of dwelling units, or a change in any aspect of or the character of the compliant use that increases the amount, extent, or degree of noncompliance. This subsection shall not be construed to prohibit changes in the compliant use that result in a decrease in the amount, extent or degree of noncompliance (e.g., a reduction in the floor area of the compliant use that results in a decrease in the amount of parking required).

### 12.5.3.3 Zoning Administrator Authority to Allow Limited Expansions

#### A. Zoning Administrator Authority in Special Cases Only

1. The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the zone lot area or the floor area in a structure or structures occupied by a compliant use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments; or

2. As a result of an act of government through vacation of right-of-way that creates private land area abutting an existing zone lot, for that newly created private land, the Zoning Administrator may authorize, upon application in specific cases, an exception permitting the existing compliant use on the existing zone lot to expand in zone lot area, but not floor area in a structure or structures, onto the newly created private land.

#### B. Procedure and Required Findings

All applications for an allowance under this Section 12.5.3.3 shall be reviewed according to the procedures stated in Section 12.4.1, Zoning Permit Review. In addition to the review criteria stated in Section 12.4.1, the Zoning Administrator shall grant an allowance only upon finding the following conditions exist:

1. That the use is a compliant use as defined in this Code, and is in full compliance with all requirements of this Code applicable to compliant uses, and

2. The Zoning Administrator has found that the application complies with Section 12.5.3.3.A.

**C. Allowance Personal to Owner**
Every allowance authorized by this Section 12.5.3.3 shall be personal to the applicant and shall not be transferable, and shall run with the land only after construction of any authorized structure or structures and only for the life of such structure or structures.

### 12.5.3.4 Board of Adjustment Authority to Grant Variances for Expansion
The Board of Adjustment is authorized under its power to grant variances to permit an increase in the floor area occupied by a compliant use in an existing structure, subject to the procedures and applicable criteria stated in Section 12.4.7, Variance.

## SECTION 12.5.4 TERMINATION OF COMPLIANT USES

### 12.5.4.1 By Changes in Use

**A. To a Conforming Use**
Changing a compliant use to a conforming use shall terminate the rights of the compliant use, and any re-establishment of the compliant use shall comply with all applicable use limitations in this Code.

**B. To a Temporary Use**
Changing a compliant use to a temporary use properly permitted under the provisions of this Code shall not terminate the rights of the compliant use.

### 12.5.4.2 By Abandonment
Abandonment of a compliant use shall terminate immediately the right to operate such compliant use.

### 12.5.4.3 By Violation of this Code

A. Unless remedied according to Subsection 12.5.4.3.B below, any one of the following violations of this Code shall terminate the right to operate a compliant use:

1. Failure to make a compliant use comply with the limitations on external effects of uses as established by this Code;

2. Increasing the floor area occupied by a compliant use without the approval of the Board of Adjustment or the Zoning Administrator for such increase, as applicable; or

3. Changing a compliant use to an unlawful use.

B. Any of the following actions shall allow continuance of a compliant use in the event of a violation of this Code:

1. Approval of a zoning variance that grants specific relief from compliance with the provision of the Code at issue in the use termination case. The Board of Adjustment shall act on such variance application within 120 days from the date the Zoning Administrator determines such use is in violation of this Code. For good cause, the Zoning Administrator may grant an extension of the 120-day period for up to one additional 90-day period. Grant of a variance according to this subsection shall not change the legal status of the use as "compliant."

2. The Zoning Administrator finds that the violation is completely remedied within 90 days from the date the Zoning Administrator determines such use is in violation of this Code.

3. The subject property owner submits a mitigation plan to the Zoning Administrator that proposes specific steps and time frames the owner will take to remedy the violation by a date certain, but in no case longer than 180 days from the date the Zoning Administrator of the City determines such use is in violation of this Code. The Zoning Administrator shall take final action to either approve, approve with conditions, or deny the mitigation plan. For good cause, the Zoning Administrator may grant an extension of the mitigation period for up to one additional 180-day period.

4. This Section 12.5.4.3.B, which allows continuance of a compliant use if a violation of a type listed in Section 12.5.4.3.A is remedied, may be invoked and applied only one time to the same compliant use. After remedying a violation of the Code according to this Section 12.5.4.3.B, any future Code violation of a type prohibited in Section 12.5.4.3.A shall result in the automatic termination by law of the compliant use.

### 12.5.4.4 By Vacancy

Vacancy for a period of 12 or more successive calendar months of the structure or that part of a structure occupied by the compliant use shall terminate immediately the right to operate such compliant use.

### 12.5.4.5 By Destruction, Damage or Obsolescence of Structure Housing Compliant Use

#### A. Involuntary Destruction or Damage

The right to operate and maintain any compliant use shall terminate and shall cease to exist whenever the structure in which the compliant use is operated and maintained is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such structure on the date of such damage or destruction; provided, however, that the right to operate and maintain a compliant residential use located in a Residential Zone District or a compliant use located in a C-CCN zone district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

#### B. Obsolete or Substandard Structure

The right to operate and maintain any compliant use shall terminate and shall cease to exist whenever the structure in which the compliant use is operated and maintained becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

#### C. Voluntary Demolition

Nothing in this subsection shall be deemed to permit the reconstruction or reestablishment of all or any part of a compliant use whenever the structure in which the compliant use is operated and maintained has been voluntarily demolished.

## SECTION 12.5.5 DETERMINATION OF COMPLIANT STATUS

Compliant status shall be determined by the Zoning Administrator.

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# DIVISION 12.6 COMPLIANT STRUCTURES

## SECTION 12.6.1 INTENT

The creation in this Division of the legal status of "compliant structures" is intended to provide greater flexibility than the more restrictive category of "nonconforming structures" in the continuation, expansion or enlargement of existing structures that no longer comply with certain of this Code's building form standards.

## SECTION 12.6.2 DEFINITION

See Article 13 for definitions of "Structure, Compliant," "Structure, Conforming," and "Structure, Nonconforming."

## SECTION 12.6.3 EFFECT

### 12.6.3.1 Right to Continue

Compliant structures are legal structures for all purposes under this Code, and may continue to be occupied, operated, and maintained as is, subject to any limitations in this Division 12.6 or unless terminated as provided in this Division 12.6.

### 12.6.3.2 Expansions, Alterations, Enlargements to Compliant Structures

#### A. Applicability

1. This Section 12.6.3.2 applies to any compliant structure in all zone districts.
2. This Section 12.6.3.2 applies to any compliant structure that was rebuilt under Section 12.6.3.3, Voluntary Demolition and Reconstruction.

#### B. General Allowance

1. Subject to all limitations of this Division 12.6, any compliant structure may be occupied, operated, and maintained in a good state of repair.
2. Subject to all limitations of this Code, compliant structure may be altered or enlarged if either of the following conditions exist:
   a. No existing compliant element of the structure is increased and no new compliant element or nonconformity is created; or
   b. An allowance under Sections 12.6.3.2.D through F. applies.

#### C. Documentation Required

In addition to the general submittal requirements under this Code and pursuant to the Denver Building and Fire Code, an application to permit expansions, alterations, or enlargements to a compliant structure according to Section 12.6.3.2.D-E below shall include the documentation described in Section 12.6.3.3.B.3.b below.

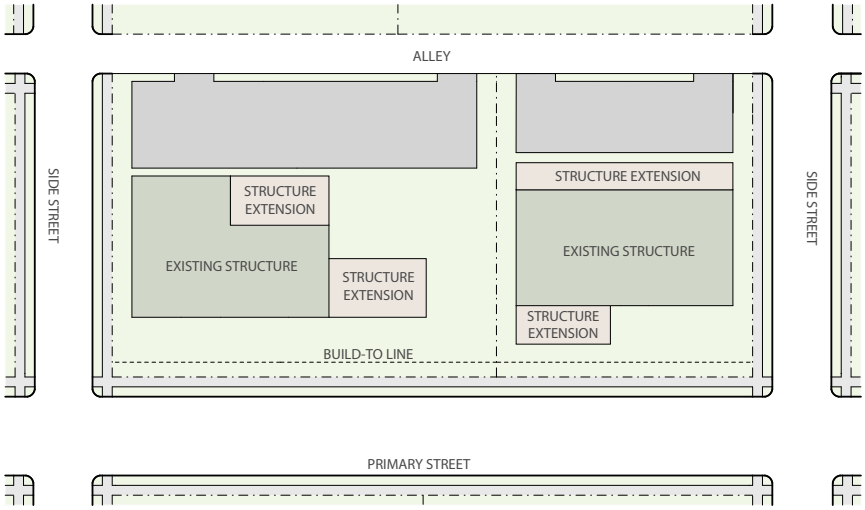
#### D. Required Build-to Standards - Expansions, Enlargements and Alterations Allowed without Full Compliance

1. Compliant structures that do not meet the requirements of the Primary or Side Street build-to standards may be altered without fully complying with the Primary or Side Street build-to standards provided that, if some portion of the compliant structure meets the build-to requirement, no alteration (including demolition) is permitted that would reduce the amount of that existing facade meeting the build-to requirement.
2. For any expansion or enlargement that does not fully comply with the Primary or Side Street build-to standards, and that expands the building's gross floor area by more than 25% cumulatively after June 25, 2010, shall comply with perimeter parking lot landscaping standards for surface parking located between the building and the Primary Street set

forth in Division 10.5. See Figures 12.6-1 and 12.6-2 illustrating permitted alterations to compliant structures that do not meet Primary or Side Street build-to standards.

Figure 12.6-1

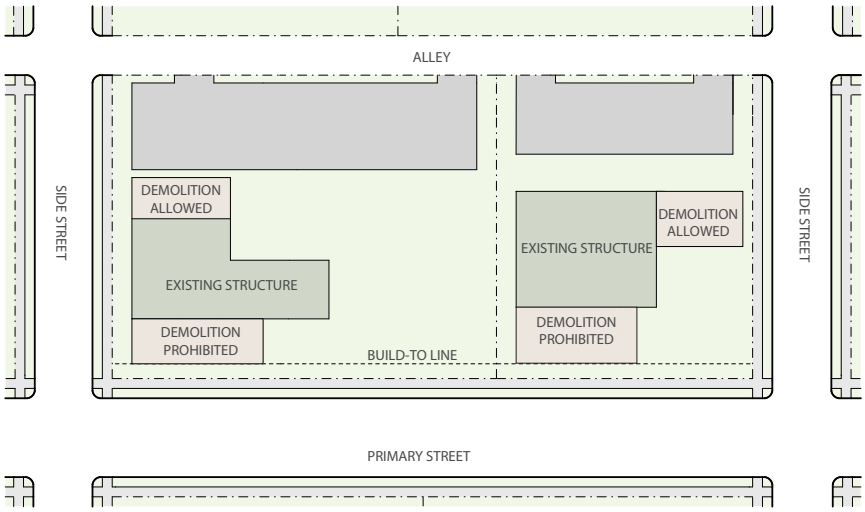
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ENLARGEMENT OR EXTENSION OF A COMPLIANT STRUCTURE - ALLOWED

Figure 12.6-2

*Not to Scale. Illustrative Only.*

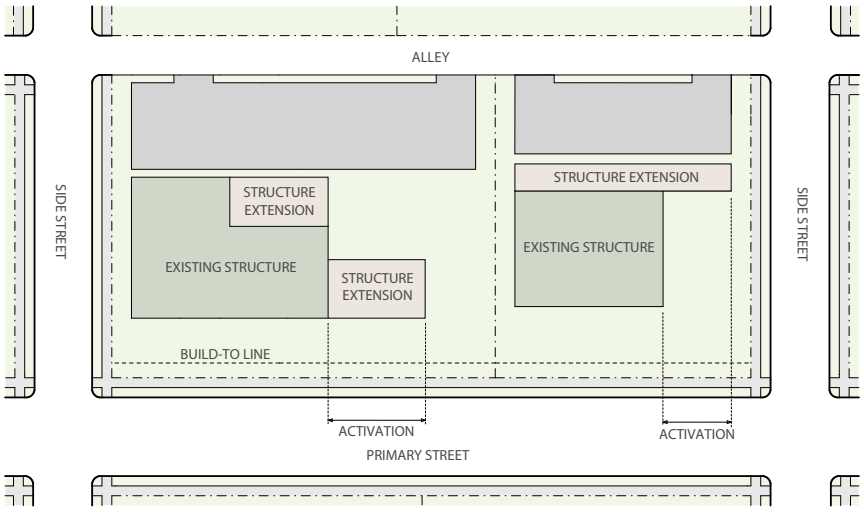



DEMOLITION OF COMPLIANT STRUCTURE ALLOWED/PROHIBITED

### E. Required Street Level Activation Standards - Expansions, Enlargements and Alterations Allowed without Full Compliance

Compliant structures that do not meet the Street Level activation standards of this Code may be expanded without fully complying with the Street Level activation standards; however, any addition to the structure located within 80 feet of the Primary Street or Side Street where a Street Level activation standard applies must meet the Street Level activation standard and no alteration may be made that further reduces the structure's compliance with the transparency requirement. See Figure 12.6-3.

Figure 12.6-3 *Not to Scale. Illustrative Only.*




STREET LEVEL ACTIVATION STANDARDS APPLY TO COMPLIANT STRUCTURES

**F. Required Side Setback - Expansions, Enlargements and Alterations Allowed without Full Compliance**

Requirements as to side setbacks lines may be modified to permit an addition to a compliant structure located in a Residential Zone District and used solely for residential purposes if such compliant structure meets the following conditions:

1. The dimension of the structure that causes the structure to be compliant as to side setback exists for at least one-half of the sidewall length of the structure.

2. The length of the proposed addition shall not exceed the length of the existing compliant sidewall.

3. No wall or roof of the proposed addition to be built within the required side setback area shall be higher than the existing wall or roof to which it is attached, except that an existing roof structure may be removed and replaced to provide alignment with the wall or roof of the proposed addition.

**G. Surface Parking Between Primary Street and Side Street - Expansions, Enlargements and Alterations Allowed without Full Compliance**

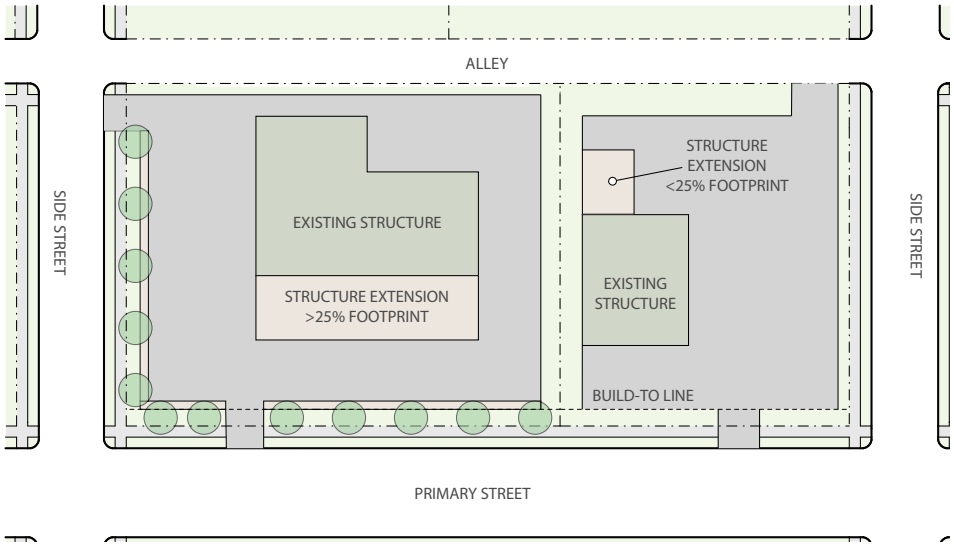
Compliant Structures that do not meet the Surface Parking between the Primary Street and Side Street standards of this Code may be altered without fully complying with the Surface Parking between Primary Street and Side Street standards. Such Compliant Structures may be expanded, enlarged, and altered resulting in parking located between a building and a primary or side street provided that:

1. Off-Street Parking may be established or expanded only if it meets the Surface Parking between the Primary Street and Side Street standards; and

2. Any expansion or enlargement that expands the building's Gross Floor Area by more than 25% cumulatively after June 25, 2010 shall comply with perimeter parking lot landscaping standards for Surface Parking located between the building and any street set forth in Division 10.5. See Figure 12.6.4:

Figure 12.6-4

*Not to Scale. Illustrative*




## 12.6.3.3 Voluntary Demolition and Reconstruction

### A. Compliance Required

A compliant structure that is voluntarily demolished shall be reconstructed only in full compliance with all applicable zone district standards, unless eligible for the limited exception in Section 12.6.3.3.B below.

### B. Exception in the CC, MX, MS and I-MX Zone Districts

#### 1. Applicability

a. This Section 12.6.3.3 applies only in the CC, MX, MS, and I-MX zone districts.

b. This Section 12.6.3.3 applies only to structures that were conforming on June 24, 2010 and shall not apply to structures that were nonconforming on June 24, 2010.

c. This Section 12.6.3.3 shall not apply to any additions or expansions built under Section 12.6.3.3

d. A compliant structure that has been rebuilt per this Section 12.6.3.3 may thereafter be voluntarily demolished and rebuilt per this Section 12.6.3.3, or in full compliance with all applicable zone district standards.

#### 2. General Rules for Reconstruction After Voluntary Demolition

A compliant structure that is voluntarily demolished may be reconstructed either:

a. In full conformance with all applicable zone district standards; or

b. According to Section 12.6.3.3.B.3, below.

#### 3. "As Was" Reconstruction of Compliant Structures

After voluntary demolition, a compliant structure may be reconstructed as it existed on June 24 2010, in compliance with the following conditions:

a. The area and dimensions of the zone lot on which the replacement structure will be constructed are the same that existed on June 24, 2010.

b. The applicant provides an improvement location survey prepared by a Qualified Professional describing the area and dimensions of the zone lot and the compliant structure's dimensions and location relative to zone lot lines. Documentation shall also include the dimensions and location of surface parking serving the compliant structure, dimensions and location of other structures and landscape features,

and existing exterior elevation drawings of the compliant structure that describe dimensions of building height and all exterior features and fenestration.

c. All provisions of this Code shall apply except where compliance is not possible because of the location or dimensions of the replacement structure, required vehicle access to the zone lot, accessory parking spaces, or due to existing gas tank location and the impracticality of moving such tanks. For any reconstruction that does not fully comply with the Primary or Side Street Build-To standards, a garden wall shall be provided within 0 feet to 15 feet from the zone lot line for 100% of the Primary and Side Street frontage, excluding required vehicle access points and any portions of building located within the 0 feet to 15 feet range. The Zoning Administrator may approve an alternative to the required garden wall when on-site circulation constraints prevent installation of a garden wall, provided the alternative results in separating pedestrian activity from on-site vehicle circulation areas.

d. The applicant shall obtain a zoning permit within one year of receiving a demolition permit for the compliant structure.

### 12.6.3.4 Involuntary Destruction or Damage to Structure - Reconstruction Allowed

A compliant structure that is involuntarily damaged or demolished in any manner and from any cause may be reconstructed as it previously existed. Any expansion or extension of such structure shall be subject to the standards governing expansions, alterations and enlargements in Section 12.6.3.2 above.

## SECTION 12.6.4 DETERMINATION OF COMPLIANT STATUS

Compliant status shall be determined by the Zoning Administrator.

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# DIVISION 12.7 NONCONFORMING USES

## SECTION 12.7.1 INTENT

The creation in this Division of the legal status of "nonconforming use" assures that land uses no longer permitted in a zone district are strictly limited in their right to continue, expand, or enlarge. Such nonconforming land uses are presumed to be incompatible with permitted uses in the zone district, typically because the nature or scale of the nonconforming use's operation create adverse impacts on surrounding properties or the character of the surrounding neighborhood context. Accordingly, the provisions in this Division 12.7 encourage nonconforming uses, over time, to terminate or relocate to a zone district where they are permitted.

## SECTION 12.7.2 APPLICABILITY

12.7.2.1 Division 12.7 applies to all nonconforming uses. For purposes of this Code, "nonconforming use" means any use which, at the time the use was first permitted or initiated, was lawfully operated, and has since that time been continuously lawfully operated, but which use is not a "conforming use" as defined in this Code and is not a "compliant use" as defined in this Code.

12.7.2.2 Nonconforming outdoor general advertising devices (billboards) and other nonconforming signs shall be subject to the nonconforming sign provisions in Division 12.9 of this Article instead of the nonconforming use standards stated in this Division 12.7.

## SECTION 12.7.3 LIMITED CONTINUANCE OF NONCONFORMING USES ALLOWED

### 12.7.3.1 General Allowance and Limitation on Expansion

A. Provided it continues to comply with all provisions of this Section, any nonconforming use may be continued in operation on the same zone lot and on the same floor area in a structure that was occupied by the nonconforming use on the date the use first became a nonconforming use.

B. Except as authorized in Section 12.7.3.2 below, the zone lot or the floor area in a structure devoted to the operation and maintenance of a nonconforming use shall not be increased.

C. The continuance authorized hereunder shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of zone lot area to the number of dwelling units, or a change in any aspect or the character of the nonconforming use that increases the amount, extent, or degree of nonconformity. This subsection shall not be construed to prohibit changes in the nonconforming use that result in a decrease in the amount, extent or degree of nonconformity (e.g., a reduction in the floor area of the nonconforming use that results in a decrease in the amount of parking required).

**D. Limitations on Continuance of a Nonconforming Trailer Camp or Court (Mobile Home Park) Uses**

A nonconforming trailer camp or court, also commonly known as a mobile home park, may continue subject to the provisions of this Section 12.7.3, except that any one of the following actions shall be considered a prohibited expansion of the nonconforming use and shall subject the use to the termination provisions in Section 12.7.7 below:

1. An increase in the total number of individual trailers or mobile homes sited within the nonconforming camp, court or park.

2. A reduction in an existing separation of less than 10 feet between individual trailers, mobile homes, or manufactured homes

3. Replacement of an individual trailer or mobile home with a manufactured home, regardless of size, if the manufactured home is constructed in compliance with U.S. Housing and Urban Development (HUD) standards and is labeled as HUD compliant. Replacement of

an individual trailer or mobile home with a trailer or mobile home of substantially similar construction and size (not including HUD labeled and HUD compliant manufactured homes) may be permitted only if the Zoning Administrator first approves a zoning permit for the replacement trailer or mobile home,

4. Replacement of an individual trailer or mobile home with a trailer, mobile home, or other manufactured or modular home that is placed on a permanent foundation (the use of tie-downs or ground anchors only is not considered a "permanent foundation").

### 12.7.3.2 Zoning Administrator Authority to Allow Limited Expansions

#### A. Zoning Administrator Authority in Special Cases Only

1. The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the zone lot area or the floor area in a structure or structures occupied by a nonconforming use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments; or

2. As a result of an act of government through vacation of right-of-way that creates private land area abutting an existing zone lot, for that newly created private land, the Zoning Administrator may authorize, upon application in specific cases, an exception permitting the existing nonconforming use on the existing zone lot to expand in zone lot area, but not floor area in a structure or structures, onto the newly created private land.

#### B. Procedure and Required Findings

All applications for an allowance under this Section 12.7.3.2 shall be reviewed according to the procedures stated in Section 12.4.1, Zoning Permit Review. In addition to the review criteria stated in Section 12.4.1, the Zoning Administrator shall grant an allowance only upon finding the following conditions exist:

1. That the use is a nonconforming use as defined in this Code, is in full compliance with all requirements of this Code applicable to nonconforming uses, and is not a nonconforming use which, by the provisions of this Code, is to be terminated by operation of law; and

2. The Zoning Administrator has found that the application complies with Section 12.7.3.2.A.

#### C. Allowance Personal to Owner

Every allowance authorized by this Section 12.7.3.2 shall be personal to the applicant and shall not be transferable, and shall run with the land only after construction of any authorized structure or structures and only for the life of such structure or structures.

### 12.7.3.3 Board of Adjustment Authority to Grant Variances for Expansion

The Board of Adjustment is authorized under its power to grant variances to permit an increase in the floor area occupied by a nonconforming use in an existing structure, subject to the procedures and applicable criteria stated in Section 12.4.7, Variance.

## SECTION 12.7.4 COMPLIANCE WITH LIMITATIONS ON EXTERNAL EFFECTS OF USES

Every nonconforming use shall comply with the limitations on external effects of uses established for the zone district in which such use is located.

## SECTION 12.7.5 ZONE LOT FOR STRUCTURES CONTAINING NONCONFORMING USES

Whenever a nonconforming use or uses is operated in a structure, a separate zone lot shall be designated, provided, and Continuously Maintained for the structure containing the nonconforming use or uses. Each zone lot shall have at least one Primary Street zone lot line. Upon application to and approval by the Zoning

Administrator, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this Code can be maintained.

## SECTION 12.7.6 MAINTENANCE OF OFF-STREET PARKING AND LOADING SPACES

All off-street parking and loading space operated by, in connection with, or accessory to a nonconforming use shall be maintained in accordance with all specifications for maintenance of off-street parking space as established by this Code.

## SECTION 12.7.7 TERMINATION OF NONCONFORMING USES

### 12.7.7.1 By Change in Use

**A. To a Conforming Use**
Changing any nonconforming use to a conforming use shall terminate the nonconforming use and the nonconforming use shall not be reestablished.

**B. To a Temporary Use**
Changing a nonconforming use to a temporary use properly permitted under the provisions of this Code shall not terminate the nonconforming use.

### 12.7.7.2 By Abandonment

Abandonment of a nonconforming use shall terminate immediately the right to operate such use.

### 12.7.7.3 By Violation of this Code

A. Unless remedied according to Subsection 12.7.7.3.B below, any one of the following violations of this Code shall terminate the right to operate a nonconforming use:

1. Failure to make a nonconforming use comply with the limitations on external effects of uses as established by this Code;

2. Increasing the floor area occupied by a nonconforming use without the approval of the Board of Adjustment or the Zoning Administrator for such increase, as applicable;

3. Increasing the number of dwelling units in the nonconforming use; or

4. Changing a nonconforming use to an unlawful use.

B. Any of the following actions shall allow continuance of a nonconforming use in the event of a violation of this Code:

1. Approval of a zoning variance that grants specific relief from compliance with the provision of the Code at issue in the use termination case. The Board of Adjustment shall act on such variance application within 120 days from the date the Zoning Administrator determines such use is in violation of this Code. For good cause, the Zoning Administrator may grant an extension of the 120-day period for up to one additional 90-day period. Grant of a variance according to this subsection shall not change the legal status of the use as "nonconforming."

2. The Zoning Administrator finds that the violation is completely remedied within 90 days from the date the Zoning Administrator determines such use is in violation of this Code.

3. The subject property owner submits a mitigation plan to the Zoning Administrator that proposes specific steps and time frames the owner will take to remedy the violation by a date certain, but in no case longer than 180 days from the date the Zoning Administrator of the City determines such use is in violation of this Code. The Zoning Administrator shall take final action to either approve, approve with conditions, or deny the mitigation

plan. For good cause, the Zoning Administrator may grant an extension of the mitigation period for up to one additional 180-day period.

4. This Section 12.7.7.3.B, which allows continuance of a nonconforming use if a violation of a type listed in Section 12.7.7.3.A is remedied, may be invoked and applied only one time to the same nonconforming use. After remedying a violation of the Code according to this Section 12.7.7.3.B, any future Code violation of a type prohibited in Section 12.7.7.3.A shall result in the automatic termination by law of the nonconforming use.

### 12.7.7.4 By Vacancy

Vacancy for a period of 12 or more successive calendar months of the structure or that part of a structure occupied by the nonconforming use shall terminate immediately the right to operate a nonconforming use.

### 12.7.7.5 By Destruction, Damage or Obsolescence of Structure Housing Nonconforming Use

#### A. Involuntary Destruction or Damage

The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the structure in which the nonconforming use is operated and maintained is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such structure on the date of such damage or destruction; provided, however, that the right to operate and maintain a nonconforming residential use located in a Residential Zone District or a nonconforming use located in a C-CCN zone district shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

#### B. Obsolete or Substandard Structure

The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the structure in which the nonconforming use is operated and maintained becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

#### C. Voluntary Demolition

Nothing is this subsection shall be deemed to permit the reconstruction or reestablishment of all or any part of a nonconforming use whenever the structure in which the nonconforming use is operated and maintained has been voluntarily demolished.

## SECTION 12.7.8 SIGNS FOR NONCONFORMING USES

12.7.8.1 As accessory to a nonconforming use, no sign shall be erected except in compliance with the following regulations:

A. Accessory to a nonconforming use which is a use by right for the MU districts, but which is located in a SU, TU, TH, or RH zone district, signs shall comply with the regulations herein established for permitted signs in the lowest-height multi-unit (MU) zone district allowed in the applicable neighborhood context.

B. Accessory to a nonconforming use which is a use by right in any Mixed Use Commercial Zone District, but which is located in any Residential Zone District, signs shall comply with the regulations herein established for permitted signs in the MS-2x zone district.

C. Accessory to a nonconforming use which is a use by right in a Mixed Use Commercial Zone District having less restrictive sign standards than the Mixed Use Commercial Zone District in

which the use is located, signs shall comply with the regulations herein established for permitted signs in the MS-3 zone district.

## SECTION 12.7.9 REGULATIONS FOR SPECIFIC NONCONFORMING HEAVY AUTOMOBILE SERVICE USES

Notwithstanding fence and wall height limitations stated in this Code, no nonconforming heavy automobile service use shall be operated unless the zone lot is enclosed with a solid fence or wall that is constructed to a height adequate to conceal any vehicles, equipment, or parts stored on the site. Such solid fence or wall shall comply with the following standards:

12.7.9.1 The front line of the zone lot shall not be required to have a fence or wall directly in front of the main building wall or main entrance to the principal structure;

12.7.9.2 The front line of the zone lot shall not be required to have a fence or wall along more than 40 percent of it's length;

12.7.9.3 Any portion of the zone lot line that contains a building wall need not have a separate fence or wall;

12.7.9.4 If the owner or operator demonstrates to the Zoning Administrator that an alternate method of screening (for example, vegetation) would be adequate to screen some or all of the zone lot, the Zoning Administrator may approve such alternate screening method; and

12.7.9.5 The fence or wall shall be constructed of wood, brick, masonry or other similar quality and durable materials as approved by the Zoning Administrator.

## SECTION 12.7.10 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

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# DIVISION 12.8 NONCONFORMING STRUCTURES

## SECTION 12.8.1 INTENT

The creation in this Division of the legal status of "nonconforming structure" assures that structures that no longer comply with the building form standards of the applicable zone district are strictly limited in their right to physically alter, expand, enlarge, or rebuild. Such nonconforming structures are presumed to be incompatible with the neighborhood context and built character sought in the zone district, typically because of the nonconforming structure's mass or scale, site placement, or building design. Accordingly, the provisions in this Division 12.8 encourage redevelopment of or alterations to such nonconforming structures to ultimately achieve full compliance with the zone district's building form standards.

## SECTION 12.8.2 APPLICABILITY

Division 12.8 shall apply to all nonconforming structures. For purposes of this code, "nonconforming structure" means any structure that was lawfully erected or altered in conformity with all applicable municipal ordinances, but which structure does not comply with all of the provisions of this Code established for conforming structures in the zone district in which the structure is located and is not otherwise a "compliant structure" under Division 12.6, Compliant Structures.

## SECTION 12.8.3 CONTINUANCE AND ENLARGEMENT

### 12.8.3.1 General Allowance to Continue and Enlarge Nonconforming Structures

A. Subject to all limitations of this Division 12.8, any nonconforming structure may be occupied, operated, and maintained in a good state of repair.

B. Subject to all limitations of this Code, any nonconforming structure may be altered or enlarged so long as no existing nonconformity is increased and no new nonconformity is created.

## SECTION 12.8.4 TERMINATION OF NONCONFORMING STRUCTURES

### 12.8.4.1 Involuntary Destruction or Damage to Structure

The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged or demolished in any manner and from any cause whatsoever and the cost of repairing such damage or demolition exceeds 75 percent of the replacement cost of such structure on the date of such damage or demolition.

### 12.8.4.2 Obsolescence of Structure

The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines that such structure is obsolete or substandard.

### 12.8.4.3 Determination of Replacement Cost

In determining the replacement cost of any nonconforming structure there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.

### 12.8.4.4 The Right to Reconstruct Certain Structures

Notwithstanding the provisions of subsections 12.8.4.1, 12.8.4.2, and 12.8.4.3, the right to operate and maintain any of the nonconforming structures listed below shall not be terminated regardless of the amount of damage, destruction or obsolescence; provided, however, that any such reconstructed nonconforming structures shall not be enlarged and/or extended beyond that which existed previously unless the enlargement and/or extension complies with all the provisions of this Code.

A. A nonconforming structure containing a residential use or a residential care use located in a Residential Zone District, or

B. A nonconforming structure located in a C-CCN zone district; or

C. A structure located in the D-C or D-TD zone district that became a nonconforming structure on October 14, 1994, as a result of (a) changes to the prior B-5 zone district changing the floor area premiums and maximum gross floor area of structures; or (b) the creation of the OD-2, OD-3 and OD-4 overlay districts regarding maximum building height or sunlight preservation requirements; or

D. A structure located in a Residential Zone District that became a nonconforming structure on June 26, 1998, as a result of the creation the OD-6, OD-7 and OD-8 overlay districts, or

E. A residential structure located in a SU zone district that became a nonconforming structure July 21, 2008, as a result of the creation of the OD-10 overlay district.

### 12.8.4.5 Voluntary Demolition

Nothing in this Section 12.8.4 shall be deemed to permit the reconstruction or reestablishment of all or any part of a nonconforming structure that has been voluntarily demolished.

## SECTION 12.8.5 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

# DIVISION 12.9 NONCONFORMING SIGNS

## SECTION 12.9.1 NONCONFORMING ON-PREMISE SIGNS

### 12.9.1.1 Intent and Declaration of Public Policy

It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when the owner is permitted to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

### 12.9.1.2 Definition of Nonconforming On-Premise Signs

A nonconforming sign shall be any sign other than an outdoor general advertise device, which:

A. On March 19, 1971, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this Code on March 19, 1971, in the zone district in which the sign is located; or

B. On or after March 19, 1971, was lawfully maintained and erected in accordance with the provisions of this Code effective March 19, 1971, but which sign, by reason of amendment to this chapter effective March 19, 1971, after the effective date, does not conform to the limitations established by the amendment to this chapter effective March 19, 1971, in the zone district in which the sign is located.

### 12.9.1.3 Continuance of Nonconforming Signs

Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after March 19, 1971; provided, however, that no such nonconforming sign shall be changed in any manner that increases the noncompliance of such nonconforming sign with the limitations established by the this Code effective March 19, 1971, or any amendment to this Code in the zone district in which the sign is located; and provided further, that the right to continue in operation and maintain any nonconforming sign shall be conditioned on the use by right not having more signs than permitted for the particular zone district in which the use by right is located, and that no such nonconforming sign shall flash, blink, fluctuate, be animated or portable.

### 12.9.1.4 Determination of Nonconforming Status

Nonconforming status shall be determined by the Zoning Administrator.

### 12.9.1.5 Termination of Nonconforming Signs

The following actions shall result in the termination immediately of the right to maintain a nonconforming sign:

**A. By Abandonment**

Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.

**B. By Violation of this Code**

1. Unless remedied according to Section 12.9.1.5.B.2. below, any violation of this Code's sign regulations shall terminate immediately the right to maintain a nonconforming sign.

2. The following actions shall allow continuance of a nonconforming sign otherwise terminated pursuant to this Section 12.9.1.5.B., provided the nonconforming sign was not finally terminated prior to July 20, 2012:

    a. The violation is completely remedied within 15 days from the date the Zoning Administrator gives notice that there is a violation of this Code's sign regulations, and the violation does not thereafter reoccur.

b. Within 15 days from the date the Zoning Administrator gives notice that there is a violation of this Code's sign regulations, the subject property owner may submit to the Zoning Administrator a mitigation plan that proposes specific steps and time frames the owner will take to remedy the violation by a date certain, but in no case longer than 90 days from the date of the notice of violation. If the Zoning Administrator determines the violation cannot be corrected within 15 days from the notice of violation, the Zoning Administrator shall approve, approve with conditions or deny the property owner's plan, and may, for good cause, grant an extension of the mitigation period for up to one additional 90 day period. If the Zoning Administrator denies the plan, the property owner shall completely remedy the violation within 15 days of such denial.

3. Any reoccurrence of the same violation of this Code's sign regulations, or any violation of the approved mitigation plan, shall immediately terminate the right to maintain the nonconforming sign and no exceptions or variances shall be granted.

**C. By Destruction, Damage or Obsolescence**

The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.

## SECTION 12.9.2 NONCONFORMING OUTDOOR GENERAL ADVERTISING DEVICES

### 12.9.2.1 Intent

This section's regulations assure that outdoor general advertising devices that no longer comply with this Code's standards are strictly limited in their right to continue or be substantially altered. Such nonconforming outdoor general advertising device is presumed incompatible with the character of the surrounding neighborhood context and zone district, typically because of adverse aesthetic and/or public safety impacts. Accordingly, the provisions in this section encourage nonconforming outdoor general advertising devices, over time, to terminate.

### 12.9.2.2 Definition

A nonconforming outdoor general advertising device shall be any such device which:

A. On June 25, 2010, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this Code; or

B. On or after June 25, 2010, was lawfully maintained and erected in accordance with the provisions of this Code, but which device by reason of amendment to this Code after June 25, 2010, does not conform to the limitations resulting from such amendment.

### 12.9.2.3 Continuance

Subject to the termination hereinafter provided, any nonconforming outdoor general advertising device may be continued in operation and maintained after January 1, 2010; provided, however, that, after January 1, 2010, no such device shall be modified as defined in Section 10.10.21.2.A.5., Permit to Modify an Existing Device.

### 12.9.2.4 Termination

The following actions shall result in the termination immediately of the right to maintain a nonconforming outdoor general advertising device:

**A. By Abandonment**

Abandonment of a nonconforming outdoor general advertising device shall terminate immediately the right to maintain such device. If a message surface is vacant or contains obsolete advertising for any six consecutive month period, it shall be deemed to be abandoned. A "vacant" message surface shall mean a message surface that is void of any message content and shall not include a message surface displaying the name of the permit holder's business, a public service announcement or "for rent", "available for lease", or any similar message. "Obsolete advertising copy" shall mean advertising copy which pertains to an event or activity which has already occurred.

**B. By Violation of this Code**

Any violation of this Code, except for the failure to continuously display a city registration number on a device as required by Section 10.10.21.2.A.3, City Registration Number, shall terminate immediately the right to maintain a nonconforming outdoor general advertising device. In the event a city registration number which was displayed on a nonconforming outdoor general advertising device in conformance with Section 10.10.21.2.A.3, City Registration Number, becomes detached or unreadable, the permit holder shall have 90 days from receipt of notice of such violation to cure the violation.

**C. By Destruction, Damage or Obsolescence.**

The right to maintain any nonconforming outdoor general advertising device shall terminate and shall cease to exist whenever the device is damaged or destroyed, from any cause whatsoever and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such device on the date of such damage or destruction; or whenever the device becomes obsolete or substandard under any applicable ordinance of the city to the extent that the device becomes a hazard or a danger.

### 12.9.2.5 Removal of Terminated Device

The termination of a nonconforming outdoor general advertising device shall require its immediate removal. Furthermore, no terminated device shall receive credit pursuant to Section 10.10.21.2.A.7, Additional Requirements, to be used for a new device.

### 12.9.2.6 Determination of Nonconforming Status

The burden of establishing such a device to be nonconforming under this Section rests entirely upon the person claiming a nonconforming status for an outdoor general advertising device.

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# DIVISION 12.10 NONCONFORMING ZONE LOTS

## SECTION 12.10.1 INTENT

This Division 12.10 is intended to promote the use, development, and redevelopment of pre-existing zone lots throughout the City of Denver, while recognizing that such zone lots do not generally fit the predominant lot patterns of their surrounding neighborhood context. Accordingly, this Division makes clear that nonconforming zone lots can be used and developed in compliance with existing zoning rules, but the range of permitted building forms is limited to mitigate possible adverse impacts on surrounding properties.

## SECTION 12.10.2 DEFINITION

See Article 13 for definition of "Zone Lot, Nonconforming."

## SECTION 12.10.3 USE & DEVELOPMENT ALLOWED

### 12.10.3.1 Applicability

This Section 12.10.3 applies to:

A. All Nonconforming Zone Lots that do not qualify as Carriage Lots; and

B. All Nonconforming Zone Lots that qualify as Carriage Lots that contain a legally established Primary Dwelling Unit use in the event of Involuntary Demolition

C. All other Carriage Lots shall comply with the standards in Section 12.10.4 below

### 12.10.3.2 Use of Nonconforming Zone Lots

A nonconforming zone lot may be used only for uses permitted in the zone district in which the zone lot is located. Establishment of a permitted use on a nonconforming zone lot shall comply with all applicable standards for that zone district and for the specific use.

### 12.10.3.3 Development of Nonconforming Zone Lots in a Residential Zone District

Development of a permitted use on a nonconforming zone lot shall comply with all applicable standards for that zone district, except any applicable minimum zone lot area or minimum zone lot width standard, and except as prohibited in Section 12.10.3.3.B below. Development on a nonconforming zone lot shall comply with the following:

A. Compliance with one of the following primary building forms, as permitted in the zone district, according to the Setback and Building Coverage by Zone Lot Width form standards that align with the nonconforming zone lot's width:

1. Suburban House building form;

2. Urban House building form;

3. Duplex building form; or

4. Tandem house building form, excluding in the S-SU-F1 zone district.

B. Compliance with the accessory building forms, as permitted in the zone district, with the following exception:

1. Where permitted, the Detached Accessory Dwelling Unit building form may only be constructed on a nonconforming zone lot that meets the minimum zone lot size standards for the detached accessory dwelling unit building form within the zone district.

### 12.10.3.4 Examples

A. For example, in the U-SU-C1 zone district, a zone lot of 4,500 square feet in total area and with a lot width of 40 feet, is nonconforming. The owner may develop an Urban House building form on the nonconforming zone lot, despite the lot's noncompliance with the 5,500 square foot area

and 50 foot width standards otherwise required for an Urban House form in that zone district. Development of the urban house on the existing 4,500 square foot zone lot must still comply with all other building height, siting, and design element form standards. Certain siting form standards, such as primary street and rear building setbacks or building coverage for an Urban House, are keyed to the lot width of the subject zone lot, including a nonconforming zone lot. In this example, the Urban House would be subject to setback and building coverage standards for a 40-foot wide zone lot, as shown in the Urban House Building Form Table in Article 5 of this Code.

B. For example, in the U-SU-C1 zone district, a zone lot of 4,500 square feet in total area and with a lot width of 40 feet, is nonconforming. The building form standards for a Detached Accessory Dwelling Unit building requires a minimum of 5,500 square feet of zone lot area as a prerequisite for development of such form. In this case, the owner could not develop a Detached Accessory Dwelling Unit building on her lot because the lot is less than the 5,500 square feet required in the U-SU-C1 zone district for that form.

## SECTION 12.10.4 DEVELOPMENT ON CARRIAGE LOTS

This Section 12.10.4 applies to:

A. All Nonconforming Zone Lots that qualify as Carriage Lots and do not contain a legally established Primary Dwelling Unit use; and

B. All Nonconforming zone lots that qualify as Carriage Lots that contain a legally established Primary Dwelling Unit use in the event of Voluntary Demolition

Notwithstanding the requirement for zone lots to have frontage on a named or numbered public street, the Zoning Administrator may grant a zoning permit for detached accessory structures used for the noncommercial parking of motor vehicles (residential vehicle garages) or used to house accessory dwelling units on carriage lots in specific cases, provided the following procedures and conditions are satisfied:

12.10.4.1 The permit application under this subsection shall be subject to Zoning Permit Review with Informational Notice, according to Section 12.4.2 of this Code.

12.10.4.2 In deciding to approve, approve with conditions, or deny the application, the Zoning Administrator shall consider written comments of all interested parties and the impact of the proposed detached accessory structure and proposed use on adjoining properties.

12.10.4.3 The Zoning Administrator may grant the zoning permit provided the proposed detached accessory structure complies with the following standards:

**A. Ownership of the Subject Carriage Lot**
The applicant shall be the owner of the subject carriage lot or portion thereof, and shall have their principal residence located in the block surrounding the subject carriage lot or portion thereof. The granting of the zoning permit shall be personal to the applicant.

**B. Accessory Dwelling Unit Use of Detached Structure**
The detached accessory structure may be used for an accessory dwelling unit provided such accessory dwelling unit use is permitted in the applicable zone district, and provided the proposed accessory dwelling unit use complies, to the maximum extent feasible, with the accessory dwelling unit standards in Section 11.8.2, except as stated in this Section 12.10.4.3.

**C. Compliance with Building Form Standards**
A detached accessory structure on a carriage lot shall comply with the applicable zone district building form standards for either a detached garage or a detached accessory dwelling unit building form, except that such structure shall comply with the following lot area and setback standards instead of the otherwise applicable building form standards.

**1. Minimum Lot Area**
The carriage lot or portion thereof used for the detached accessory structure shall be at least 25 feet wide at the alley line and shall contain not less than 1,000 square feet in area.

**2. Setbacks**
Detached accessory structures shall set back from the alley line the minimum distance necessary to provide a total alley or aisle width of 20 feet for structures that are entered or accessed directly from the alley, and shall set back not less than 5 feet from every other boundary line of the carriage lot or portion thereof.

**D. Other Applicable Requirements**
Detached accessory structures shall comply with this Code's other applicable requirements for the use, location, size and operation of detached accessory structures for the zone district in which it is located.

**E. Operation**
Detached accessory structures shall only be used by other conforming primary uses located on the block surrounding the carriage lot; and the carriage lot or portion thereof shall be maintained in good condition, free of weeds, trash and debris.

## SECTION 12.10.5 ZONE LOT ALTERATIONS LIMITED

A nonconforming zone lot shall not be further amended or have its boundaries altered in any manner that would compound, increase, or extend the nonconforming characteristics of the zone lot.

## SECTION 12.10.6 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

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# DIVISION 12.11 ENFORCEMENT, VIOLATIONS AND PENALTIES

## SECTION 12.11.1 GENERAL PURPOSE

This Code shall be enforced in accordance with the provisions of Colorado law and as provided in this Division 12.11. Each enforcement remedy can be invoked independently or in conjunction with any or all of the other enforcement remedies available under the law.

## SECTION 12.11.2 VIOLATIONS

It shall be unlawful and shall be deemed a strict liability offense for any owner, lessee, occupant, or agent of an owner, lessee, or occupant to allow or permit to exist, or to otherwise let happen a violation of this Code on the land or in the structure to which the owner, lessee, occupant, or agent has legal or equitable title or right of possession. Any one of the following actions or activities shall constitute a violation of this Code:

### 12.11.2.1 Use, Structure or Sign Without Permit or Approval

To place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

### 12.11.2.2 Activities Inconsistent with This Code

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign; or engage in development of any land contrary to the regulations and procedures of this Code.

### 12.11.2.3 Land Disturbing Activities Inconsistent with This Code

Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite approvals or permits required by this Code.

### 12.11.2.4 Nonconformities and Compliance Inconsistent with This Code

Create, expand, replace, or change a nonconforming or compliant use, structure, lot, or sign except in compliance with this Code.

### 12.11.2.5 Making Zone Lots or Setbacks Nonconforming

Reduce or diminish the zone lot area, setbacks, or unenclosed open space below the minimums required by this Code.

### 12.11.2.6 Increasing Intensity of Use

Increase the intensity of use of any land or structure, except according to the standards and procedures of this Code.

### 12.11.2.7 Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, alteration, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, agreement, or other form of authorization required to engage in such activity under this Code.

### 12.11.2.8 Failure to Remove Signs or Other Improvements

Failure to remove any sign or other improvement installed, created, erected, or maintained in violation of this Code, or for which the permit has lapsed.

### 12.11.2.9 Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any public notice required by this Code.

### 12.11.2.10 Other Actions or Activities Specified by Code

Engage in any other action or activity specified by one or more provisions of this Code to be a violation.

## SECTION 12.11.3 OFFENSES AND LIABILITIES PRESERVED

All offenses committed and all liabilities incurred prior to June 25, 2010 shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities.

## SECTION 12.11.4 CONTINUING VIOLATIONS

Every day on which a violation exists shall constitute a separate violation of this Code, and a separate offense.

## SECTION 12.11.5 STATUTE OF LIMITATIONS FOR CITY ONLY

All actions by the City to restrain, correct or abate the unlawful location, bulk, or gross floor area of or in a structure and alleged to result from the unlawful issuance of a permit to erect or alter such structure shall be brought within 3 years after the issuance of the particular permit alleged to have been unlawfully issued and not after that period.

## SECTION 12.11.6 ENFORCEMENT POWERS, PENALTIES AND REMEDIES

### 12.11.6.1 Enforcement Powers

The Manager shall have the duty of enforcing this Code and the power necessary for such enforcement, incidental to which duty and power the Manager may exercise the following authority:

A. Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this Code, including reinvestigations of any land or structure to determine if a violation under an earlier notice or order has been corrected. Incidental to such investigations and surveys, an authorized representative of the department may enter into and upon and cause any land or structure to be inspected and examined. The right to entry and inspection may be enforced by application to and proper orders from a court of proper jurisdiction;

B. Issue written orders requiring compliance with the provisions of this Code. Such orders shall be served personally or by mail upon the person deemed by the department to be violating the provisions of this Code; provided, however, that if such person is not the owner of the land on or the structure in which the violation is deemed to exist or have occurred, a copy of the order shall be sent by mail to the owner of such land or structure, the owner to be determined from the tax roll for the preceding tax year in the office of the deputy county treasurer. In the case of a structure containing individual units owned by different owners, a copy of the order shall be sent by mail to the individual unit owner deemed by the department to be violating the provisions of this Code; and a copy of the order shall be sent to the corporation, organization, or association that either owns or controls the common areas. In case a violation occurs in the common areas of such a development, the order shall be sent by mail to the officers of the corporation, organization or association which either owns the common areas or is responsible under the condominium declaration for the maintenance and control of such common areas. The date of mailing shall be deemed the date of service of any order served by mail;

C. Issue notices of violation for noncompliance with the provisions of this Code; and

D. Institute, in courts of proper jurisdiction, proceedings to enforce the provisions of this Code, administrative orders and determinations made hereunder, and settlement agreements made hereunder.

### 12.11.6.2 General Penalties Apply

Any person violating any provision of this Code shall be subject to the general penalties provided by D.R.M.C., Section 1-13, by action brought in a court of appropriate jurisdiction.

### 12.11.6.3 Remedies Are Cumulative

The penalties, remedies, and enforcement powers established in this Division 12.11 shall be cumulative, and the City may exercise them in any order.

### 12.11.6.4 Additional Remedies

#### A. In General

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Code, in addition to, or in lieu of, any administrative remedy allowed by the D.R.M.C., the Manager or any person with standing under applicable law may institute any appropriate action or proceedings to prevent or enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land or to prevent or enjoin any illegal act, conduct, business or use in or about such premises. The imposition of any penalty hereunder, including any inspection for compliance fee, shall not preclude the City or any person with standing under applicable law from instituting any appropriate action or proceeding to require compliance with the provisions of this Code, and with administrative orders and determinations made hereunder.

#### B. Suspend or Rescind Permits or Final Authorization

Any permit issued or other form of authorization under this Code may be suspended or rescinded when the Manager determines:

1. That there is a material departure from the plans, specifications, or conditions required under the terms of the approved permit or plan;
2. That the approved permit or plan was procured by false representation or was issued by mistake;
3. That any of the provisions of this Code are being violated; or
4. In the case of a zoning permit for a temporary use only, that substantial complaints that one or more conditions of the permit are being violated are reported to the Zoning Administrator.

Unless the Manager determines there is imminent peril to life or property, the Manager shall provide the permittee with notice and an opportunity to be heard prior to any final decision to suspend or revoke a permit. No work, construction, or other development activity shall proceed after service of the suspension or revocation notice.

### 12.11.6.5 Continuation of Previous Enforcement Actions

Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

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# ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

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## ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS


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# DIVISION 13.1 RULES OF MEASUREMENT

## SECTION 13.1.1 INTRODUCTION

This Division provides explanations of how to make determinations and measurements for standards contained within this Code.

## SECTION 13.1.2 HEIGHT FOR ALL SU, TU, RH, E-MU-2.5, MU-3, AND RO-3 ZONE DISTRICTS

### 13.1.2.1 Applicability

This Section 13.1.2 applies to all SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3 and RO-3 zone districts.

### 13.1.2.2 Base Plane

**A. Intent**

The purpose of a dual base plane associated with a front and rear percentage of lot depth is to accommodate changes in slope from the front to rear across a zone lot.

**B. Rule**

Two base planes or a building specific base plane are used for measuring overall height for all primary and accessory structures:

**1. Two Base Planes**

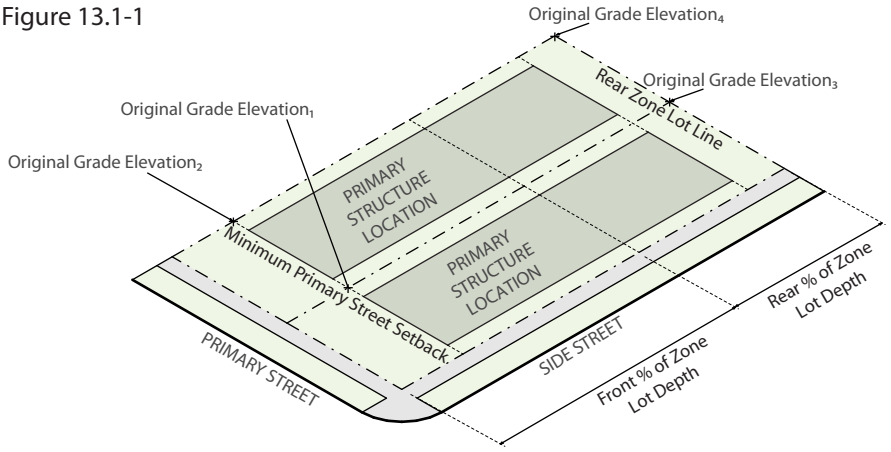
a. A Front Base Plane shall be the area described below:

i. The front 65% of the Zone Lot Depth for all S-SU, S-RH, S-MU-3, E-SU, E-TU, E-RH, E-MU, U-SU, U-TU and U-RH zone districts

ii. The front 80% of the Zone Lot Depth in the G-RH, G-MU-3 and G-RO-3 zone districts

b. The Front Base Plane is a horizontal plane established at the average elevation of original grade of two Side Interior Zone Lot Lines, or the elevation of original grade of one Side Interior Zone Lot Line when two are not present, measured at the minimum primary street setback line. See Figure 13.1-1. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

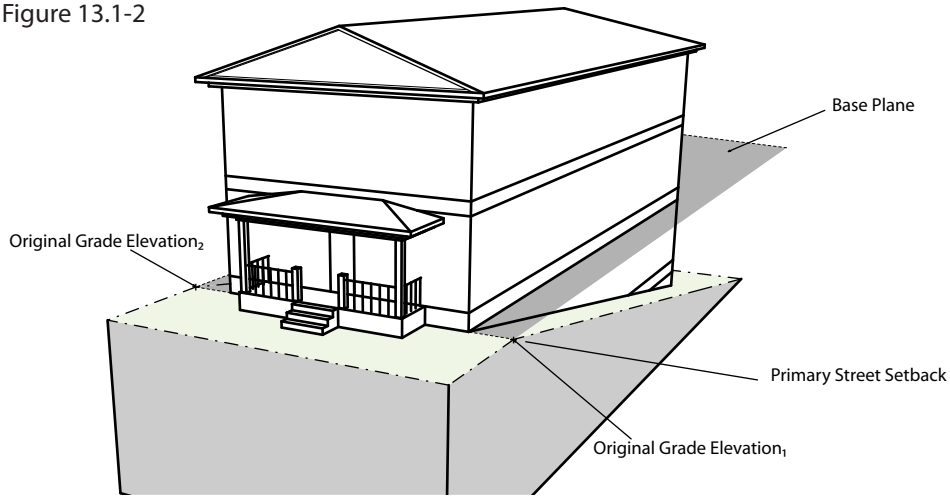
Figure 13.1-1



c. A Rear Base Plane will be the base for measuring overall building height in the rear 35% (or the rear 20% in the General Urban (G-) Residential Zone Districts).

d. The Rear Base Plane is a horizontal plane established at the average elevation of the original grade of the two Side Interior Zone Lot Lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the Rear Zone Lot Line. See Figure 13.1-2.

Figure 13.1-2

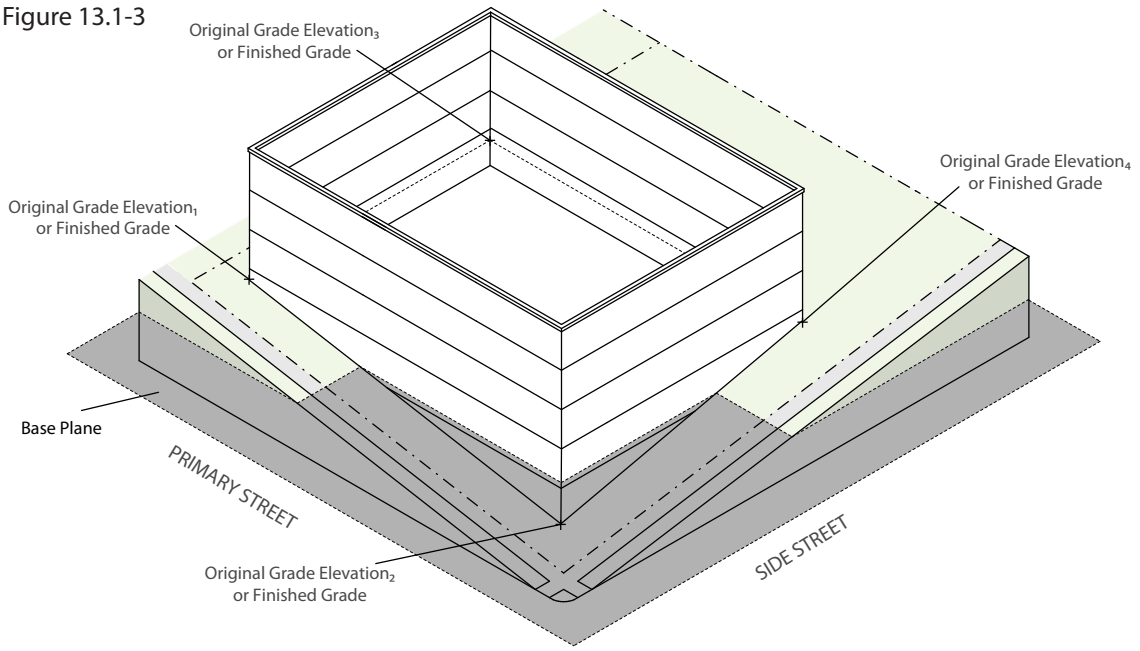



**2. Building Specific Base Plane**

**a. Applicability:**
For development of multiple primary buildings on a single zone lot that is 18,000 square feet or more, a building specific base plane may be used.

**b. Base Plane:**
A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-3

Figure 13.1-3




C. Measurements for purposes of establishing a primary base plane shall be rounded to the closest whole number.

### 13.1.2.3 Height in Stories

**A. Intent**

To provide an easy reference for visualizing building height, to provide an appropriate consistency of building scale and to shape and/or maintain neighborhood character.

**B. Stories (max) Rule of Measurement**

1. Overall height in stories shall be measured as the total number of stories. See Figure 13.1-4.

2. A Story shall count towards the total number of stories when:

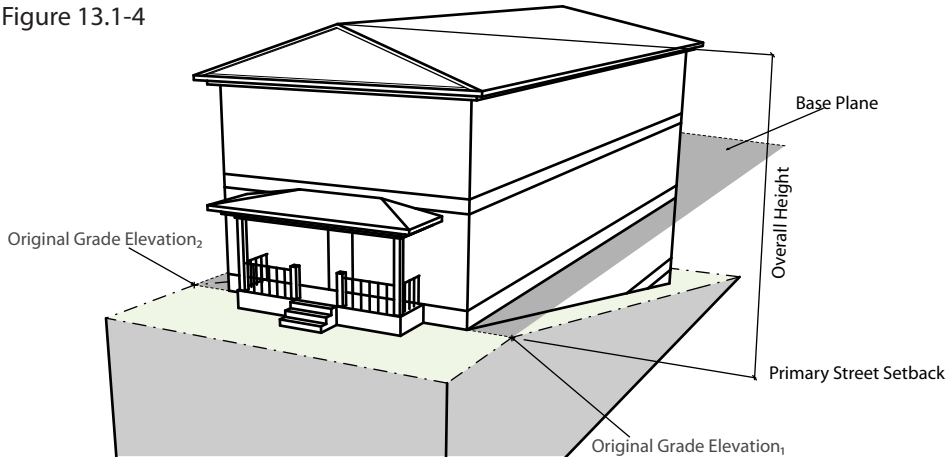
   a. The Story has its finished floor surface entirely above the Front Base Plane or the Building Specific Base Plane, where applicable; or

   b. The Story is located below a story which has its finished floor surface more than 6 feet above the Front base plane or the Building Specific Base Plane, where applicable; or

   c. The Story is located below a story which has its finished floor surface more than 6 feet above the finished grade for more than 50% of the total building perimeter; or

   d. The Story is located below a story which has its finished floor surface more than 12 feet above finished grade at any point.

Figure 13.1-4




### 3. Half Story

**a. Intent**

To allow for additional floor area while minimizing additional bulk.

**b. Rule of Measurement**

Where a half story is permitted, it shall meet the following:

i. The space meets the definition of Story, Habitable stated in this Article 13.

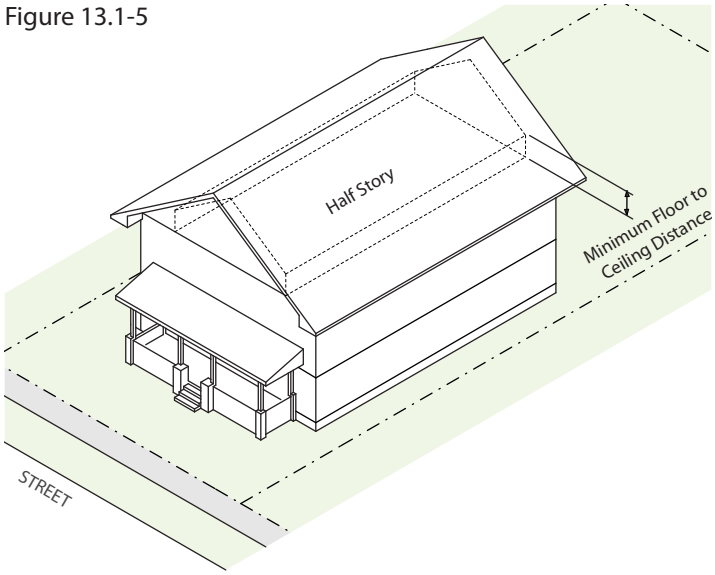
ii. The total Gross Floor Area of the half story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 75 percent of the floor below.

iii. All half stories, except for the Accessory Dwelling Unit building form, are calculated based on the Gross Floor Area of the floor below contained within the same Dwelling Unit.

iv. For the Accessory Dwelling Unit building form, a half story is calculated based on the Gross Floor Area of the floor below.

See Figure 13.1-5

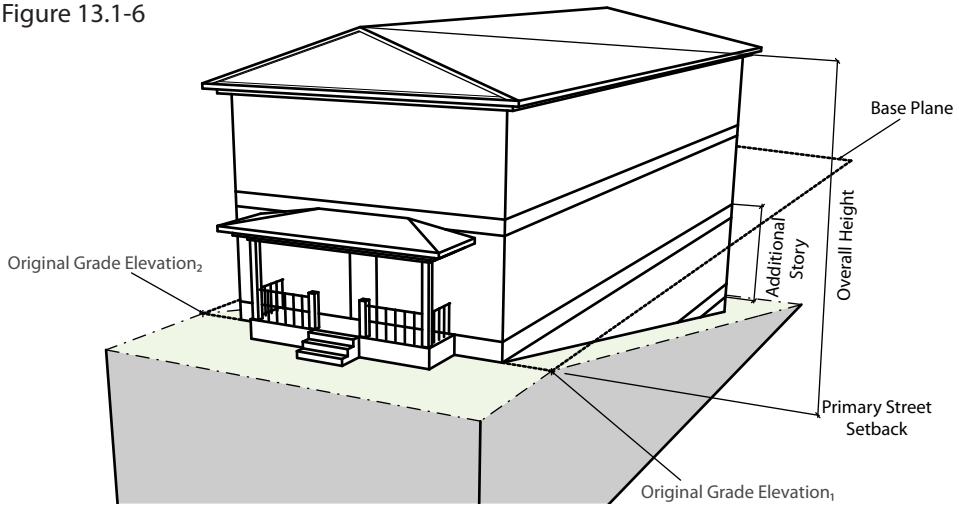
Figure 13.1-5



**4. Overall Height in Stories for Sloping Lots**

For Primary Structures only, where a lot slopes downward from the Primary Street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the rear base plane on the lower, rear portion of the lot. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street zone lot line. See Figure 13.1-6.

Figure 13.1-6




**C. Exceptions From Stories (Max)**

Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

## 13.1.2.4 Height in Feet

**A. Feet (max) Rule of Measurement**

Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure, including parapet walls or safety railings. See Figure 13.1-7 and 13.1-8.

**B. Exceptions From Feet (max)**

Exceptions from overall building height in feet are found in each of Articles 3-9 of this Code.

Figure 13.1-7

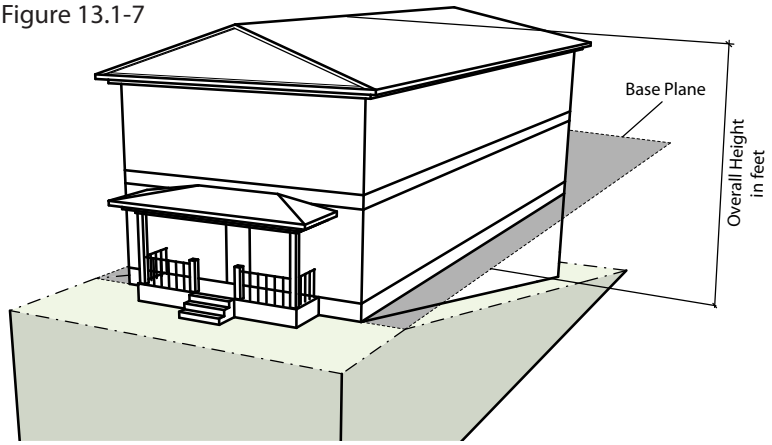
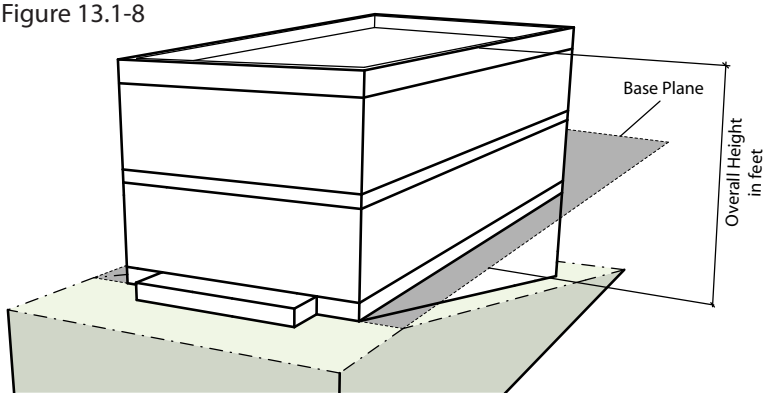


Figure 13.1-8

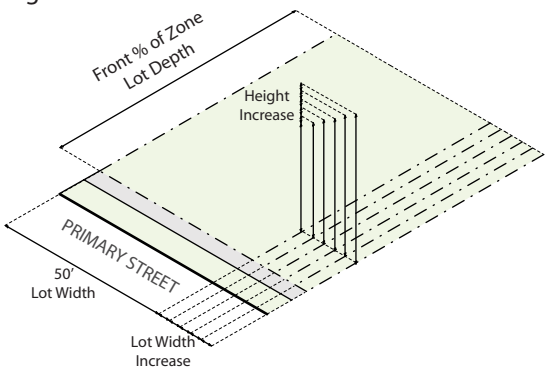



### 13.1.2.5 Feet, Permitted height increase

**A. Feet, Front Percentage of Zone Lot Depth, permitted height increase**

The overall height of a structure may increase in feet in the front percentage of the zone lot depth, as specified in the building form tables, when the overall zone lot width increases. See Zone Lot Width for how to measure. See Figure 13.1-9.

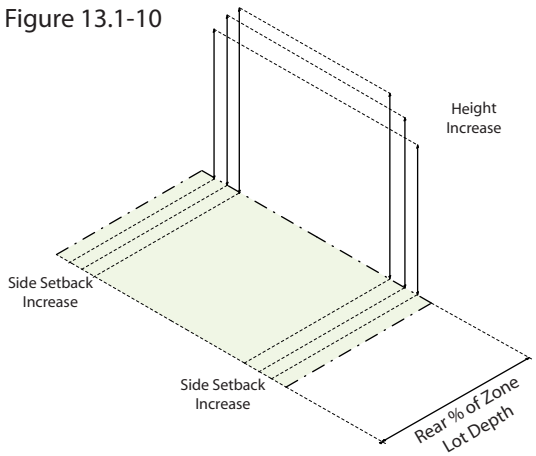
Figure 13.1-9




**B. Feet, Rear Percentage of Zone Lot Depth, permitted height increase**

The overall height of a structure may increase in feet in the rear percentage of the zone lot depth, as specified in the building form tables, when one side interior setback is increased in the rear percentage of the zone lot depth, in excess of the required minimum side interior setback. See Figure 13.1-10.

Figure 13.1-10



# SECTION 13.1.3 HEIGHT FOR ALL OTHER ZONE DISTRICTS

## 13.1.3.1 Applicability

This Section 13.1.3 shall apply to all zone districts except SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3, and RO-3 zone districts.

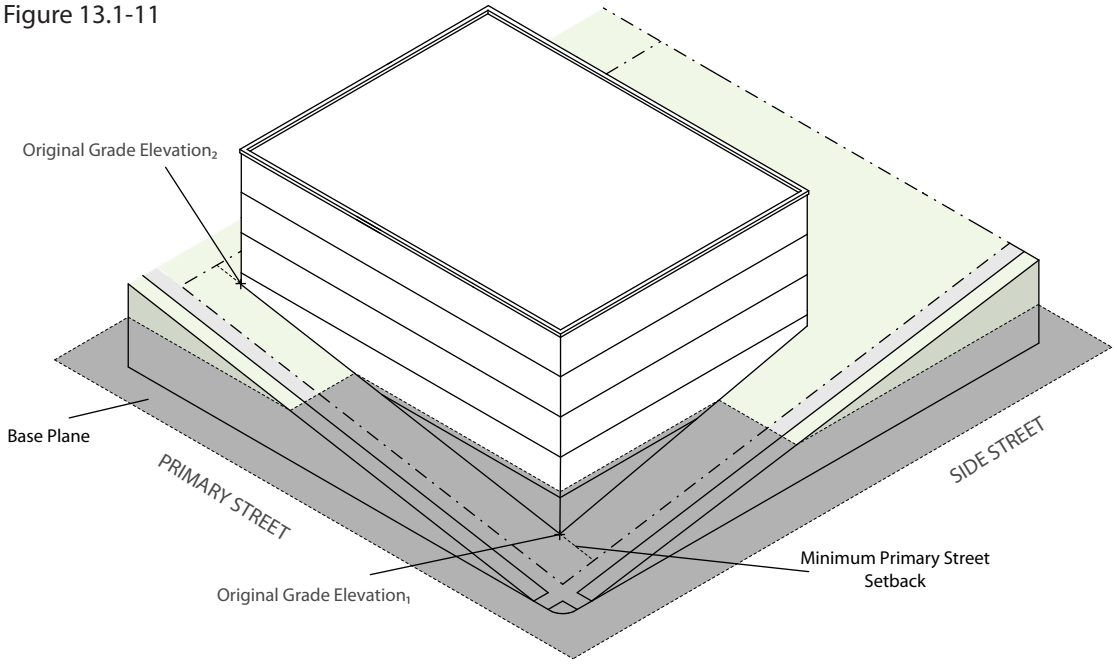
## 13.1.3.2 Base Plane

Overall height for all buildings and structures on the zone lot shall be measured from a base plane. The applicant shall apply either a single base plane for the entire zone lot or a building-specific base plane:

### A. Single Base Plane

A single base plane shall be a horizontal plane established at the average elevation of the original grade of the two side interior zone lot lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the minimum primary street setback line. See Figure 13.1-11. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

Figure 13.1-11

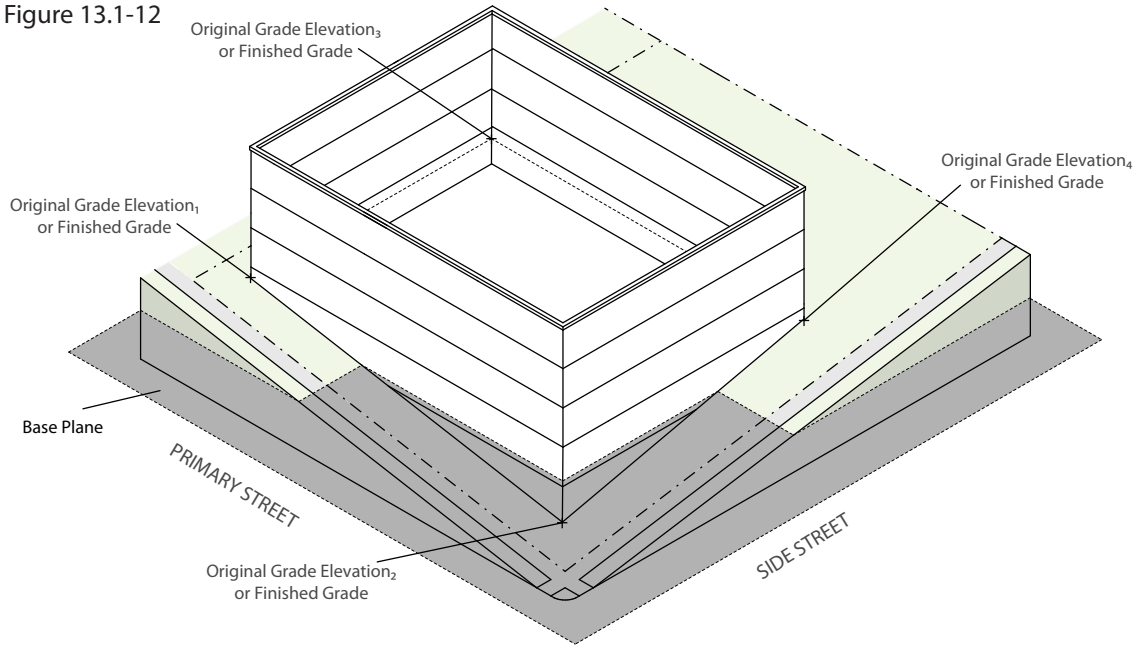


**B. Building-Specific Base Plane**

A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-12

C. Measurements for purposes of establishing a base plane shall be rounded to the closest whole number.

Figure 13.1-12




## 13.1.3.3 Height in Stories

**A. Intent**

To provide an easy reference for visualizing building height and to provide an appropriate consistency of building scale.

**B. Stories (max) Rule of Measurement**

1. Overall height in stories shall be measured as the total number of stories.
2. A Story shall count towards the total number of stories when:
   a. The Story has its finished floor surface entirely above the Base Plane; or
   b. The Story is located below a story which has its finished floor surface more than 6 feet above the base plane (See Figure 13.1-13); or
   c. The Story is located below a story which has its finished floor surface more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
   d. The Story is located below a story which has its finished floor surface more than 12 feet above finished grade at any point. (See Figure 13.1-14)

Figure 13.1-13

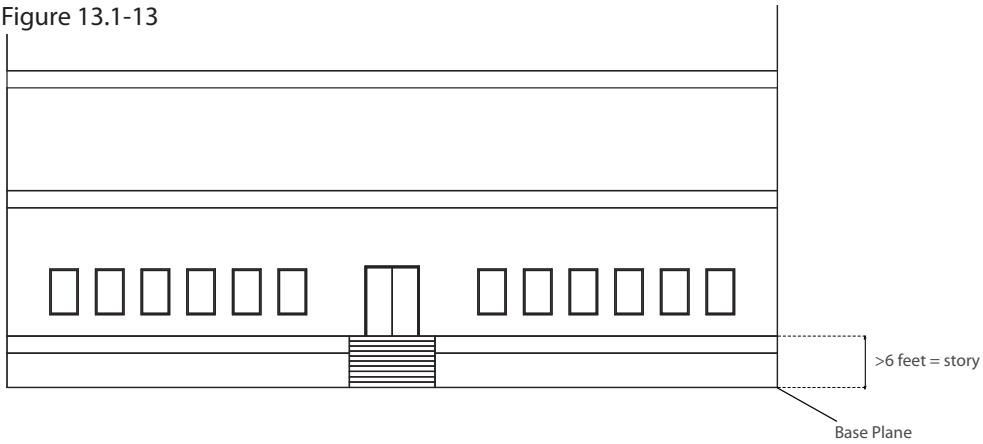
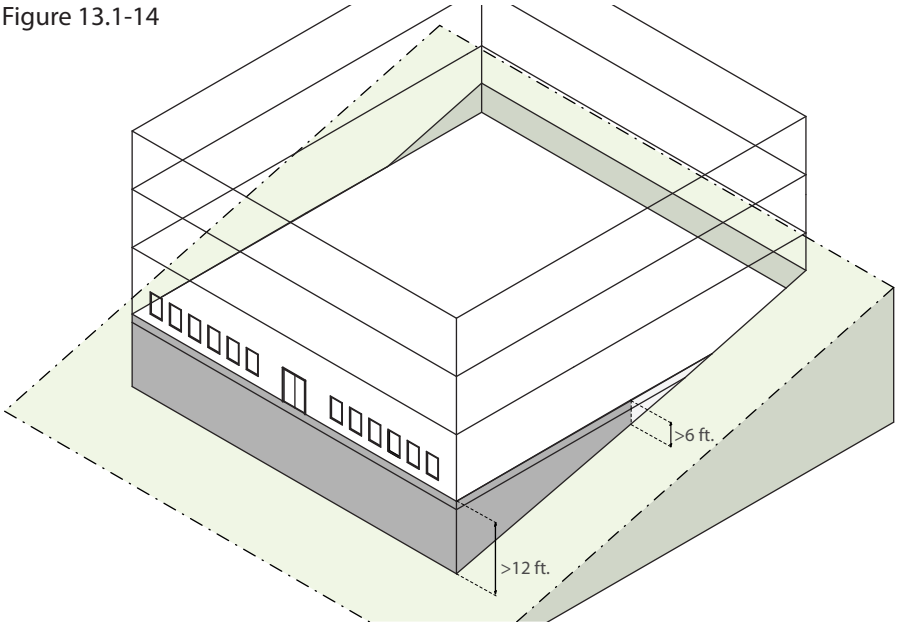



Figure 13.1-14

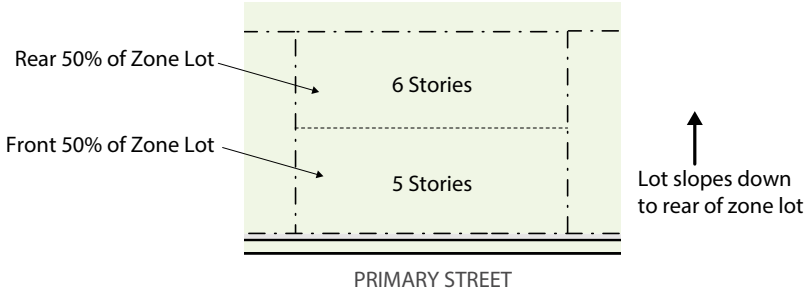



**3. Overall Height in Stories for Sloping Lots**

Where a lot slopes downward from the primary street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the rear base plane on the lower, rear portion of the zone lot. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street or Side Street Zone Lot Line.

Figure 13.1-15

**Graphic is illustrative of a 5-Story Zone District.*



### 4. Mezzanine

**a. Intent**

Interior bulding mezzanines are accomodated only when the mezzanine reads as a single story as viewed from the primary street building elevation, and when the mezzanine space physically protrudes over the space below.

b. A mezzanine is floor space within a building that has all of the following features:

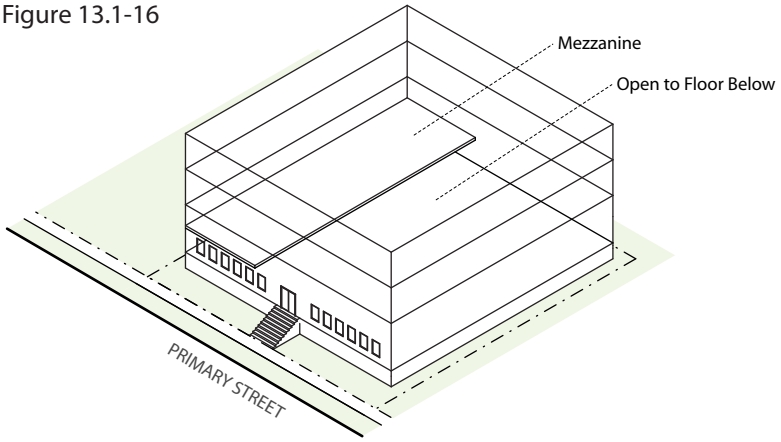
i. The space meets the definition of Story, Habitable stated in this Article 13; and

ii. The total gross floor area of the mezzanine story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 33% of the floor area of the room below to which the mezzanine opens.

iii. The mezzanine shall be open and unobstructed to the room in which such mezzanine is located except for walls not more than 42 inches high, columns, or posts.

iv. Such floor space shall not count as a story or towards F.A.R. See Figure 13.1-16.

Figure 13.1-16




### 5. Parking Structure Stories

a. Intent

To promote a high-quality pedestrian experience along the Street Level of a structure containing vehicle parking by providing an exception to the allowed height in stories, but not to height in feet.

b. Applicability

This section 13.1.3.3.B.5 shall apply to multi-story structures that contain both vehicle parking and at least one primary Street Level active use other than Garage Parking.

c. Standards

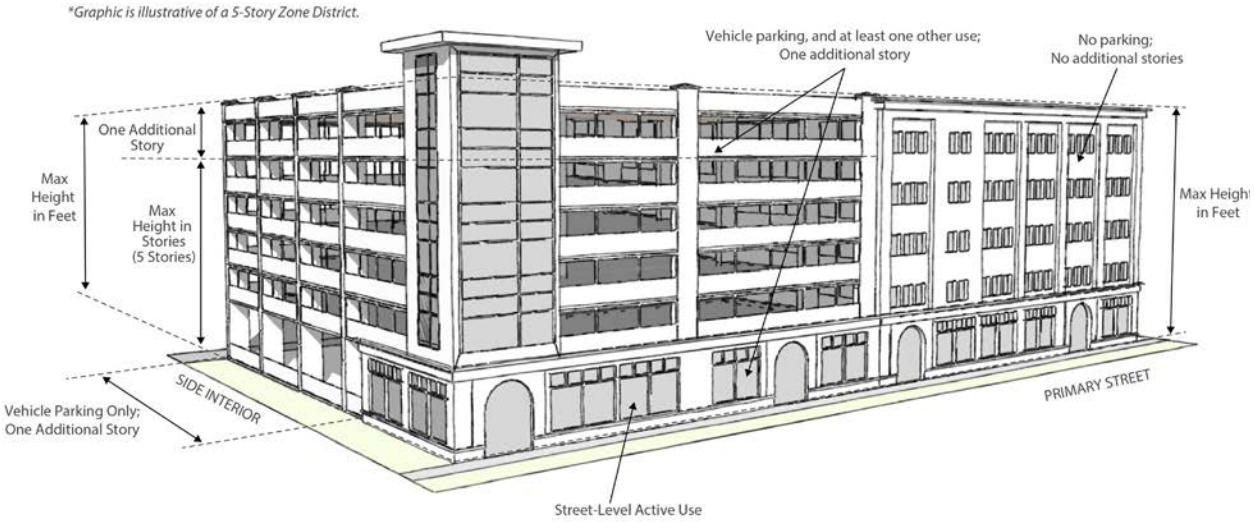
i. If no design standard alternatives are used to meet any of the required Building Form Standards, and a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts, then the structure may exceed the maximum height in stories allowed by the applicable Building Form by one additional story at such locations as:

a) The structure contains vehicle parking and at least one other use, or

b) The structure contains vehicle parking.

For example, in a 5-story zone district, a structure meeting the Street Level active use requirements may have 6 stories of vehicle parking, or 6 stories of a combination of vehicle parking and office uses. However, a structure may only have 5 stories at such locations as all of the stories contain office uses with no vehicle parking. Stories containing vehicle parking may be sandwiched between stories containing other uses.

Figure 13.1-17




ii. If a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts and such Street Level active uses are provided on all stories along each street-facing building façade, then the structure shall have no maximum height in stories at such locations as:

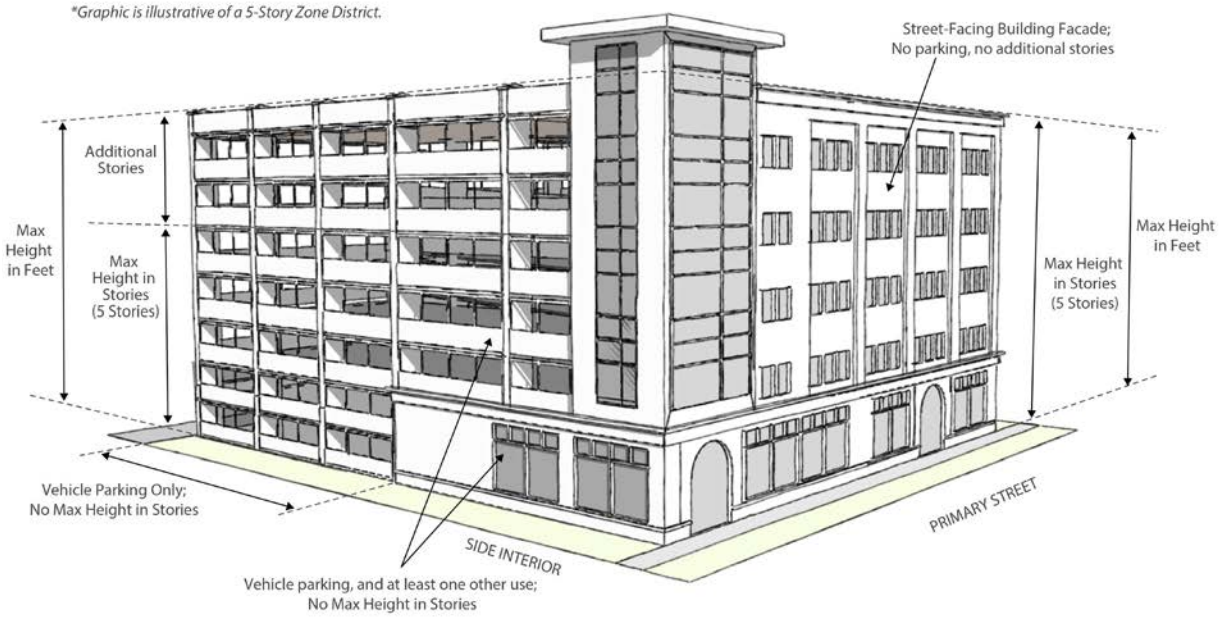
a) The structure contains vehicle parking and at least one other use, or

b) The structure contains vehicle parking.

A building facade is "street-facing" if it faces a named or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a named or numbered street at the zone lot boundary, then said facade is "street-facing." See Figure 13.1-101

For example, in a 5-story district, a structure meeting the Street Level active use requirements on all stories along all street-facing building facades may have an unlimited number of stories containing vehicle parking, or the structure may have an unlimited number of stories containing both vehicle parking and office uses. However, the structure may have only 5 stories at such locations as all of the stories contain office uses with no vehicle parking.

Figure 13.1-18




iii. In addition to the standards inSections 13.1.2.3.B.5.c.i and ii, the following additional standardsany shall apply:

a) An additional story in height is allowed only at such locations within the stucture where vehicle parking and another non-parking use both occur and are vertically aligned; and

b) Except as detailed in the building form standard tables in each of Articles 3-9, a structure shall not be exempt from the maximum height in feet allowed by the applicable Building Form.

**C. Exceptions From Stories (Max)**
Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

## 13.1.3.4 Height in Feet

### A. Feet (max)

#### 1. Rule of Measurement

a. Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure. See Figures 13.1-19 and -20.

**b. Exceptions From Feet (max)**
Exceptions from overall height in feet are found in each of Articles 3-9 of this Code.

Figure 13.1-19

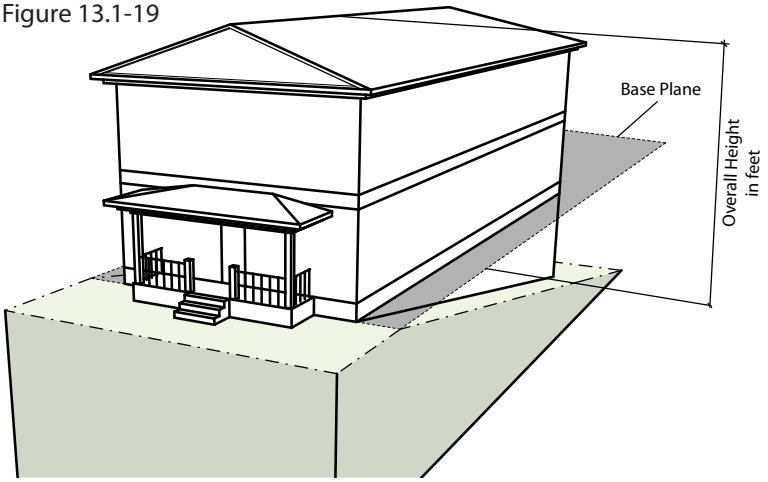
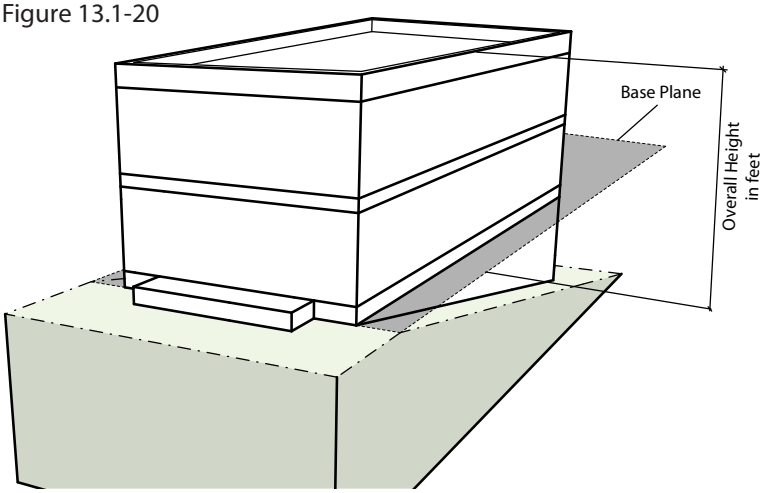



Figure 13.1-20




**B. Feet, within 175 feet of Protected District (max)**

**1. Rule of Measurement**

Height of a building on the subject property shall not exceed the standard contained within the building form table if the subject building is within a certain distance from any Protected District zone district boundary line.

**C. Feet (min)**

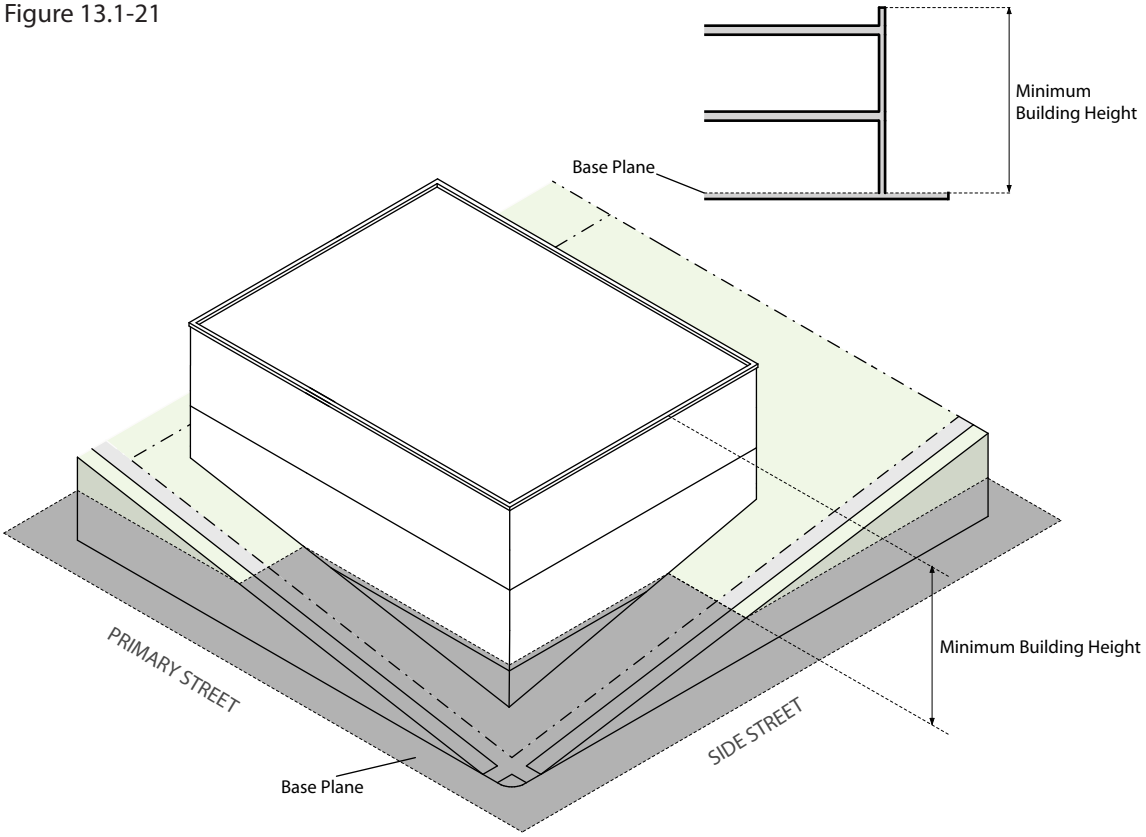
**1. Intent**

To provide a minimum street wall.

**2. Rule of Measurement**

Minimum building height shall be measured as the vertical distance in feet from a base plane to the highest point of a roof or to the top of a parapet wall which runs along the street facing sides of the building. See Figure 13.1-21.

Figure 13.1-21




## SECTION 13.1.4 OTHER HEIGHT RULES

### 13.1.4.1 Percentage of Zone Lot Depth, Front and Rear

**A. Intent**

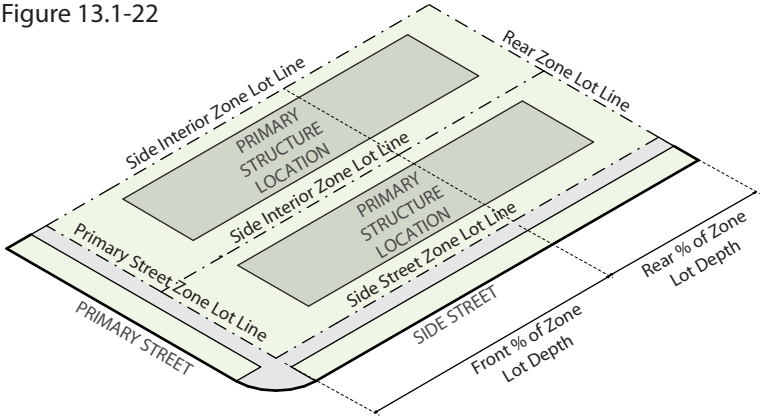
To reduce height and bulk in the rear yard to provide a privacy, access to sunlight, and sense of openness.

**B. Rule of Measurement**

See Figure 13.1-22.

1. Determine the rear percentage of zone lot depth:
   a. Multiply the required rear percentage found in the building form table (e.g. 35%) by the total length of one of the side zone lot lines intersecting the rear zone lot line (e.g. 100 feet).
   b. Starting from the rear zone lot line, measure a distance equal to the product calculated in Paragraph 1.a. above along each of the intersecting side zone lot lines.
   c. The area between the rear zone lot line and a straight line connecting the two points defined in Paragraph 1.b. above shall be the rear percentage of the zone lot depth.
2. The remaining area of the zone lot shall be the front percentage of the zone lot depth
3. For irregularly shaped zone lots, the Zoning Administrator may establish the front and rear for purposes of applying the percentage required by the building form.

Figure 13.1-22




### 13.1.4.2 Bulk Plane

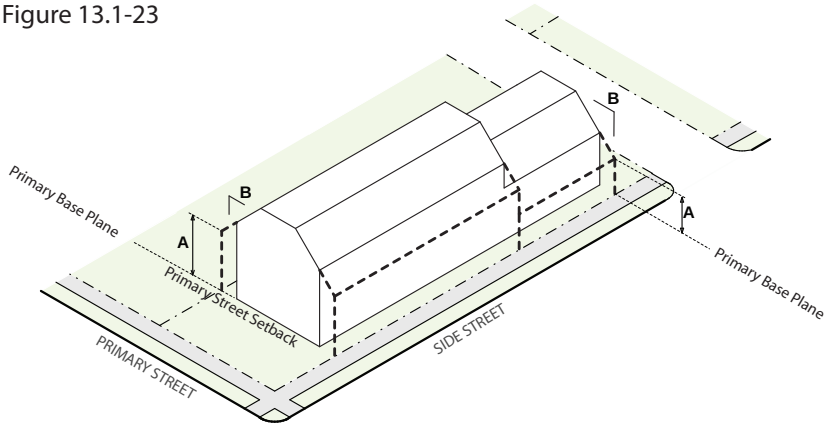
**A. Intent**

To shape building forms to reduce effect of massing on adjoining properties.

**B. Rule of Measurement**

The bulk plane is measured starting from the Base Plane(s) established in Section 13.1.2.2, then rising vertically to a point (A) above the Base Plane(s) at the side zone lot lines for a distance established by the applicable building form standards. From this point above the Primary Base Plane, the bulk plane slopes (B) inward toward the center of the zone lot at an angle with respect to the horizontal established by the applicable building form standards. See Figure 13.1-23.

Figure 13.1-23




**C. Rule of Measurement**

Side wall height is measured from the Base Plane, as established in Section 13.1.2.2, to the top framing member of the side wall, as described below:

1. For any portion of a structure with a Pitched Roof, the top framing member of the wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. See Figure 13.1-24.

2. For any portion of a structure with a Low-Slope Roof, the top framing member of the side wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. No part of a building with a Low-Slope Roof, including a parapet, railing, or similar structural element, shall exceed the maximum side wall height. See Figure 13.1-25.

Figure 13.1-24

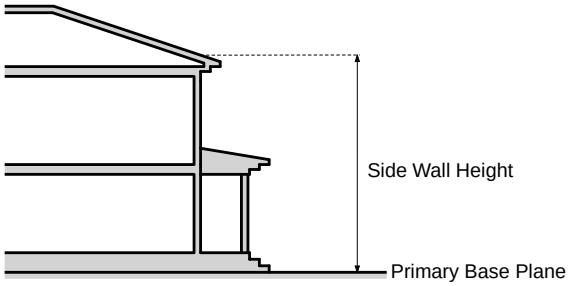
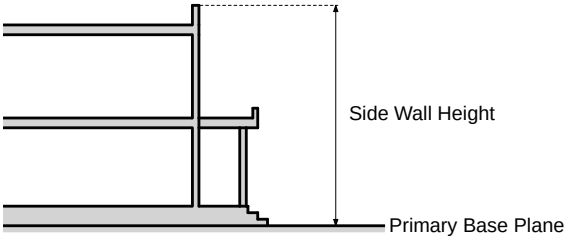



Figure 13.1-25




### 13.1.4.3 3rd Avenue CCN Bulk Plane

**A. Intent**

To shape building form to reduce the effect of massing and shadow on the pedestrian environment along 3rd Avenue in the Cherry Creek North mixed use shopping district. The bulk plane is intended to allow sunlight on the sidewalk on the north side of 3rd Avenue.

**B. Applicability**

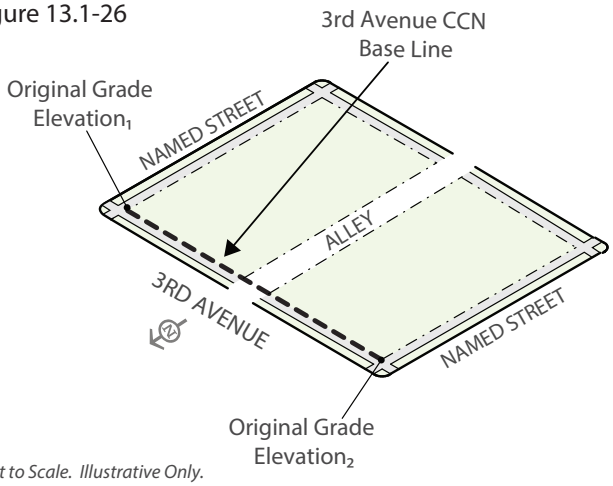
This Section 13.1.4.4 shall apply to zone lots located south of 3rd Avenue in a C-CCN zone district. This includes zone lots south of 3rd Avenue that do not abut the 3rd Avenue right-of-way.

**C. Rule of Measurement**

No part of any structure shall project through the 3rd Avenue CCN Bulk Plane where established by the applicable building form standards, measured as follows:

1. For each zone lot, a 3rd Avenue CCN Base Line is established and starts at the average elevation of the original grade at the two points where the nearest right-of-way boundaries of the two nearest named streets intersect the southernmost right-of-way line of 3rd Avenue. See Figure 13.1-26

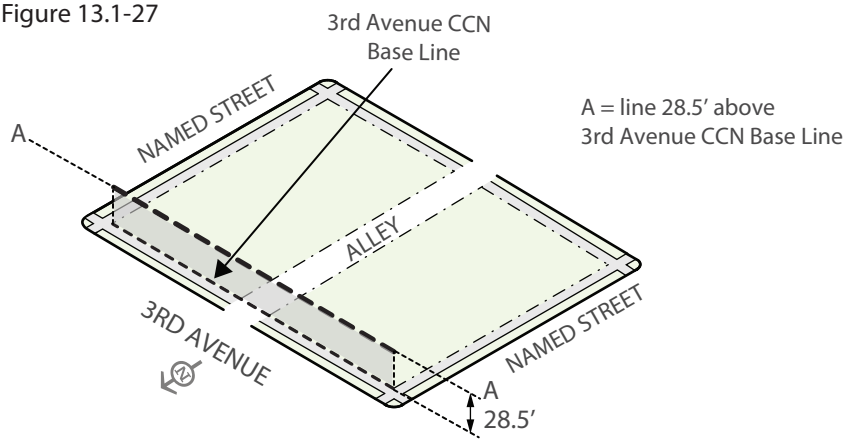
Figure 13.1-26




*Not to Scale. Illustrative Only.*

2. The 3rd Avenue CCN Bulk Plane is measured from the applicable 3rd Avenue CCN Base Line, rising vertically for a distance of 28.5 feet above the 3rd Avenue CCN Bulk Plane Base Line to a horizontal line that is co-directional to the southern right-of-way line of 3rd Avenue, shown as "A" in Figure 13.1-27.

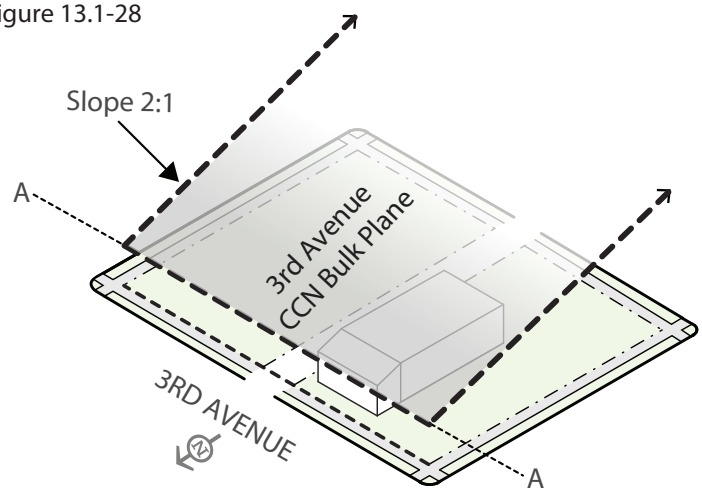
Figure 13.1-27




*Not to Scale. Illustrative Only.*

3. From the horizontal line described in Subsection 13.1.4.4.C.2 above, the 3rd Avenue CCN Bulk Plane slopes toward the south at an angle of 26 degrees 34 minutes with respect to the horizontal (a pitch of 2:1, or one foot additional rise for each two additional feet of setback from the south right-of-way line of 3rd Avenue), as shown in Figure 13.1-28.

Figure 13.1-28




*Not to Scale. Illustrative Only.*

## 13.1.4.4 3rd Avenue CCN Bulk Plane Exception

### A. Intent

To encourage small lot reinvestment by enabling certain small zone lots on the south side of 3rd Avenue in the Cherry Creek North mixed use shopping district to be partially exempt from the 3rd Avenue CCN Bulk Plane.

### B. Applicability

This section 13.1.4.5 shall apply to zone lots with a total gross area of 6,250 SF or less, as of October 27, 2014, and located to the south of 3rd Avenue in a C-CCN zone district, where this exemption is permitted in the applicable building form standards.

### C. Rule of Measurement

The 3rd Avenue CCN Bulk Plane Exception defines a non-fixed portion or portions of a zone lot that are exempt from the 3rd Avenue CCN Bulk Plane. It is measured along the zone lot line abutting the south side of the 3rd Avenue right-of-way and extends for the full depth of the zone

lot measured perpendicular to 3rd Avenue. The exempt area extends from the finished grade to the sky. See Figure 13.1-29. One or more portions of the zone lot may be included in the 3rd Avenue CCN Bulk Plane Exception provided the total width of the zone lot area exempted shall not exceed the maximum established in the building form standards. See Figure 13.1-30.

Figure 13.1-29

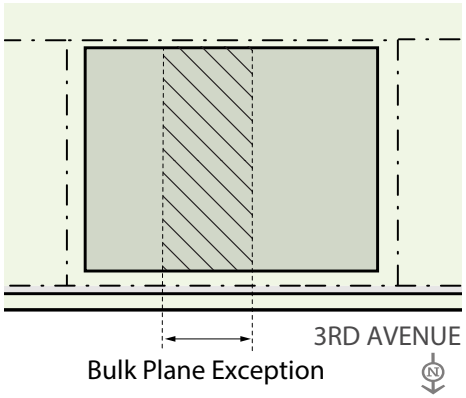
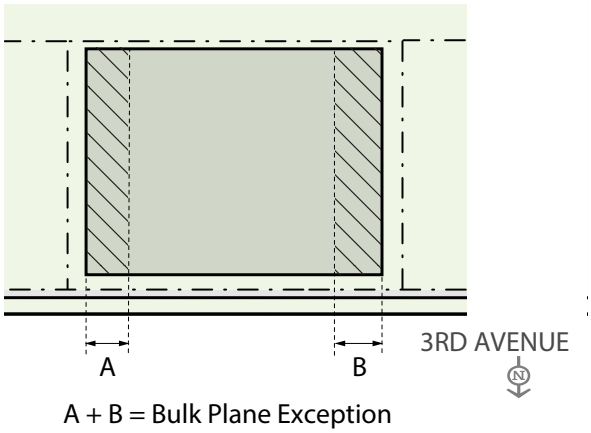



Figure 13.1-30




## SECTION 13.1.5 SITING FORM STANDARDS

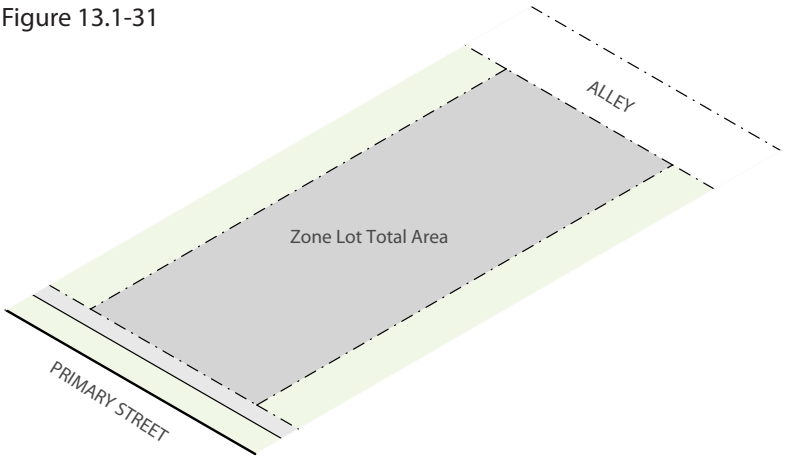
### 13.1.5.1 Zone Lot Size and Width

#### A. Zone Lot Size (Min)

**1. Rule of Measurement**

Zone lot size is the total area within a property's zone lot lines, excluding adjacent or abutting right-of-way. See Figure 13.1-31.

Figure 13.1-31




#### B. Zone Lot Width

**1. Rule of Measurement**

Zone lot width is the distance between the zone lot lines intersecting the Primary Street zone lot line, measured along the required minimum primary street setback line. See Figures 13.1-32 and -33.

Figure 13.1-32

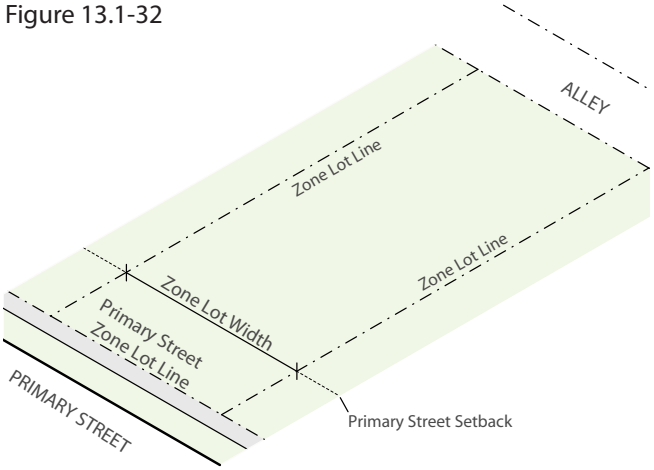
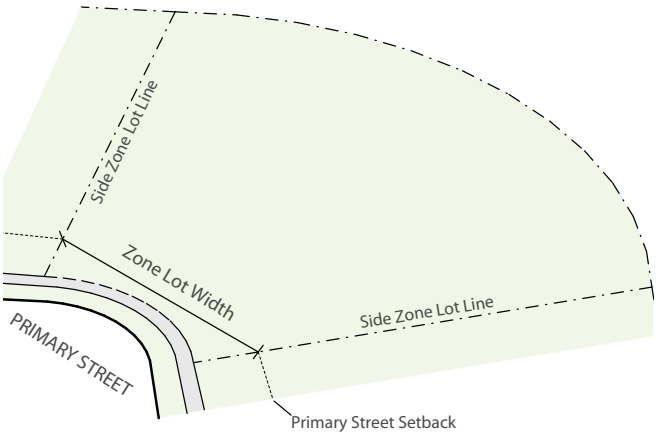



Figure 13.1-33




### C. Zone Lot Width in the DO-7 Overlay District

#### 1. Rule of Measurement

In lieu of the rule of measurement set forth in Section 13.1.5.1.B, Zone Lot Width in the DO-7 district shall be the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line measured along the Primary Street Zone Lot Line. For Zone Lots with multiple Primary Street Zone Lot Lines, the Primary Street Zone Lot Line with the greatest length will used to determine Zone Lot Width.

### D. Basis of Zone Lot Size and Width

#### 1. Intent

To recognize historic development patterns by allowing Zone Lot size and width to be measured based on recorded documents.

#### 2. Rule of Measurement

a. For Building Form standards that are based on Zone Lot size or width, such as setbacks, the Zoning Administrator shall make a final determination of the applicable Zone Lot size or width based on the Record Document, where available. For the purposes of this provision, a "Record Document" shall mean a recorded Plat or Subdivision that specifies historic platted lot measurements applicable to the subject property.

b. Where a Record Document is not available, an applicant shall submit a certified survey to determine all Zone Lot measurements. When a Zone Lot measurement is within one-tenth of a foot per 25 feet of the applicable standard, it shall be determined to meet that standard.

i. For example: The required minimum side interior setback for an Urban House building form in an U-SU zone district varies depending on the Zone lot width. According to this rule of measurement, for example, as long as the certified survey shows a Zone Lot width of between 74.7' and 75.3', the setback standard applicable to a 75-foot wide Zone Lot will apply. The formula applied in this example is broken down below:

a) The zone lot dimensional threshold at issue for determining the applicable setback is 75 feet (of width). Using the results of a certified survey, an applicant needs to know whether to apply the setback standard for a less-than-75-feet wide zone lot (5 feet) or the setback standard for a 75 feet or more wide zone lot (7.5 feet).

One-tenth of 1 foot = 0.10

For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times (75 divided by 25 = 3)

.10*3 = .30

75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.

75 feet plus .30 feet = 75.3 feet, , which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

### 13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

#### A. General Provisions

##### 1. Intent

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

##### 2. General Requirements

a. A primary street zone lot line or a side street zone lot line may abut a zone lot line abutting a private street if approved by the Zoning Administrator.

b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

##### 3. Criteria for Zoning Administrator Determinations

a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:

i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;

ii. Block and lot shape;

iii. The functional street classification of all abutting streets as adopted by the Public Works Department;

iv. The future street classification of all abutting streets as adopted in Blueprint Denver;

v. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and

vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.

b. The Zoning Administrator shall have authority to designate a Zone Lot's Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:

i. The Zone Lot contains a Historic Structure, and

ii. The Zone Lot is located within a Residential Zone District, and

iii. The strict application of Section 13.1.5.2 will result in adverse impacts on the established development pattern within the subject property's Existing Neighborhood (as defined in Section 12.4.7.5.D), and

iv. The resulting Primary Street Zone Lot Line(s) will be more compatible with an established pattern of setbacks for buildings on the same face block(s) containing the subject property.

## B. Determination of Zone Lot Lines

### 1. Interior Zone Lots: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines

On an interior zone lot, the following figures shall be used to determine the Primary Street or Block Sensitive Primary Street ("P"), Side Street ("SS"), Side Interior zone lot line ("SI"), and Rear zone lot line ("R") . See Figure 13.1-34.

a. The Primary Street shall be the zone lot line abutting the name or numbered street.

b. The Rear shall be the zone lot line opposite the Primary Street.

c. The remaining zone lot lines shall be Side Interior.

d. There shall be no Side Street designation.

e. For zone lots which have unique conditions such as, but not limited to, more than four zone lot lines, two or more abutting alleys, or irregular shaped lots, the Zoning Administrator may designate the zone lot lines, following criteria listed above. See Figure 13.1-35.

Figure 13.1-34

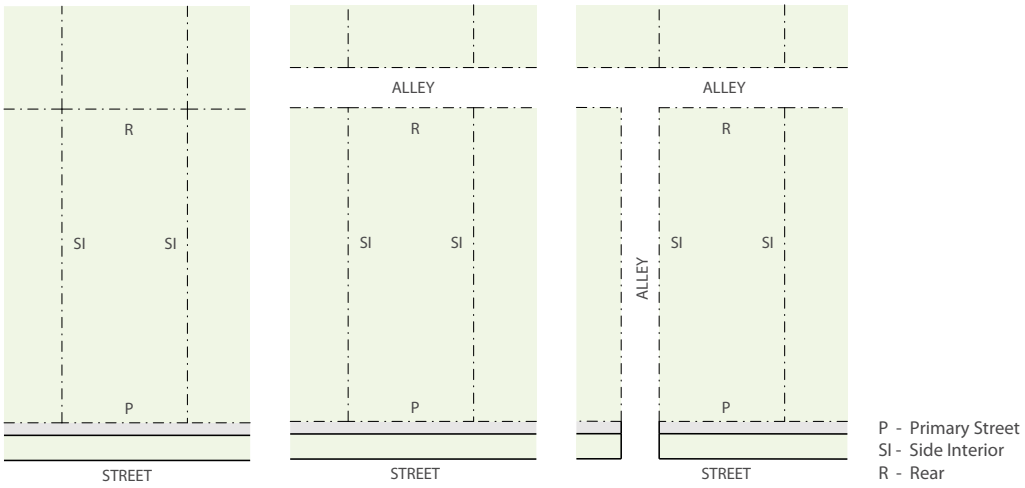
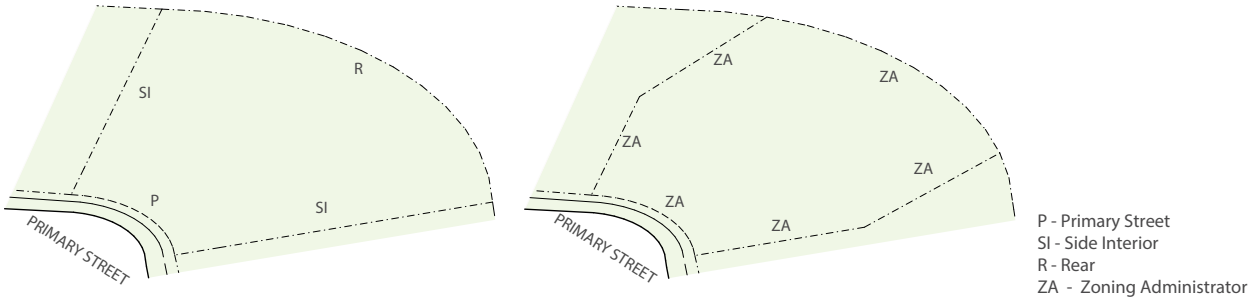



Figure 13.1-35



### 2. Corner Lots: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines

#### a. Corner Zone Lots of Oblong Blocks

i. The zone lot line abutting the "long side of an oblong block" shall be the Primary Street and the zone lot line abutting the "short side of an oblong block" shall be the Side Street, with the following exceptions:

a) The zone lot line abutting the "short side of the oblong block" may be the Primary Street if;

a. Three or more existing zone lots, including the subject property, are present along the short side of the oblong block; and

b. The zone lot line abutting the short side of the oblong block is 50% or less of the length of the other zone lot line abutting the long side of the block

b) The applicant may request an Administrative Adjustment to designate the zone lot line abutting the "long side of the block" as the Side Street. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

c) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.A.3.b.

ii. The Rear shall be the zone lot line opposite the shorter of the two zone lot lines parallel and abutting a street.

a) If they are of equal length, the Zoning Administrator shall designate the rear zone lot line.

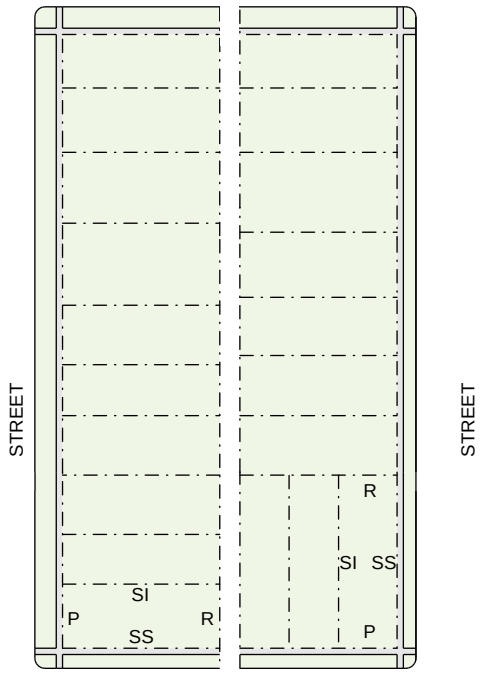
b) The applicant may request the Zoning Administrator designate a different zone lot line as the Rear, following criteria in Section 13.1.5.2.A.3.a.

c) In no case shall a zone lot line parallel and abutting a street be determined as the Rear.

iii. The remaining zone lot lines shall be designated Side Interior.

See Figure 13.1-36

Figure 13.1-36




**b. Corner Zone Lots of Square Blocks**

i. The Primary Street shall be the zone lot line abutting the street frontage, between any intervening rights-of-way (including alleys), on which a greater number of primary buildings face. If they have equal number of primary structures, the Zoning Administrator shall designate the Primary Street. The Side Street shall be the zone lot line abutting the other street.

a) The applicant may request an Administrative Adjustment to designate a different zone lot line as the Primary Street zone lot line. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

b) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.b.

ii. The Rear shall be the zone lot line opposite the shorter of the two zone lot lines parallel and abutting a street.

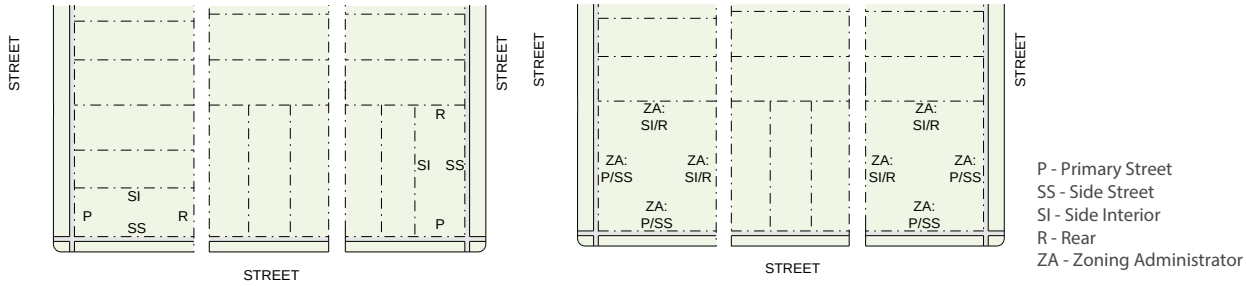
a) If they are of equal length, the Zoning Administrator shall designate the rear zone lot line.

b) The applicant may request the Zoning Administrator designate a different zone lot line as the Rear, following criteria in Section 13.1.5.2.C

c) In no case shall a zone lot line parallel and abutting a street be determined as the Rear.

iii. The remaining zone lot lines shall be designated as Side Interior. See Figure 13.1-37.

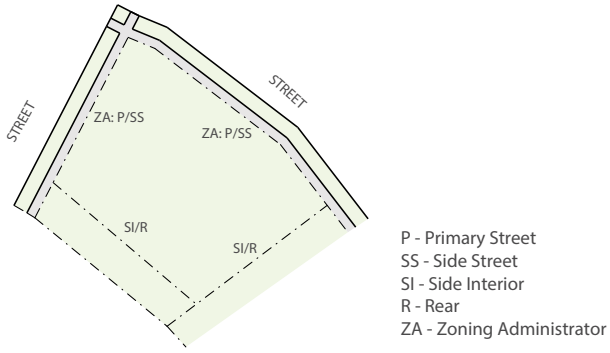
Figure 13.1-37




**c. Corner Zone Lots of Curvilinear Blocks**

The following Figure 13.1-38 shall be used to determine the Block Sensitive Primary Street(s) ("P"), Side Street ("SS"), Side Interior ("SI"), and Rear ("R") of a corner lot on a curvilinear block. "ZA" means the Zoning Administrator shall make the determination of which frontage on the corner lot is the Primary Street in accordance with Sec. 13.1.5.2.A.3 For purposes of this provision, a "corner lot" is a zone lot that abuts only two intersecting streets. See Figure 13.1-38.

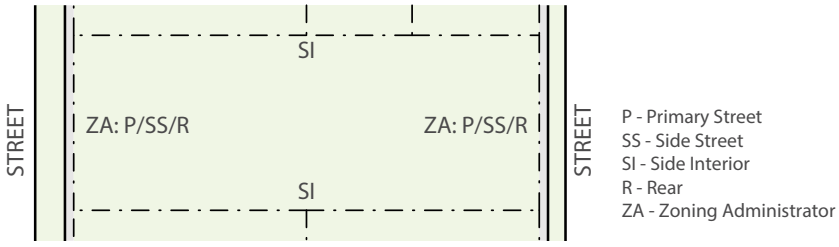
Figure 13.1-38




**3. Double Frontage: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines**

For zone lots with double frontage, the Zoning Administrator shall determine which frontage is the Primary Street ("P") and Side Street ("SS"), and which is a Side Interior ("SI")/ Rear ("R") Zone Lot Line, or if both frontages qualify as Primary Streets. See Figure 13.1-39.

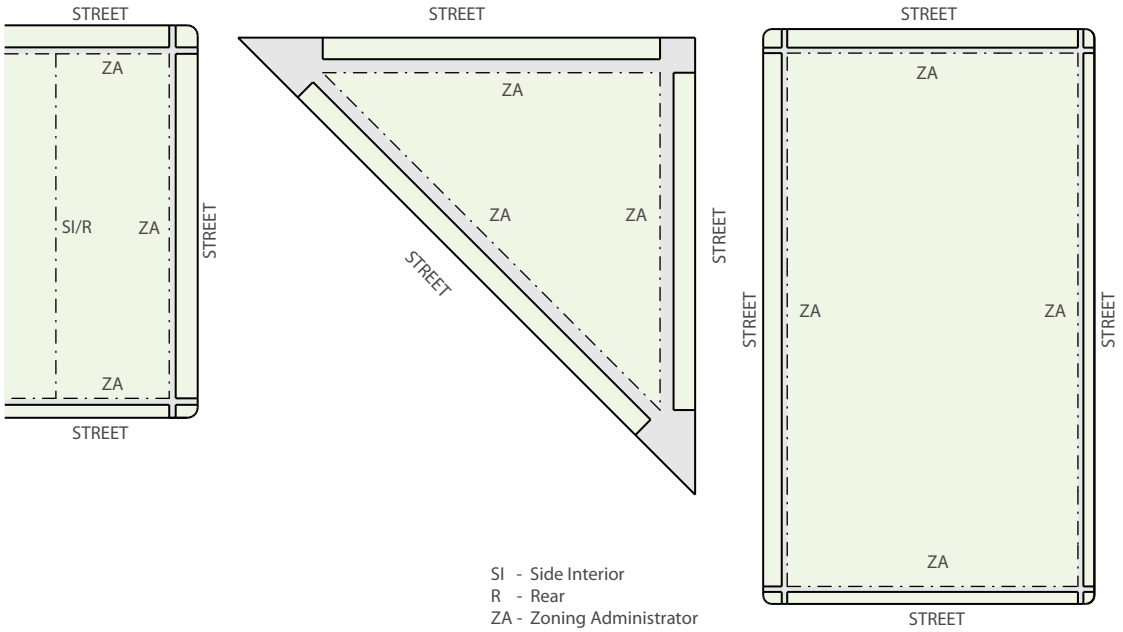
Figure 13.1-39



**4. Zone Lots with Frontage on 3 or More Streets/Full Blocks: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines**

For corner lots with frontage on 3 or more streets, including zone lots with full block frontage, the Zoning Administrator shall determine which frontage is the Primary Street, if one or more frontages qualify as Primary Streets, and the classification of the remaining frontages, as applicable, as either Side Interior Zone Lot Lines and/or Rear Zone Lot Lines. See Figure 13.1-40.

Figure 13.1-40




## 13.1.5.3 Primary Street, Block Sensitive Setback

**A. Intent**

To provide a contextual setback appropriate to existing conditions.

**B. Applicability of Primary Street, Block Sensitive Setback**

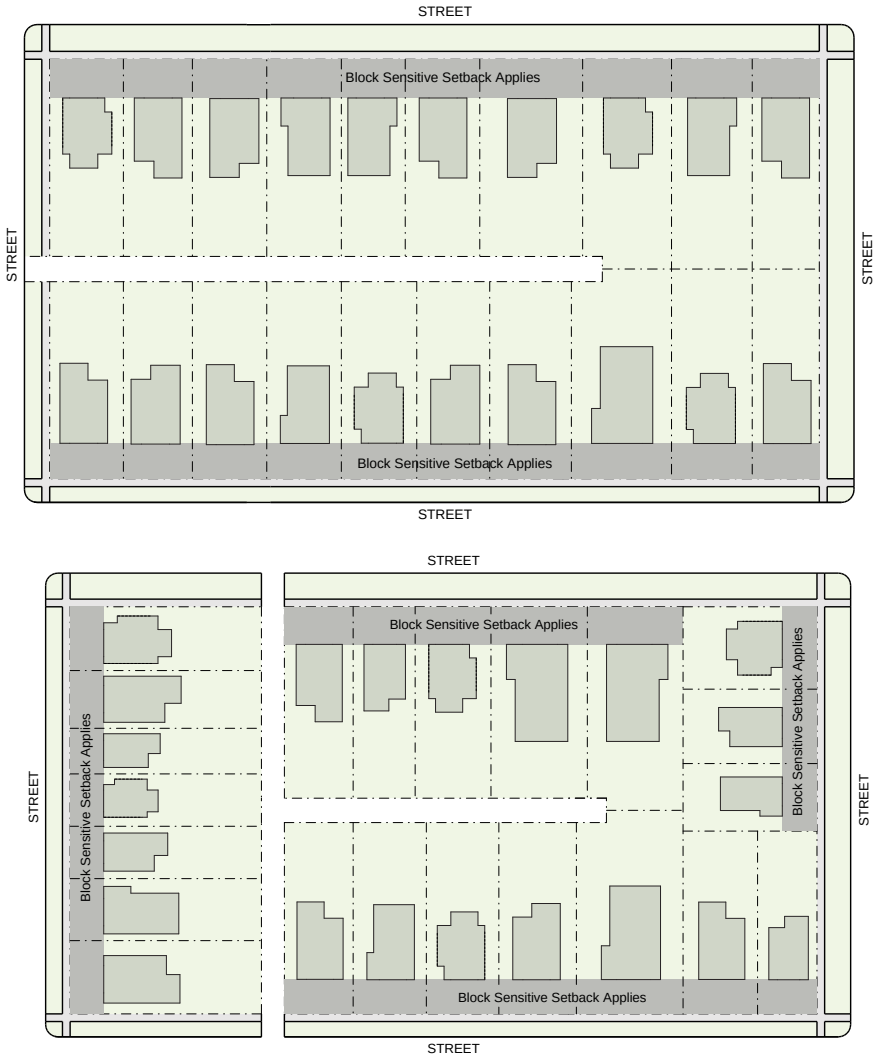
Where required by this Code's building form standards, a Block Sensitive Setback standard shall apply to development on a zone lot in the following circumstances only:

1. There are at least 3 zone lots, including the subject zone lot, (a) containing primary residential structures, (b) located on the same Face Block as the subject zone lot and (c) abutting the same Primary Street as the subject zone lot. All such primary residential structures shall be completely constructed, which means the City has issued a Temporary Certificate of Occupancy or Certificate of Occupancy for residential occupancy See Figure 13.1-41 (Note: The Primary Street is determined according to Section 13.1.5.2)

2. If the rule in paragraph 1 does not apply, the applicant may request to be subject to a Primary Street, Block Sensitive Setback and shall follow the Administrative Adjustment process to determine the Primary Street, Block Sensitive Setback, rather than this Section 13.1.5.3. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

3. Where the rules in paragraphs 1 or 2 do not apply, the "Primary street setback, where block sensitive setback does not apply" standard stated in the applicable building form table shall apply.

Figure 13.1-41




### C. Determining the Primary Street, Block Sensitive Setback

#### 1. Identify the Reference Zone Lots

Identify the two closest zone lots to the subject property. For the purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot, which:

a. Contain primary residential structures that have been completely constructed, which means the City has issued either a Temporary Certificate of Occupancy or Certificate of Occupancy for residential occupancy; and

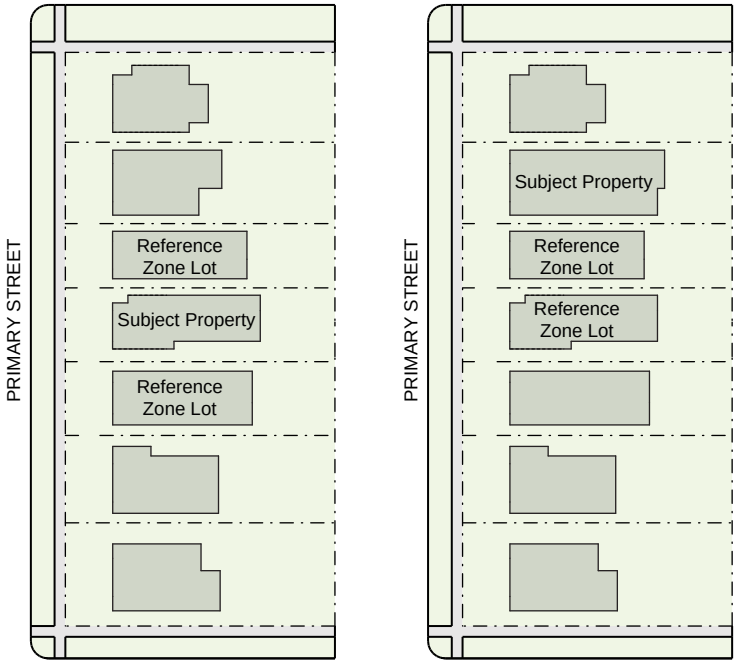
b. Are located along the same Face Block as the subject zone lot; and

c. Are not corner zone lots; and

d. Are zoned in a zone district that has a Block Sensitive Setback.

e. Where two reference zone lots cannot be identified using a-d, the Zoning Administrator shall identify one or more reference zone lots based on the criteria in Section 13.1.5.2.A.3 and considering the intent of the block sensitive setback stated in Section 13.1.5.3.A. (See Figure 13.1-42)

Figure 13.1-42




**2. Determine the Minimum Setback**

a. The reference zone lots identified in subsection 13.1.5.3.C.1 above shall be evaluated to establish the minimum setback for the subject property, unless either of the following conditions exist:

**b. One (not both) Reference Zone Lot Setback Less Than 20 Feet**

If the Facade of the Primary Structure on only one of the reference zone lots is less than 20 feet from the Primary Street zone lot line, then the next two closest zone lots to the subject property shall be added into the evaluation. For the purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot.

In addition, the subject property shall be added to the evaluation to determine the minimum setback, but only if the subject property contains a Primary Structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determining the reference zone lots follow, and only one rule from the three possible rules below shall apply:

i. If none of the other zone lots in the evaluation have a Primary Street setback less than 20 feet, the original reference zone lot with the less than 20 feet setback shall be considered an outlier and removed from consideration of establishing the minimum setback. The next two closest reference zone lots (not including the subject property or the outlier zone lot) shall be evaluated to establish the minimum setback. See Figure 13.1-43

ii. If a majority of the zone lots in the evaluation have a Primary Street setback of less than 20 feet, the two closest reference zone lots (not including the subject property) shall be evaluted to establish the minimum setback. See Figure 13.1-44

iii. If there is not a majority of zone lots in the evaluation with a Primary Street setback of less than 20 feet, the Zoning Administrator shall establish the minimum setback based on an analysis of the predominant pattern of the reference zone lots (not including the subject property). See Figure 13.1-45

Figure 13.1-43

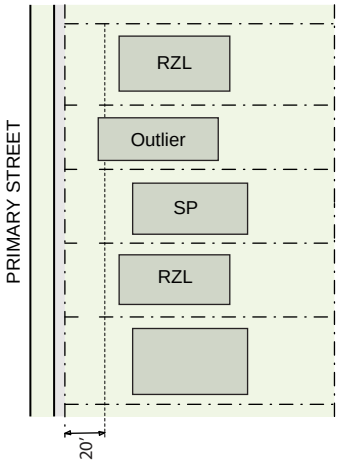



Figure 13.1-44

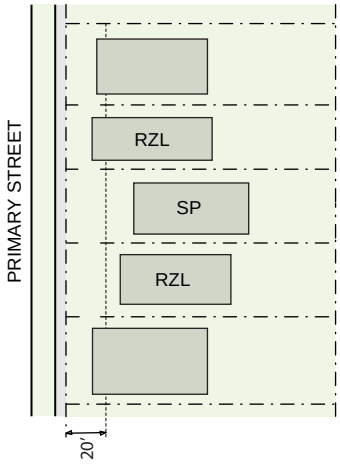
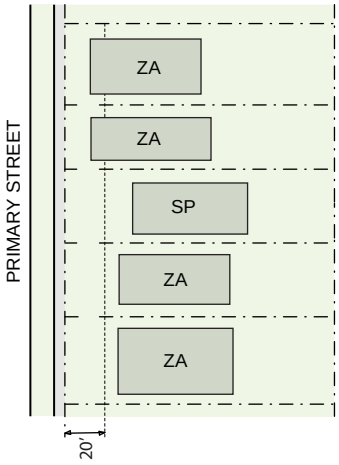



Figure 13.1-45




SP = Subject Property
RZL = Reference Zone Lot
ZA = Zoning Administrator

**c. Reference Zone Lot Front Facade Setback 50% of the Zone Lot Depth or Greater**

If the facade of only one of the structures on a reference zone lot, identified in subsection 13.1.5.3.C.1. above, is setback 50% of the Zone Lot Depth or more from the Primary Street zone lot line, then the next two closest reference zone lots shall be added into the evaluation. For purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject property and a possible reference zone lot.

The subject property shall be added to the evaluation if it contains a structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determing the reference zone lots follow, and only one rule from the possible rules below shall apply:

i. If none of the other zone lots in the evaluation has a Primary Street setback of 50% of the Zone Lot Depth or more, the next two closest reference zone lots (not including the subject property) shall be evaluated to establish the minimum setback. See Figure 13.1-46

ii. If there are other zone lots in the evaluation which have a 50% or deeper setbacks, the Zoning Administrator shall establish the minimum setback based on an analysis of the predominant pattern of the reference zone lots (not including the subject property). See Figure 13.1-47

Figure 13.1-46

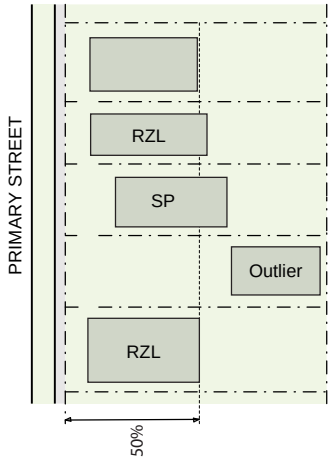
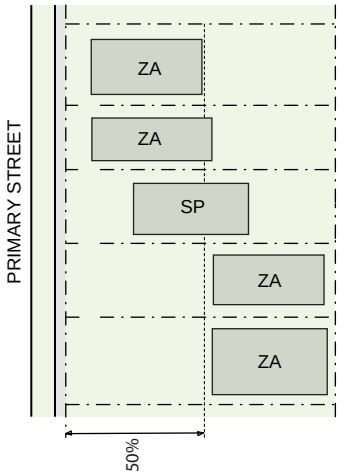



Figure 13.1-47




SP = Subject Property
RZL = Reference Zone Lot
ZA = Zoning Administrator

iii. Block Sensitive Setback in a MU or RO zone district

a) Where the Primary Street Setback is required in a MU or RO zone district and the Block Sensitive Setback is determined to be greater than 20 feet, the minimum Primary Street Setback shall be 20 feet instead.

**3. Administrative Adjustment to Consider Entire Block Face**

An Applicant may request an administrative adjustment to consider the entire block face in the determination of the block sensitive primary street setback. See Article 12, Section 12.4.5.3, Permitted Types of Administrative Adjustments.

**4. Rule of Measurement**

a. The Block Sensitive Setback is a minimum setback based on the location of the front Facades of the Primary Structures on the reference zone lots identified in subsections C.1. and C.2. above.

b. The Façade of a Primary Structure on the subject zone lot shall be located no closer to its primary street zone lot line than the shortest distance between a Primary Structure Façade located on an identified reference zone lot(s) and its respective primary street zone lot line.

## 13.1.5.4 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines for all CC, MX, and MS Zone Districts

**A. Intent**

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setbacks)

**B. General Requirements**

1. Each zone lot line shall have a designation of Primary Street, Side Street, Side Interior or Rear.

2. Each zone lot shall have at least one Primary Street.

3. A primary street zone lot line or a side street zone lot line may abut a private street if approved by the Zoning Administrator.

4. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

### C. Criteria for Zoning Administrator Determinations

The Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable Site Development Plan, Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. If criteria 1 does not apply or does not provide guidance for all zone lot lines, then the following criteria shall be used:

   a. The Zoning Administrator may designate no more than:

      i. One Primary Street in the S-CC, S-MX, E-CC, and E-MX zone districts.

      ii. Two Primary Streets in the U-MX and G-MX zone districts.

      iii. Two Primary Streets in the C-MX zone districts, and any additional Primary Streets being designated Primary Street B.

   b. The Blueprint Denver Street Classification of all abutting streets, per the following table:

| Blueprint Denver Street Classifications Map | Zone District | | | | | |
|---|---|---|---|---|---|---|
| | All Main Street | C-MX | G-MX | U-MX | E-MX | E-CC, S-MX, S-CC |
| Main (all types) | Primary Street | Primary Street | Primary Street | Primary Street | Primary Street | May be Primary or Side Street |
| Mixed Use (all types) | Primary Street | *May be Primary or Side Street | | | | |
| Commercial (all types) | Primary Street | *May be Primary or Side Street | | | | |
| Industrial (all types) | Primary Street | *May be Primary or Side Street | | | | |
| Residential Arterial | *May be Primary or Side Street | *May be Primary or Side Street | **Side Street | **Side Street | **Side Street | **Side Street |
| Residential Collector and Local and Undesignated | **Side Street | **Side Street | **Side Street | **Side Street | **Side Street | **Side Street |
| *The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s) Zone Lot Lines<br>**If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c | | | | | | |

   c. Existing Conditions

      i. The same or similar use, building form and/or zone district occurring on the same and opposing face block frontage;

      ii. Frontage facing a public park;

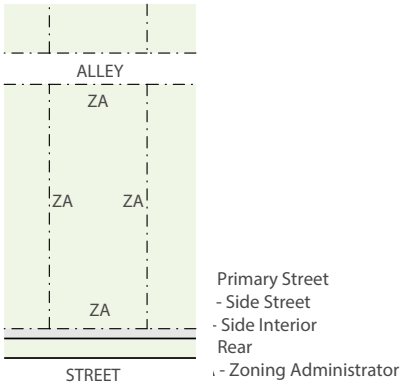
      iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49; and

      iv. The functional street classification of all abutting streets as adopted by the Public Works Department.

### D. Interior Zone Lots

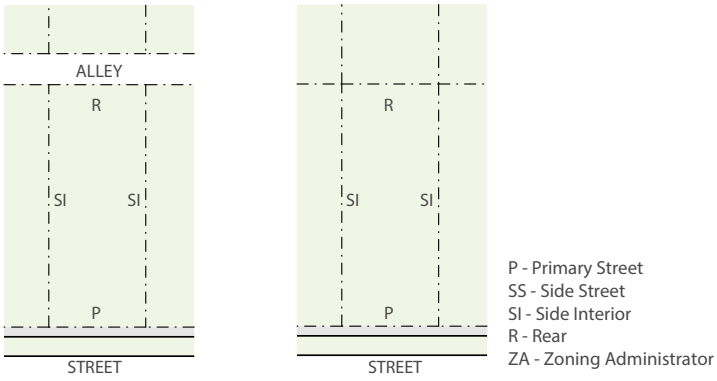
1. The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear zone lot lines for all zone lots in the MS zone districts; See Figure 13.1-48.

Figure 13.1-48




2. For CC and MX zone districts:
   a. The Primary Street shall be the zone lot line abutting the name or numbered street.
   b. The Rear shall be the zone lot line opposite the Primary Street.
   c. The Side Interior shall be the remaining two zone lot lines.
   d. There shall be no Side Street designation.
   See Figure 13.1-49

Figure 13.1-49




## E. Corner Zone Lots

1. In the CC and MX zone districts
   a. The applicant shall designate a Primary Street and Side Street
   b. The Zoning Administrator shall designate the Side Interior and/or Rear Zone Lot Lines. See Figure 13.1-50

2. In the MS zone districts:
   The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear Zone Lot Lines. See Figure 13.1-51

Figure 13.1-50

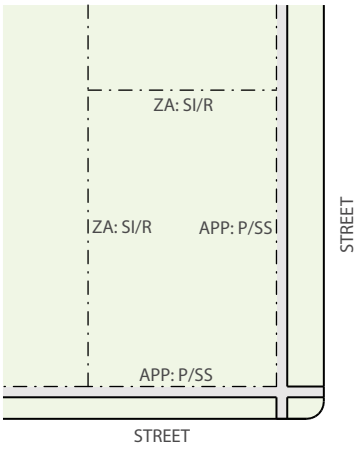
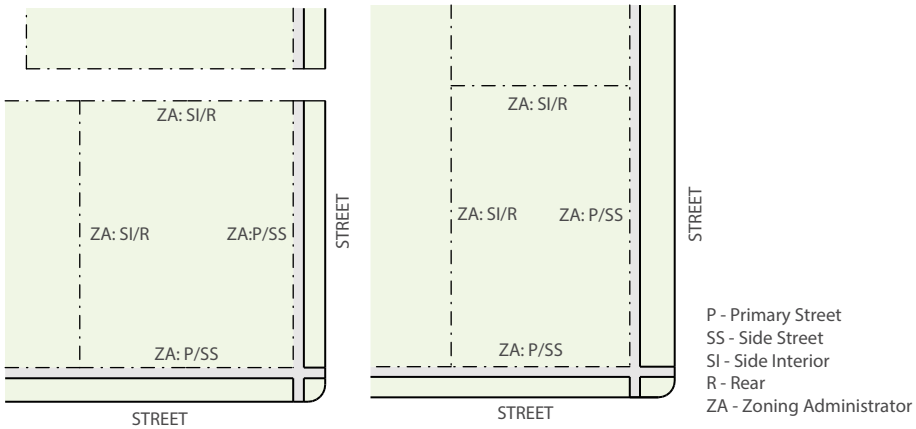


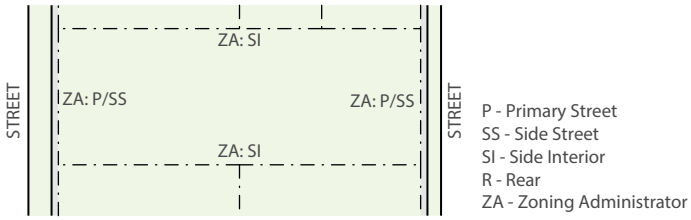

Figure 13.1-51




**F. Double Frontage Zone Lots**

The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear for all double frontage zone lots. See Figure 13.1-52.

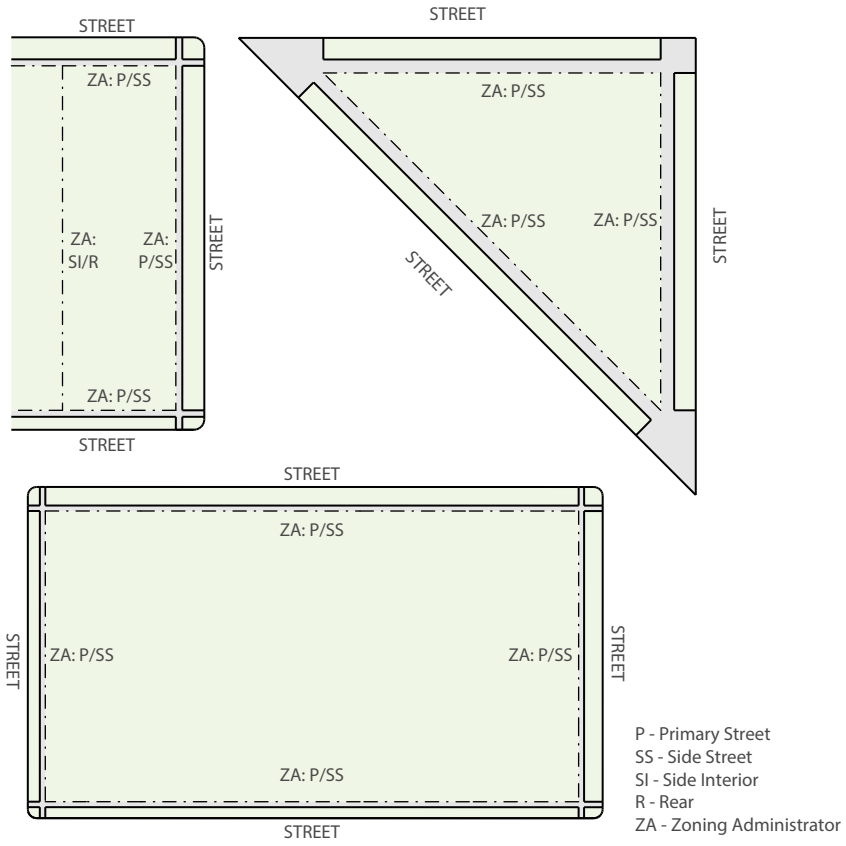
Figure 13.1-52




**G. Zone Lots with Frontage on 3 or More Streets/Full Block**

The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear for all zone lots with frontage on three or more streets/full blocks. See Figure 13.1-53

Figure 13.1-53




### 13.1.5.5 Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

**A. Intent**

To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency) in Cherry Creek North (C-CCN), Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+(D-AS-20+), Downtown Central Platte Valley - Auraria Transition (D-CPV-T), Downtown Central Platte Valley - Auraria River (D-CPV-R), and Downtown Central Platte Valley - Auraria Center (D-CPV-C) zone districts.

**B. General Requirements**

1. Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

**C. Criteria for Zoning Administrator Determinations**

The Zoning Administrator shall designate a zone lot's Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines.
2. If criterion C.1 does not apply, then the following criteria shall be used:
   a. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and
   b. Block and lot shape.

### D. Determining Zone Lot Lines

#### 1. All Zone Lots - Primary Street Zone Lot Lines

a. The Zoning Administrator shall designate all Zone Lot Lines abutting a street to be Primary Street zone lot lines.

b. In D-CPV-R zone districts only, any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River shall be designated as a Primary Street Zone Lot Line.

c. In D-CPV-T, D-CPV-R, and D-CPV-C zone districts only, any Zone Lot Line that Abuts a Public Park shall be designated as a Primary Street Zone Lot Line.

#### 2. Interior Zone Lots

For interior zone lots in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:

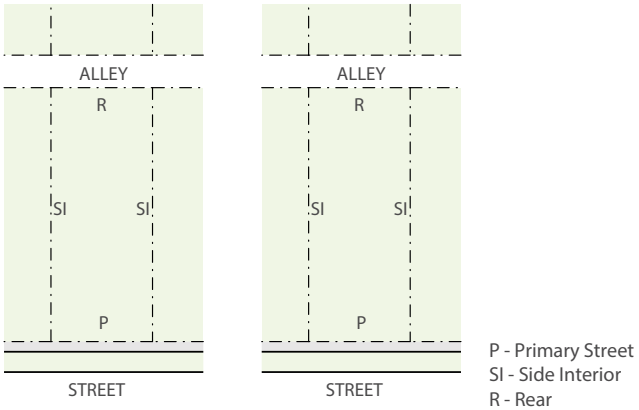
a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.

b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.

c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

See Figure 13.1-54.

Figure 13.1-54



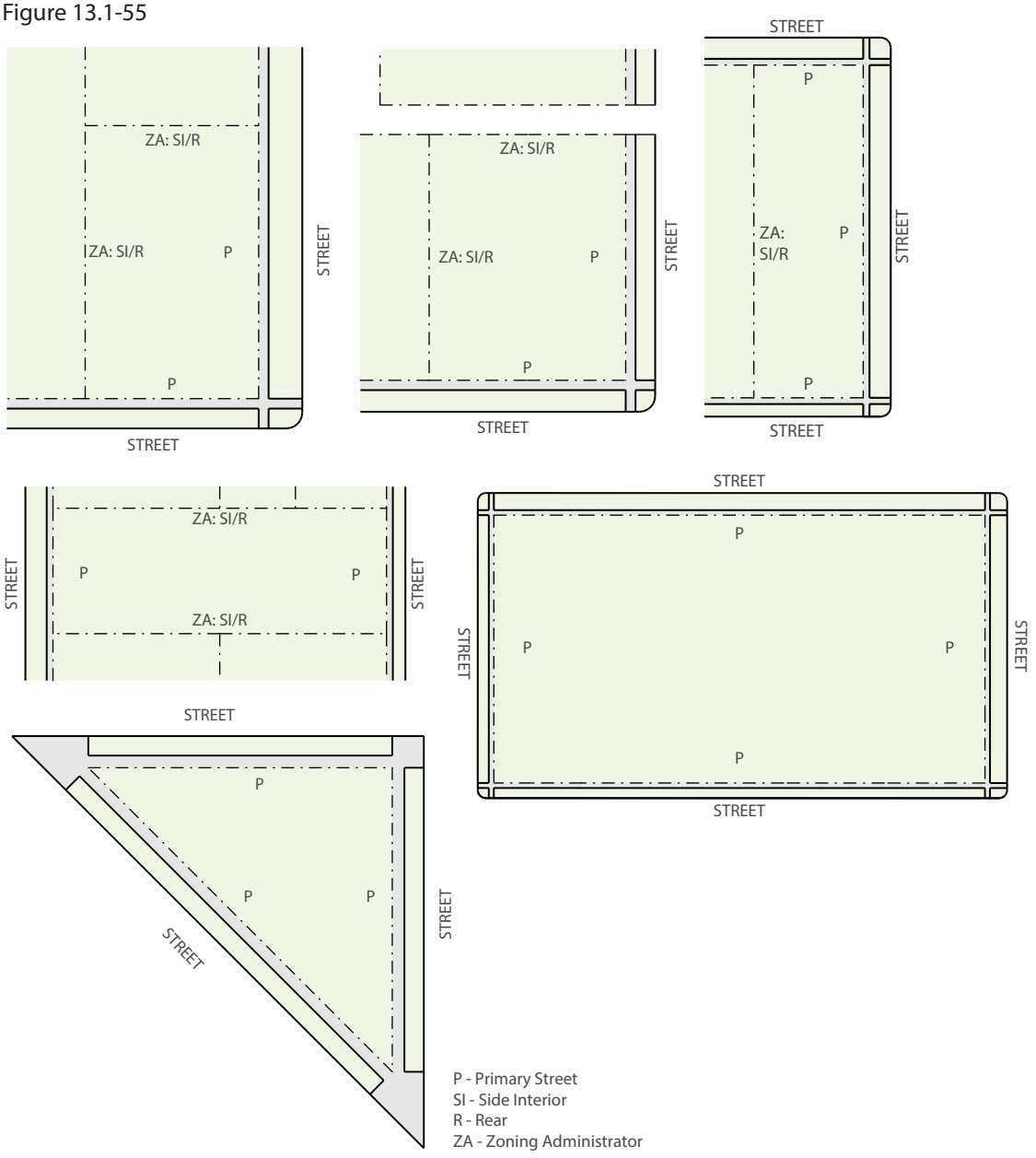
### 3. Corner Zone Lots, Double Frontage Zone Lots, and Zone Lots with Frontage on 3 or More Streets/Full Block

For all corner zone lots, double frontage zone lots, and zone lots with frontage on 3 or more streets or a full block in all C-CCN, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:

a. All Zone Lot Lines abutting a named or numbered street shall be Primary Street Zone Lot Lines.

b. The Zoning Administrator shall determine the Side Interior and Rear Zone Lot Lines, as applicable. See Figure 13.1-55

Figure 13.1-55



## 13.1.5.6 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District

### A. Intent

To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

### B. General Requirements

The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B General Requirements shall apply in addition to the requirements set forth in this Section 13.1.5.6.

### C. Criteria for Zoning Administrator Determinations

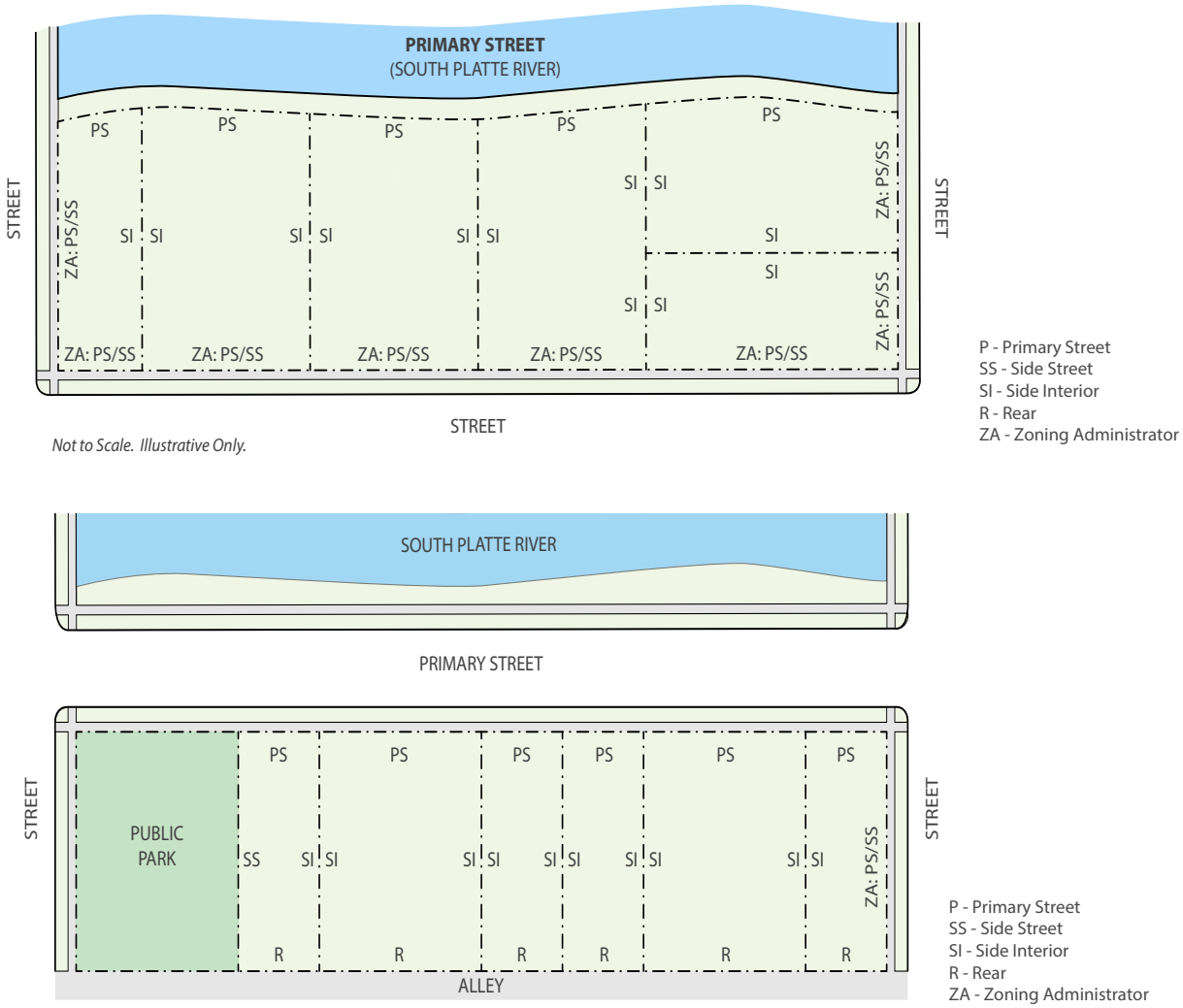
For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
    a. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Streets.
    b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street designation for more than one Abutting street.
2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
    a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
    b. Where a corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.
3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-56.
4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

### D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets

In lieu of the provisions set forth in Sections 13.1.5.4.E-G, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-56.

Figure 13.1-56




## 13.1.5.7 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R Zone Districts

### A. Intent

To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety (e.g. Build-to, Setbacks).

### B. General Requirements

1. Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

2. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

**C. Criteria for Zoning Administrator Determinations**

Where Section 13.1.5.7.D does not apply, the Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. If criterion C.1 does not apply, then the following criteria shall be used:

   a. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot; and

   b. Block and lot shape.

**D. Determining Zone Lot Lines**

**1. All Zone Lots - Primary Street Zone Lot Lines**

a. In CMP-NWC-C, CMP-NWC-F, and CMP-NWC-R zone districts only, any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River; or a Street that is Adjacent to the South Platte River; shall be designated as a Primary Street Zone Lot Line.

b. In the CMP-NWC-C zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting Bettie Cram Drive.

c. In the CMP-NWC-G zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.

d. In the CMP-NWC-F zone district only, the Primary Street Zone Lot Lines shall be Zone Lot Lines abutting National Western Drive and Race Court.

e. In the CMP-NWC-R zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.

f. Where a Zone Lot does not Abut any of the streets identified as a Primary Street in this Section 13.1.5.7.D, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.7.C.

**2. Interior Zone Lots - Primary Street Zone Lot Lines**

For interior zone lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:

a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.

b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.

c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

**3. Corner Zone Lot, Double Frontage Zone Lot or Zone Lot with Frontage on 3 or More Streets**

For all corner zone lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:

a. The Primary Street Zone Lot Line shall be as specified in Section 13.1.5.7.D.1.

b. The Side Street Zone Lot Line shall be the remaining Zone Lot Line abutting a named or numbered street.

c. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.

d. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

## 13.1.5.8 Required Build-To

### A. Intent

To clearly define the public realm through consistent building placement, massing and orientation.

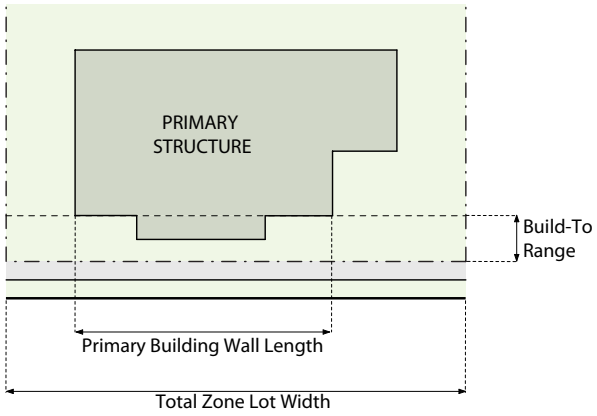
### B. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify required build-to standards for many Primary Building Forms. Rules of measurement, general requirements, and build-to alternative requirements are provided in this Section 13.1.5.8.

### C. Rule of Measurement

See Figure 13.1-57

Figure 13.1-57



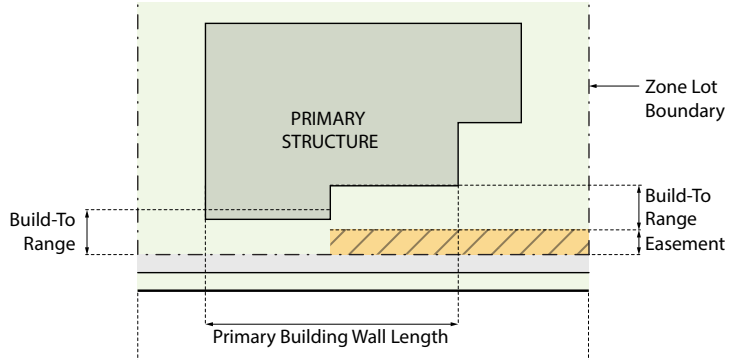

#### 1. Min/Max Range:

a. Required build-to standards are measured from and perpendicular to the zone lot line abutting a named or numbered street.

b. Where a zone lot includes an easement for public access or for the benefit of a public utility, and such easement abuts the public street right-of-way, a required build-to shall be measured from the easement rather than from the zone lot line. See Figure 13.1-58

c. Where a Zone Lot includes open space meeting the requirements of 12.4.12.5 abutting the public street right-of-way, a required Build-to shall be measured from the open space rather than the zone lot line.

Figure 13.1-58

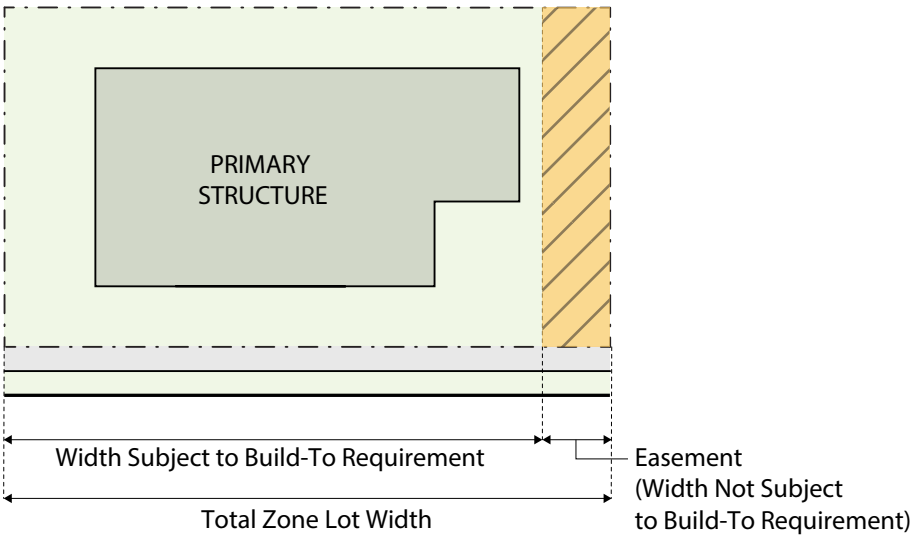


**2. Minimum Percentage:**

a. Required build-to is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative such as a garden wall, located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right-of-way.

b. For a Zone Lot including an easement for public access or the benefit of a public utility, the required Build-To is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right of way less the dimension of the easement.

Figure 13.1-59




c. The width in linear feet of recessed pedestrian entries, used to meet a required entrance standard and recessed no deeper than 15 feet from the maximum build-to line, may be added to the length of the applicable wall for purposes of meeting a minimum percentage build-to requirement, not to exceed the width of the doors and typical sidelights, as applicable.

d. For recessed vehicle garage doors that provide direct entrance to an integrated parking structure, but which are setback farther than the max of the build-to range due to city standards, rules or regulations, the width in linear feet may be added to the length of the applicable building wall for purposes of meeting the minimum percentage build-to requirement.

**D. General Requirements**

1. Required build-to standards shall apply only to the Street Level of the primary structure(s) on a zone lot.

2. Buildings, or a permitted alternative, shall be built at or within the Build-To requirement for at least the minimum percentage (%) required along the Primary and/or Side Street frontage.

3. Build-to requirements are calculated separately for each separately owned zone lot frontage comprising a development site.

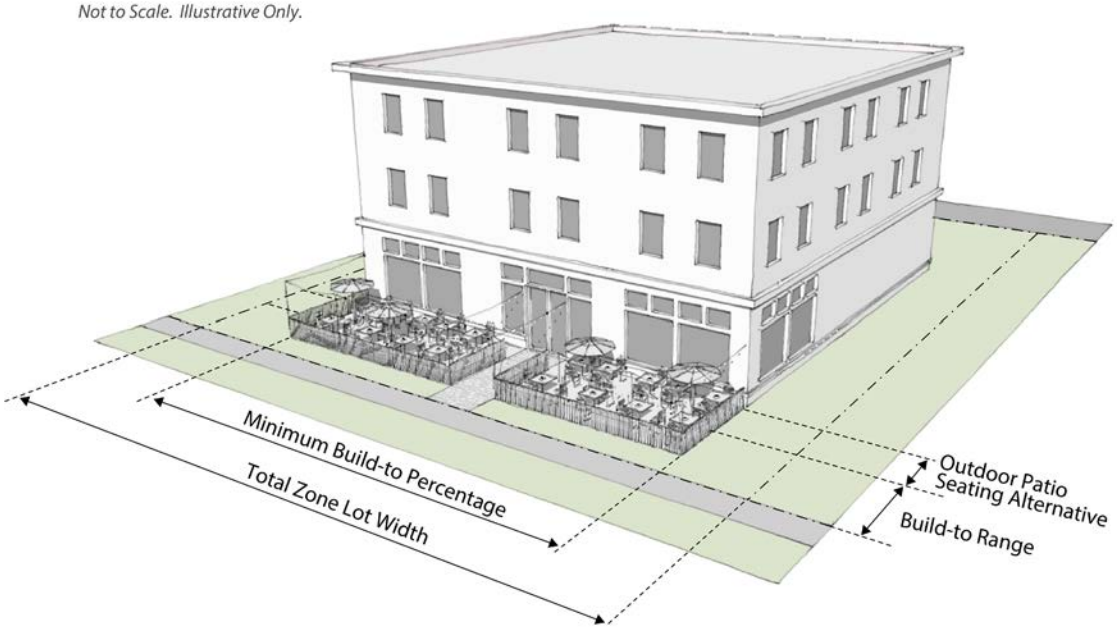
### E. Build-to Alternative Requirements

Where permitted, the following alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard:

#### 1. Permanent Outdoor Patio Seating

Permanent outdoor patio seating shall be placed between the building and the Primary Street zone lot line. Street Level activation standards shall still apply for portions of the facade behind permanent outdoor patio seating.

Figure 13.1-60




#### 2. Private Open Space

Private Open Space shall comply with the following standards:

a. Private Open Space used as a build-to alternative in any zone district:

i. Shall be open to the sky

ii. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies

iii. May include tables, chairs, benches, sculptures and similar elements

iv. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district

v. Shall be fully visible from a primary street

vi. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.

b. Private Open Space used as a build-to alternative in a C-CCN zone district shall contain at least one Minimum Contiguous Area meeting the requirements of Section 13.1.6.1.B.3.b.vi

#### 3. Garden Wall

A garden wall shall comply with all of the following standards:

a. Garden Walls must be between 30 inches and 42 inches in height with the following exceptions:

i. Decorative and/or structural piers may exceed 42 inches in height.

ii. Seating incorporated into the wall may be a minimum of 18 inches in height and may be accessed from both sides of the wall without an intervening division.

iii. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42 inches and 84 inches.

b. Allowed materials are limited to masonry or an ornamental metal fence with masonry piers spaced at not more than 25 feet with landscaping.

i. An Administrative Adjustment to the allowed material is permitted to better match the primary building. See Article 12.

c. Garden walls used as a Required Build-To Alternative may also be counted toward Perimeter Landscaping Requirements in Article 10.

Figure 13.1-61




**4. Pergola**

A pergola shall comply with all of the following standards:

a. Pergola structure shall consist of an arbor or passageway of columns that is at least 50% open to the sky.

b. Pergola structure shall be no less than 5 feet deep as measured perpendicular to the Primary or Side Street zone lot line.

c. Pergola structure shall not be erected over a Drive or Driveway, or over any part of an Off-Street Parking Area.

d. Pergola structure shall maintain at least 8 feet clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.

e. Pergola structure shall be made of metal, masonry, treated wood, or other materials that are durable in an exterior urban environment.

f. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15 feet on center, which means the center of each column, post, or pier is a minimum of 15 feet from the center of the next column, post, or pier, and then the next, and so on.

g. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports, provided that the pergola maintains at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42 inches and 84 inches above grade.

Figure 13.1-62




**5. Arcade**

An arcade shall comply with all of the following standards:

a. An arcade shall be located below an occupied building area,

b. The arcade column line shall generally align with, and run parallel to, the wall plane of the building above,

c. An arcade shall extend no more than 2 stories in height,

d. The exterior face of the arcade column line shall be within the required build-to range,

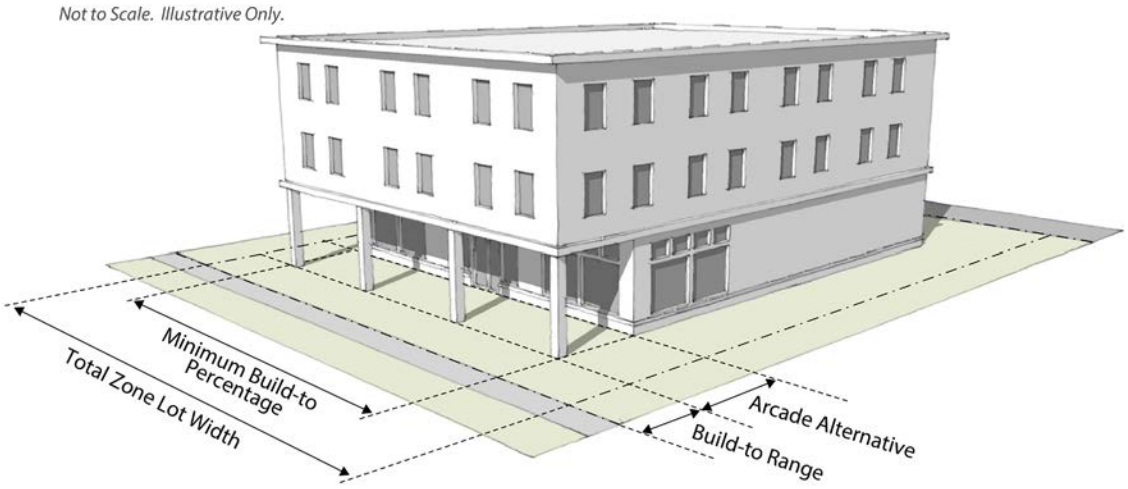
e. The average depth of the arcade shall be no less than 6 feet clear, as measured from the interior face of the columns (benches, trash receptacles and other non-permanent features may be located in the clear area),

f. The average depth of the arcade shall be no more than 2/3 of the average height of unobstructed arcade openings, as measured from the front face of the columns

g. The interior wall of the arcade shall meet the required Street Level activation standards or alternatives.

h. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.

Figure 13.1-63



**6. Courtyard**

A courtyard shall comply with all of the following standards:

a. Minimum Courtyard Design:

i. Shall face the Primary Street;

ii. Shall have a width of at least 15 feet, measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard; and

iii. Shall have a depth of at least 30 feet measured as the horizontal distance between the primary street-facing exterior building wall nearest to the primary street zone lot line and the closest facade of the exterior building wall facing the primary street behind the courtyard, measured perpendicular to the zone lot line.

b. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:

i. Shall be no more than one-half story above or below grade at the zone lot line adjoining the primary street;

ii. Shall be physically accessible from the primary street, but may be secured for private use;

iii. Shall be visible from the primary street zone lot line;

iv. Shall be open to the sky; and

v. Shall be bounded on not less than 3 sides with connected building facades.

c. The Courtyard area may be used for any of the following:

i. Single or multiple entries to uses within the building;

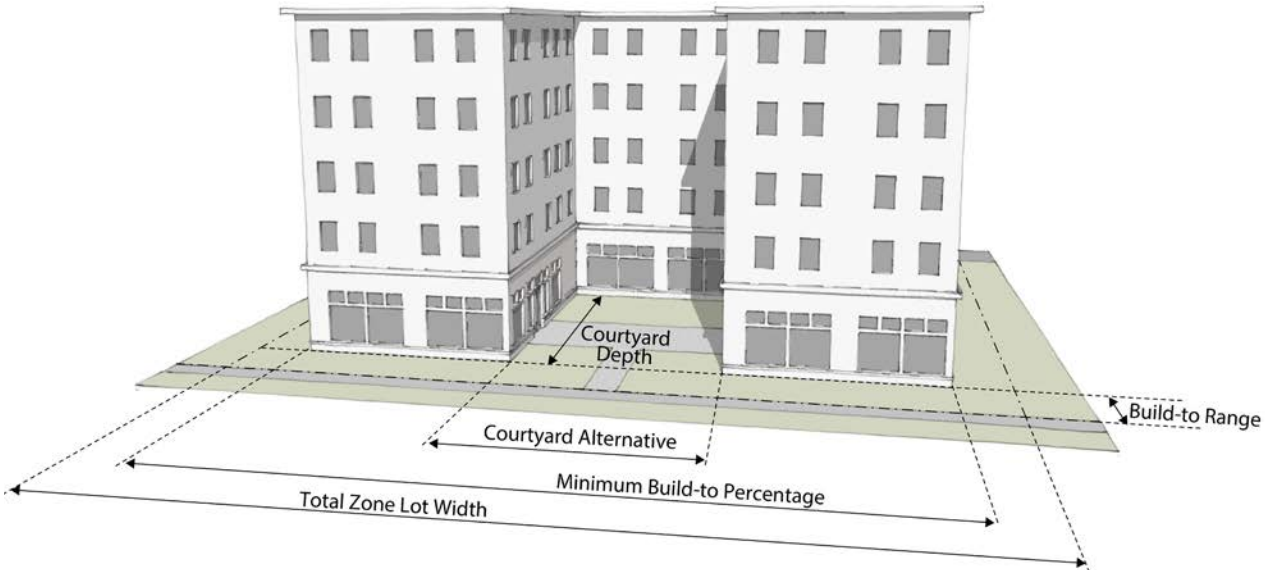
ii. Public or private landscaped area;

iii. Outdoor seating area; or

iv. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. Driveways, Internal Drives, and Off-street Parking Areas are not permitted in the Motor Court. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, porous pavers, or integrally colored concrete with a module of not more than 4 feet.

Figure 13.1-64

*Not to Scale. Illustrative Only.*




**7. Drive Way Access**

a. The build-to alternative Drive Way Access may only be used when vehicular access is required from the street.

b. Rule of Measurement

i. The Build-To Alternative shall be calculated by subtracting the alternative from the Build-To requirement. For example, on a 100 foot wide Zone Lot where the Build-To percentage is 70 percent, 70 feet of the building must be within the build-to range. When using the Drive Way Access Build-To Alternative, a maximum of 12 feet is subtracted from 70 foot required build-to, resulting in a required build-to of 58 feet.

Figure 13.1-65



## 13.1.5.9 Setbacks

### A. Intent

To provide adequate separation for privacy and access to sunlight.

### B. Rules of Measurement

Setbacks provide a minimum horizontal distance between a zone lot line and the location of uses and structures on a zone lot, measured as follows: See Figure 13.1-67

1. Primary and Side Street setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a name or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.

2. Side Interior and Rear setbacks are measured perpendicular to the side interior or rear zone lot line abutting another zone lot, a public alley, or an easement for public access Abutting an Alley.

3. Where a Side Interior setback standard is stated as "min one side/min combined:"
   a. One side interior setback shall meet the standard meeting the "min one side" and the total of both side interior setbacks shall be equal to or greater than the standard of the "min combined."
   b. If zone lot has only one Side Interior Zone Lot Line, the "min one side" standard shall apply.

4. Primary street and rear setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.
   a. Where a minimum percentage of Zone Lot Width is specified for a Primary Street Setback, the minimum percentage of Zone Lot Width at the Primary Street Zone Lot Line specified in the building form table shall be required to meet the minimum Primary Street Setback.

5. Side interior and side street setbacks extend the full length of the side zone lot lines, overlapping with both the primary street and rear setbacks.

6. Side interior setbacks in the Town House building form for Dwelling Units Oriented to the Street shall apply only to the length of the side interior Zone Lot lines where a line extended perpendicular from the side interior Zone Lot line intersects any exterior building facade of a Side-by-Side Dwelling Unit Oriented to the Primary Street. See Figure 13.1-66

Figure 13.1-66

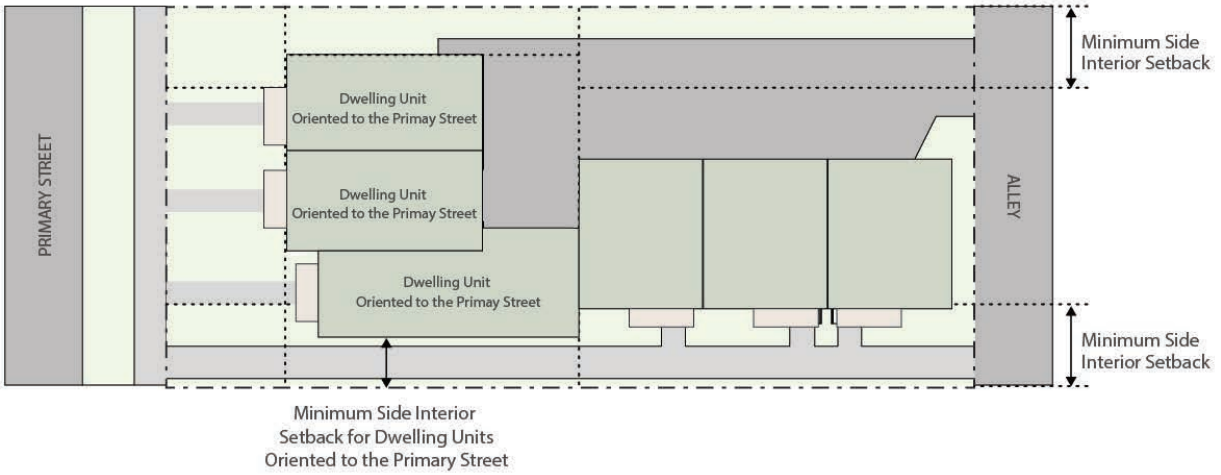
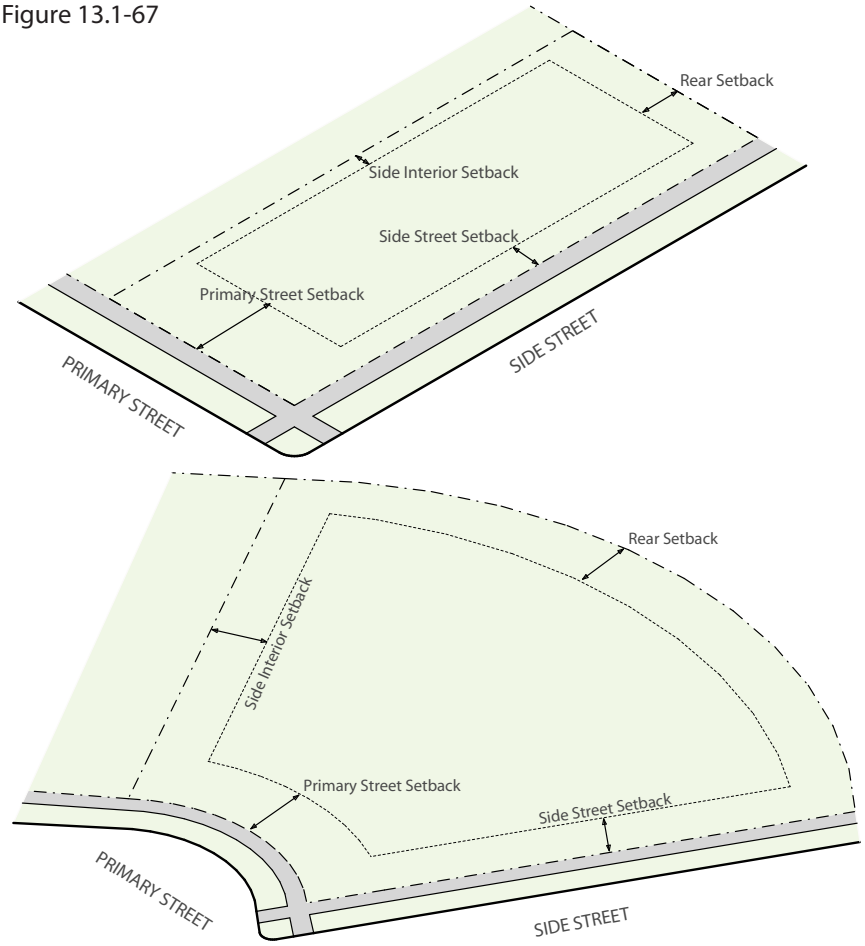


Figure 13.1-67




## 13.1.5.10 Residential Setbacks

### A. Intent

To provide transitional space between the edge of a public sidewalk and dwelling units located at the Street Level

### B. Applicability

Residential setback standards apply to the portion of a Structure that contains street-facing dwelling units at the Street Level.

### C. Rules of Measurement

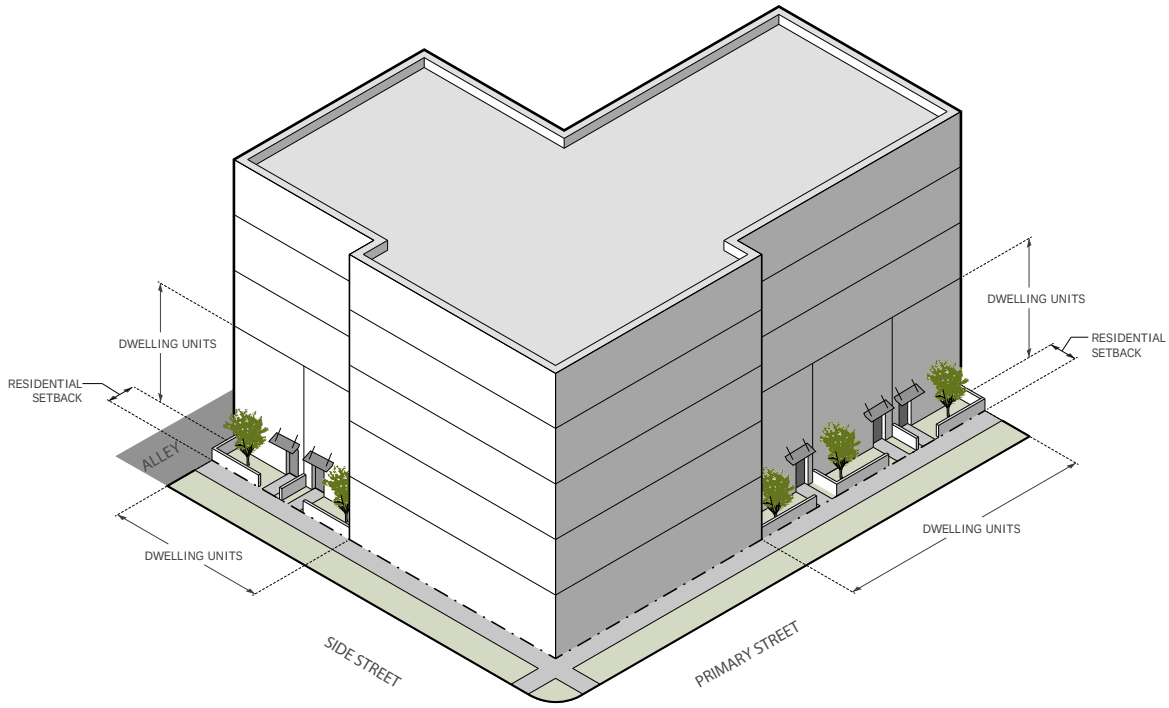
1. Residential Setbacks are measured perpendicular to the Zone Lot Line at the edge of the right-of-way Abutting a named or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.

2. Residential Setbacks are measured from the Primary or Side Street Zone Lot Line to the outside wall of any street-facing dwelling unit. See Figure 13.1-68.

3. Portions of a Structure containing residential lobbies, rental offices, amenity areas or nonresidential uses shall not be subject to a Residential Setback.

4. Residential Setbacks shall be considered to be a Primary Street setback for purposes of allowed encroachments.

Figure 13.1-68




*Not to Scale. Illustrative Only.*

## 13.1.5.11 Primary Street Parking Setbacks

### A. Intent

To promote a pedestrian-oriented, active streetscape by prohibiting parking near the street.

### B. Rules of Measurement

Primary Street Parking Setbacks provide a minimum horizontal distance between a Primary Street zone lot line and the location of an Off-Street Parking Area, measured as follows:

1. Primary Street Parking Setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a named or numbered street.

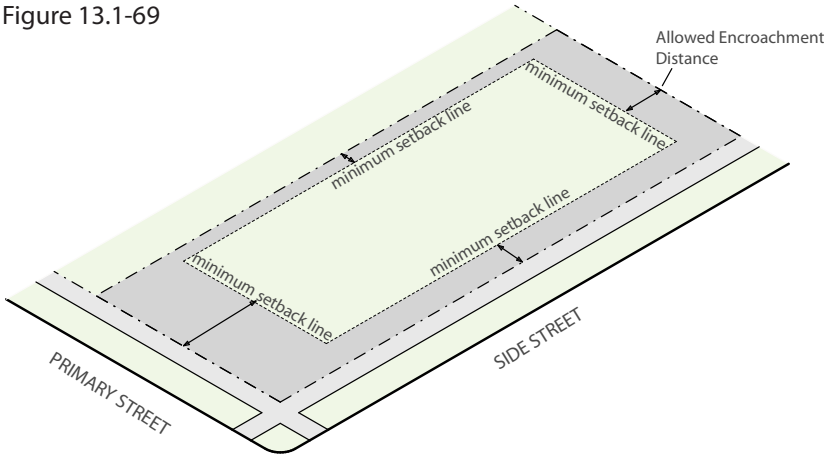
2. Primary Street Parking Setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.

## 13.1.5.12 Setback Encroachments

### A. Rule of Measurement

1. Each setback encroachment shall be measured from the required minimum setback line.
2. Setback encroachments are not cumulative in that they are always measured from the same point.
3. The entirety of the element permitted as an encroachment shall be within the permitted encroachment distance. See Figure 13.1-69

Figure 13.1-69



## 13.1.5.13 Building Coverage

### A. Intent

To provide openness on a lot by limiting the amount of area buildings can cover.

### B. Rule of Measurement

Building coverage shall be measured as the "gross area of a footprint" on the zone lot according to C below, divided by the total gross square foot area of the Zone Lot and multiplied times 100, as building coverage is expressed as a percentage.

### C. Gross Area of Footprint

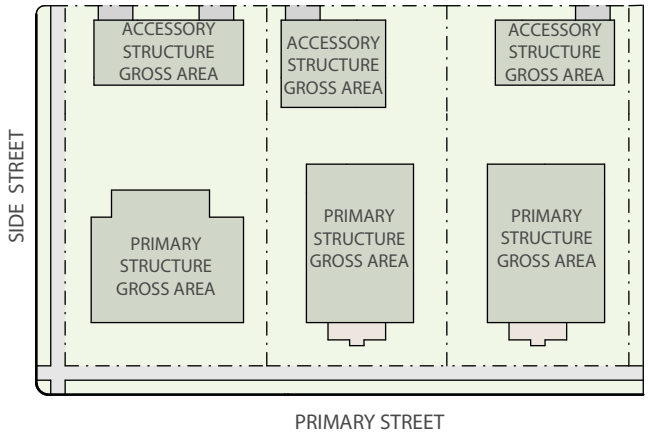
For purposes of building coverage, "gross area of a footprint" shall include: See Figure 13.1-70

1. The gross area of the actual footprint measured to the exterior faces of the structure and any enclosed projections beyond the footprint of all Primary and/or Accessory:
   a. Structure, Completely Enclosed;
   b. Structure, Partially Enclosed;
   c. Deck, Raised; and
   d. Balcony, Exterior.

### D. Building Coverage Exceptions

Exceptions to building coverage are permitted by Neighborhood Context. See Articles 3-9, Design Standard Exceptions section.

Figure 13.1-70




## 13.1.5.14 Building Separation

### A. Intent

To provide openness between buildings located on the same Zone Lot.

### B. Rule of Measurement

1. For purposes of determining a building coverage exception contained within Articles 3-9, Design Standard Exceptions, and separation in the Tandem House building form, the following rule of measurement applies (See Figure 13.1-71):
   a. Building separation shall be measured as the horizontal distance between the two closest above-grade portions of each subject structure (for example, between a detached garage building form and the primary residential buillding form), provided each subject structure meets one of the following definitions (see Article 13 for definitions):

i. Structures, Completely Enclosed

ii. Structures, Partially Enclosed

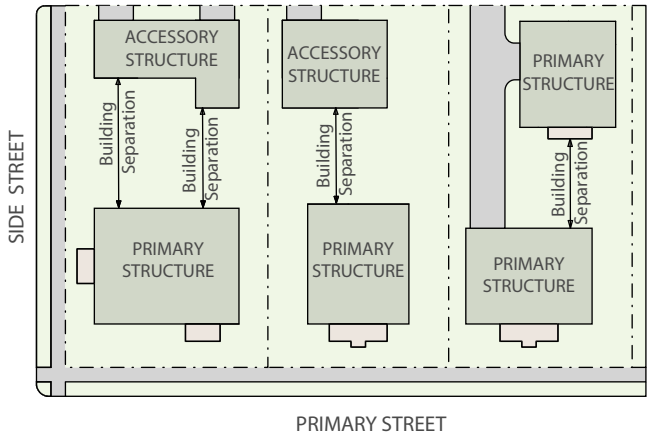
iii. Raised Decks

iv. Balconies

b. Where another structure interrupts the separation between the two subject structures, building separation shall still be considered met.

2. For all other purposes, building separation shall be measured as the horizontal distance between the two closest portions of each building's exterior walls.

Figure 13.1-71

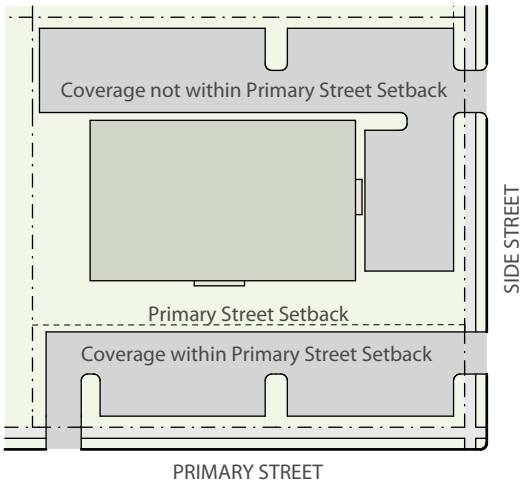



## 13.1.5.15 Parking and Drive Lot Coverage in Primary Street Setback

### A. Rule of Measurement

Parking and drive lot coverage in the primary street setback is measured as the total amount of material used for vehicle access or vehicle storage within the primary street setback area of a zone lot. See Figure 13.1-72

Figure 13.1-72

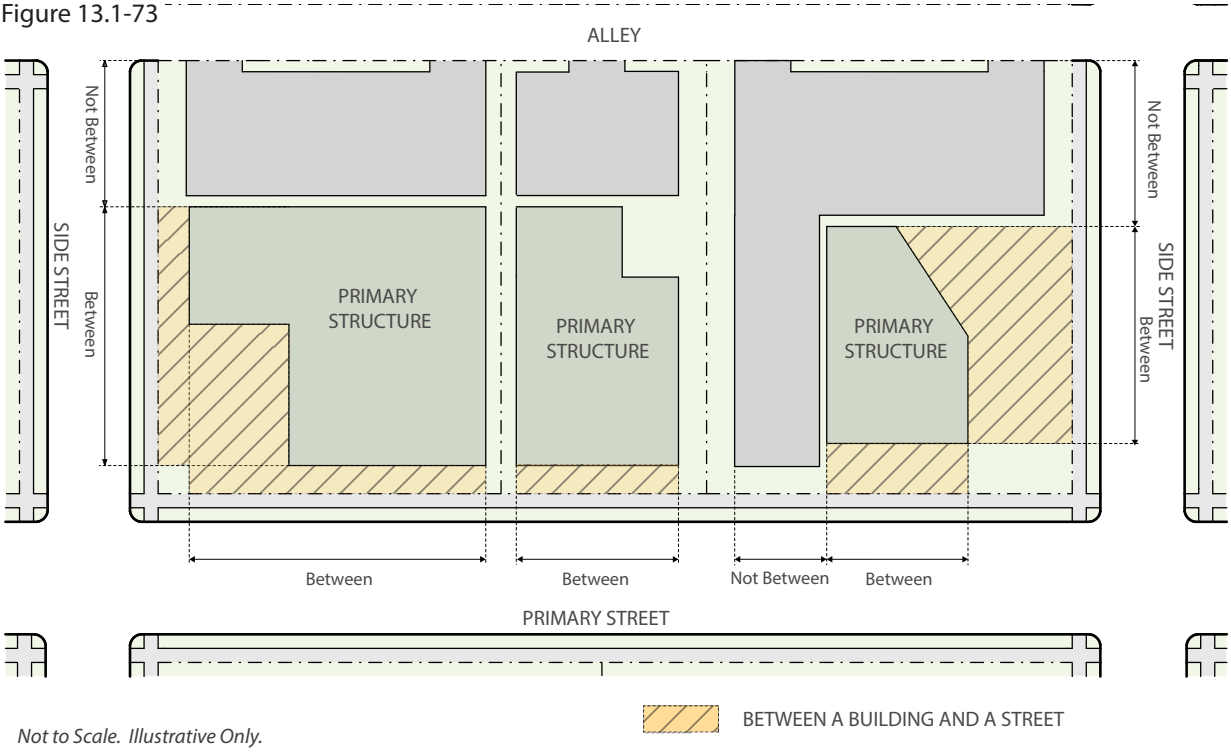


### 13.1.5.16 Surface Parking Between Building and Primary Street/Side Street

#### A. Rule of Measurement

For the purposes of determining if an area is between a Building and a Primary Street/Side Street, extend a line perpendicular from the Primary or Side Street Zone Lot Line. If any portion of said line touches the Building Facade, then said line is between the Building and such Street. See Figure 13.1-73.

Figure 13.1-73




*Not to Scale. Illustrative Only.*

### 13.1.5.17 Floor Area Ratio (FAR)

#### A. Rule of Measurement - FAR

Floor area ratio (FAR) is the ratio of gross floor area of a building to the area of the zone lot on which the building is located. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio. See Figure 13.1-74

#### B. Calculation of Gross Floor Area

For purposes of calculating FAR, "gross floor area" means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area the following exclusions shall apply:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located.

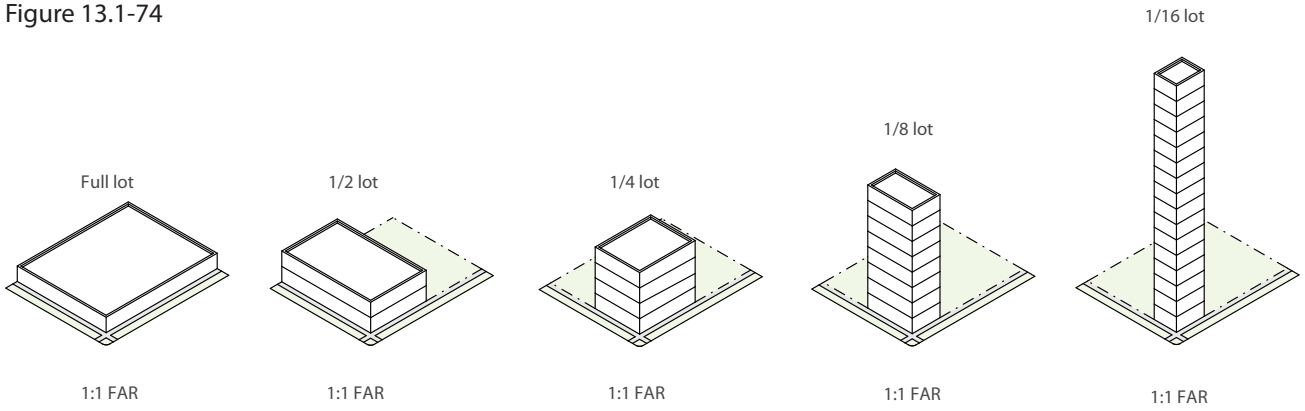
2. Any floor area in a story in which the floor above is less than 6 feet above the finished grade for more than 50% of the total building perimeter.

3. Any floor area used exclusively as parking space for vehicles and/or bicycles. This exclusion shall not apply in the D-CPV-C zone district where any floor area used exclusively as parking space for vehicles and/or bicycles shall be included in the calculation of gross floor area.

4. Any floor area that serves as a pedestrian mall or public access way to shops and stores.

5. For purposes of calculating parking amounts, see rule provided in Article 10, Division 10.4 Parking and Loading.

Figure 13.1-74




## SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

The design element form standards of this Code are defined and measured as set forth below.

### 13.1.6.1 Building Configuration

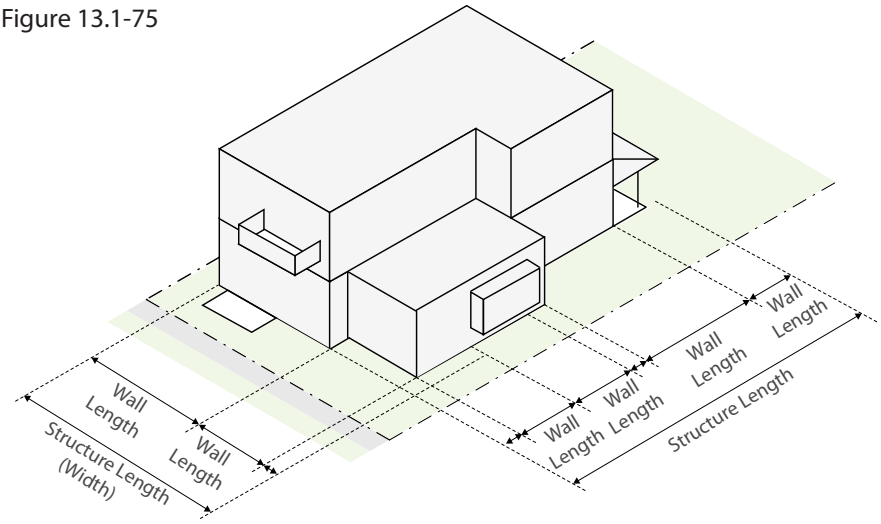
#### A. Front or Side Wall Length / Overall Structure Length or Width

1. The length of the front or side wall of a structure, or the overall structure length, shall be measured parallel to the primary street, side street, or side interior zone lot line and includes the length of a Completely Enclosed structure plus the length of any portion of any attached Partially Enclosed structure(s), as shown in Figure 13.1-75 below.

2. The overall structure width includes the length of a Completely Enclosed structure plus the length of any portion of any attached Partially Enclosed structure(s) and shall be measured parallel to the primary street zone lot line or the side street/side interior zone lot line, whichever zone lot line is shorter.

3. The Zoning Administrator shall determine the zone lot line corresponding with the overall structure width in cases where the length of the primary street zone lot line and side street/side interior zone lot line are equal.

Figure 13.1-75




## B. Private Open Space

### 1. Intent

To create quality privately owned open spaces that are adjacent and physically open to the street. Private open space should provide visual interest and activate the pedestrian realm.

### 2. Applicability

This section applies where Primary Building Form Standards or Overlay District Standards specify a minimum percentage of Private Open Space.

### 3. Rules of Measurement

a. Private Open Space shall be calculated as a percentage (%) using the total area open to the sky, subject to the below requirements, divided by the total gross square footage of the Zone Lot and multiplied by 100.

b. For purposes of Private Open Space measurement, the total area open to the sky:

i. Shall not be covered by Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. Private Open Space may also include tables, chairs, benches, sculptures and similar elements.

ii. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district.

iii. Shall Abut a Primary Street or Side Street Zone Lot Line.

iv. Shall be fully visible from a Primary Street or Side Street.

v. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.

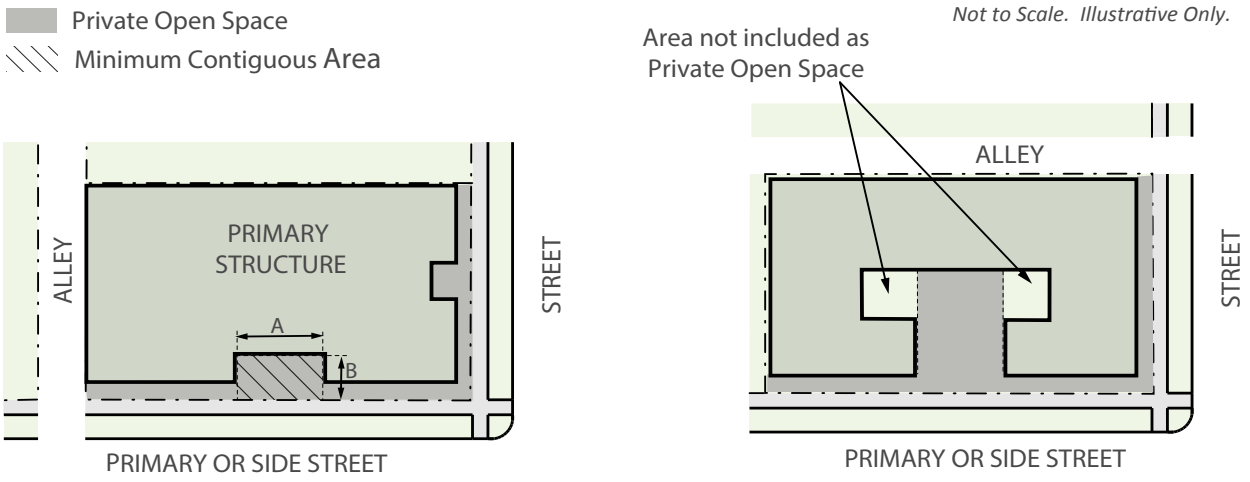
vi. Shall contain at least one Minimum Contiguous Area, subject to the minimum dimensions below. The width of the Minimum Contiguous Area shall be measured parallel to the Primary Street or Side Street Zone Lot Line, shown as "A" in Figure 13.1-76. The depth of the Minimum Contiguous Area shall be measured as the horizontal distance between the Primary Street or Side Street Zone Lot Line and the closest facade of the exterior building wall facing the Primary Street or Side Street, measured perpendicular to the Zone Lot Line, shown as "B" in Figure 13.1-76.

a) For Zone Lots 9,375 square feet or less, as of October 27, 2014, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep.

b) For Zone Lots 9,375 square feet or less as of October 27, 2014, in the C-CCN zone districts, where the Zone Lots Abuts the southern boundary of the 3rd Avenue right-of-way, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep and shall Abut, be fully visible from, and fully accessible from the 3rd Avenue right-of-way.

c) For all other Zone Lots the Minimum Contiguous Area shall be at least 15 feet wide and 30 feet deep.

Figure 13.1-76




### C. Mass Reduction

#### 1. Intent

To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

#### 2. Rule of Measurement

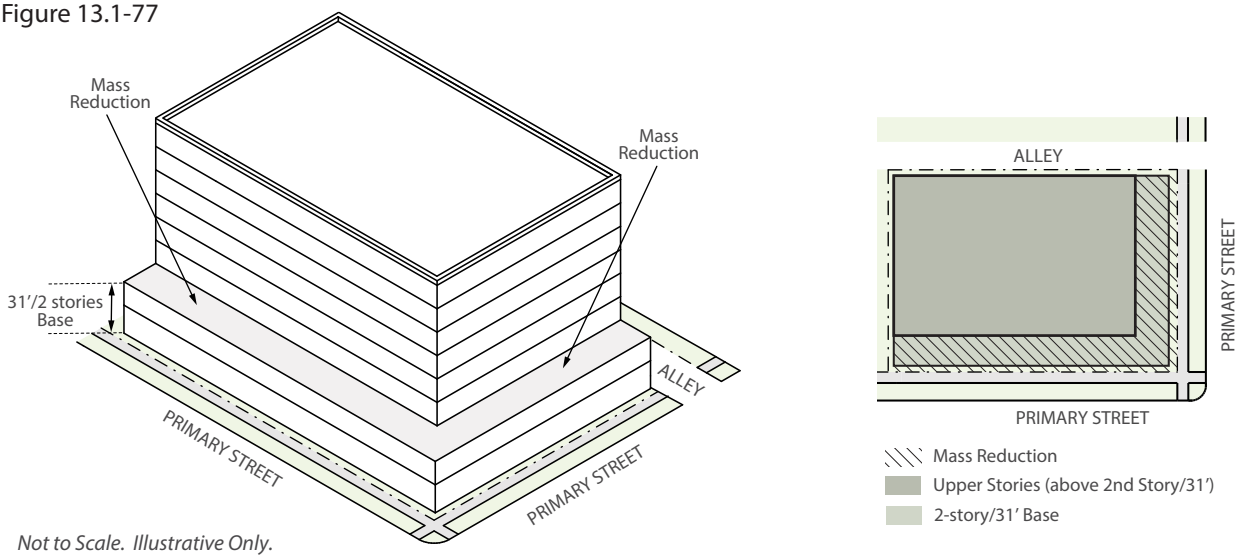
a. The Mass Reduction is calculated as a percentage (%) using the "gross area without building coverage" at a height of 31 feet or the highest point of the second story, whichever is less, divided by the total gross square foot area of the zone lot and multiplied times 100. For purposes of Mass Reduction, "gross area without building coverage" shall be calculated as the gross area from all zone lot lines to the exterior faces of the following structures: see Figure 13.1-77

i. Structure, Completely Enclosed;

ii. Structure, Partially Enclosed; and

iii. Balcony, Exterior.

Figure 13.1-77




*Not to Scale. Illustrative Only.*

b. For purposes of measuring the Mass Reduction:

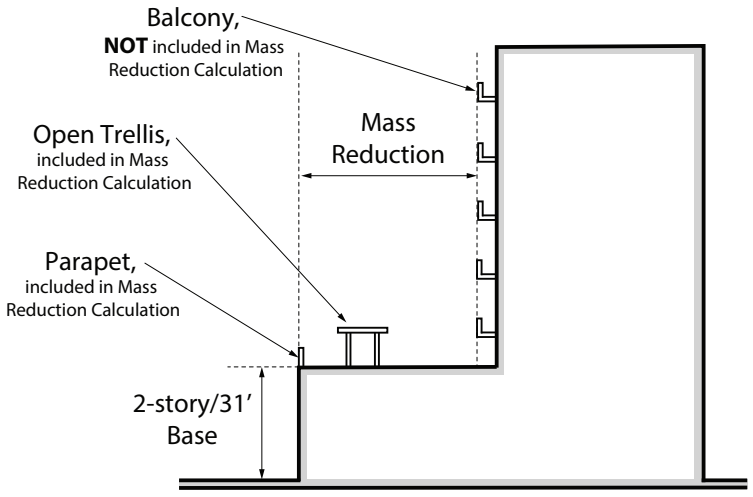
i. The Mass Reduction shall be open to the sky from above a height of 31 feet or the highest point of the second story, whichever is less, except the following shall be permitted:

a. Safety Railings and Parapet Walls no taller than 4 feet; and

b. Open Structures, excluding Exterior Balconies. See Figure 13.1-78

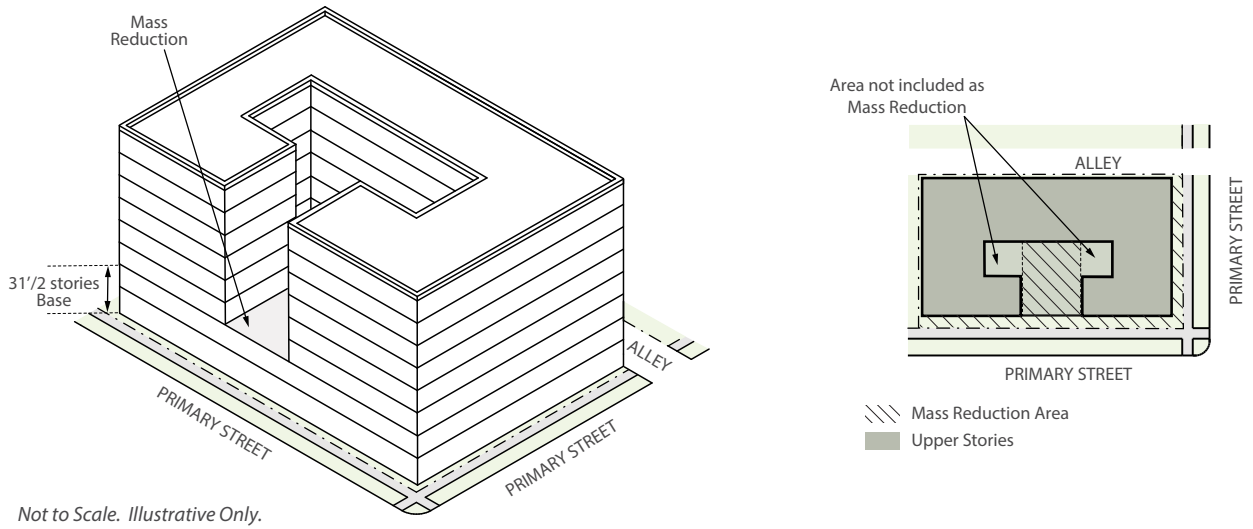
Figure 13.1-78

*Not to Scale. Illustrative Only.*




ii. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the public right-of-way. See Figure 13.1-79

Figure 13.1-79

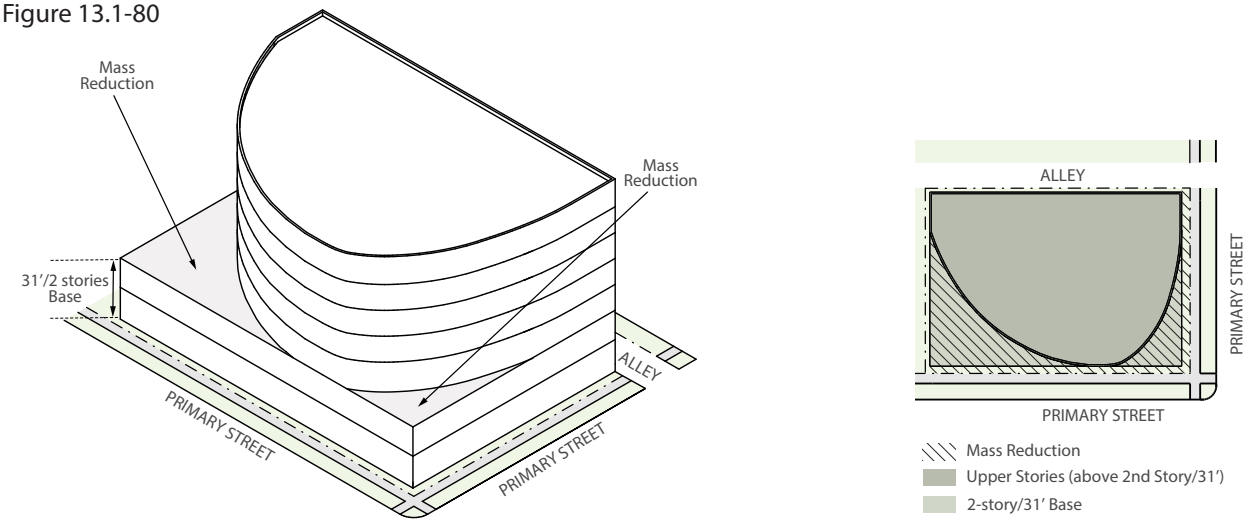



*Not to Scale. Illustrative Only.*

iii. Off Street Parking Area is not permitted in the Mass Reduction.

iv. A Zone Lot may have one or more Mass Reductions which may not be contiguous. The areas of multiple Mass Reductions may be summed to meet the minimum Mass Reduction requirement, provided that each Mass Reduction shall comply with all other standards in this Section 13.1.6.1.C Mass Reduction rule of measurement. See Figure 13.1-80.

Figure 13.1-80




*Not to Scale. Illustrative Only.*

### D. Incremental Mass Reduction

#### 1. Intent

To reduce the perceived mass and scale of buildings and promote creative building designs.

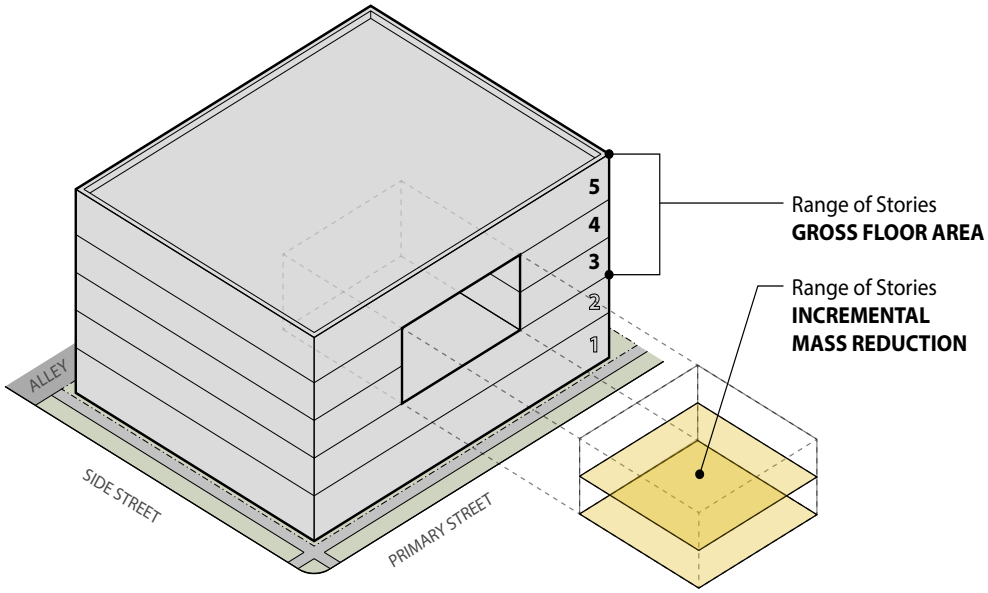
#### 2. Applicability

Where specified in a building form table or applicable Overlay District, Incremental Mass Reduction standards apply to all Structures on a Zone Lot.

### 3. Rules of Measurement for Incremental Mass Reduction

Incremental Mass Reduction creates a reduction in the gross floor area of Structures on a Zone Lot by requiring a minimum "gross area of mass reduction" within a specified range of Stories based on the percentage of Zone Lot Size specified in a building form table or applicable Overlay Zone District. See Figure 13.1-81.

Figure 13.1-81




#### a. Calculation of Incremental Mass Reduction

##### i. Method of Calculation

For each specified range of Stories, Incremental Mass Reduction is calculated using a percentage (%) of the Zone Lot Size multiplied by the number of Stories in the specified range, which yields the minimum "gross area of mass reduction" that must occur within the specified range of Stories.

##### ii. Measurement of Stories

For purposes of Incremental Mass Reduction, specified ranges of Stories shall be measured according the method set forth in Section 13.1.2.3 Height in Stories.

##### iii. Measurement of "Gross Area of Mass Reduction"

a) For purposes of Incremental Mass Reduction, “gross area of mass reduction” is any unbuilt area that would not be measured as gross floor area using the method set forth in Section 13.1.5.16.B Calculation of Gross Floor Area except as set forth in b) below.

b) In lieu of the exception set forth in Section 13.1.5.16.B.3, any enclosed floor area used exclusively as parking space for motor vehicles shall be included when calculating gross floor area for purposes of this Section 13.1.6.1.D.3 and shall not count toward "gross area of mass reduction".

##### iv. Calculation Example: Incremental Mass Reduction in One Range of Stories

a) Minimum "Gross Area of Mass Reduction" Example: On a 25,000 square foot Zone Lot, where the specified Incremental Mass Reduction is 10% for Stories 3-5 (a 3 Story range), application of the method of calculation specified in Section 13.1.6.1.D.3.a.i would yield a minimum 7,500 square foot "gross area of mass reduction" ((25,000 x 3) x 0.10) = 7,500).

b) Remaining Gross Floor Area Example: The 7,500 square foot minimum "gross area of mass reduction" calculated in a) above would leave a remaining maximum gross floor area of 67,500 square feet for Stories 3-5 (25,000 x 3 - 7,500 = 67,500) absent other standards, such as minimum Setbacks, which could reduce gross floor area.

**v. Illustrated Examples: Incremental Mass Reduction in Four Ranges of Stories**
See Figure 13.1-82 for examples of combined mass reduction on a 16-Story Structure with four specified ranges of Stories requiring increased Incremental Mass Reduction as the Structure increases in height.

**b. Location of Incremental Mass Reduction**
The "gross area of mass reduction" that meets a specified percentage of Incremental Mass Reduction shall have an uninterrupted perpendicular connection with one or more of the following frontages. See Figure 13.1-83.

i. Primary Street(s), including the South Platte River

ii. Side Street(s)

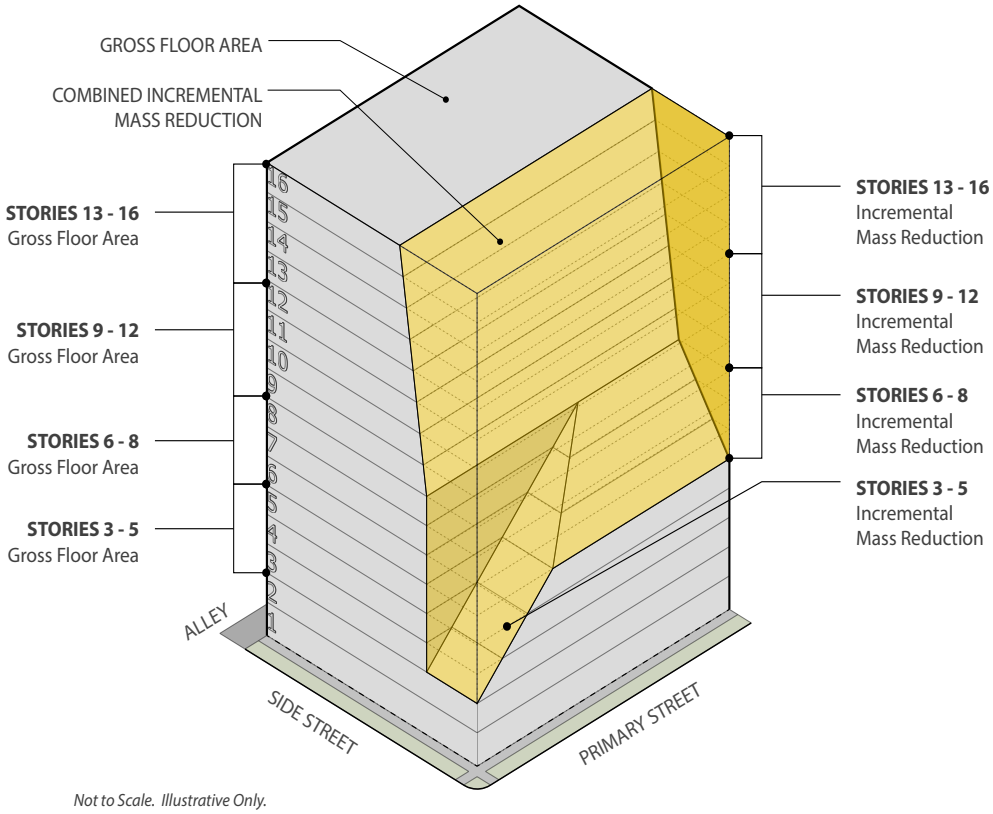
iii. Public Park(s)

**c. Minimum Dimensions of Areas Counting Towards Incremental Mass Reduction**

i. Incremental Mass Reduction may be provided in one or more areas that are not contiguous with each other.

ii. Any single area of Incremental Mass Reduction shall be a minimum of 15 feet wide as measured along a frontage specified in Section 13.1.6.1.D.3.b Location of Incremental Mass Reduction, and a minimum of 7 feet deep as measured perpendicular to the Zone Lot Line parallel to that frontage. See Figure 13.1-84.

Figure 13.1-82




*Not to Scale. Illustrative Only.*

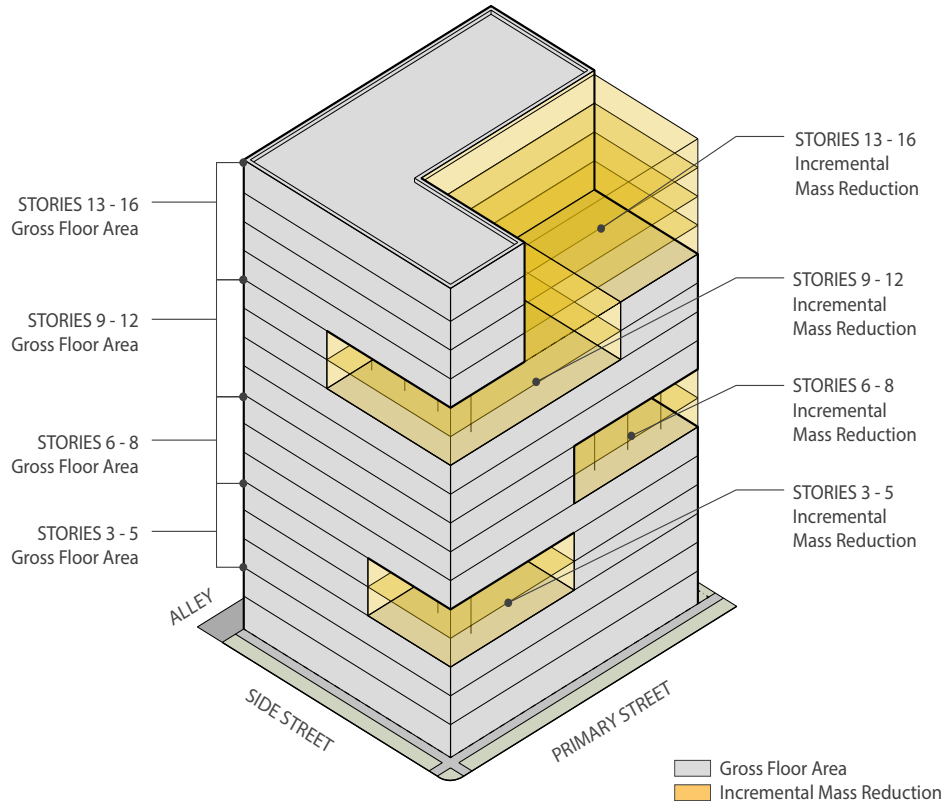


Figure 13.1-83

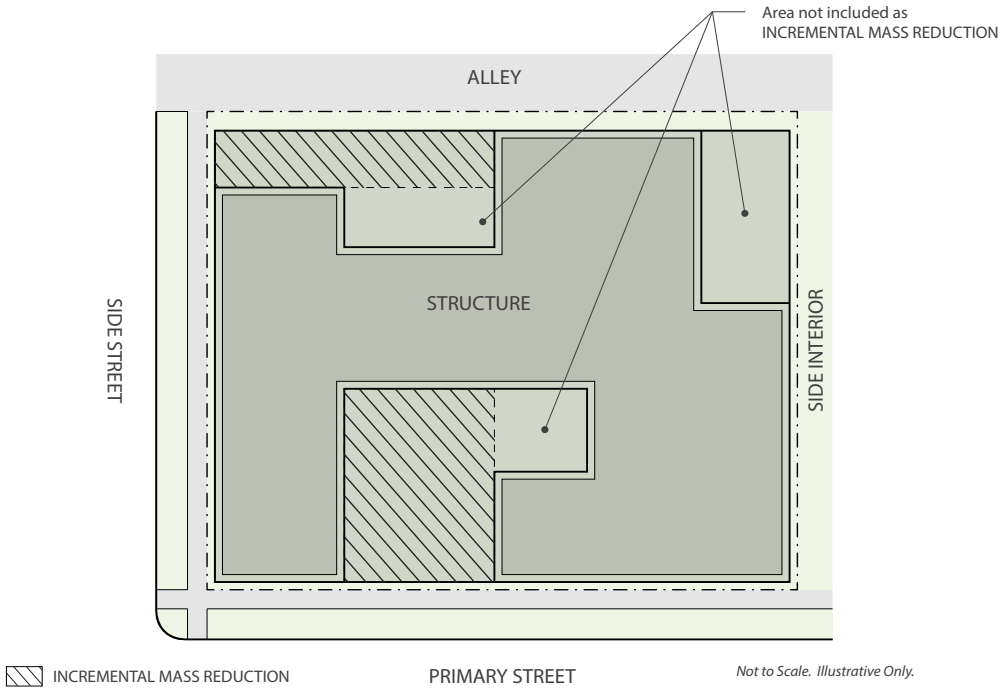
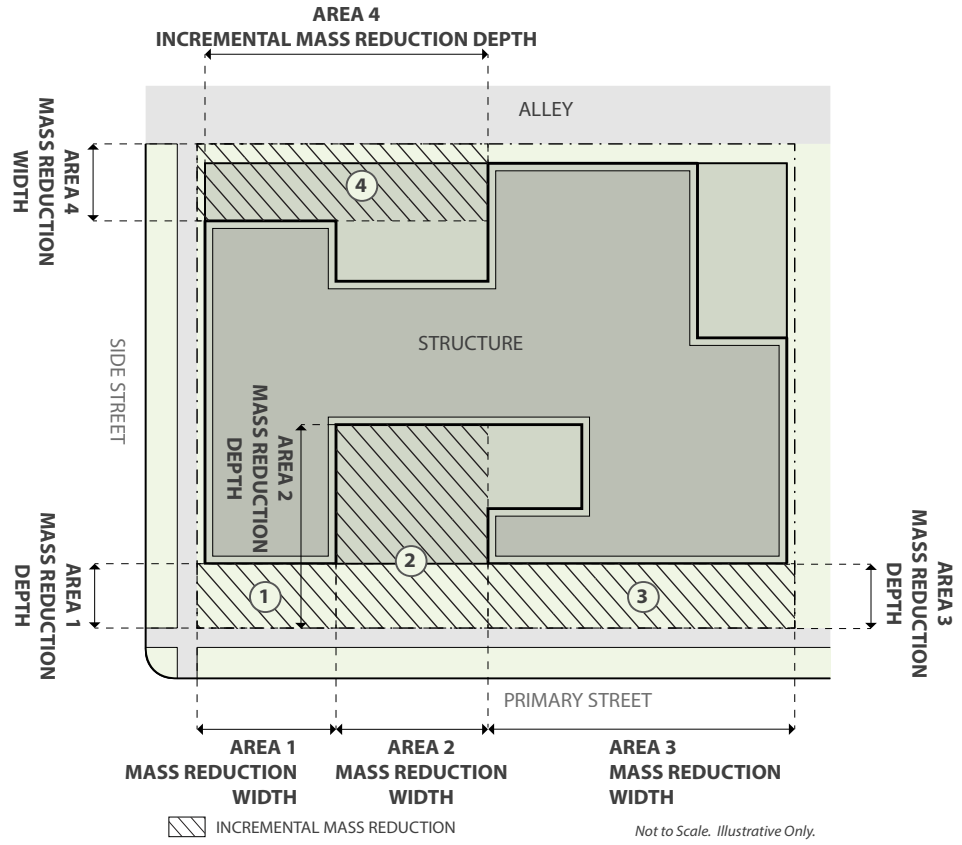



Figure 13.1-84



## E. Tower Floor Plate

### 1. Intent

To preserve sky exposure and encourage architectural variety by reducing the horizontal scale and ensuring appropriate spacing of the tower portion(s) of Standard Tower and Point Tower building forms.

### 2. Applicability

Tower Floor Plate standards required by the building form table shall apply to all Structures built under the Standard Tower and Point Tower building forms.

### 3. Rules of Measurement

#### a. Tower Floor Plate Area

Tower Floor Plate Area shall be measured as the area of the Floor Plate of the largest Story located above the specified height in the building form table. See Figure 13.1-85

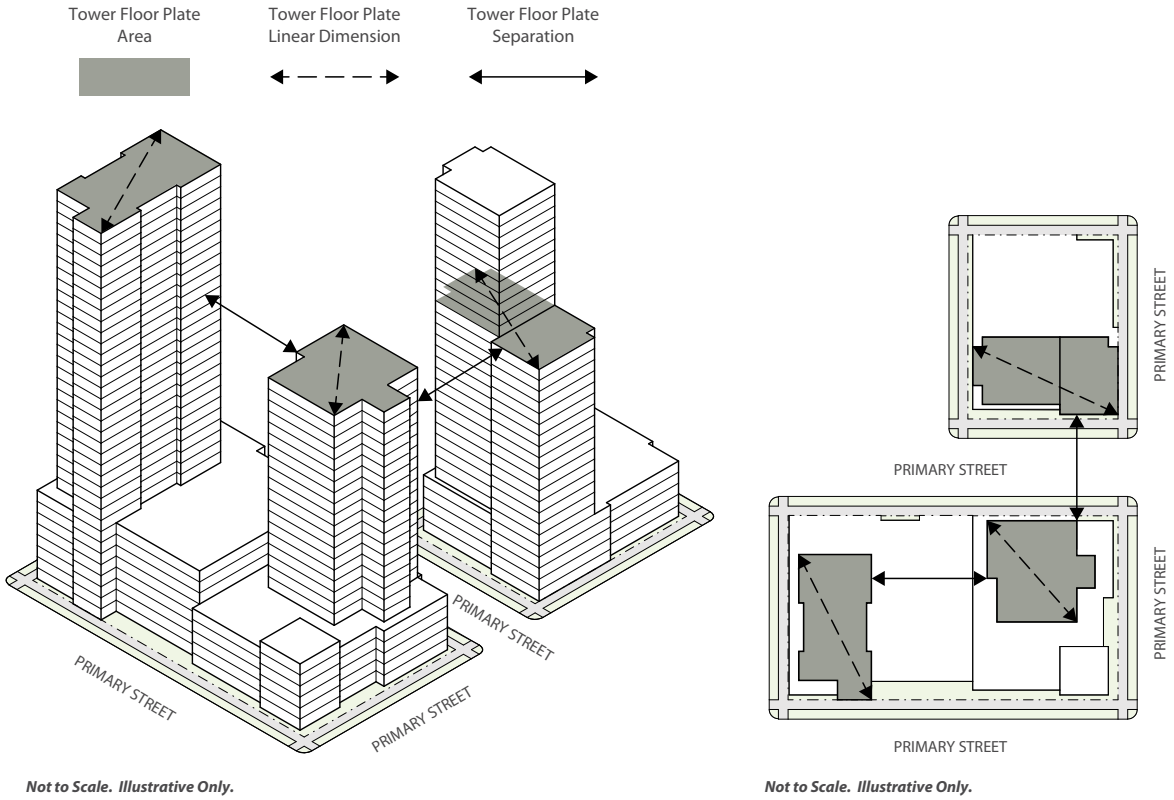
#### b. Tower Floor Plate Linear Dimension

Tower Floor Plate Linear Dimension shall be measured as the longest horizontal linear distance between two points on the exterior faces of exterior walls of any Story located above the specified height in the building form table. See Figure 13.1-85.

#### c. Tower Floor Plate Separation

Tower Floor Plate Separation shall be measured as the shortest horizontal linear distance between two or more separate Structures, including Exterior Balconies, regardless of Zone Lot, located above the specified height in the building form table. See Figure 13.1-85.

Figure 13.1-85




*Not to Scale. Illustrative Only.*

*Not to Scale. Illustrative Only.*

## F. Upper Story Side or Rear Setback, adjacent to Protected District

### 1. Intent

To provide appropriate height and massing transitions to less intensive adjoining zone districts.

### 2. Rule of Measurement

An upper-story side or rear setback is measured from the side or rear zone lot line, extending to the specified height from the Base Plane and then horizontally to the specified setback distance. See Figure 13.1-86

## G. Primary Street Upper Story Setback

### 1. Intent

To provide appropriate pedestrian scale, height and massing along a Primary Street.

### 2. Rules of Measurement

#### a. Upper Story Setback

A minimum Primary Street Upper Story setback shall be measured from the Primary Street zone lot line, extending to the maximum specified height in feet and stories from the Base Plane and then horizontally to the specified setback distance, see Figure 13.1-86.

#### b. Percentage of Zone Lot Width for an Upper Story Setback

Where a minimum percentage of Zone Lot Width is specified for a Primary Street Upper Story Setback, the minimum percentage of Zone Lot Width at the Primary Street Zone Lot Line specified in the building form table shall be required to meet the minimum Upper Story Setback. See Figure 13.1-87

Figure 13.1-86

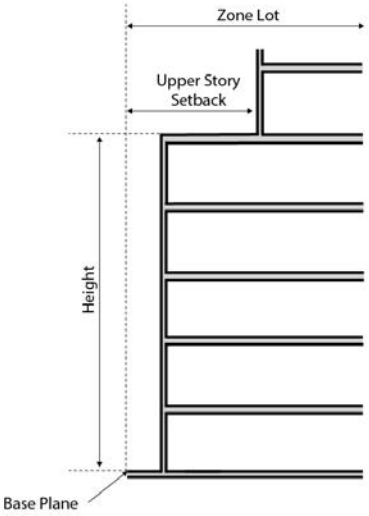
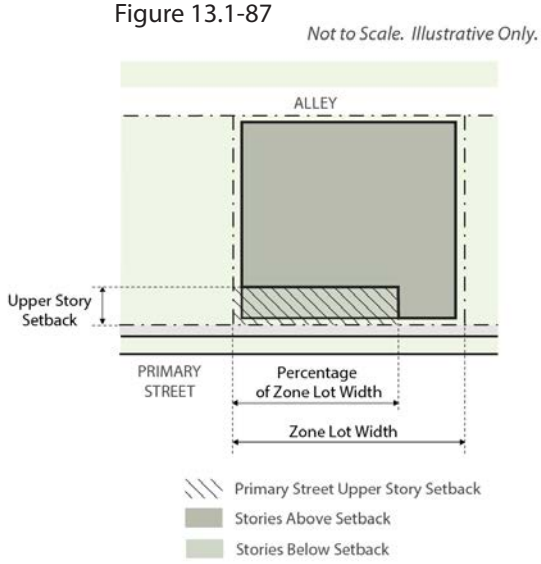



Figure 13.1-87

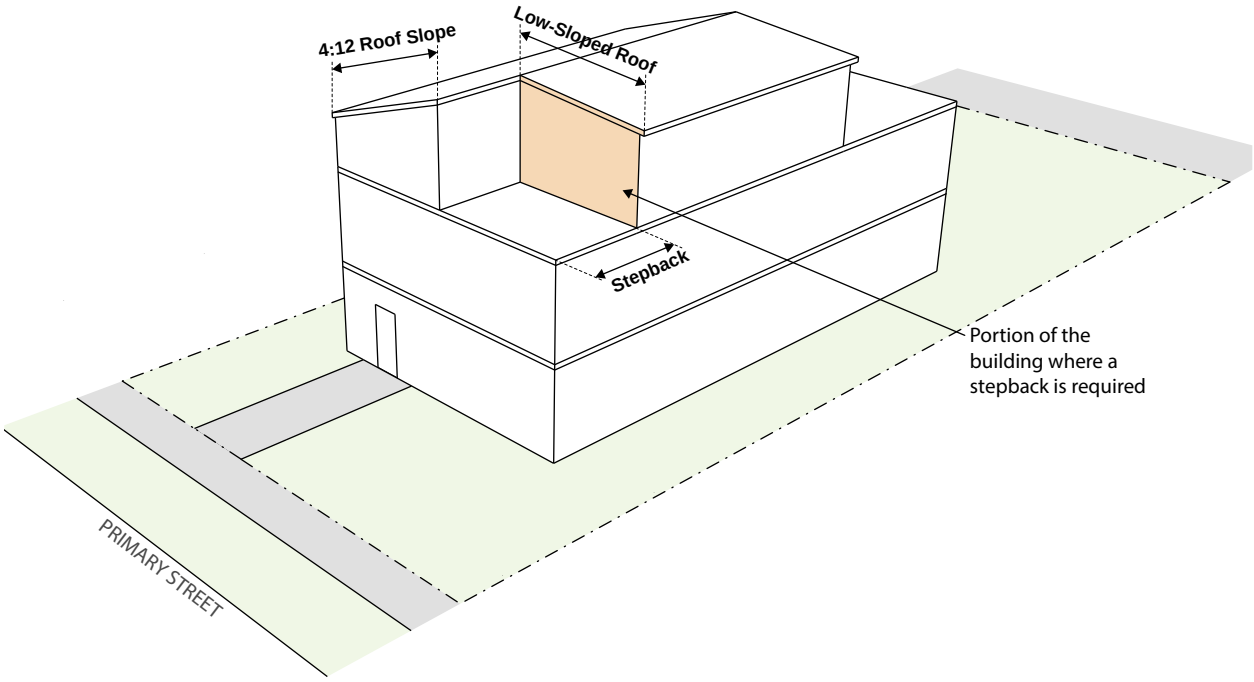



#### c. Upper Story Stepback for Low-Slope Roof

Where a stepback is required for a structure with a Low-Slope Roof, the stepback shall be required for any portion of the building that has a Low-Slope Roof. See Figure 13.1-88.

Figure 13.1-88

Not to Scale. Illustrative Only.

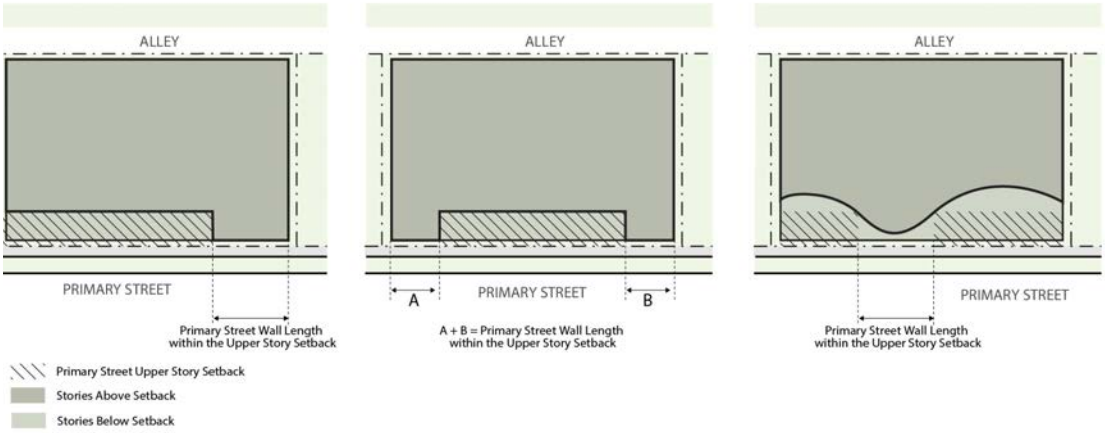



**d. Primary Street Wall Length Within the Upper Story Setback**

i. Where a maximum Primary Street Wall Length within the Upper Story Setback is specified, it shall be measured as the total length of walls along the Primary Street zone lot line within the specified depth of the Upper Story Setback. For example, if the minimum Primary Street Upper Story Setback is 10 feet, and the maximum Wall Length within the Upper Story Setback is 80 feet, the combined length of all walls above the Upper Story Setback height and within 10 feet of the Primary Street property line may be no more than 80 feet. See Figure 13.1-89.

Figure 13.1-89

*Not to Scale. Illustrative Only.*



## H. Upper Story Stepback

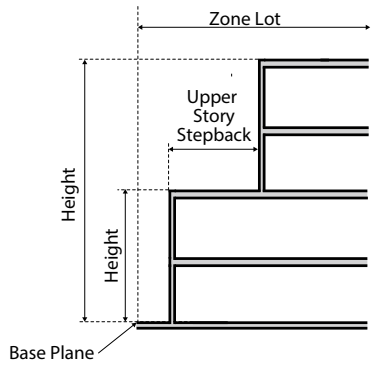
### 1. Intent

To shape building forms to reduce effect of massing on adjoining properties or along a street.

### 2. Rule of Measurement

Upper Story Stepback is measured as the specified vertical distance starting at the Base Plane, and then extending the specified horizontal distance from the face of the building's lower portion, as shown in Figure 13.1-90.

Figure 13.1-90




## I. Limitation on Visible Parking Above Street Level

### 1. Intent

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

### 2. Rules of Measurement

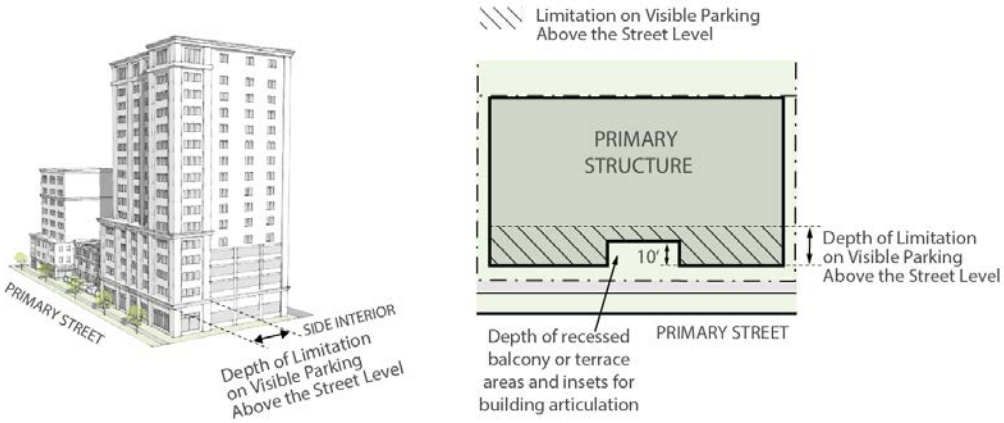
#### a. Depth of Limitation on Visible Parking Above Street Level

i. The depth of a Limitation on Visible Parking above Street Level shall be measured from the exterior of the street-facing building wall. See Figure 13.1-90. Uses that meet the Limitation on Visible Parking above Street Level shall be located within the specified depth, except as provided below.

ii. Recessed balcony/terrace areas or insets for building articulation up to 10 feet in depth shall be excluded from the Limitation on Visible Parking above Street Level. The remaining depth after recessed balcony/terrace areas and insets for building articulation are excluded shall be subject to the uses that meet the Limitation on Visible Parking above Street Level. See Figure 13.1-91.

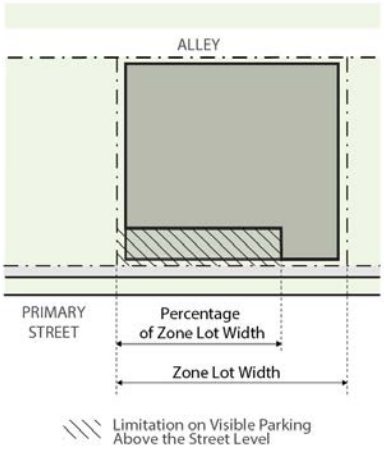
Figure 13.1-91

*Not to Scale. Illustrative Only.*




**b. Percentage of Zone Lot Width for a Limitation on Visible Parking Above Street Level**
At every Story above the Street Level, exterior street-facing building walls within the minimum percentage of Zone Lot Width specified in a building form table shall be required to meet the Limitation on Visible Parking above Street Level. See Figure 13.1-92

Figure 13.1-92 *Not to Scale. Illustrative Only.*

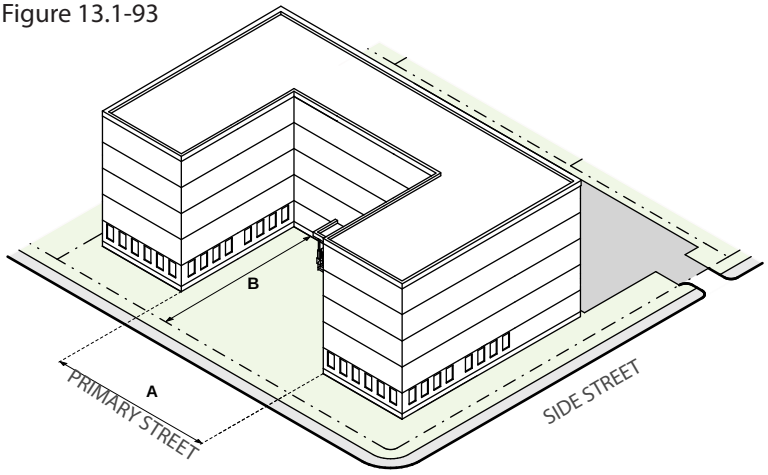



## J. Street-facing Courtyard Width and Depth

1. The street-facing courtyard width shall be measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard, shown as "A" in Figure 13.1-93.

2. The street-facing courtyard depth shall be measured as the horizontal distance between the primary street zone lot line and the closest facade of the exterior building wall facing the primary street, measured perpendicular to the zone lot line, shown as "B" in Figure 13.1-92.

Figure 13.1-93



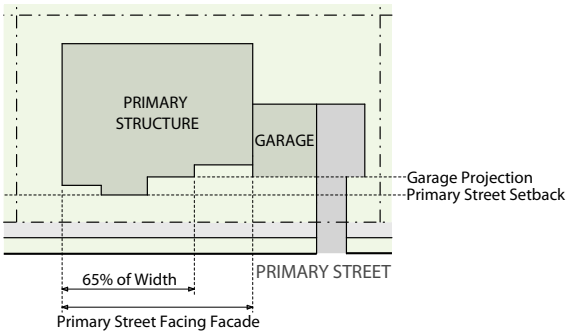

## K. Attached Garage Design Standard

### 1. Rule of Measurement

a. Identify the portions of the Primary Street facing facade that shall constitute at least 65% of the total width of the primary structure enclosing the primary use.

b. Draw a line parallel to the primary street setback line that is not forward at any point of the 65% identified in a. above, thereby determining the maximum permitted attached garage projection. See Figure 13.1-94

Figure 13.1-94




## L. Street-facing Attached Garage Door Width

### 1. Rule of Measurement

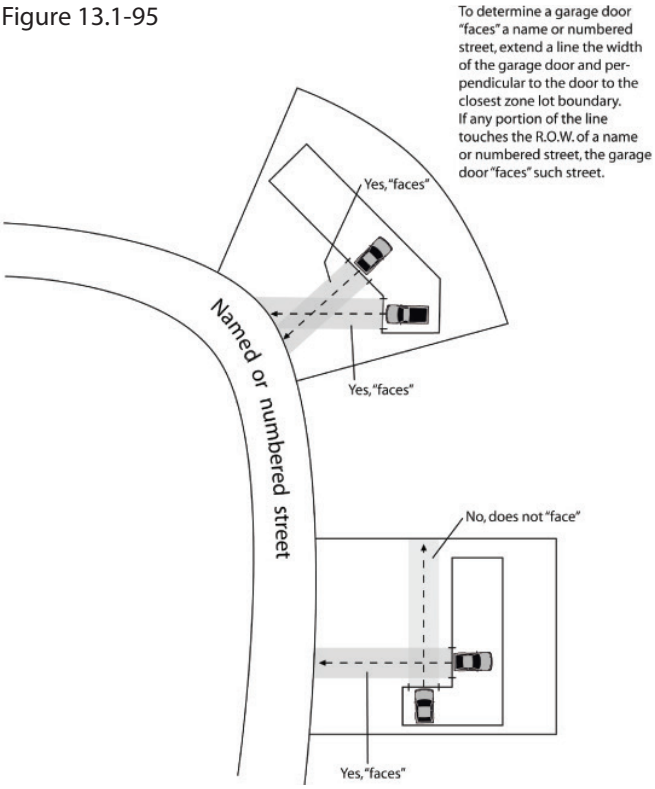
a. "Street-facing attached garage door width" is measured as the total width of all street-facing garage doors attached to the primary building form, divided by the total width of the front facade of the primary building, or of the front facade of an individual dwelling unit, as applicable.

b. For purposes of this rule, the total width of a street-facing garage door(s) shall be measured as the linear distance between the outer edges of the door(s).

### 2. Determination of "Street-facing"

A garage door is "street facing" if it faces a named or numbered street, which shall be determined by extending a line the width of the garage door and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a named or numbered street at the zone lot boundary then said garage door faces a named or numbered street. See Figure 13.1-95.

Figure 13.1-95




## 13.1.6.2 Dwelling Unit Oriented to the Street

### A. Intent

To ensure that buildings contribute to vibrant pedestrian-oriented street frontages by requiring Dwelling Units near the street to orient to and engage the street while still allowing for design flexibility in Dwelling Unit shape and location.

### B. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify required Dwelling Units Oriented to the Street for the Primary Building Forms of Row House and Town House.

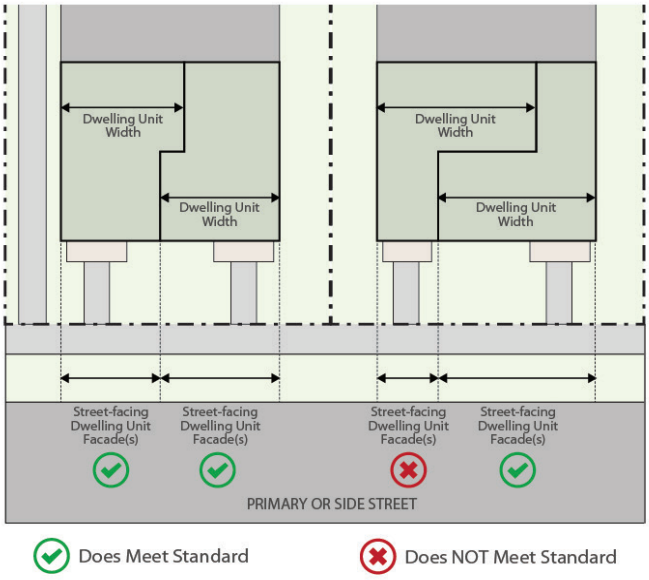
### C. General Requirements

For purposes of this standard, a"Dwelling Unit Oriented to the Street" shall meet the following requirements:

1. A Dwelling Unit that is Street-Facing and the width of the Dwelling Unit does not exceed the length of the Dwelling Unit as measured below;

2. A Dwelling Unit where the Street-Facing Dwelling Unit Facade width must be at least 75% of the total width of the same Dwelling Unit as measured below; and

Figure 13.1-96




3. The Dwelling Unit required to be oriented to the street must share a wall with at least one additional Dwelling Unit also oriented to the same street.

## D. Rules of Measurement

Dwelling Unit Proportions

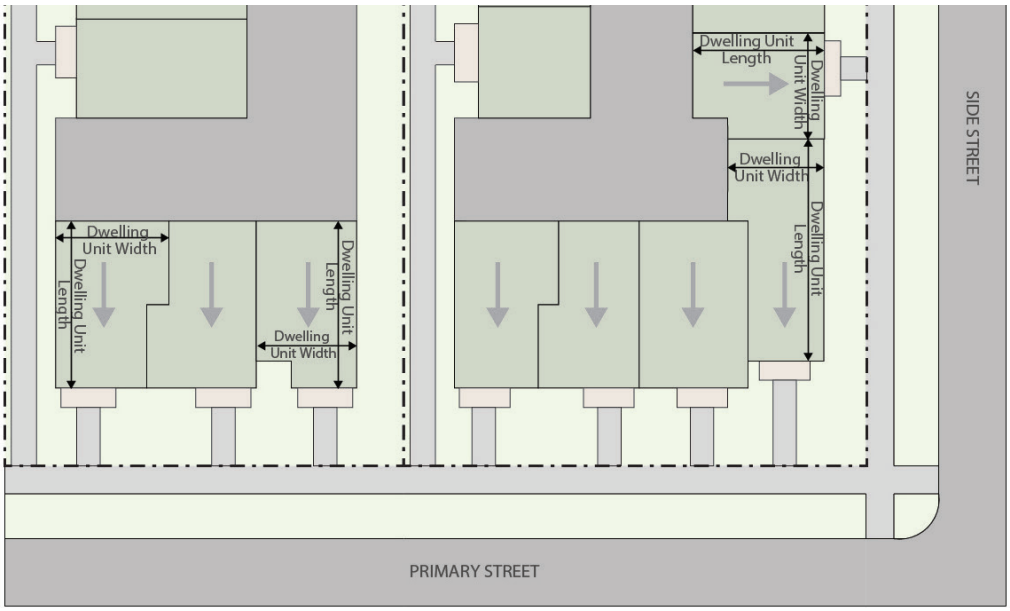
### 1. Dwelling Unit Width

Dwelling Unit Width shall be the linear distance of the Dwelling Unit at its widest point at any height. The width is measured parallel to the front Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-97

### 2. Dwelling Unit Length

Dwelling Unit Length shall be the linear distance of the Dwelling Unit at its longest point at any height. The length is measured perpendicular to the front Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-97

Figure 13.1-97




### 3. Street-Facing Dwelling Unit Façade(s)

a. For the purposes of this rule, a Dwelling Unit Façade shall be associated with a Dwelling Unit if the same Dwelling Unit is located directly behind the façade.

b. A Dwelling Unit facade is "street-facing" if it faces a named or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the Zone Lot boundary. If the said line touches the right-of-way of a named or numbered street at the Zone Lot boundary, then said Dwelling Unit facade is "street-facing." See Figure 13.1-99

c. The Street-facing Dwelling Unit Facade(s) width(s) are measured at the highest point horizontally where the Facade meets the Finished Grade. See Figure 13.1-98

Figure 13.1-98



d. The Street-facing Dwelling Unit Façade(s) is the total linear width of the Façade(s) that are associated with a Dwelling Unit and that face the corresponding Primary Street or Side Street to which the same Dwelling Unit is oriented. See Figure 13.1-99

e. Where more than one street-facing Dwelling Unit Façade faces the corresponding Primary Street and/or Side Street, the linear width of each Façade is measured separately and combined to determine the total linear distance.

Figure 13.1-99




## 13.1.6.3 Street Level Activation

### A. Transparency, Primary Street and Side Street

#### 1. Intent

To provide visual interest to building facades, to activate the street and sidewalk, and to provide a safe pedestrian realm.

#### 2. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify transparency standards for many Primary Building Forms. Rules of measurement, window requirements, and transparency alternative requirements are provided in this Section 13.1.6.3.A.

### 3. Rules of Measurement

#### a. Zone of Transparency

The Zone of Transparency is the area between 2 feet and 9 feet above the finished upper surface of the floor of the Street Level across the entire street-facing Street Level building facade. See Figure 13.1-100.

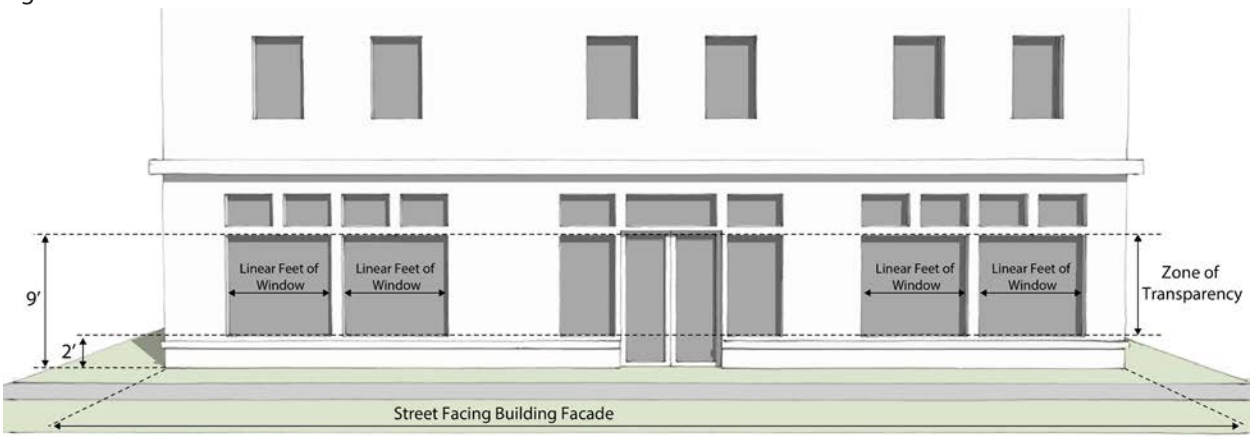
i. A building facade is "street-facing" if it faces a name or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary, then said facade is "street-facing." See Figure 13.1-101.

ii. The required amount of transparency shall be provided within the zone of transparency for the subject building, unless an exception or alternative is permitted by this Code.

#### b. Street Level Transparency

Street Level transparency, primary or side street, is measured as the total amount of linear feet of windows or permitted alternatives provided within the Zone of Transparency divided by the total length of that same street-facing building facade (including any open parking structure entrances).

Figure 13.1-100




*Not to Scale. Illustrative Only.*

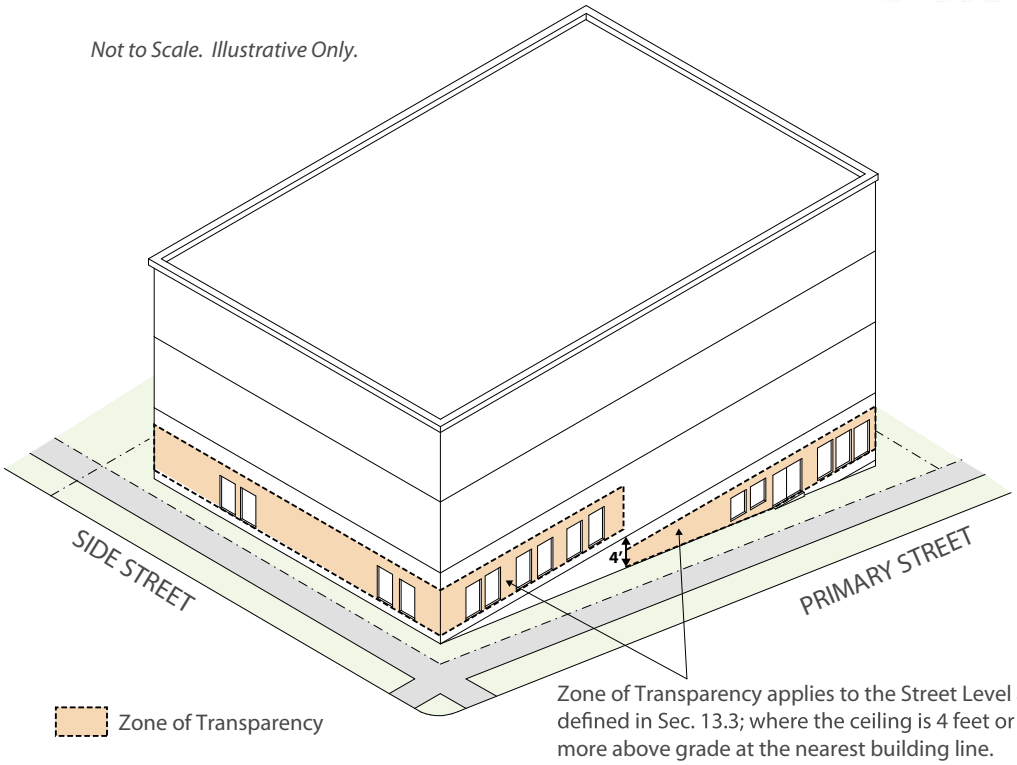
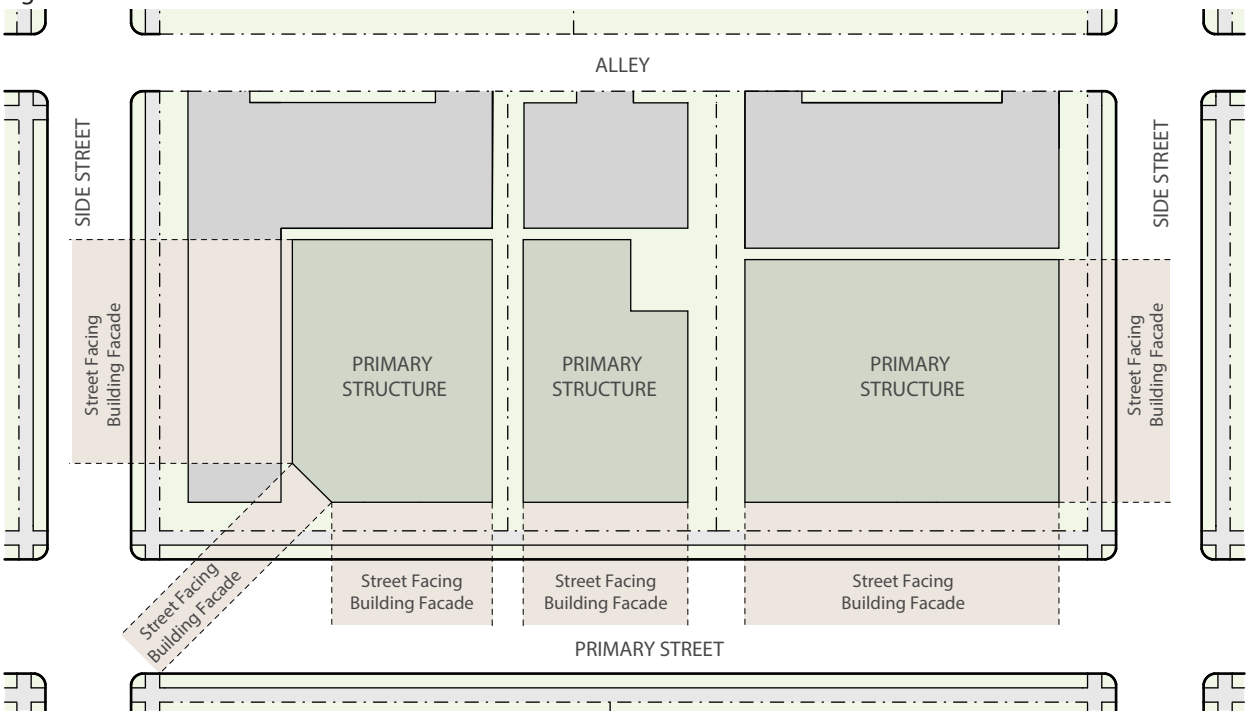


Figure 13.1-101




**4. Window Requirements**

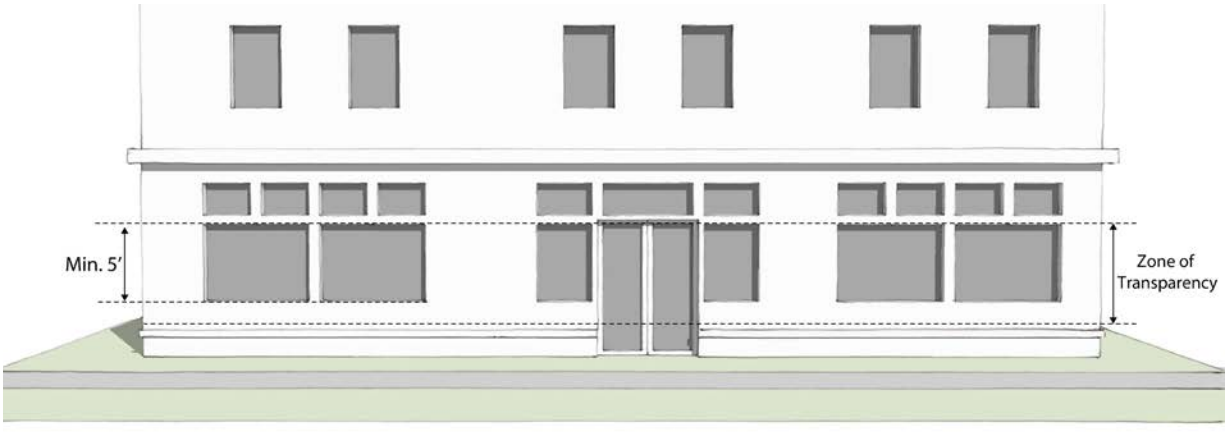
Windows shall be provided to satisfy the transparency requirement, except where a transparency alternative is permitted. All windows used to satisfy the transparency requirement shall comply with the following:

a. All windows shall be a minimum of 5 feet in vertical dimension within the zone of transparency; and.

b. Window glazing shall be clear and shall transmit at least 65 percent of the visible daylight (visible transmittance shall be 0.65 or greater); and

c. No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be permitted to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.

Figure 13.1-102




*Not to Scale. Illustrative Only.*

**5. Transparency Alternative Requirements**

Where permitted, the following alternatives may be used singularly or in combination as alternatives to a transparency requirement:

**a. Display Cases**

i. Display cases shall be permanently recessed, integrated into, or installed on the building wall. They shall be a minimum of 5 feet in height within the Zone of Transparency.

ii. Display cases are measured as the total linear width (in feet) of display cases provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-103




*Not to Scale. Illustrative Only.*

**b. Automated Teller Machines**

i. Automated teller machines shall be permanently recessed, integrated into, or installed on the building wall.

ii. Automated teller machines are measured as the total linear width (in feet) of automated teller machines provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-104




*Not to Scale. Illustrative Only.*

**c. Wall Design Elements**

i. Wall design elements shall be combined into a unified wall design that provides visual interest, pedestrian scale, and integrates into the architecture of the building.

ii. The unified wall design shall incorporate a minimum of 3 of the following elements, which shall occur at intervals no greater than 25 feet horizontally:

a) An offset or other horizontal change in wall plane not less than 3 inches in depth.

b) A vertical scaling element, such as a pilaster, not less than 4 feet in height and 1 inch in width/depth.

c) A horizontal scaling element, such as a belt course, string course, or cornice, occurring at an interval no greater than 10 feet vertically.

d) A green screen or planter wall.

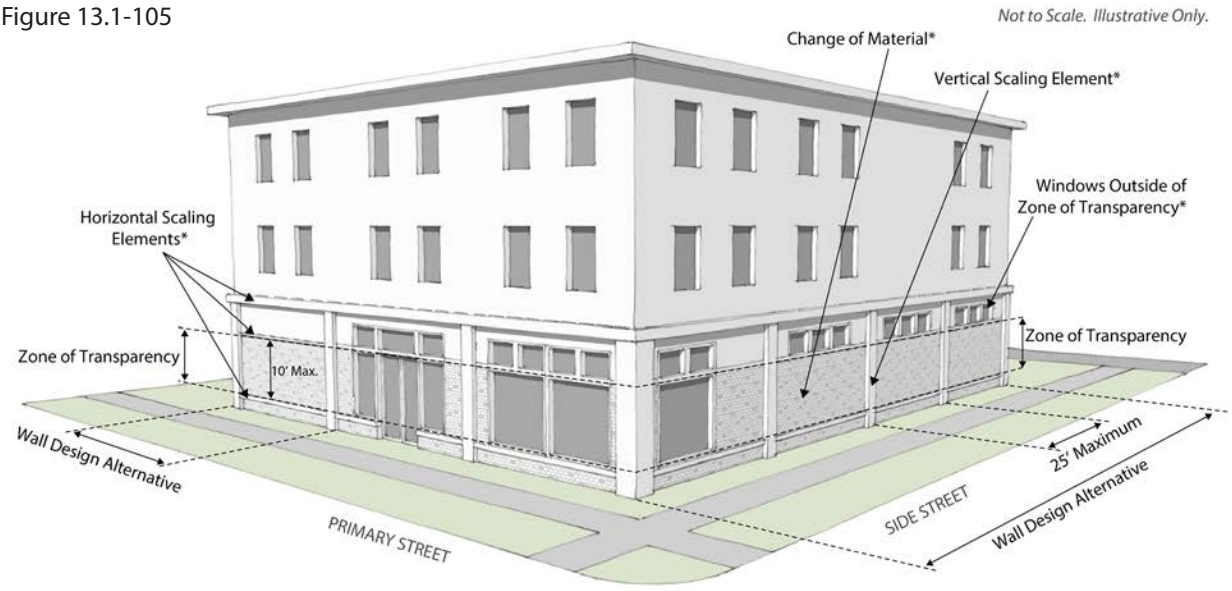
e) A variation in material, pattern, and/or color (shall not also count as translucent, fritted, patterned or colored windows per f. below).

f) Translucent, fritted, patterned or colored windows (shall not also count as a variation in material, pattern, and/or color per e. above).

g) Windows outside the zone of transparency when located at the Street Level and compliant with Sections 13.1.6.3.A.4.b and c.

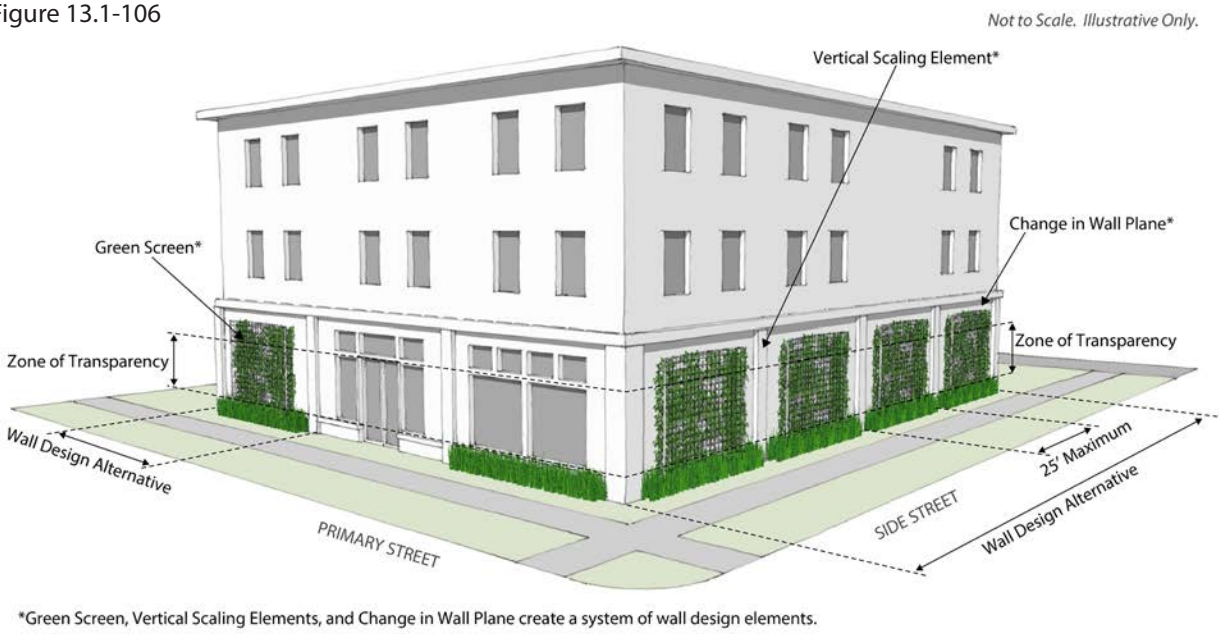
iii. Wall design elements are measured as the linear width (in feet, measured to the outside design elements) of the unified wall design, divided by the total length of that same street-facing building façade (including any open parking structure entrances).

Figure 13.1-105




*Horizontal Scaling Elements, Vertical Scaling Elements, Change of Material, and Windows Outside of Zone of Transparency create a system of wall design elements.

Figure 13.1-106



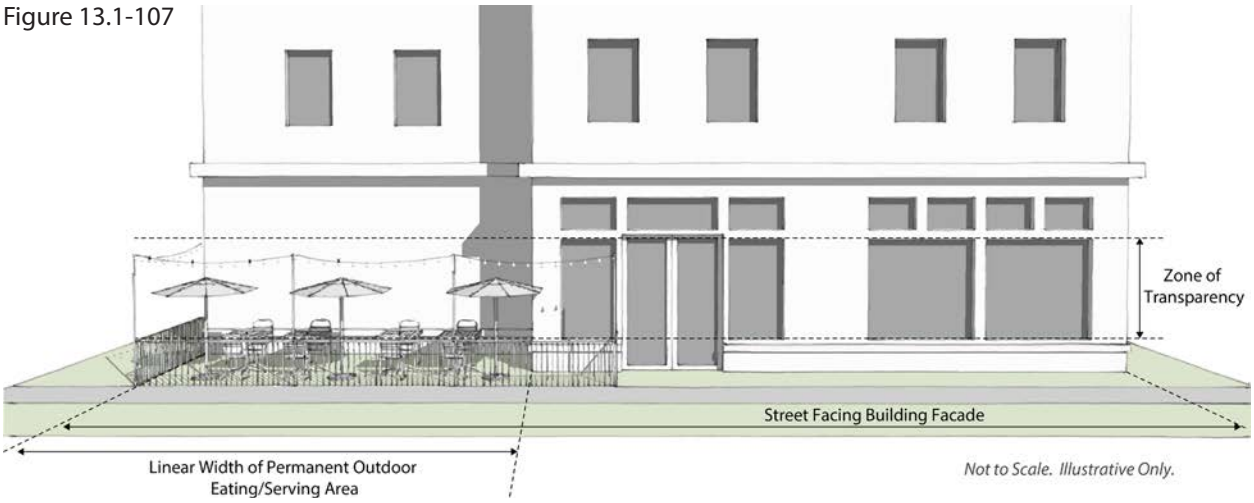

*Green Screen, Vertical Scaling Elements, and Change in Wall Plane create a system of wall design elements.

**d. Permanent Outdoor Eating/Serving Areas**

i. Permanent accessory outdoor eating/serving areas shall be located between the building and the Primary Street or Side Street zone lot line depending on which transparency standard (Primary or Side Street) the alternative is applied toward.

ii. Outdoor eating/serving areas are measured as the linear width (in feet, measured to the outside posts or railings of an outdoor eating/serving area), divided by the total length of the same street-facing building façade (including any open parking structure entrances).

Figure 13.1-107



**e. Permanent Art**

i. Permanent art shall comply with all of the following standards:

a) Shall be a "work of public art" as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator, with input from Denver Arts and Venues,

b) Shall be a minimum of 5 feet in vertical dimension within the Zone of Transparency (permanent art may extend outside the Zone of Transparency),

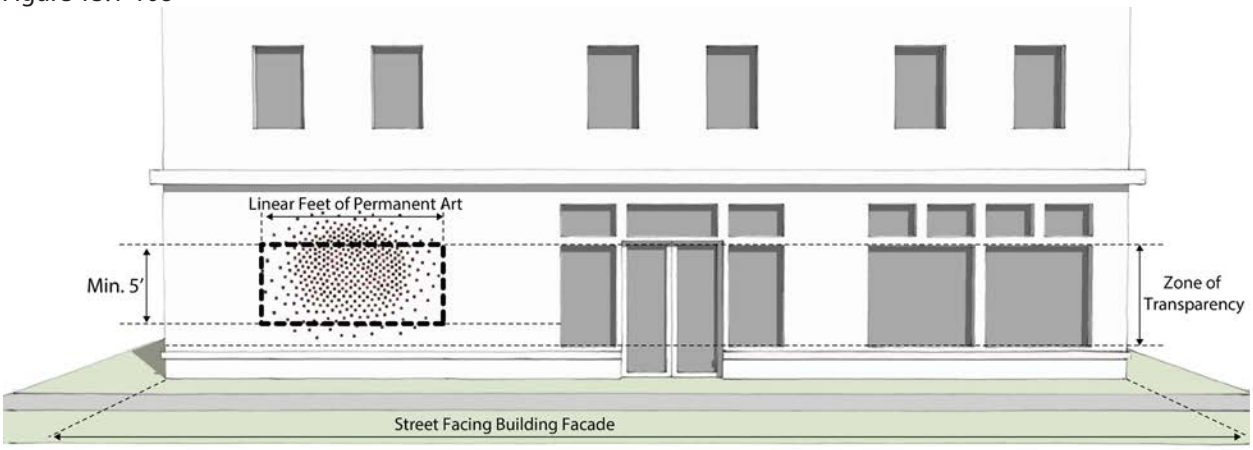
c) Shall not be a Sign, unless permitted according to Section 10.10.3.2.J as a Sign which is a work of public art.

d) Shall be rendered in materials or media that are durable in an exterior, urban environment; and

e) Shall be permanently integrated into, or installed on, the building wall.

ii. Permanent art is measured as the total linear width (in feet) of rectangles enclosing distinct artworks provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances). Where more than one piece of art is used, the linear width (in feet) of each piece of art is measured separately and combined to determine the total linear width of permanent art.

Figure 13.1-108




*Not to Scale. Illustrative Only.*

**6. Changes to Existing Buildings**

No existing building shall be altered in such a way that the total linear feet of windows and permitted alternatives in the zone of transparency is reduced below the required amount. If the total linear feet of windows and permitted alternatives in the zone of transparency is already below the required amount, it shall not be further reduced.

## B. Pedestrian Access

### 1. Intent

To provide clear, obvious connections for pedestrians between Primary Streets and primary uses within buildings.

### 2. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify which type of Pedestrian Access is required for each Primary Building Form, or Dwelling Unit. Pedestrian access requirements are provided in this Section 13.1.6.3.B.

### 3. Pedestrian Access Requirements

The following are required supplemental standards for each type of Pedestrian Access:

#### a. Entrance

i. Where required by the Primary Building Form Standards, an Entrance shall provide a clear, obvious, publicly accessible connection between the Street defined by the building form (Primary and/or Side) and the primary uses within the building.

ii. For the Garden Court and Row House building forms, an entrance shall be street-facing according to the standards specific to such building forms in Articles 3 through 9.

iii. For all other building forms, an entrance shall be located:

a) On the Primary Street facing facade; or

b) Located on a Side Street facing facade but entirely within 15 feet of the zone lot line abutting the Primary Street and provided the entrance is clearly visible from the public right-of-way. See Figure 13.1-109.

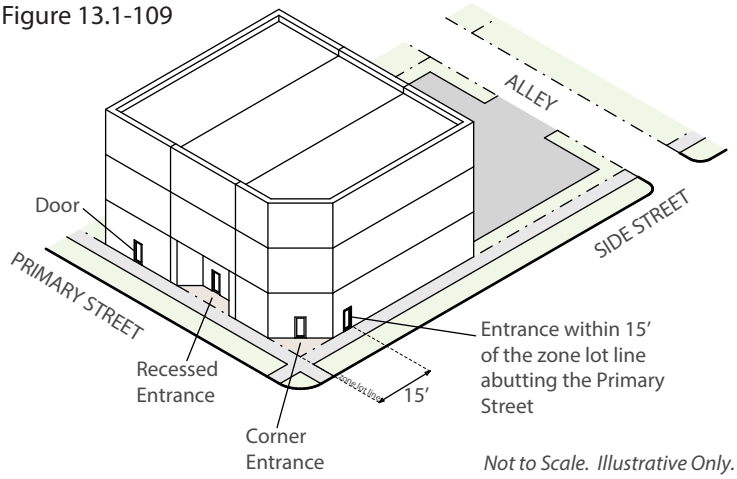
iv. An entrance shall be one of the following three types:

a) Door - An entrance on the same plane as the building facade.

b) Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.

c) Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

Figure 13.1-109



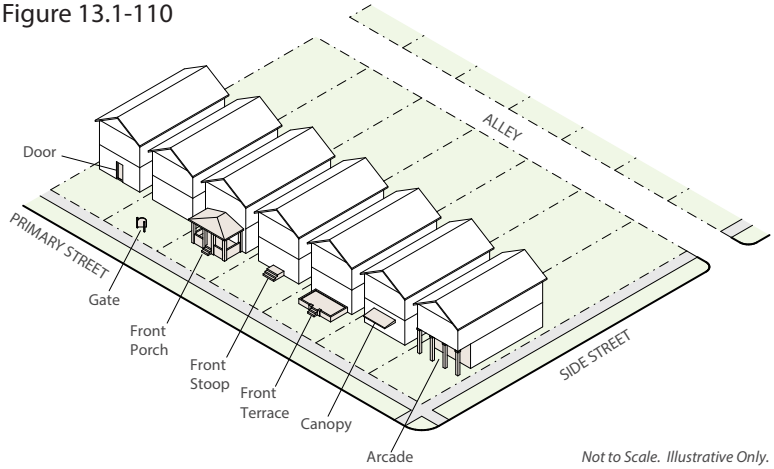
**b. Entry Feature**

i. Where required by the Primary Building Form Standards, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building.

ii. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. See Figure 13.1-110.

iii. An entry feature shall be a Door, Gate, Front Porch, Front Stoop, Front Terrace, Canopy, and/or Arcade

Figure 13.1-110




**c. Dwelling Unit Entrance with Entry Feature**

i. Where required by Primary Building Form Standards or Overlay District Standards, a Dwelling Unit Entrance with Entry Feature shall provide a clear and obvious publicly accessible connection between the Street and the primary use within the Dwelling Unit.

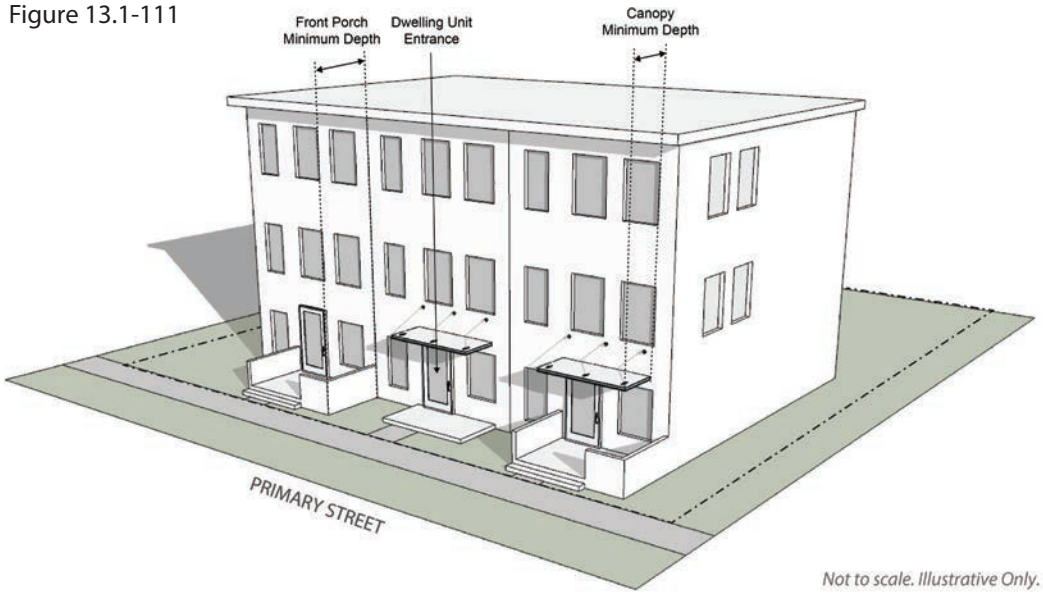
ii. Each Dwelling Unit Entrance with Entry Feature shall have an Entrance with a minimum of one of the following Entry Features:

a) A Front Porch with a minimum depth of 5 feet between the street-facing building facade and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line; or

b) A Canopy with a minimum depth of 3 feet between the street-facing building facade and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line.

iii. A building facade is "street-facing" if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is "street-facing." See Figure 13.1-101.

Figure 13.1-111




**d. Pedestrian Connection**

i. Where required by the Primary Building Form Standards, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. See Figure 13.1-112. The Pedestrian Connection shall comply with the following:

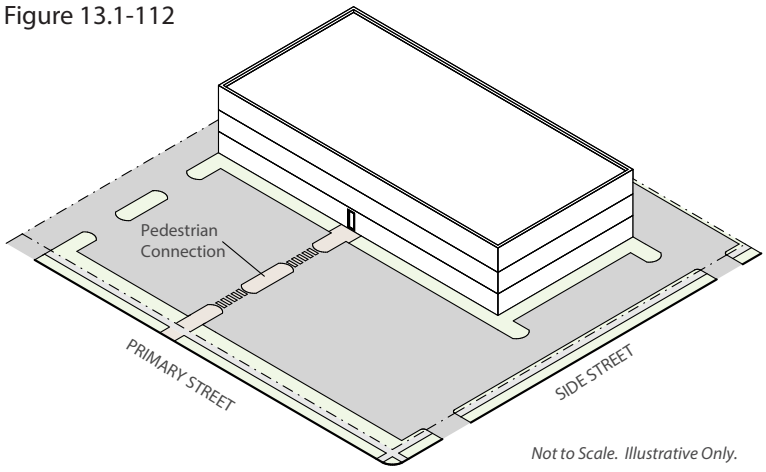
a) Fully paved and maintained surface not less than 5 feet in width.

b) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.

c) Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.

d) The portions of pedestrian connection that cross driveways or drive aisles shall not exceed 25 feet in length.

Figure 13.1-112




**4. Pedestrian Access (Entrance) Alternative Requirements**

Where permitted, the following design elements may be used as an alternative to a required entrance on all building forms except Row House and Town House:

**a. Courtyard or Plaza**

This alternative may be used only if the courtyard or plaza complies with all of the following standards:

i. Shall be accessible to public during business hours.

ii. Shall be within 2 feet of grade at edge of public right-of-way.

iii. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.

iv. Maximum dimension shall not exceed 3 times the minimum dimension.

v. Required public Entrance shall be visible from the public right-of-way.

vi. Perimeter walls of court or plaza shall meet primary facade transparency standards.

Figure 13.1-113



**b. Covered Walkway**

This alternative may be used only if the covered walkway complies with all of the following standards:

i. Shall take the form of an Arcade, Canopy, or Pergola.

ii. Shall be accessible to the general public during business hours.

iii. Shall provide continuous covered access to a required Entrance from the public right-of-way.

iv. A required public Entrance shall be visible from the Primary Street zone lot line.

Figure 13.1-114




## C. Street Level Height

### 1. Intent

Promote Street Level designs that can be adapted to future uses and ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.

### 2. Applicability

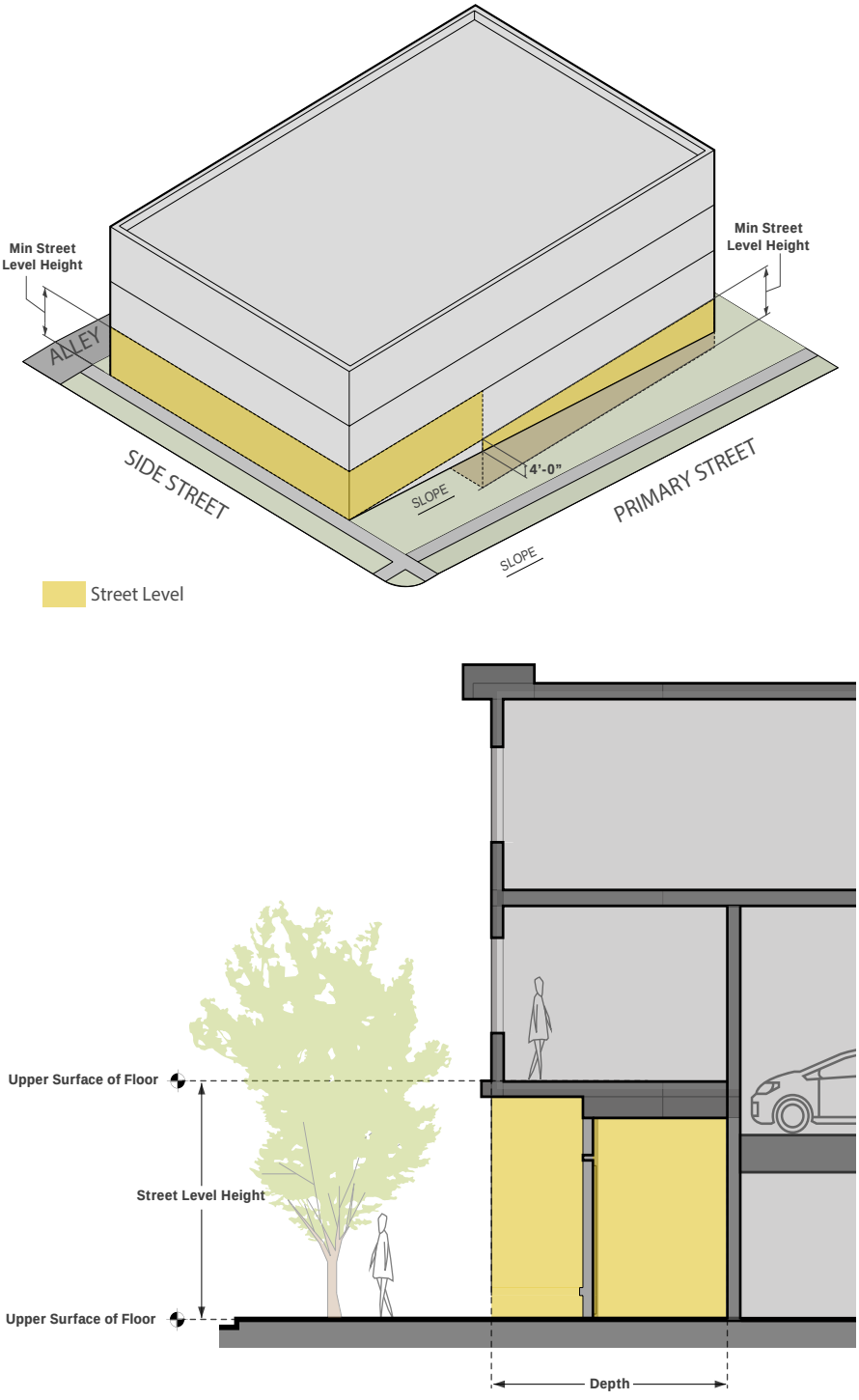
Street Level Height shall apply to any street-facing story meeting the definition of Street Level in Section 13.3.

### 3. Rules of Measurement

a. Street Level Height is measured from the upper surface of the floor of the Street Level, to the upper surface of the floor or roof next above across the entire street-facing Street Level building facade for a minimum depth of 15 feet from the street-facing building facade. See Figure 13.1-115.

b. A building facade is "street-facing" if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is "street-facing." See Figure 13.1-101.

Figure 13.1-115




## 13.1.6.4 Open Space in Large Developments

### A. Net Development Area

The required amount of Open Space in Large Developments shall be calculated as the percentage of the gross development area. The Net Development Area shall be the gross land area

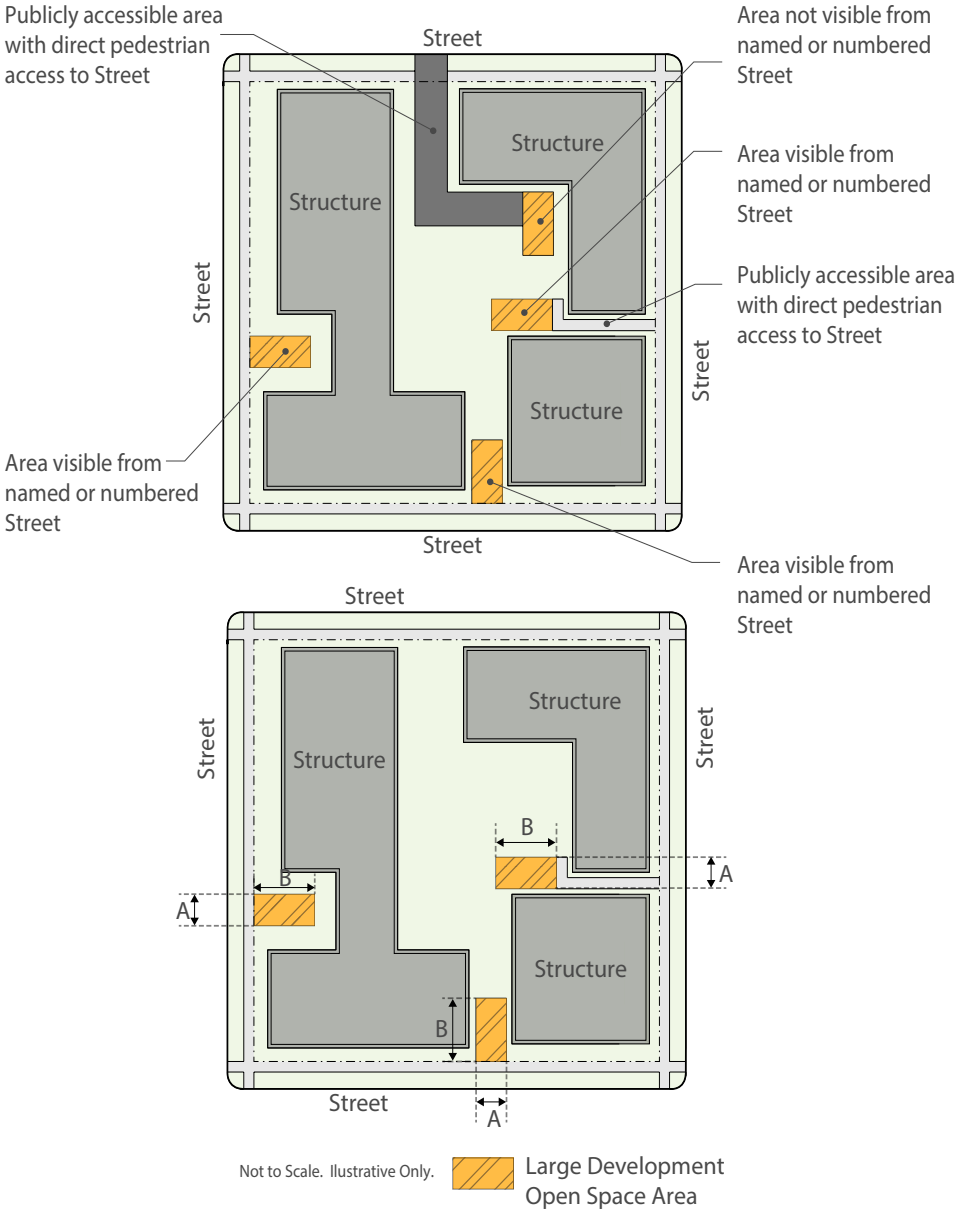
within the boundaries of the proposed large development area less the gross area of existing and proposed public rights-of-way and City park land, or land required to be dedicated to the City by the Department of Parks and Recreation.

### B. Contiguous Open Space Area

1. The width of the minimum contiguous open space requirement for large developments shall be measured parallel to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as "A" in Figure 13.1-116.

2. The depth of the minimum contiguous open space requirement for large developments shall be measured perpendicular to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as "B" in Figure 13.1-116.

Figure 13.1-116



## SECTION 13.1.7 FENCE AND WALL HEIGHT MEASUREMENT

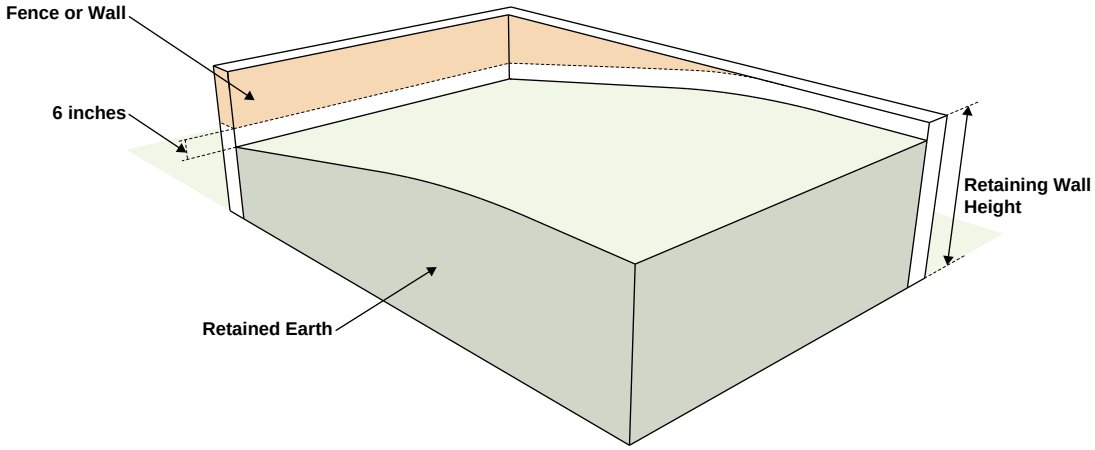
Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, or from the top-most point of the Retaining Wall on which it is placed, to the topmost point of the fence or wall.

## SECTION 13.1.8 RETAINING WALL HEIGHT MEASUREMENT

The height of a Retaining Wall shall be measured as the vertical distance from the lowest grade at the base of the Retaining Wall to the top-most point where the wall no longer retains earth. Any vertical distance of wall more than 6 inches above the top-most point is no longer a Retaining Wall but is a Fence and Wall as defined in Article 13, and shall be measured according to the rule in Section 13.1.7.

Figure 13.1-117

Not to Scale. Illustrative Only.




## SECTION 13.1.9 ROOFTOP MECHANICAL EQUIPMENT SCREENING MEASUREMENT

Rooftop mechanical equipment screening shall be measured from the opposite side of the abutting Primary Street's public right of way at the edge of the right of way, measured 5'-6" above grade, as measured perpendicular to the midpoint of each building. The midpoint is measured at the widest point of the building parallel to the Primary Street Zone Lot Line.

Figure 13.1-118

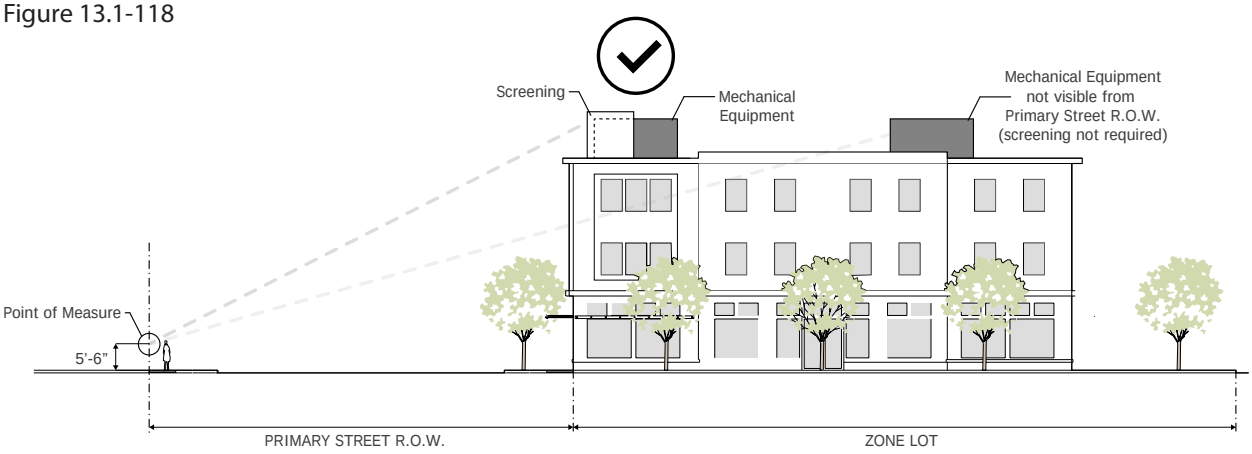
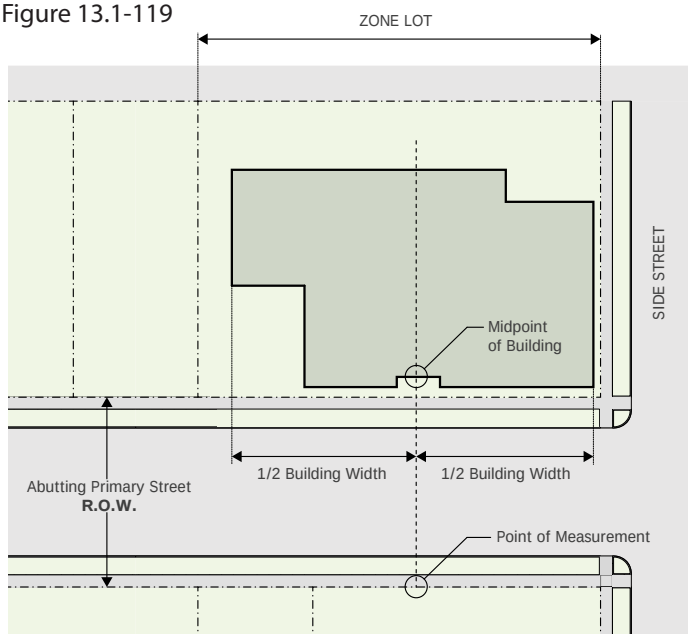



Figure 13.1-119




*Not to Scale. Illustrative Only.*

## SECTION 13.1.10 MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

When measuring the permitted length of a motor vehicle, including but not limited to recreational vehicles, trailers, buses, or trucks, the following rule of measurement shall apply: The distance measured from the front-most to the rear-most portion of the vehicle (e.g., to the front and rear bumper), except, however, when extensions or projections are added beyond the front-most or rear-most portion of the vehicle, then the measurement shall include such extensions or projections.

## SECTION 13.1.11 MEASUREMENT OF SEPARATION OR DISTANCE

### 13.1.11.1 Measurement of Separation or Distance Between Uses

A. When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

B. Only when a significant part of the use is operated outside of a completely enclosed structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

### 13.1.11.2 Measurement of Separation or Distance Between a Use and Zone District

A. When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.

B. Only when a significant part of the primary use requiring separation is operated outside of a completely enclosed structure shall the separation be measured from the nearest point of the zone lot occupied by the primary use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.

C. In the case of an outdoor accessory use requiring separation from a zone district (for example, an accessory outdoor eating or serving area), distance shall be measured from the nearest point of the outdoor accessory use to the nearest point of the zone district boundary from which the separation is to be effected or established.

### 13.1.11.3 Measurement of Separation or Distance Between a Rail Transit Station Platform and a Zone Lot

When measuring distance between a Rail Transit Station Platform and uses for which Section 10.4 applies, distance shall be determined from the nearest point of the Rail Transit Station Platform to the nearest point of the Zone Lot.

### 13.1.11.4 Measurement of Distance from a High Frequency Transit Corridor and a Zone Lot

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

# DIVISION 13.2 RULES OF INTERPRETATION

## A. Meaning and Intent

1. Words, phrases, terms, and uses defined in this Code shall be given the defined meaning.

2. Words, phrases terms, and uses not defined in this Code, but defined in the building code of the city, shall be construed as defined in such building code.

3. Words, phrases, terms, and uses neither defined in this Code nor in the building code of the city shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

## B. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language, are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

## C. Text Controls

In case of conflict, the text of this Code shall control over graphics, figures, illustrations, captions, titles and maps; however, the use and parking standards contained in the Use and Parking Tables found in Articles 3 through 9 shall control over any conflict in the text.

## D. Fractions

Unless specifically stated otherwise and only where the Zoning Administrator finds the result is not contrary to the intent of the subject standard, where any requirement of this Code results in a fraction of a unit, a fraction of five-tenths or more shall be considered a whole unit and a fraction of less than five-tenths shall be disregarded.

## E. Mandatory and Permissive Terms

The words "shall", "must," and "will" are mandatory and not permissive; the word "may" or 'should" area always permissive and not mandatory.

## F. Burden of Proof on Applicant

Whenever this Code places the burden of proof on an applicant, that burden shall be met by, at a minimum, a preponderance of the evidence.

## G. Computation of Time

Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last

day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

### H. Delegation of Authority

Whenever this Code requires the Manager, Zoning Administrator, or other official to perform an act or duty, the Manager, Zoning Administrator, or other official may delegate the responsibility to subordinates, unless this Code specifies otherwise.

### I. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, limitations, or events shall apply; and

2. "Or" indicates that one or more of the connected items, conditions, provisions, limitations, or events shall apply.

### J. Cross References

Cross references are provided in the this Code for the user's convenience only and are not intended to be exclusive of other applicable standards in this Code.

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# DIVISION 13.3 DEFINITIONS OF WORDS, TERMS & PHRASES

The following words, terms and phrases, when used in this Code, shall have the meanings respectively ascribed to them. Definitions of uses are found in Article 11, Division 11.12, Use Definitions.

## A

**Abandonment:** The voluntary relinquishment of an established use with the intent of permanently terminating such use or occupancy.

**Abut or Abutting:** To physically touch at a point or line; or to share a common property line, or zone lot line. Intervening streets and alleys destroy "abutting," except where specifically allowed by this Code. For example, two zone lots that share a common zone lot line are "abutting" (and also "adjacent)."

**Access:** A way or means of approach to provide physical entrance to a property.

**Accessory Structure:** See definition of "Structure, Accessory".

**Accessory Use:** See definition of "Use, Accessory."

**Adjacent:** Sharing a zone lot line or being separated only by an alley. Named or numbered streets destroy adjacency, except where specifically allowed by this Code.

**Alley:** A public way that is less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments.

**Alter:** Any structural change in the supporting or load-bearing members of a building, including but not limited to bearing walls, columns, beams, girders, floor joints.

**Antenna:** Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Applicant:** The owner or any other person with a recognized interest in the land for which development is proposed, or an authorized agent. The City may also be considered an applicant.

**Application, Complete:** See definition of "Complete Application" below.

**Arcade:** A covered passage, open on at least one side and accessible to the public at all times, extending along the outside wall of a building, and supported by arches or columns. "Arcade" shall not include off-street loading areas, driveways, off-street parking areas.

**Articulation:** Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow.

**Assembly, Without Fabrication:** The joining together of completely fabricated parts.

**Atrium:** A ground level area which is designed for pedestrians and which meets the following conditions:

1. Has at least one entrance connecting to a public street, plaza or arcade;
2. Is open to the top of the building by means of a vertical open space or light well and is covered by a transparent or translucent material;
3. Is open to the public during business hours;
4. Has at least 25 percent of its periphery utilized by retail sales, personal services or entertainment activities; and
5. Contains facilities for the public, such as benches, flower beds, fountains, etc.

**Automobile:** Any motor vehicle.

**Automobile Trailer:** A non-motorized transport vehicle designed to be towed by an automobile for hauling heavy loads, examples include a horse, boat or snowmobile trailer. This use does not include tractor trailers.

# B

**Backhaul or Backhaul Network:** The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

**Balcony, Exterior:** A projecting cantilevered platform on a building that is not supported on the ground by posts, columns, or similar supporting structural members. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry to habitable space, provided such landing does not exceed the minimum required dimensions for a landing as defined in the Building Code.

**Base Height:** the maximum Building Height established in the Underlying Zone District, including any Building Height limits associated with proximity to a Protected District, to which Structures can be constructed without meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

**Berm:** A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

**Billboard:** See "Outdoor General Advertising Device".

**Block:** A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.

**Block, Square:** A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.

**Block, Oblong:** A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.

**Block Face:** See definition of "Face Block."

**Breezeway:** See definition of "Tunnel/Breezeway"

**Build-to:** An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a street-facing, primary building wall must be built.

**Building:** Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.

**Building, Principal or Primary:** A building in which is conducted the principal or primary use of the zone lot on which it is situated.

**Building Form Standards:** Standards applicable to the development of buildings and structures in this Code which, taken together, regulate building height (Building Height Standards), building siting (Siting Standards), building design elements (Design Element Standards), and the permitted use of buildings (Use Building Form Standards).

**Building Front or Frontage:** That exterior wall of a building facing a front line of the zone lot.

**Building Height:** The height of a building, measured in accordance with the Rules of Measurement (see Division 13.1 of this Article.)

**Building Height Standards or Height Standards:** Standards in this Code that address how tall a building and its component parts may be. Building height standards include, but are not limited to, standards addressing overall building height in feet or stories, side wall height, and bulk plane requirements.

## C

**Camper Units, Detached:** A shell designed to be mounted on a pickup or truck chassis for use as a temporary shelter for travel, recreation and vacation use.

**Campus:** A large tract of contiguous land that is planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to coordinated circulation, parking, utility needs, aesthetics, and compatibility. For purpose of this definition, the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way. Examples of campuses may include, but are not limited to: hospitals, educational facilities, industrial or business parks, and performing arts complexes.

**Canopy:** A structure, fully supported by the building wall, providing shade and cover to an Entrance to protect from the weather.

**Carport:** An accessory structure space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

**Carriage House:** A Structure of more than one Habitable Story originally constructed as an Accessory Structure prior to November 8th, 1956 and located on the same Zone Lot as an existing Primary Structure.

**Carriage Lot:** A parcel of land completely surrounded by alleys in the center of a block and which has no public street frontage on a named or numbered street. A "carriage lot," by definition, is a nonconforming zone lot for failure to comply with this Code's requirement that all zone lots have frontage on a named or numbered public street. See "Zone Lot, Nonconforming."

**Change of Use:** Any use that substantially differs from the previous use of a building or land, as determined by the Zoning Administrator.

**City:** The City and County of Denver.

**Code or "This Code":** The Denver Zoning Code, as incorporated by reference in Chapter 59 of the Denver Revised Municipal Code.

**Collocation:** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

**Commercial:** Pertaining to the buying and selling of commodities and services for a profit.

**Common Area:** Areas within a building or within a residential development that are available for common use by all owners or tenants. Examples of common areas include, but are not limited to: a clubhouse, courtyard or other shared recreation area; building lobbies, corridors, and stairways; parking areas; laundry room; roof; or storage rooms.

**Compatibility or Compatible:** The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other without adverse effect. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, build-

ing materials, and building architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character and context of existing development.

**Complete Application:** An application in the form required by this Code, including all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application conference or concept plan review, and accompanied by the applicable fee or fees.

**Completely Enclosed Structure:** See "Structure, Completely Enclosed."

**Concealed Light Source:** An artificial light intended to illuminate a building, the face of a sign, or landscaping, which light is shielded from public view and from adjoining zone lots.

**Conforming Structure:** See "Structure, Conforming."

**Conforming Use:** See "Use, Conforming."

**Continuously Maintained** means to continue a condition uninterrupted without cessation in space, time, or sequence. When applied to demolition of a structure containing a legally established use, Continuously Maintained means that the legally established use is presumed to have continued uninterrupted and that a different intervening use was not established on the same Zone Lot, regardless of any length of time that the Zone Lot is vacant.

**Corner Lot or Corner Zone Lot:** See "Zone lot, corner."

**Corner Triangle:** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or permitted to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**Court or Courtyard:** An area open from the ground to the sky that is partly or wholly enclosed by buildings or walls.

# D

**D.R.M.C.:** Denver Revised Municipal Code.

**Deck:** A platform 12 inches or more above finished grade, and supported on the ground.

**Deck, Raised:** A platform more than 2.5 feet above original grade, and supported on the ground.

**Dedicated or Dedication:** The conveyance or setting aside of land to the City Council or its designee.

**Demolished or Destruction, Involuntary:** See "Involuntary Demolition or Involuntary Destruction."

**Demolished or Demolition, Voluntary:** See "Voluntary Demolition or Demolished."

**Denver Zoning Code:** This Code.

**Design Element Form Standards or Design Element Standards:** Those standards in this Code that regulate building configuration (massing or sculpting of the building form), transparency, and building entrances

**Development:** Any of the following activities:

1. Any construction activity, grading and/or ongoing operation that changes the basic character or the use of the environment in which the construction activity, grading, or operation occurs; or any use or extension of the use of land; but not including total demolition of any structure.
2. A new parking area; expansion of an existing parking area; a change in the use of a structure that changes the off-street parking requirement; or a change in the gross floor area of a structure that changes the off-street parking requirement.

**Development, Residential:** Development intended for residential occupancy.

**DIA Airport Influence Area:** An area within the City of Denver proximate to Denver International Airport (DIA), which is recognized by the City Council as containing lands that are expected to be significantly affected by noise and/or safety hazards associated with aircraft operations associated with DIA.

**Disability:** With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

**Disabled Person:** A person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the state division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially his or her ability to move from place to place.

**Display Surface or Face:** The area made available by the sign structure for the purpose of displaying the message.

**Dormer:** A framed window unit projecting through the sloping plane of a roof.

**Drive Aisle:** An improved and maintained way providing vehicular access within an Off-Street Parking Area.

**Drive or Driveway:** An improved and maintained way providing vehicular access from the public right-of-way to an Off-Street Parking Area, to a Garage structure, to dwellings, or to other uses. Does not include areas providing direct access to parking stalls or attached Garages for more than one dwelling unit - See Off-Street Parking Area.

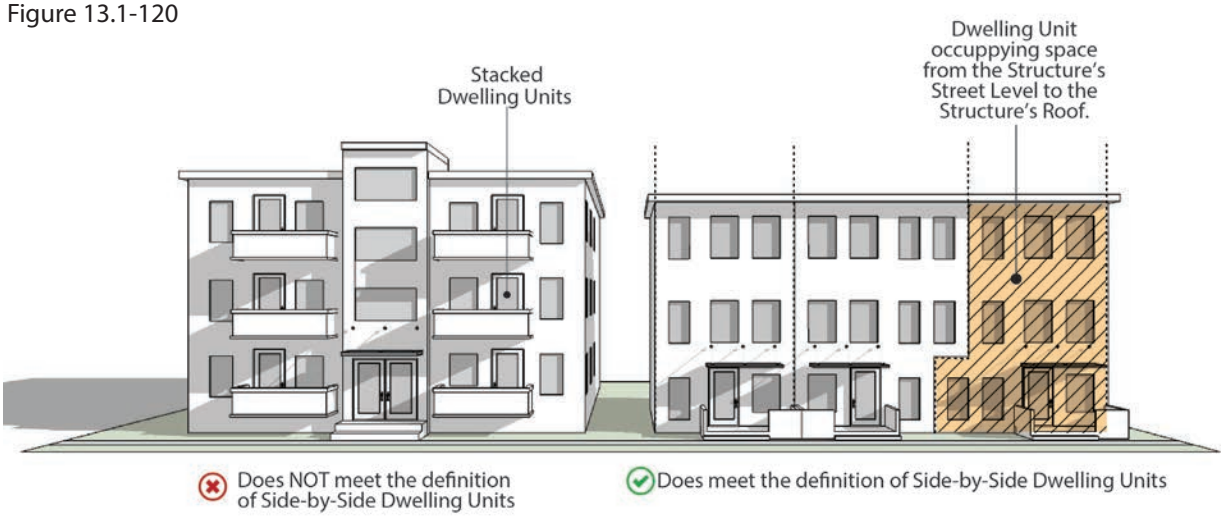
**Downtown Ground Floor Active Use:** Shall include retail sale; banking facility open to the public with at least one employee on site; eating place; personal and business service; hotel lobby; indoor and outdoor entertainment or recreation facility; dedicated public park or open space; arts and cultural facility; and the frontage of entry ways or stairways through which such uses are principally accessed, provided, however, that the following types of retail sales shall not be considered Downtown Ground Floor Active Use: amusement center; sale of automobiles; sale of auto trailers; sale of house trailers; sale of trucks; sale of auto and truck parts, accessories, tires and tubes; automobile gasoline filling station; boat sales; home building materials store; koshering of poultry sold at retail on the premises; motorcycle store; monument and tombstone sales; pawnshop; retail sale of medical and hospital equipment and supplies; and retail sale of packaged coal and wood for household use; and provided, further, that no adult use shall be considered a Downtown Ground Floor Active Use.

**Dwarf Goat:** See Denver Revised Municipal Code section 8-4(4.5).

**Dwelling:** Any building or portion of building that is used as the residence of one or more households, but not including hotels and other lodging accommodation uses, hospitals, tents, or similar uses or structures providing transient or temporary accommodation with the exception of an accessory Short-term Rental.

**Dwelling Units, Side-by-Side:** Two or more Dwelling Units that are attached along common walls and where each Dwelling Unit occupies space from the Structure's Street Level to the Structure's Roof. This does not include Dwelling Units that are stacked vertically.

Figure 13.1-120



# E

**Eave:** The underpart of a sloping roof overhanging a wall.

**Enclosed Bicycle Parking Facility:** A stand-alone, secure enclosure or a device or delineated space located within a building or parking garage, and used to park and/or store bicycles. Examples include, but are not limited to, bicycle lockers or bicycle storage rooms located inside a building.

**Entrance, Required:** An operable opening to a building that provides direct public access from the Primary Street to the primary uses within the building.

**Entry Feature:** An entrance to a building, a structure, or an architectural building feature, which signals to a person how to travel from the Primary Street to the primary uses within a building.

**Established Tree:** (1) Any live, self-supporting woody perennial plant which has a trunk diameter of 6 inches or more measured at a point four and one half (4 1/2) feet above ground level and which normally obtains a height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches.

**Existing Use:** The use of a zone lot or structure at the time of the enactment of this Code.

**Exterior Balcony:** See "Balcony, Exterior."

**Exterior Wall Surface:** The most exterior part of a wall, sun screen or any screening or material covering a building.

**Extraction, Food-Based:** The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats. Food-based extraction does not include the use of any type of alcohol.

**Extraction, Solvent-Based:** The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of a solvent approved by the State of Colorado Marijuana Enforcement Division regulations for medical marijuana and retail marijuana, as may be modified from time to time, and which shall include the use of any type of alcohol.

**Extraction, Water-Based:** The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.

# F

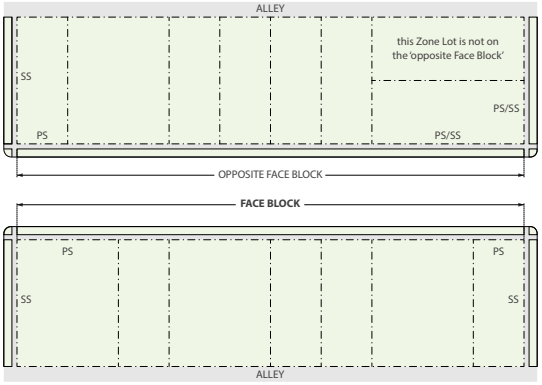
**FAA:** Federal Aviation Administration.

**FCC:** Federal Communications Commission.

**Facade:** Any exterior wall surface located at the ground level of a building that encloses the interior of the building.

**Face Block:** A zone lot or lots Abutting one side of the block. The "same" block face indicates only those zone lots Abutting the same side of the block as the subject property. The "opposite face block" includes those zone lots located on a different block than the subject property, but located directly across the street from and Abutting the same street as the subject property, and bounded by the same intersecting streets as the subject property's block. See Figure 13.3-1.

Figure 13.3-1




*Not to Scale. Illustrative Only.*

**Fence and Wall:** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. For a retaining wall, see definition of "Retaining Wall."

**Fine Arts:** Individual art pieces not mass produced.

**Finished Grade:** See definition of Grade, finished.

**Fixed Rack Bicycle Parking Facility:** An unenclosed device used for the parking of bicycles that is affixed permanently to the ground. Examples include, but are not limited to, an inverted "U"-style bicycle rack.

**Fixture:** A small structure or part of a structure used by the occupants of the premises for the purpose of containing or holding containers of garbage, trash recycling and similar waste products, or for landscaping such as bird baths, ornamental statuary, arbors, rock gardens, monuments, flagpoles, ornamental lampposts and similar decorative features but not including enclosed buildings.

**Flag Lot:** See "Zone Lot, Flag."

**Flatwork:** Improved areas constructed of Impervious Material providing pedestrian access to entrances and buildings, including walkways, stairs, and ramps. Shall be located at original grade. Shall not include areas meeting the definition of Patio.

**Floor Area, Habitable:** The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom(s), but not including hallways, stairways, cellars, service rooms, utility rooms, bathrooms, closets, unheated areas such as enclosed porches.

**Floor Area Ratio (FAR):** See the Rule of Measurement within this Article 13.

**Floor Plate:** The sum of the gross horizontal area of a single floor of a building structure, including interior balconies, but excluding exterior balconies; all horizontal floor dimensions are measured from the exterior faces of the exterior walls.

**Flush-Mounted Solar Panels:** See "Solar Panels, Flush-Mounted."

**Food:** Any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. For purposes of this Code, "Food" shall not include "Marijuana Concentrate" as defined in this Division 13.3.

**Footcandle (F.C.):** A unit of illuminance equivalent to one lumen per square foot.

**Former Chapter 59:** Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk at City Clerk Filing No. 10-512-A on May 20, 2010. Former Chapter 59 remains in full force and effect for any land not re-zoned to zone districts in the Denver Zoning Code.

**Freeways:** Those streets designed to carry large volumes of through traffic at high speeds by restriction of abutting private property from rights of direct access by vehicles and pedestrians.

**Front Porch:** See "Porch, Front".

**Frontage:** All of the zone lot fronting on one side of an intersecting or intercepting street, or between a street and right-of-way, end of dead-end street, waterway, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

**Full Cutoff Lighting Fixture:** A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

**Fully Shielded Lighting Fixture:** A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.

# G

**GFA:** Gross Floor Area. See definition of "Gross Floor Area" below.

**Gable:** The upper portion of a sidewall that comes to a triangular point at the ridge of a sloping roof.

**Gallery:** See definition of "Arcade."

**Garage:** A building or part of a building wherein motor vehicles are housed or stored.

**Garage, Private:** A garage that is not operated for gain and in which no business is conducted.

**Glare:** The sensation produced when a source of light in excess of 1650 lumens is directly visible or light that is so bright that it causes annoyance, discomfort, or loss in visual performance.

**Grade, Finished:** The final elevation of the ground surface after development.

**Grade, Original:** The grade of the zone lot before development begins. If there was a structure on the zone lot that was demolished, the grade prior to demolition of the structure. If there is no structure on the property, the natural grade of the property prior to any modification, except that in new developments, original grade shall mean the approved and recorded grade.

**Grading:** The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associates with a permitted agricultural use or operation.

**Gross Floor Area:** The sum of the gross horizontal areas of the several floors of a Completely Enclosed Structure, including interior balconies and mezzanines, but excluding exterior balconies; all horizontal dimensions of each floor are measured from the exterior faces of the exterior walls of each such floor. In lieu of this definition, "Gross Floor Area" for purposes of calculating required parking and off-street loading amounts is set forth in Section 10.4.4, Vehicle Parking Required.

**Ground Cover:** Low plantings used instead of turf where space does not allow turf, where xeriscaping is desired, or where a more decorative affect is desirable. Ground covers are typically lower than 6 inches in height.

**Guideline:** An indication of policy or preferences; compliance is not mandatory like a standard, but rather compliance is encouraged to further the City's land use goals and policies. A zoning application may not be denied solely for failure to comply with a guideline.

# H

**Habitable Room:** A room in a dwelling unit designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls, storage and similar space.

**Habitable Space:** A story that has at least 4 feet between the ground level and the ceiling joists and which has enough area to provide a room with net floor-to-ceiling distance of 7 feet over half the area of the room. A "habitable space" may or may not constitute a habitable room.

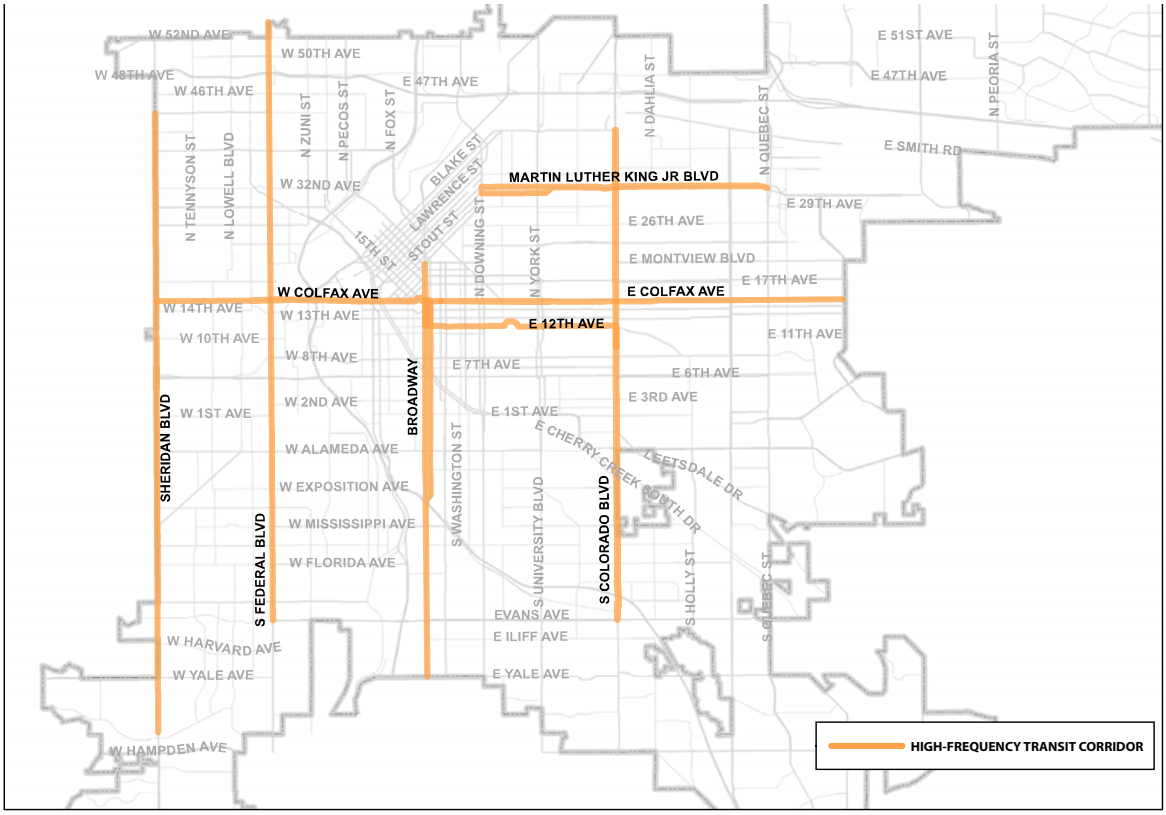
**Habitable Story:** See definition of "Story, Habitable," below.

**Hazardous Materials:** See definition of "Toxic and/or Hazardous Materials" below.

**High-Frequency Transit Corridor:** Corridors with high-frequency bus service defined by the centerline of the right of way for named or numbered Streets specified below. For purposes of this Code, the lengths of High-Frequency Transit Corridors terminate at the point of intersection with the centerline of the right of way of the intersecting named or numbered Streets defined below, the City boundary, or a City Park, as applicable. See Figure 13.3-2

1. North and South Sheridan Boulevard from the intersection of West 44th Avenue (northernmost point) to the intersection of West Dartmouth Avenue (southernmost point)
2. North and South Federal Boulevard from the intersection of the City boundary at North Columbine Road (northernmost point) to the intersection of West Evans Avenue (southernmost point)
3. East and West Colfax Avenue from the intersection of the City boundary (westernmost point) to the intersection of the City boundary (easternmost point)
4. North and South Broadway from the intersection of East 20th Avenue (northernmost point) to the intersection of the City boundary (southernmost point)
5. North and South Lincoln Street from the intersection of East Colfax Avenue (northernmost point) to the intersection of East Ohio Avenue (southernmost point)
6. North and South Colorado Boulevard from the intersection of East 40th Avenue (northernmost point) to the intersection of East Evans Avenue (southernmost point)
7. Westbound East Martin Luther King Boulevard from the intersection of North Downing Street (westernmost point) to the intersection of northbound North Quebec Street (easternmost point)
8. East 12th Avenue from the intersection of North Broadway (westernmost point) to the intersection of the westernmost boundary of Cheesman Park (easternmost point) and East 12th Avenue from the intersection of the easternmost boundary of Cheesman Park to North Colorado Boulevard (easternmost point)

Figure 13.3-2




**High-Rise Building:** Any building or structure having any portion of a story used for human occupancy more than 75 feet above the lowest level of fire department vehicle access.

**Historic Structure:** Designated structures for preservation or contributing structures in districts designated for preservation under the provisions of D.R.M.C., Chapter 30 (Landmark Preservation).

# I

**Impervious Material:** A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

**Incentive Height:** Additional Building Height permitted above the Base Height for development meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

**Industrial Zone District:** The Industrial A ("I-A") and the Industrial B ("I-B") Zone Districts, but not including the Industrial Mixed Use ("I-X" or "M-IMX") Zone Districts established by this Code.

**Involuntary Demolition or Involuntarily Destruction:** The destruction or demolition of a structure caused by natural forces (e.g., accidental fire; flood; tornado) and not by man-made forces.

# J

**Junk:** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

# K

**Kitchen:** Any Room or portion of a Room used, intended to be used, or designed to be used either wholly or partly for preparing and cooking food.

**Kitchen, Full:** A Kitchen that contains either (1) a stove/cook top, range, or oven, or (2) one or more 220-volt or greater electrical outlets or a gas line connection.

**Kitchen, Partial:** A Kitchen that does not contain either (1) a stove/cook top, range or oven, or (2) one or more 220-volt electrical outlets or a gas line connection. A Partial Kitchen may contain a collection of individual countertop food cooking equipment and appliances (e.g., a microwave, toaster-oven, or plug-in hot plate). A Partial Kitchen may also include a sink and refrigerator.

# L

**Land Use:** See definition of "Use."

**Landscaping:** The treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, vines and other horticultural materials. Landscaping may also include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

**Large-Scale Motor Vehicles and Trailers:** Motor vehicles including but not limited to trucks, recreational vehicles, buses, boats and heavy equipment and similar size vehicles which have gross vehicle weights greater than 10, 000 pounds. This definition shall not include Recreational Vehicles.

**Light Fixture:** The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

**Livestock-Animal:** Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.

**Living Plant Material or Plant:**

a. A tree, shrub, or herb;

b. A slip, cutting, or sapling; or

c. Any of a group of living organisms that typically do not exhibit voluntary motion or possess sensory or nervous organs.

**Loading Space:** An off-street space or berth on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other means of access.

**Low Level Light Area:** An open area at ground level which is open and unobstructed to the sky, but which is not eligible to be a plaza, or a horizontal open area above ground level which is open and unobstructed to the sky.

**Luminaire:** Luminaires contain the lamp light source of lights, and sit on poles or mount on walls.

**Lumens:** The amount of overall light output or quantity of light.

# M

**Manager:** The manager of the Department of Community Planning and Development.

**Manufacture:** All operations required to produce the material named.

**Marijuana:** All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" includes industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, and sterilized seed of the plant which is incapable of germination. "Marijuana" does not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

**Marijuana Concentrate:** The hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

**Marijuana-Infused Product:** A product infused with marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible product, ointments and tinctures.

**Marquee:** A roof like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.

**Mass Transit:** The general term used to identify bus, fixed rail, or other types of transportation service available to the general public that move relatively large numbers of people at one time.

**Mass Transit Railway System**: A system of conveyance available to the public which may include, but not be limited to, rail tracks and guideways, terminals, stations, passenger shelters, electrical power lines, maintenance and storage facilities, parking facilities, and transportation control features or fixtures.

**Mechanized Parking:** Parking of vehicles using mechanized equipment that replaces the need for a driver. Mechanized parking spaces may be narrower due to the lack of a need to enter or exit the vehicle.

**Midpoint:** A point of a boundary line equally distant from the two lot lines intersecting it at right angles or within 45 degrees of a right angle.

**Mitigation:** An action that will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;
5. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

**Mixed Use Development:** The development of a site or building with two or more different principal or primary uses including, but not limited to residential, office, manufacturing, retail, public or entertainment uses.

**Mixed Use Commercial Zone District:** All of the following zone districts:

1. All CC Zone Districts
2. All MX Zone Districts
3. All MS Zone Districts
4. All C-CCN Zone Districts
5. All Downtown Neighborhood Context Zone Districts
6. I-MX
7. All Campus Context Zone Districts
8. DIA
9. M-CC
10. M-MX
11. M-IMX
12. M-GMX

**Mode (Of Transportation):** A particular form or method of travel, for example, walking, automobile, bicycling, public transit, bus or train.

**Motor Vehicle:** Any vehicle that is self-propelled and can be legally operated upon streets and highways. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.

**Motor Vehicle, Inoperable:** Any motor vehicle that meets at least one of the following criteria:

1. Vehicle is partially dismantled or wrecked; or
2. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move.

**Multi-modal:** The issues or activities that involve or affect more than one mode of transportation or a path that can be traversed through different forms of travel. Includes transportation connections, choices, cooperation and coordination of various modes. Also known as "intermodal."

**Multi-phase or Phased Development:** A development project that is constructed in stages, each stage being capable of existing and operating independently of the other stages.

**Municipal Solid Waste:** The solid waste from community, commercial and industrial sources that does not contain hazardous waste as determined by the fire department and the department of environmental health.

# N

**"na":** Not applicable.

**NAICS:** North American Industry Classification System as published by the U.S. Census Bureau.

**New Construction or Development:** Structures for which the "start of construction," as defined in this Article 13, commenced on or after June 25, 2010.

**Nonconforming Structure:** See "Structure, Nonconforming."

**Nonconforming Lot or Zone Lot:** See "Zone Lot, Nonconforming."

**Nonconforming Use:** See "Use, Nonconforming."

**Nonconformity:** Generally, a nonconforming use, sign, lot, structure, or building.

# O

**Occupancy:** The purpose for which a building is used or intended to be used.

**Off-Street Parking Area:** A storage area for motor vehicles, including parking spaces, Drive Aisles, and access routes. Includes areas providing direct access to parking stalls or attached Garages for more than one dwelling unit.

**Off-Street Parking Space:** See "Parking Space."

**Official Map or Official Zone Map:** A map of the city that depicts the zone districts of all land within the City of Denver, adopted by City Council, and incorporated by reference as part of this Code.

**On-Street Parking Space:** A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

**Open Space, Publicly Accessible:** Space that is clearly intended to be usable, publicly accessible, and a visual amenity, but not including parking lots or vestigial landscaped areas left over after the placement of buildings and parking on a zone lot. Publicly accessible open space my be publicly or privately owned, managed or maintained.

**Open Space Zone District:** All Open Space ("OS") Zone Districts.

**Original Grade:** See definition of "Grade, original."

**Outdoor General Advertising Device:** A sign relating to products, services or uses not on the same zone lot. Also commonly known as a "billboard."

**Overlay Zone District:** A set of zoning requirements in a zone district that is described in this Code, which is mapped and imposed in addition to those of the underlying zone district. Development within an overlay zone must conform to the requirements of both zones, or the more restrictive of the two.

**Owner:** Any person with a legal or equitable interest in property, with or without accompanying actual possession thereof; a person who is under contract to purchase property by land installment contract or by a purchase contract; or a person who is acquiring property, or a legal or equitable interest in it, through foreclosure.

# P

**Parapet Wall:** That part of any wall that extends entirely above the surface of the adjacent roof.

**Parking, Accessory:** A specific type of accessory use, comprised of surface or garage (structured) parking located on the same zone lot as the primary use such parking is required or intended to serve.

**Parking Aisle:** Parking "Aisles" mean the part of the parking lot that directly abut parking stalls and are used for vehicular access to the parking stalls.

**Parking, Commercial:** An open, hard-surfaced area or structure, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**Parking, Shared or Shared Parking:** Joint or shared use of parking spaces available to multiple land uses with different parking demand patterns throughout the day.

**Parking, Tandem:** The parking of 2 vehicles either end to end, vertically stacked, or front to back in a parking space, such that if both vehicles are parked, one vehicle must be moved in order for the other vehicle to exit the parking space.

**Parking Area, Off-Street:** See "Off-Street Parking Area".

**Parking Ratio:** A ratio expressing the number of parking spaces per dwelling unit, or per certain amounts of square footage or commercial space, or per number of occupants or employees.

**Parking Space:** A storage area for a motor vehicle that is directly accessible to an access aisle, street, or alley, and which is not located on a public right-of-way unless specifically permitted by this Code.

**Parking, Surface:** A storage area for motor vehicles that is not within a completely enclosed structure, including surface parking lot, deck parking and tuck-under parking.

**Parkway:** A type of boulevard that the city has designated as a "Parkway" according to Chapter 49 of the D.R.M.C.

**Patio:** A level hard surfaced area at finished grade. (For an above-grade patio, see Deck)

**Pedestrian and/or Transit Mall:** A public right-of-way and/or public rights-of-way from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be permitted, and which shall have been specially constructed with amenities to enhance a primarily pedestrian environment.

**Pedestrian Connection:** A a clear, obvious, and publicly accessible route and connection between the Primary Street and the primary uses within the building.

**Permanent Occupancy:** The use of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

**Pergola:** See Rule of Measurement, Division 13.1.

**Permitted Structure:** See definition of "Structure, Permanent," below.

**Person:** An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.

**Planned Unit Development (PUD):** A zone district wherein an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in zone lot size, building form, bulk, use, density, lot coverage, open space, or other restriction to the existing zoning regulations of this Code. See Division 9.6, Planned Unit Development District, of this Code.

**Plaza:** An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza. The term "plaza" shall not include off-street loading areas, driveways, off-street parking areas.

**Porch, Front:** A one or two-story structure providing access to the primary uses within a primary building. Front porch may be covered and must be unenclosed on the primary street-facing façade of the primary building.

**Porch:** A one or two-story structure attached to a building providing access to the building. A Porch may be covered and must be at least 50% open on each side, except for sides abutting a facade or required fire wall. If a porch is not covered, it is distinguished from a patio by enclosure of the porch on all open sides by low walls or railings, except where pedestrian access is provided to access the porch.

**Premises:** A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.

**Primary Street:** See Rule of Measurement, Division 13.1.

**Private Open Space:** See Rule of Measurement, Division 13.1.

**Processing:** Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.

**Professional Studio:** See "Studio, Professional."

**Projecting Window:** For purposes of a setback encroachment, shall include bay window, box window and bow window.

**Property:** Any land, building, or other structure, or part thereof.

**Protected District:** Any one of the following zone districts:

1. S-SU-A
2. S-SU-D
3. S-SU-F
4. S-SU-Fx
5. S-SU-F1

6. S-SU-I
7. S-SU-Ix
8. S-RH-2.5
9. E-SU-A
10. E-SU-B
11. E-SU-D
12. E-SU-D1
13. E-SU-Dx
14. E-SU-D1x
15. E-SU-G
16. E-SU-G1
17. E-TU-B
18. E-TU-C
19. E-RH-2.5
20. E-MU-2.5
21. U-SU-A
22. U-SU-A1
23. U-SU-A2
24. U-SU-B
25. U-SU-B1
26. U-SU-B2
27. U-SU-C
28. U-SU-C1
29. U-SU-C2
30. U-SU-E
31. U-SU-E1
32. U-SU-H
33. U-SU-H1
34. U-TU-B
35. U-TU-B2
36. U-TU-C
37. U-RH-2.5
38. U-RH-3A
39. G-RH-3

40. Any zone district retained from Former Chapter 59, mapped on the Official Map, and considered a “protected Zone District” under Section 59-96 of the Former Chapter 59.

**Public Art:** Any structure or other installation meeting the definition of "Works of Public Art" in Section 20-86 of the Denver Revised Municipal Code (DRMC).

# Q

**Qualified Professional:** A person with experience and training with expertise appropriate for the relevant subject matter. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in the relevant subject matter (e.g., soil science, engineering, environmental studies, geology or related field), must have related work experience, and must be a professional engineer or other professional licensed in the state of Colorado.

# R

**Rail Transit Station Platform:** The area of a Mass Transit Railway System station that is intended for passenger queuing, loading and unloading from the rail car and runs parallel to and Abutting the rail tracks, the boundary of which is only the area intended for passenger access to the rail car.

**Railroad Facilities:** Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

**Rear of Zone Lot:** See "Zone Lot, Rear".

**Recreational Vehicle:** A vehicular-type, portable structure without permanent foundation for personal household use, which can be towed, hauled or driven and primarily designed as living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

**Recreational Vehicle, Large:** A Recreational Vehicle that has a gross vehicle weight greater than 10,000 pounds. For purposes of this Code, the Term "Recreational Vehicle" includes "Large Recreational Vehicle".

**Recyclable Material:** Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

**Registry Identification Card:** That document issued by a state health agency, which identifies a patient authorized to engage in the medical use of marijuana, as required by Colorado Revised Statutes, Section 25-1.5-107(7), as may be amended.

**Replacement Cost:** The amount it would cost to replace an asset at current market prices.

**Required Entrance:** See "Entrance, Required," above.

**Residential Accommodations:** Any building or part of a building used or intended to be used for sleeping accommodations by a person or group of persons. Other housekeeping facilities may be provided.

**Residential Development:** See "Development, Residential."

**Residential Occupancy or Residential Use:** Any building or part of a building in which a person or group of persons are provided with sleeping accommodations. Other housekeeping accommodations may also be provided.

**Residential Structure:** See definition of "Structure, Residential," below.

**Residential Use:** See definition of "Residential Occupancy," above.

**Residential Zone District or Residential District:**

1. Any -SU-, -TU-, -RH-, -MU, -RO, or -RX zone district.
2. Any zone district retained from Former Chapter 59, mapped on the Official Map, and considered a "Residential district" under Section 59-2(235) of the Former Chapter 59.

**Retail:** Sale to the ultimate consumer for direct consumption or use and not for resale.

**Retaining Wall:** A wall which is designed to, and in fact does, retain the earth on one side at a higher elevation than the earth on the other side. Only that portion of the wall that actually retains earth shall be considered a retaining wall; the remainder shall be a fence or wall and be measured as set forth in Section 13.1.7.

**Rezoning:** An amendment to the Official Zoning Map.

**Roof:** The structure forming the upper covering of a Completely Enclosed Structure or Partially Enclosed Structure.

**Roof, Low-Slope:** A roof or portion of roof that has no sloping plane greater than 3:12.

**Roof, Pitched:** A roof or portion of roof that has a sloping plane greater than 3:12.

**Roof Line:** The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

**Rooftop and/or Second Story Deck:** For purposes of a Supplemental Design Standard within Articles 3-5: Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element either located on the roof of a primary or detached accessory structure or projecting from the building above the Street Level.

**Roof Overhang:** For purposes of setback encroachments: Eaves or the lower edge of the roof which overhang the walls. This includes the eave or edge of the roof which overhangs the gable end walls.

**Room:** Any enclosed division of a building containing over 70 square feet of floor space and commonly used for living purposes, not including lobbies, halls, closets, storage space, bathrooms, utility rooms and unfinished attics, cellars or basements. An enclosed division is an area in a structure bounded along more than 75 percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.

**Rotocraft:** Any aircraft deriving its principal lift or support in the air from one (1) or more rotors or from the vertical component of the force produced by rotating airfoils.

# S

**Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation

**Semi-Trailer:** Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.

**Setback:** See Rule of Measurement, Division 13.1.

**Setback Space or Area:** The area between a zone lot line and a required minimum setback line.

**Shielded:** The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

**SIC:** Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.

**Side-by-Side Dwelling Units:** See "Dwelling Units, Side-by-Side," above.

**Side Zone Lot Line:** See "Zone Lot, Side".

**Side Street:** See Rule of Measurement, Division 13.1.

**Sign:** A sign is any object or device or part thereof situated, outdoors or indoors, which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, motion illumination, or projected images. Signs do not include the following:

a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
b. Merchandise, pictures or models of products or services incorporated in a window display;
c. Time and temperature devices not related to a product;
d. National, state, religious, fraternal, professional and civic symbols or crests;
e. Works of art which in no way identify a product.

**Sign, Animated:** Any sign or part of a sign which changes physical position by any movement or rotation.

**Sign, Arcade:** A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

**Sign, Billboard:** See definition of "Outdoor General Advertising Device," above.

**Sign, Flashing:** Any sign either stationary or animated, which exhibits any change in: natural or artificial light or color effects; text; pictures or any other form of message more frequently than once per hour by any means whatsoever.

**Sign, Ground:** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

**Sign, Illuminated:** A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

**Sign, Individual Letter:** Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.

**Sign, Joint Identification:** A sign which serves as a common or collective identification for three (3) or more business or industrial uses by right on the same zone lot excluding, however, the identification of products.

**Sign, Marquee:** A sign attached to, painted on, erected against or extending from a marquee.

**Sign, Noncommercial:** A sign expressing noncommercial speech generally in the form of an opinion on a particular subject, or support for, or opposition to, a particular cause, political or otherwise.

**Sign, Off-Site Commercial:** A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed. This definition does not include noncommercial signs.

**Sign, Outdoor General Advertising Device:** See definition of "Outdoor General Advertising Device," above.

**Sign, Political:** A sign expressing support for, or opposition to, a political candidate, political party, ballot or other election issue.

**Sign, Portable:** Any sign that is not permanently affixed to building, structure or the ground.

**Sign, Projecting:** A sign or graphic, other than a wall sign, that is attached to and projects from the wall, soffit, or eave of a building, is not in the same plane as the wall, soffit, or eave to which it is attached, and identifies a use within that building.

**Sign, Roof:** (1) A sign attached to the roof of a building which sign projects above the Roof Line of the building, or (2) a sign attached to an exterior wall or Parapet Wall which sign extends above the lowest height of the Parapet Wall.

**Sign, Temporary:** Any sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material intended to be displayed for a short period of time.

**Sign, Wall:** A sign attached to, painted on or erected against a wall, facia, parapet wall or pitched roof of a building or structure, and no part of which sign projects above the Roof Line and whose display surface is parallel to and extends not more than twenty-four (24) inches from the wall to which it is attached and extends not more than eight (8) inches from the facia to which it is attached or, if attached to a pitched roof, the bottom of its display surface does not extend more than six (6) inches vertically from the roof surface and the top of its display surface does not extend more than forty-eight (48) inches horizontally from the roof surface.

**Sign, Wind:** Any sign in the nature of a series of two or more banners, flags, pennants or other objects or material which shall call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

**Sign, Window:** A sign which is applied or attached to, or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

**Sign Projection Distance:** The distance from the exterior wall surface of the building to the display face of a wall sign.

**Sign With Backing:** Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

**Sign Without Backing:** Any word, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

**Site Development Plan:** A specific development plan for a zone lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs.

**Siting Form Standards or Building Siting Standards:** Standards in this Code that regulate the size and dimension of a required zone lot, and the placement, orientation, and coverage of a building on a zone lot. Siting standards include, but are not limited to, standards addressing zone lot size and dimensions, setbacks, build-to requirements, and building coverage.

**Solar Panel, Flush Mounted:** A solar energy collection device mounted to the roof of a structure in such a manner that the device is not more than one foot above the roof surface to which it is attached, and mounted so that the device plane is in a plane which is parallel to the surface of the roof to which it is attached.

**Standard:** A mandatory regulation. Noncompliance with a standard may be grounds for denial of a proposal for development, and may subject an applicant or a development to the enforcement and penalty provisions of this Code. Mandatory standards are indicated by use of the terms “shall” and “must.”

**Start of Construction:** Includes substantial improvement, and means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Stoop:** An uncovered set of steps and a landing providing access to the primary uses within the building.

**Storage:** The act of depositing goods, wares and merchandise in any structure, part of a structure or warehouse, gratuitous or otherwise, shall be called storage.

**Store:** A use devoted exclusively to the retail sale of a commodity or commodities.

**Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story, Habitable:** A story which:

1. Has at least four feet between the ground level and the ceiling joists;
2. Has enough area to provide a habitable room with net floor-to-ceiling distance of 7 feet-6 inches over half the area of the room; and
3. Constitutes a habitable room as defined in the building code.

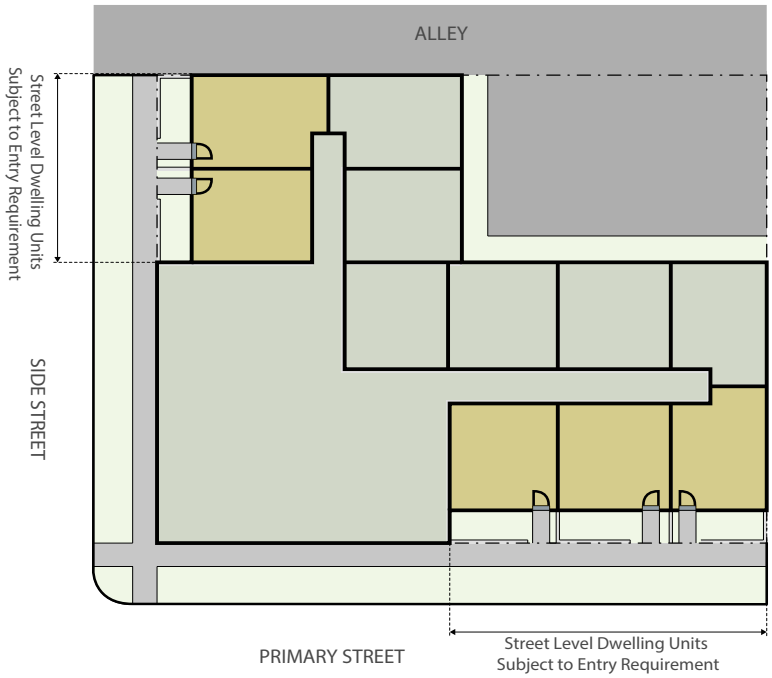
**Story, Half:** See Rule of Measurement.

**Street:** A public thoroughfare, avenue, road, highway, boulevard, parkway, driveway, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

**Street Level:** Any point on the first story or level in a building or structure in which the ceiling is 4 feet or more above grade at the nearest building line. The "building line" shall be where the street-facing building facade meets finished grade.

**Street Level Dwelling Unit:** A Dwelling Unit located at the Street Level, where any portion of the Dwelling Unit is within 10 feet of a required Primary or Side Street Setback or Residential Setback. See Figure 13.3-3.

Figure 13.3-3




*Not to Scale. Illustrative Only.*

**Street, Private:** Any road or street that is privately developed, owned, and maintained that provides access within a development.

**Street Front or Frontage:** Any boundary line of a zone lot or parcel of land that runs parallel to and within 20 feet of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the City.

**Street Property Line:** A common boundary between private property and a dedicated street or alley.

**Structural Feature:** Any part of a structure which is designed for or indicative of the intent to accommodate any given use.

**Structure:** Anything which is constructed or erected and the use of which requires more or less permanent location on ground or attachment to something having permanent location on ground, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of a parts and joined together in some definite manner. (Entrances not more than 2 feet above grade and vents not more than 3 feet above grade, which are features of bomb or fallout shelters, shall not be considered a structure or structural feature for purposes of setback computations.)

*Structure - Group A:*

**Structure, Completely Enclosed:** A structure enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

**Structure, Partially Enclosed:** A structure that is:

1. Enclosed by a roof (e.g. carport, gazebo, porch); or
2. Enclosed on three or more sides with Fences or Walls that are greater than 6 feet in height and less than 50% open.

**Structure, Open:** A structure that is:

1. At least 50% open to the sky; and
2. If it has Fences or Walls, there are no more than two sides with Fences or Walls that are greater than 6 feet in height and less than 50% open (e.g., trellis, balcony, deck).

*Structure - Group B:*

**Structure, Conforming:** A structure which, when originally constructed, was in full compliance with all zoning regulations applicable to structures, and which complies with the following current regulations applicable to structures:

1. All building form standards in this Code;
2. Standards for permitted structures in the Downtown, Campus, I-A, and I-B zone districts, as applicable, and
3. Standards established in Division 10.3, Multiple Buildings on a Single Zone Lot, as applicable.

A structure that meets this definition of "conforming structure", but which does not comply with zoning standards that are inapplicable to structures (e.g., site design standards such as landscaping, parking amount, signage), are still "conforming structures" under this Code.

**Structure, Compliant:** A legally established structure that meets one of the following conditions:

1. The legally established structure does not comply with one or more of the following Building Form Standards in this Code:
    a. Height Standards
        i. Minimum, feet
        ii. Maximum, feet and stories
        iii. 3rd Avenue CCN bulk plane
    b. Siting Standards
        i. Building setback standards, including Block Sensitive Primary Street setback standards
        ii. Required build-to
        iii. Location of surface parking for vehicles
    c. Design Element Standards
        i. Street Level activation standards
        ii. Upper-story setback standards
        iii. Overall structure length
        iv. Pedestrian access, primary structure
        v. Private open space
        vi. Mass reduction
        vii. Limitation on Visible Parking Above the Street Level
    d. Use Building Form Standards
2. The legally established structure was conforming under Former Chapter 59 on June 24, 2010, but does not currently comply with Denver Zoning Code "building height standards," "siting form standards," or "design element form standards," as those terms are defined in Article 13.

**Structure, Nonconforming:** A structure or building that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming structure or a compliant structure in the zone district in which such structure or building is located.

*Structure - Group C:*

**Structure, Accessory:** A subordinate structure located on the same zone lot with the primary building, structure, or use, and which is incidental and customary to the primary building, structure, or use. Accessory structures include man-made structures with walls and roofs, along with man-made structures with no walls or no roofs, including, but not limited to detached garages, fences, walls, gazebos, decks and patios.

**Structure, Detached:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.

**Structure, Permanent:** A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a period of time.

**Structure, Permitted:** A structure meeting all the requirements established by this Code for the zone district in which the structure is located.

**Structure, Primary:** The main or primary structure or building in which the primary use of a property is conducted or operated.

**Structure, Principal:** See "Structure, Primary."

**Structure, Residential:** Any building or part of a building constructed with or as sleeping accommodations for a person or group of persons. Other housekeeping accommodations also may be provided.

**Structure, Temporary:** A structure that is built of such materials and in such a way that it would commonly be expected to have a relatively short life, or is built for a purpose that would commonly be expected to be relatively short, or any structure intended for nonpermanent use or occupancy.

**Studio, Professional:** A specific type of arts, recreation and entertainment service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.

# T

**Tandem Parking:** See "Parking, Tandem."

**Telecommunications Service:** The providing or offering for rent, sale or lease, or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

**Telecommunications Support Facilities:** Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

**Telecommunications Tower:** Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

**Tower Height:** The distance measured from the lowest point at grade within ten feet of the tower to the highest point on the tower, including the base pad and any antenna.

**Toxic and/or Hazardous Materials:** Those chemicals or substances that are physical hazards or health hazards as defined and classified by the Denver Fire Code, whether the materials are in usable or waste condition. Substances that are considered "toxic and/or hazardous materials" include, but are not limited to the following:

1. Cryogenic fluids.
2. Corrosive materials.
3. Explosives and blasting agents.
4. Flammable and combustible liquids.
5. Flammable solids and gases.
6. Organic peroxide materials.
7. Oxidizer materials.
8. Pyrophoric materials (Material that ignites spontaneously or emits sparks when scratched or struck especially with steel).
9. Toxic Materials.
10. Unstable (reactive) materials.

**Trailer:** Any vehicle without a motor or other means of self-propulsion designed to carry property primarily on its own structure and to be drawn by a motor vehicle. Trailers shall include but shall not be limited to the following: utility trailers, boat trailers, flatbed trailers, camper trailers, home-made trailers, and fifth-wheel trailers not designed to be used in conjunction with a truck-tractor.

**Trailer Camp or Court:** Any premises where one (1) or more trailer coaches are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for one (1) or more trailer coaches for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as a part of the equipment of such trailer camp or court. Also commonly known as a mobile home park.

**Travel Demand Management (TDM):** A broad range of strategies intended to reduce peak period vehicle trips.

**Truck Tractor:** A vehicle equipped with a chassis or flat-bed mounted ball or fifth wheel for attaching a trailer, designed to be used for the highway towing trailers and not designed primarily for hauling cargo.

**Tunnel/Breezeway:** An above-ground or below-ground passage that is less than 7 feet in any horizontal dimension and connects two structures. The connected structures may be either a primary and detached accessory structure, or two or more primary structures. A Tunnel/Breezeway is not a "Room" as defined in this Code.

# U

**Underlying Zone District:** The standard non-overlay zone district providing base building form and use requirements is considered to be the Underlying Zone District when used in combination with an Overlay Zone District. Underlying Zone Districts may include, but are not limited to, Residential Zone Districts and Mixed Use Commercial Zone Districts.

**Unobstructed Open Space:** Land with no buildings thereon, except fenced or walled trash facilities. The following provisions apply to the specified zone districts:

1. Except as otherwise provided herein, in the Single Unit (SU), Two Unit (TU), or Row House (RH) zone districts, unobstructed open space shall include any areas that are open to the sky including driveways; driving aisles; unenclosed parking spaces; front porches; and patios, decks or exterior balconies the surface of which is two and one half (2 1/2) feet or less above grade; and unenclosed areas covered by a trellis or arbor.
2. In the Single Unit (SU) and Two Unit (TU) zone districts, the following portions of the zone lot shall not be deemed to be unobstructed open space: any area bordered by walls on more than three sides; any porch, patio, or deck enclosed by any railing, wall, or similar structure in excess of three (3) feet in height above the surface of the porch, patio or deck; and any area beneath a projecting architectural or structural element such as balconies, bay windows, or second floor projections, excepting eaves.

**Upper Story Setback:** The horizontal distance that an upper portion of a building facade is set back from the property or zone lot boundary line.

**Upper Story Step-Back:** The horizontal distance that an upper portion of a building facade is set back from the face of the building's lower portion.

**Use:** The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Use, Allowed:** See "Use, Permitted."

**Use, Accessory:** A subordinate use, clearly incidental and related to the primary use of land, and, unless otherwise permitted by this Code, located on the same zone lot as that of the primary use.

**Use, By Right:** See "Use, Permitted."

**Use, Compliant:** A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, or because other uses are established closer to the legally established use than this Code permits, does not comply with current use limitations applicable to such use or activity.

**Use, Conforming:** A use or activity that was lawful when originally established and that complies with current use limitations applicable to the use or activity in the zone district in which it is located. A use or activity that was lawful when originally established, but which, by reason of the adoption of or revision to this Code, does not comply with a review procedure (e.g., special exception review), or with a reduceable spacing/distance requirement, or with a site development or design standard (e.g., parking, landscaping, and signage) otherwise applicable to such use, shall be classified as a "conforming use."

**Use, Illegal:** Any use, whether of a building or other structure, or of land, in which a violation of any provision of this Code has been committed or shall exist.

**Use, Nonconforming:** A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.
**Use, Permitted:** Any use listed as a primary use, a temporary use, a home occupation, an accessory use, a use subject to special exception review, or a use subject to limitations, as approved according to the required use review procedure.

**Use, Primary or Principal:** The main or primary purpose for which land and the structures thereon are used, or for which land and the structures thereon may be maintained or occupied according to this Code.

**Use, Prohibited:** A use that is not permitted in a zone district ("NP" in the Summary Use and Parking Tables).

**Use, Special Exception:** A use that is listed in the Summary Use and Parking Table as a use permitted subject to the special exception review by the Board of Adjustment, as set forth in Article 12 ("ZPSE" in use table).

**Use, Temporary:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Use and Parking Table:** Tables found in Articles 3, 4, 5, 6, 7, 8, and 9 of this Code, which list: (a) the principal, accessory, and temporary uses permitted in each zone district, (b) the type of review procedure (e.g., zoning permit, zoning permit review with informational notice, special exception review.) required prior to a use's establishment, and (c) the bicycle and vehicle parking requirements for each use.

**Use Category:** A category of uses within a "Use Classification." "Use Categories" are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. A "Use Category" may be further subdivided into "Specific Use Types."

**Use Classification:** The broadest grouping of land uses in this Code, based on generally accepted industry groupings, similar descriptions of planning goals or functions, similar permitted use types, and similar permitted density/intensity of use.

**Use Type or Specific Use Type:** The finest-grained category of uses in this Code; a "Use Type or Specific Use Type" is a sub-category of a "Use Category." It is used when necessary to tailor the regulatory treatment to address issues such as the relative intensity of the use, issues related to building type, possible effects on neighboring land uses, consistency with zone district purpose and goals, or possible operational externalities (such as odor, glare, or noise).

# V

**Vested Property Right:** Pursuant to this Denver Zoning Code, a property right granted after approval of a "site specific development plan," as approved by the City Council after a public hearing.

**Voluntary Demolition or Voluntarily Demolished:** In relation to a structure, voluntary demolition or voluntarily demolished shall mean the voluntary demolition of 40% or more of the square footage of a the structure's exterior walls.

# W

**Wall:** See "Fence and Wall" definition.

**Warehouse:** A warehouse is a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same being public or private warehouse.

**Warehousing:** The depositing or securing of goods, wares and merchandise in a warehouse.

**Wholesale:** Sale for resale not for direct consumption.

# Z

**Zone Lot:** The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area may be designated as a zone lot only by the owner or owners thereof.

**Zone Lot, Area of:** The area of land enclosed within the boundaries of a zone lot.

**Zone Lot, Boundary Line of:** Any line separating a zone lot from a street, an alley, another zone lot or any other land not part of the zone lot.

**Zone Lot, Corner:** A zone lot situated at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines coterminous with the street lines does not exceed 135 degrees.

**Zone Lot, Flag:** A zone lot not meeting minimum zone lot width or public street frontage requirements under this Code, and where access to a public street is limited to a narrow strip of land or private access way.

**Zone Lot, Interior:** Any zone lot that is not a corner zone lot.

**Zone Lot, Nonconforming:** A zone lot that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform with either:

1. The present minimum zone lot size or minimum zone lot width requirements for any of the building forms permitted in the zone district in which the zone lot is located; or
2. The minimum requirements for a zone lot, as stated in Article 1, Division 1.2, Zone Lots, of this Code.

**Zone Lot, Width**: See Rule of Measurement, Division 13.1

**Zone Lot Line:** Any boundary of a zone lot.

**Zone Lot Line, Primary Street:** See Rule of Measurement, Division 13.1

**Zone Lot Line, Rear:** See Rule of Measurement, Division 13.1

**Zone Lot Line, Side:** Any boundary of a zone lot that is neither a Primary Street zone lot line nor a rear zone lot line. A side zone lot line may be either a side "street" zone lot line, or a side "interior" zone line, with the former type abutting a side street and the latter type not abutting a street.

**Zone Lot Line, Side Interior:** See Rule of Measurement, Division 13.1

**Zone Lot Line, Side Street:** See Rule of Measurement, Division 13.1

**Zone Lot Size, Minimum:** The smallest size zone lot that may be newly created in a zone district according to this Code's requirements, or the smallest size zone lot that must exist as a prerequisite to development of a building form permitted in the zone district.

**Zone of Transparency:** See Rule of Measurement, Division 13.1