



TO: City Council Neighborhoods and Planning Committee
FROM: Kyle Dalton, Senior City Planner
Sarah Showalter, Senior City Planner
DATE: September 11, 2014
RE: Denver Zoning Code – Text Amendment to create new C-CCN Zone Districts (Case #2014I-00047)

Staff Report and Recommendation

Councilwoman Jeanne Robb is sponsoring a text amendment to the Denver Zoning Code to create new C-CCN Zone Districts. The purpose of the text amendment is to implement the land use recommendations from the Cherry Creek Area Plan.

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), CPD staff recommends that the Committee move the amendment to City Council.

I. Summary and Purpose

The Cherry Creek Area Plan, adopted by City Council in 2012, lays out the vision for the future of Cherry Creek. It calls for a prosperous mixed use district that will attract quality redevelopment and thrive as a major destination in the Denver metro region. The plan contains land use and zoning recommendations to help achieve this vision. In its recommendations for the business district area, most which is currently zoned Urban Center – Cherry Creek North (C-CCN), the plan recommends that zoning and other land use regulatory tools be updated to encourage, rather than inhibit, high quality redevelopment reinvestment. The plan states that the zoning should retain positive elements of the current zone district, such as design review and quality architecture. It also recommends reconsideration of major components of the current C-CCN zone district, including height limits, an FAR limit of 1.0 (with a 0.5 premium), and high parking requirements.

Given the plan direction summarized above, Councilwoman Robb, in partnership with CPD, initiated a public process for drafting new C-CCN zoning in the summer of 2013. Utilizing a third-party facilitator and a Technical Task Force composed of a diverse range of stakeholders, the process resulted in proposed new C-CCN zone districts, a draft map to legislatively rezone properties in the business district area to the new zone districts, and proposed amendments to the Design Standards and Guidelines for Cherry Creek North to complement the new zoning.

The process was divided into three phases, summarized below.

Phase 1: Agree to the Process

During Phase 1, the facilitator worked with the Technical Task Force, the Cherry Creek Steering Committee, and city staff to establish a clear path for drafting new C-CCN zoning. Major goals accomplished in Phase 1 included:

- Agreement on an approach and the goals that would guide the new zoning.

- Establishing protocols and ground rules for decision making, communications, and meeting protocols.
- Clearly documenting the list of topics to be addressed during drafting of the zoning and agreeing to the guiding documents that would guide the Task Force throughout Phase 2, drafting the code.

At the end of Phase 1, all of the Task Force agreements were solidified in a Framework Document that was used as a road map for Phase 2.

Phase 2: Drafting the Code

Phase 2 entailed drafting the new C-CCN zoning. It lasted approximately 9 months and entailed multiple public meetings and hours of dedicated work by the Task Force. During this time, the Task Force made consensus recommendations on over 30 items in the zoning that relate to the primary topics of building height and form, building character, transitions to adjacent neighborhoods, permitted land uses, required off-street vehicle parking ratios, and encouraging small lot reinvestment. Phase 2 also included detailed testing of the proposed zoning package. Staff, as well as Task Force members, “tested” the zoning using realistic lot sizes and development programs.

At the end of Phase 2, city staff released the Public Review Draft of the code (as well as a Public Review Draft map of the legislative rezoning area), which reflected all of the consensus recommendations made by the Task Force. The public review phase lasted for one month and included the following methods for obtaining public input on the draft code:

- Presentations to local RNOs, including the Cherry Creek Steering Committee, Cherry Creek North Neighborhood Association, Country Club Historic Neighborhood, Capitol Hill United Neighborhoods, and Cherry Creek East Association
- A Public Open House/Meeting, which had over 50 attendees
- Office hours in the district, hosted by staff, to provide the opportunity for people to meet one-on-one with staff about the draft code
- Drafts of the code available on the project website and at the Cherry Creek public library
- Mailing to all property owners whose property is part of the legislative rezoning to the new C-CCN districts

When the public review phase completed, the Task Force convened for a final public meeting to review the public input received. They decided to make one change to the new C-CCN zoning, related to limiting upper-level outdoor dining patios adjacent to protected districts, which is included in the Planning Board Review Draft attached to this staff report.

Phase 3: Public Adoption

This is the current phase of the project. It includes public hearings in front of Planning Board and City Council for adoption of the new zoning text, as well as the legislative rezoning (or map amendment).

Proposed C-CCN Zoning

For an overview of the content of the proposed C-CCN zoning, please see the attached Zoning Executive Summary. The Planning Board Review Draft, which is the redlined amendment to the code, it also attached.

II. Criteria for Review and CPD Analysis

The criteria for review of a proposed text amendment are found in Section 12.4.11.9 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed 2013 text amendment to create new C-CCN zone districts satisfies each of the criteria.

Text Amendment is Consistent with the City's Adopted Plans and Policies

The Text Amendment is consistent with the city's following adopted plans, strategies, and policies:

Denver Comprehensive Plan 2000:

Land Use

- Strategy 2-A: (*paraphrased*) Initiate comprehensive review and detailed revision of the Denver Zoning Ordinance . . . The process should balance the perspective of citizens, neighborhoods, businesses, developers and City agencies. The proposed revisions should ensure that the Denver Zoning Ordinance will be:
 - flexible and accommodating of current and future land-use needs
 - accessible, understandable and easy to use
 - supportive of Denver's competitive economic strengths and its interest in attracting new development of all types
- Strategy 3-B: Encourage quality infill development that is consistent with the character of the surrounding neighborhood; that offers opportunities for increased density and more amenities; and that broadens the variety of compatible uses.

Denver's Legacies

- Strategy 2-A: Establish development standards to encourage positive change and diversity while protecting Denver's traditional character.
- Strategy 2-C: Identify community design and development issues, and target specific concerns with appropriate controls and incentives.

Neighborhoods

- Strategy 1-E: Modify land-use recommendations to ensure flexibility to accommodate changing demographics and lifestyles. Allow, and in some places encourage, a diverse mix of housing types and affordable units, essential services, recreation, business and employment, home-based businesses, transportation and open space networks

Economic Activity

- Strategy 4-B – *Enhance existing business centers and establish new business centers in a manner that offers a variety of high-quality uses that support Denver's business environment, complements neighboring residential areas, generates public revenue, and creates jobs. Consider the following key strategies as top priorities:*
 - *Maintain the Cherry Creek Shopping Center, Cherry Creek North and other nearby areas as the premier retail destination in the Denver metro area and Rocky Mountain region. [...]*

The proposed text amendment will create a new series of C-CCN zone districts that respond to evolving role of Cherry Creek North as a mixed use, regional destination. The new zoning will create zoning

standards that enable quality infill development in a major regional center that accommodates a mix of land uses and appropriately transitions to adjacent neighborhoods. The text amendment is consistent with these plan recommendations.

Blueprint Denver (2002)

Blueprint Denver designates the Cherry Creek North business district as an Area of Change. Areas of Change are portions of the city where growth and development should be channeled. On page 128, Blueprint Denver notes that the key strategy to encourage development within Areas of Change is to “allow sufficient development intensity and appropriate mixes of uses so that planned land uses will be economically feasible.” Blueprint Denver provides additional specific guidance for the Cherry Creek Area of Change: “The neighborhood vision is to continue redeveloping the area in a manner that focuses on livability and produces a well-integrated blend of residential, regional and neighborhood retail, office, hotel, open space, and public uses in a pedestrian-friendly environment” (p. 134).

The proposed new C-CCN zone districts fulfill these goals by updating zoning requirements that were identified by the Cherry Creek Area Plan to restrict the economic feasibility of new development, such as outdated parking requirements and floor area ratio (FAR) limits. The proposed form-based zoning will allow for appropriately-scaled redevelopment with a mix of uses that is fitting for a vibrant urban center like Cherry Creek and therefore this text amendment is consistent with this plan recommendation.

Cherry Creek Area Plan (2012)

The proposed C-CCN zone districts implement several of the recommendations from the Cherry Creek Area Plan, including:

- “Modify land use policy, zoning regulations and design guidelines to encourage appropriate reinvestment to assure that Areas of Change continue to mature in positive ways” (p. 29).
- “Encourage moderate scale development in mixed-use Areas of Change” (p. 32)
- “Utilize urban design strategies to create appropriate transitions in building heights and uses” (p. 33)

The proposed text amendment is consistent with these plan recommendations since it modifies zoning regulations in order to encourage appropriate-scaled, mixed-use investment in a designated Area of Change. It also contains strategies to ensure adequate transitions in building heights and uses between the C-CCN area and adjacent neighborhoods, including required building setbacks adjacent to Protected Districts.

The Area Plan also contains recommendations specific to the Cherry Creek North business district. In order to make redevelopment economically feasible, it recommends revising the land use regulations for the business district area. Specifically, it says to “enact zoning and other land use regulatory tools for the C-CCN zone district to encourage rather than inhibit high quality redevelopment and reinvestment across all parcel sizes, large and small (p. 61). The Plan calls for an open, transparent public process for drafting updated zoning and says that the new zoning should fulfill the following goals (outlined on pages 61-62 of the Plan):

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 Ave to lower buildings along 3rd Ave

5. Create height transition from business district to adjacent residential
6. Retain sunlight on streets and views between buildings
7. Prevent the creation of “walled” or monolithic streets
8. Active storefronts and ground floor uses

Please see the attached Zoning Executive Summary, which is organized by the eight goals above, for more detail on how the proposed C-CCN zone districts advance each goal. Because the proposed C-CCN zoning contains regulations that advance each of the eight goals, it is consistent with these plan recommendations.

A. Text Amendment Furthers the Public Health, Safety, and General Welfare

This Text Amendment furthers the general public health, safety, and welfare of Denver residents by continuing to implement the city’s adopted comprehensive and land use plans through regulatory changes.

B. The Text Amendment Results in Regulations that are Uniform within Each Zone District

This text amendment will result new zone districts that are uniform in regulations for each district.

III. Public Outreach and Comments

The public outreach process for this text amendment was extensive and is summarized above on page 2. Throughout the process of drafting the new C-CCN zoning, all meetings of the Task Force were open to the public and time was given at each meeting for observers to comment. The following dates summarize key milestones in the public outreach process

- | | |
|-------------------------|---|
| <i>June 2013:</i> | CPD mails all property owners in the Cherry Creek statistical neighborhood to notify them of the zoning process and to advertise how to get involved. |
| <i>August 7, 2013:</i> | Planning Board Informational Item |
| <i>June 2014:</i> | Public Review Draft of text amendment posted to website. Multiple public outreach efforts utilized, including Public Open House/Meeting, presentations to Registered Neighborhood Organizations (RNOs) in the Cherry Creek Area, and office hours by CPD staff in the district. |
| <i>June 2014:</i> | CPD mails all property owners in the area to be rezoned to the new C-CCN zone districts. |
| <i>August 6, 2014:</i> | Planning Board Informational Item |
| <i>August 19, 2014:</i> | Email notice to all RNOs and City Councilmembers of scheduled Planning Board public hearing, with link to updated draft of redlined text amendment. |
| <i>August 23, 2014:</i> | CPD and bill sponsor attend Inter-Neighborhood Cooperation (INC) Zoning and Planning Committee for briefing |

September 4, 2014: Email notice to all RNOs and City Council members of scheduled Neighborhoods and Planning Committee meeting

As of the date of this staff report, CPD and the bill sponsor have received two letters of support from individuals and one email of support from the president of a registered neighborhood organization, which are attached to this report.

IV. Planning Board Recommendation

The Denver Planning Board held a properly noticed public hearing on September 3, 2014, to consider this text amendment. After considering written and oral testimony and deliberating, the Planning Board voted 7-0 (with four members not present) to recommend approval of the text amendment with the condition that the rule of measurement for private open space be amended to clarify that private open spaces may not be enclosed by permanent railings/fences, and to make conforming intent statement amendments. In consultation with the bill sponsor, staff has revised the text amendment in accordance with Planning Board's recommendation. The revision is incorporated in the attached draft of the redlined text amendment.

V. CPD Staff Recommendation

Based on the criteria for review as described above, CPD Staff recommends that the Neighborhoods and Planning Committee move this Text Amendment to the Denver Zoning Code, case #2014I-00047, for consideration by the full City Council.

Attachments

1. Zoning Executive Summary
2. Neighborhoods and Planning Committee Draft of redlined text amendment
3. Legislative rezoning proposal from Councilwoman Robb
4. Public comments received



Introduction

This document summarizes the proposed new zoning for the area of Cherry Creek roughly bordered by University Boulevard, Steele Street, 3rd Avenue, and 1st Avenue. It provides a high-level review of the major zoning components for the proposed Cherry Creek North (CCN) zone districts. This document reflects the agreements reached by the Cherry Creek District Zoning Technical Task Force. The Technical Task Force, an all-volunteer group of diverse stakeholders including residents, property owners, architects and design professionals, developed the draft zoning for several months from 2013 through 2014. To learn more about the process for writing the new zoning please visit www.DenverGov.org/CherryCreek.

This document organizes the zoning topics into the eight goals from the Cherry Creek Area Plan for revising land use regulations in the CCN Business Improvement District.

Goal 1 - Retain and enhance Cherry Creek North's unique physical character.

■ Open Space Incentives

The proposed zoning will offer building form options that create an incentive to provide street-level open space, such as plazas and courtyards, which are part of what makes Cherry Creek a unique, pedestrian-oriented district. For more information, see the open space incentives section in Goal 8 on pages 10-11.

■ 5-foot Street Setback

One of the unique characteristics of Cherry Creek North is its quality streetscape. To maintain space along the sidewalk, the proposed zoning will retain the existing 5-foot minimum setback along all streets.

■ Design Standards and Guidelines (DSG) for Cherry Creek North and Design Advisory Board

The proposed zoning will continue to work together with the DSG, which were significantly updated in 2011 and work very well to achieve high quality design. The Cherry Creek North Design Advisory Board will continue to review projects for consistency with the DSG. Amendments to the DSG are proposed in combination with the new zoning as a complete package. The following amendments will contribute to the unique character of Cherry Creek.

■ Datum

The DSG will be amended to require buildings to create a datum line at the first or second story. The datum, which could be achieved through a variety of tools including a shift in building mass or a change in materials, will encourage pedestrian-oriented design and contribute to the goal of preventing blank, monolithic facades.

■ Alley-facing entrances

Today the DSG require entrances to be oriented towards the street, which discourages alley-facing entries. The proposed amendment would require only one entrance to orient to the street, while also encouraging additional entrance(s) to orient toward the alley.



*An example of a **datum** expressed through change in materials and upper story setbacks.*



Goal 2 - Make reinvestment economically viable in the entire district.

■ Required Minimum Parking Ratios

The current zoning's off-street parking ratios are the highest in the city, and higher than market demand, inhibiting economic reinvestment. The proposed zoning would reduce the required off-street parking ratios for some permitted uses as follows. Projects can provide more parking than what is required.

- Office: 2 parking spaces per 1,000 square feet gross floor area
- Retail sales, services, and restaurants: 2.5 parking spaces per 1,000 square feet gross floor area
- Residential uses: see below

■ Encourage Residential Development through Reduced Parking Requirement

The current Cherry Creek North zoning (C-CCN) requires two parking spaces per dwelling unit, which is the highest parking ratio in the city. The proposed zoning encourages residential development by reducing the parking requirement to 1 parking space per dwelling unit.

■ Maximum Building Height

The current C-CCN zoning has a maximum building height of 55 feet throughout the district. The proposed zoning will have multiple height-based zone districts, most of which will make reinvestment economically viable by increasing the maximum building height where appropriate and where recommended by the adopted Cherry Creek Area Plan. Maximum building heights are proposed to range from 57 feet (4 stories) where adjacent to nearby residential neighborhoods, up to 150 feet (12 stories) where appropriate near 1st Avenue. Maximum building height will be further reduced in some areas due to the 3rd Avenue solar access bulk plane (see Goal 6 on page 7) and protected district height transitions (see Goal 5 on page 6). For more information on the transition in maximum building heights between 2nd Avenue and 3rd Avenue, see Goal 4 on page 6.

■ Maximum Floor Area Ratio (FAR) Removed

Studies have shown that the FAR limits in the current C-CCN zoning make redevelopment infeasible. The proposed zoning follows the Denver Zoning Code's form-based approach and will have no maximum FAR.

■ Allow Lodging Accommodations

The current zoning allows bed and breakfasts but no other lodging uses. The proposed zoning will allow all lodging accommodations uses, including hotels. As is the case for all permitted uses, hotels will be required to follow the building form standards, which will limit the size of buildings and thereby reduce impacts near the adjacent residential areas.

Floor Area Ratio (FAR)

FAR is the ratio of the gross floor area of a building to the area of the zone lot on which the building is located. For example, a 10,000 SF lot with an FAR of 1:1 could have a building up to 10,000 SF in size. FAR was a common standard in the Former Chapter 59 zoning code, but because it results in unpredictable building forms, it has been eliminated from most zone districts in the Denver Zoning Code.

Goal 3 - Encourage small lot reinvestment.

■ Small Lots 9,375 Square Feet and Less

In order to encourage reinvestment for small lots in Cherry Creek, the proposed zoning will provide the following benefits for lots 9,375 square feet or less:

▪ Parking Reduction

The current zoning code encourages small lot reinvestment by reducing the off-street parking requirements for a range of smaller lot sizes. The proposed zoning will simplify parking requirement reductions for small lots. Lots 9,375 square feet and less will qualify for a 67% reduction in the minimum off-street parking requirement.

▪ Exemption from Upper Story Mass Reduction

To encourage reinvestment in small lots, lots up to 9,375 square feet in size will be exempt from the upper story mass reduction under the proposed zoning, as described in Goal 7 on page 8.

▪ Open Space Incentive

Lots up to 9,375 SF in size located on the south side of 3rd Avenue, within the area affected by the 3rd Avenue solar access bulk plane, will have the option to select a building form that requires 15% of the lot area to remain open (i.e., a maximum building coverage of 85%). In exchange for providing 15% of the lot as open space, the building can encroach into the 3rd Avenue solar access bulk plane — the maximum building height would be increased to 3 stories for the first 57 feet south of 3rd Ave and to 5 stories for 57-150 feet south of 3rd Ave. The taller allowable building heights provide more developable area as a way to incentivize the provision of open space. The 15% open space area must contain a contiguous space at least 15 feet wide by 15 feet deep. The remaining open space could be achieved through a variety of configurations as a way to promote unique and varied public spaces. All of the open space area must be publicly accessible, adjacent to the street, and open to the sky.



Small Lot (up to 9,375 SF) Open Space Incentive: this image illustrates development on the south side of 3rd Avenue that has provided street-facing open space in exchange for building heights that encroach into the 3rd Avenue Solar Bulk Plane.

■ Small Lots 6,250 Square Feet and Less on the South Side of 3rd Avenue

In addition to the benefits above, lots 6,250 square feet or less in size on the south side of 3rd Avenue will also benefit from the following building form options, which encroach into the 3rd Avenue solar access bulk plane in order to encourage small lot reinvestment.

■ Lots with 50 feet or less of frontage on 3rd Avenue

Zone lots with 50 feet or less of frontage on 3rd Avenue (typically oriented north-south) may elect to use the Open Space Incentive building form described on the previous page. Alternately, a “base” building form option is available, which allows the building to be a maximum of 3 stories across the entire zone lot with no required open space, as illustrated below.



Base Building Form for Small Lots up to 6,250 SF with no more than 50' of frontage on the south side of 3rd Avenue: the building in the center of this image illustrates the base building form for small lots (up to 6,250 SF) with up to 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots, the building is allowed to exceed the solar access bulk plane with its 3rd story.

■ Lots with more than 50 feet of frontage on 3rd Avenue

Zone lots with more than 50 feet of frontage on 3rd Avenue (typically oriented east-west) may elect to use one of the two following building forms. First, a “base” building form option is available that generally follows the 3rd Avenue solar access bulk plane, except that for up to 50 feet of frontage along 3rd, the building can also have a third story that extends up to the 5-foot setback line. For the rest of the 3rd Avenue frontage (over 50 feet), the third story must comply with the 3rd Avenue Solar Access Bulk Plane. This is illustrated in the first image on the following page.

The second available building form option creates an open space incentive. The entire building may be up to 3 stories in height, exceeding the solar access bulk plane, if at least 20% of the lot (including setbacks) is provided as open space. The open space area beyond the required setbacks must be adjacent to 3rd Avenue. This is illustrated in the second image on the following page.



Base Building Form for Small Lots up to 6,250 SF with more than 50' of frontage on the south side of 3rd Avenue: the corner building in this image illustrates the base building form for small lots (up to 6,250 SF) with more than 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots, the building is allowed to exceed the solar access bulk plane with its 3rd story for up to 50' of the 3rd Avenue frontage. The rest of the building must follow the solar access bulk plane (shown as 2 stories in this illustration).



Open Space Incentive Building Form for Small Lots up to 6,250 SF with more than 50' of frontage on the south side of 3rd Avenue: the corner building in this image illustrates the open space building form for small lots (up to 6,250 SF) with more than 50' of frontage on the south side of 3rd Avenue. To promote reinvestment in small lots and incentivize open space, the building is allowed to exceed the solar access bulk plane with its 3rd story, if 3rd-Avenue-facing open space is provided for 20% of the zone lot (including setbacks).

Goal 4 - Transition from higher buildings along 2nd to lower buildings along 3rd.

■ Maximum Building Height

Under the proposed zoning, maximum building heights follow the recommended maximum building heights map of the Cherry Creek Area Plan. Maximum building heights transition from 2nd Avenue to 3rd Avenue throughout the core of the business district, east of Josephine Street. For the first 150 feet north of 2nd Avenue, the proposed maximum building height is 8 stories, or 110 feet. For the next 150 feet north in the middle of each block, the proposed maximum building height is 7 stories, or 96 feet. For the final 200 feet south of 3rd Avenue, the proposed maximum building height is 5 stories, or 70 feet. However, the maximum building height is also subject to the 3rd Avenue solar access bulk plane, as described below.

■ 3rd Avenue Solar Access Bulk Plane

Additional transition to 3rd Avenue is achieved through a proposed bulk plane on the south side of the street for solar access, which will further reduce building heights immediately south of 3rd Avenue. For more information, see Goal 6 on page 7.

Goal 5 - Create height transition from the business district to adjacent residential.

■ Maximum Building Height

Generally, the Cherry Creek Area Plan recommended maximum heights of 3 or 4 stories where adjacent to the surrounding residential neighborhoods to the west, north, and east. The proposed zoning districts implement this plan recommendation. On the north side of 3rd Avenue, the maximum building height transitions down to a maximum of 4 stories, or 57 feet.

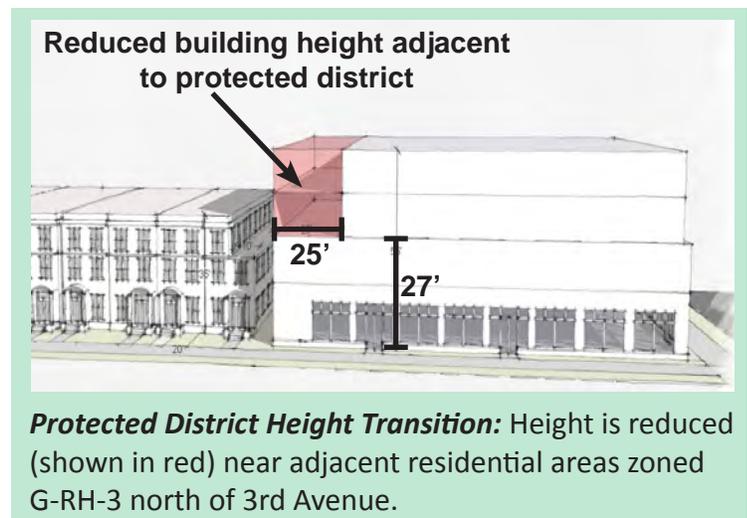
■ Protected District Height Transitions

In accordance with the Cherry Creek Area Plan recommendations, the proposed zoning includes protected district upper story setbacks to transition height from the business district to the adjacent residential. Where abutting properties zoned G-RH-3 north of 3rd Avenue, the proposed zoning has a minimum required upper story setback of 25 feet above 27 feet in height. Where properties on the east side of Steele Street are across the alley from properties zoned G-RH-3 on Adams Street, the proposed zoning has a minimum required upper story setback of 20 feet above 27 feet in height.

This is consistent with protected district height transitions in other Denver Zoning Code zone districts.

■ Limitation on Rooftop Patios

Outdoor patios for restaurants above the ground story are not allowed within 50 feet of adjacent residential protected zone districts.



Goal 6 - Retain sunlight on streets and views between buildings.

■ 3rd Avenue Solar Access Bulk Plane

In order to maintain sunlight on the north side of 3rd Avenue and to help preserve the character of this pedestrian-friendly shopping corridor, the proposed zoning establishes a bulk plane on the south side of 3rd Avenue. The major components of the bulk plane are summarized below.

■ Sunlight on sidewalk

The angle of the 3rd Avenue solar access bulk plane ensures that the entire sidewalk on the north side of the street, including the amenity zone, is in sunlight at the time of the winter solstice: 12:00 noon on December 21st.

■ Impact on building form

The bulk plane rises from the property line along 3rd Avenue with a slope of 1:2. An example of how a building could comply with the bulk plane is shown below, with a stepback every 26 feet, starting at the second story, up to a maximum height of 5 stories.

Small Lot Incentives

In order to incentivize reinvestment in small lots and to provide architectural variety, there are alternate building forms for small lots on the south side of 3rd Avenue that allow encroachment into the 3rd Avenue solar access bulk plane. There are also alternate building forms for small lots that allow encroachment into the solar access bulk plane in exchange for providing open space. See more in Goal 3 on pages 3-5.



3rd Avenue Solar Access Bulk Plane: the bulk plane ensures that the sidewalk and amenity zone on the north side of 3rd Avenue are in sunlight for the whole year. This image shows the shadow at 12:00 noon on December 21st.

■ Upper Story Mass Reduction

The proposed zoning requires an upper story mass reduction. This tool helps to break up the mass of taller buildings, creating openness and providing more sky exposure and sunlight at the pedestrian-level. See Upper Story Mass Reduction under Goal 7 on page 8.

Goal 7 - Prevent “walled” or monolithic streets.

■ Upper Story Mass Reduction

The upper story mass reduction requires buildings over two stories to break up their upper story mass. This tool ensures articulation and variety in building form, promotes breaks between buildings, and helps to prevent the sense of a street canyon. Because the mass reduction begins above the second story, it also reinforces the importance of the pedestrian-scale for the first two stories, or 31 vertical feet, of the building’s facade.

▪ Mass reduction requirements

The proposed zoning allows a maximum building coverage equal to 75% of the zone lot area, applicable above two stories (31 feet). This means that buildings taller than two stories must reduce their upper story mass by an amount equal to 25% of the zone lot. The mass reduction must be adjacent to one or more rights-of-way, including alleys.

▪ Flexibility and architectural variety

Because there is flexibility in where the mass reduction is placed, the upper story mass reduction promotes variety in building form and allows for architectural creativity. The image below illustrates one way the upper story mass reduction could be achieved for a building seven stories in height.

Small Lot Reinvestment Incentives

As a way to promote reinvestment on small lots, the proposed zoning would not require the upper story mass reduction on small lots (those 9,375 SF or less in size). See more under Goal 3 on page 3.

**Mass reduction of 25% above
the second story**



Upper Story Mass Reduction: the curved building at the corner illustrates one option for fulfilling the mass reduction above the second story.



■ Design Standards and Guidelines (DSG)

The DSG contain standards to prevent the creation of blank, monolithic building facades. Section 2.2.2 Mass and Scale contains a variety of standards and guidelines that ensure articulated, pedestrian-scaled building facades with architectural variation and modulation. In addition, the proposed DSG amendments include requiring a second-story datum line, which will help to prevent blank, unarticulated facades. See Goal 1 on page 1 for more detail.

■ Alley-facing facades

Proposed amendments to the DSG include language to ensure high-quality, articulated facades along alleys, not just streets.

Goal 8 - Active storefronts and ground floor uses.

■ All Streets are Primary Streets

The proposed zoning designates all streets, both named and numbered, as primary streets. This means the tools that help to activate the street and create a pedestrian-friendly ground floor — including the 5-foot setback, ground floor transparency, and required build-to — apply to all streets.

■ Pedestrian Access

The current zoning does not address building entrances. In order to encourage activation of the ground story, the proposed zoning requires each building to have at least one pedestrian entrance that faces the street. This tool reinforces the Design Standards and Guidelines (DSG), which require building entrances to be oriented to the street and encourage multiple street-oriented entries at the ground level.

■ Alley activation

The proposed zoning package includes amending the DSG to encourage alley-oriented entrances, in addition to street-oriented entrances. This will help to fully activate the ground floor on all sides of the building and to create lively, pedestrian-friendly alleys.

■ Ground Floor Transparency

The current zoning does not address ground floor transparency. Transparency, or windows, at the ground floor create pedestrian interest and help to activate the sidewalk. The proposed zoning requires at least 60% of any facade facing a street to be transparent. This requirement complements the existing requirement for ground floor transparency in the DSG.

■ Required Build-To

Ground floor uses placed close to the sidewalk promote an active streetscape environment. The current zoning employs a complicated system of front setback areas to ensure buildings are built near the street, but it does not require that buildings extend along the street frontage to create an active streetscape environment. The proposed zoning requires buildings to be located within 5-15 feet of the property line for at least 70% of the lot frontage along all streets.

■ Outdoor seating alternative

Outdoor seating brings life and vibrancy to the ground story of buildings. The proposed zoning will encourage outdoor seating by allowing buildings to be setback up to 20 feet from the property line within the required build-to area in order to accommodate outdoor seating areas.



■ Active Ground Floor Uses

Like the current zoning, the proposed zoning will continue to enable a variety of active, pedestrian-friendly uses at the ground floor, including shops and restaurants. Residential uses, as well as limited auto services, will not be allowed at the ground level where facing a street. Fully enclosed auto sales will be allowed at the ground level.

■ Active Uses for Parking Garages

The DSG seek to wrap parking garages with active uses at the street level, but this is not a requirement in the current zoning. The proposed zoning will require the street-facing portions of parking garages to have active uses at the ground floor. This will ensure that structured parking does not detract from the vibrant, pedestrian-friendly streets of Cherry Creek.

■ No Surface Parking as Primary Use

Surface parking lots detract from the quality of the street environment and minimize pedestrian activity. The current zoning allows surface parking as a primary use. The proposed zoning will not allow surface parking lots as the primary use on a property, though they will continue to be allowed as an accessory use in order to serve businesses, offices, and residences on the same property.

■ No Surface Parking between the Building and Street

Continuing a current zoning requirement, where surface parking lots are allowed in order to serve an on-site use, the proposed zoning will not allow them to be located between the building and the street.

■ Outdoor Accessory Sales

In order to add to the range of active, pedestrian-friendly uses allowed at the ground level, the proposed zoning will permit accessory outdoor sales (such as flower stands or the outdoor display of merchandise) to occur year round, rather than as a temporary use only, as allowed in the current zoning. In combination with this tool, the DSG will be amended to provide standards and guidelines that ensure the quality design of outdoor sales areas.

■ Open Space Incentives

The proposed zoning will encourage public spaces on private property that activate the street and enhance the pedestrian experience. There are several proposed incentives for open space — open space incentives for small lots (those 9,375 square feet and less), and an open space incentive for large lots (those over 9,375 square feet). These incentives replace the current zoning's FAR premiums for open space, since FAR is not regulated in the proposed zoning.

■ Small lot open space incentives

Small lots on the south side of 3rd Avenue have building form options that provide incentives for creating publicly accessible open space open to the sky and adjacent to the street. The building forms vary depending on the size and orientation of the lot. Learn more about small lot open space incentives under Goal 3 on pages 3 through 5.

3rd Avenue Solar Access Bulk Plane

Small lots that provide open space would be able to encroach into the 3rd Avenue solar access bulk plane. Learn more about the solar access bulk plane under Goal 6 on page 7.

- **Large lot open space incentive**

Large lots will have the option to select a building form that requires 15% of the lot area to remain open (i.e., a maximum building coverage of 85%). In exchange for providing 15% of the lot as open space, the development would be exempt from the upper story mass reduction. This exemption allows more developable area as a way to incentivize open space. The 15% open space area must contain a contiguous space at least 15 feet wide by 30 feet deep; the remaining open space could be achieved through a variety of configurations — such as large setbacks along the street — in order to encourage unique and varied public spaces. All of the open space area must be publicly accessible, adjacent to the street, and open to the sky. The DSG address the design quality of open space areas.

Upper Story Mass Reduction

Large lots that provide open space would be exempt from the upper story mass reduction. Learn more about the upper story mass reduction under Goal 7 on page 8.



Large Lot Open Space Incentive: *In exchange for providing street-level, publicly accessible open space that is open to the sky, the building is exempt from the upper story mass reduction.*



Neighborhoods and Planning Committee Review Draft

September 4, 2014

ARTICLE 2. USING THE CODE

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		
G-RO-5	Residential Office 5	C-MX-16	Mixed Use 16		
G-RX-5	Residential Mixed Use 5	C-MX-20	Mixed Use 20		
G-MX-3	Mixed Use 3	C-MS-5	Main Street 5		
G-MS-3	Main Street 3	C-MS-8	Main Street 8		
G-MS-5	Main Street 5	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		

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
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-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



ARTICLE 7. URBAN CENTER (C-) NEIGHBORHOOD CONTEXT



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 town house, row house, courtyard apartment, 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 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.

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 promotes development ~~that is compatible in keeping with the existing character, scale and ambience of the existing Cherry Creek North mixed use shopping district. business area and to~~ The C-CCN Zone Districts encourage interesting and attractive architectural design solutions for new developments and ~~to~~ 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. Goals of the C-CCN district also include: to maintain and enhance the retail ambience of the Cherry Creek North district, to encourage a mixture of uses, including residential and office, and to encourage low-scale, small lot development projects that reinforce and enhance the eclectic, urban architectural character and pedestrian scale of the district. To this end, these regulations and the associated guidelines encourage: The C-CCN Zone Districts promote the following goals:
- Project planning and architectural design solutions that create projects of a scale and quality that promotes pedestrian and retail shopping activity at street level;
 - Continuity of storefronts located at the setback line creating a pedestrian-oriented shopping environment;
 - The development and redevelopment of small lots;
 - Site and building design in new projects which compliments the tradition of low-scale, small lot development in the district;
 - Creation of outdoor open space, taking advantage of the pleasant local climate, to provide settings for activities and visual amenities, including public art;
 - Complementary day and evening activity through continued development of nightlife and entertainment uses. The C-CCN Zone Districts isare intended to be a place where the pedestrian feels welcome and comfortable. It is a retail/restaurant/entertainment experience first and foremost.
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 ground floor 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.

7.2.5.3 Permitted Structures

- A. ~~Zone lot for structures. A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use or uses by right and one subordinate structure containing only accessory uses. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this Code can be maintained.~~
- B. ~~Location of structures. All structures shall be set in a distance of not less than five feet from each front line of the zone lot and shall satisfy the following requirements:~~
 - 1. ~~Requirements. The front facade of the ground floor shall be located on or near the front setback line as explained below. The frontage shall be measured along the front setback line, and for corner lots shall mean the length of the combined frontage of front setback lines. For the purposes of this Division, “additional front setback area” shall mean the area between the front setback line or lines and the building facade:~~
 - a. ~~A portion of the facade shall be located on the front setback line for at least 33 percent of the frontage; and~~
 - b. ~~The whole of the building facade shall be located so that the additional front setback area shall be no greater than 50 percent of the total area between the front setback line or lines and a line ten feet behind the front setback line and parallel to it.~~

2. ~~The space resulting from the required five-foot setback and additional front setback area shall be open and unobstructed and shall not be used for off-street parking space.~~
- C. ~~Permitted encroachments on setback space:
See Section 7.3.7.4.~~
- D. ~~Bulk of structures:~~
 1. ~~There shall be no bulk plane requirements along the East 1st Avenue right of way.~~
 2. ~~Along the south right-of-way of East 2nd Avenue and East 3rd Avenue no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of 45 degrees with respect to the horizontal (a pitch of one foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point 31 feet above the midpoint of such line between boundary lines of the zone lot.~~
 3. ~~In the remainder of the district, no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of 45 degrees with respect to the horizontal (a pitch of one foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point 35 feet above the midpoint of such line between the boundary lines of the zone lot.~~
- E. ~~Building height. The maximum height of any structure shall be 55 feet.~~
- F. ~~Maximum gross floor area in structures. The sum total of the gross floor area of all structures on a zone lot shall not be greater than one times the area of the zone lot (FAR = 1.0:1). Computation of maximum gross floor area shall be according to Division 13.3, Definition of Words, Terms and Phrases.~~
- G. ~~Floor area premiums. The provisions for floor area premiums make available incentives for private sector participation in pursuing specifically identified district objectives. Floor area premiums may be used to increase the maximum gross floor area an additional 0.5 times the area of the zone lot (maximum supplementary FAR = 0.5:1).~~
 1. ~~Premiums for underground parking. (See definition of underground parking in Article 13, definitions.)~~
 - a. ~~0.20:1 FAR if at least 50 percent of the required parking is constructed with the parking surface at least eight feet below street grade (elevation at center line of the street).~~
 - b. ~~0.30:1 FAR if at least 70 percent of the required parking is constructed with the parking surface at least eight feet below street grade.~~
 - c. ~~0.40:1 FAR if all required parking is constructed with the parking surface at least eight feet below street grade.~~
 2. ~~Premium for open space. (See definition of unobstructed open space in Article 13, definitions.) Two square feet of gross floor area for each square foot of open space area not in the required setbacks. The maximum area of a zone lot that can be devoted to open space area is 25 percent of the zone lot area. The only uses which are allowed within this open space are: eating place; display of sculptural art; sale of flowers, fruit, vegetables; landscaping; and seating. A zone lot may have more than one open space. Any one open space area is limited to a maximum of 5,000 square feet. The elevation of such open space must be no more than two feet above or below that of the adjacent street grade. Open space~~

shall be served by at least one handicap accessible route from the sidewalk. Open space must be open to use by the public during regular business hours. Open space shall be provided with a minimum of one tree per 1,000 square feet of open space. If the provision of trees can be shown to be impracticable, then in lieu of providing trees, minimum of ten percent of the open space shall be in planted area. One dimension of the open space shall not exceed three times the other dimension.

3. Premium for residential use. One square foot of floor area for each square foot of floor area maintained and operated as dwelling units up to a maximum increase in the FAR of 0.25:1.
4. Premium for moderately priced dwelling units. A floor area premium equal to ten percent of 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.

7.2.5.4 Permitted Signs

The provisions of Article 10, Division 10.10 of this Code on permitted signs shall be in full force and effect in this district. Notwithstanding the provisions of Article 10, Division 10.10, certain types of signs may be permitted by the design advisory board according to rules and regulations prepared by the design advisory board and adopted by the planning board. Design guidelines and administrative provisions shall be included in the rules and regulations. In adopting the rules and regulations, the following criteria shall be utilized, and the design advisory board shall consider for approval only those signs and graphics which meet the following criteria:

- A. Must be 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. Must be 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. Must be appropriate to and expressive of the business or activity for which they are displayed;
- D. Must be creative in the use of unique two- and three-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; and
- E. Must be of high quality, durable materials appropriate to the physical demands of an urban setting.

7.2.5.5 Off-Street Parking Requirements

The requirements of Division 10.4 Parking and Loading, of this Code shall apply except where superseded by this Section.

- A. Basic requirements: The following minimum parking requirements shall apply to C-CGN in place of the parking requirements in Section 7.4.4 Allowed Uses by District and Minimum Parking Requirements:
 1. Office use: One space per 300 square feet of gross floor area (1/300).
 2. Retail use: One space per 300 square feet of gross floor area (1/300).
 3. Residential use: Two spaces per dwelling unit.
 4. Other uses: For other specific uses, the provisions of Section 7.4.4 shall apply.

5. ~~Vehicle Parking Reduction for Affordable Housing and Senior Housing: see Section 10.4.4.2.B:~~
- B. ~~Modifications of the basic requirement. Notwithstanding the provisions of Subsection A.1. through A.3. above, the following modifications shall apply to all permitted office, residential and retail uses, except barber shops, beauty salons, billiard parlors, brew pubs and eating places, which are located on zone lots in existence prior to October 1, 1996:~~
 1. ~~For interior zone lots under 6,200 square feet, with no alley access, no parking is required provided the 1:1 FAR is not exceeded. If the 1:1 FAR is exceeded, the basic off-street parking requirement shall apply for the floor area in excess of the 1:1 FAR, provided, however, no parking shall be required for the first 1,550 square feet of residential use.~~
 2. ~~For zone lots containing an area up to and including 7,400 square feet, one parking space shall be required for every 1,250 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.~~
 3. ~~For zone lots containing an area from 7,401 square feet up to and including 12,400 square feet, one parking space shall be required for every 900 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.~~
 4. ~~For zone lots containing an area from 12,401 square feet up to and including 15,000 square feet, one parking space shall be required for every 600 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.~~
- C. ~~Parking development standards:~~
 1. ~~No parking shall be permitted in the required building setback areas.~~
 2. ~~For parking structures which front on a public street, pedestrian-oriented uses such as retail or office uses shall be required at the street level along the street frontage for at least 50 percent of the parking structure frontage. For that portion of the parking structure frontage not devoted to retail or office uses, landscaping shall be provided in the setback area.~~
 3. ~~Notwithstanding the requirements of the landscaping rules and regulations, there shall be a five-foot wide landscaped setback area along the street frontage of any surface parking lot area. All parking lot areas shall be screened to a height of three (3) feet from all streets by a decorative three-foot high screen located at the setback line and landscaping shall be provided in the setback area. All such screens, fences, railings, walls, and landscaping shall be reviewed by the design advisory board.~~
- D. ~~Parking calculations for changes of use: In calculating the required numbers of off-street parking spaces for changes of use in accordance with Section 10.4.2.1.C.2, office uses in existence prior to September 17, 1993, shall use the ratio of one off-street parking space per 500 square feet of floor area to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use. For office uses established after September 17, 1993, the ratio of one off-street parking space per 300 square feet of floor area shall be used to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use.~~
- E. ~~Special plan for the location of off-street parking: Notwithstanding the requirements of Section 10.4.4.5.B, off-street parking requirements may be met off the zone lot upon approval of an off-street parking plan by the department of zoning administration after consultation with the Cherry Creek North Business Improvement district and the planning director.~~

- F. ~~Tandem parking: Notwithstanding the provisions of Section 10.4.6.6, required off-street parking, tandem parking is allowed only in the case of an addition to an existing building to meet the parking requirement for the added floor area or in the case of a change of use which results in an increase of the parking required. Tandem parking may not be used to meet the parking requirement of a new development. It must be possible to get any vehicle in or out of a tandem space by moving only one other vehicle.~~
- G. ~~Bicycle parking:~~
 - 1. ~~Requirement for bicycle parking: For every ten (10) automobile parking spaces required, there shall be provided an area or facility in which to park one (1) bicycle.~~
 - 2. ~~Facility design standards: Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the zone lot and shall be protected from damage by automobiles.~~

7.2.5.6 Off-Street Loading Requirements

~~The loading requirements of Division 10.4 Parking and Loading, of this Code shall be in full force and effect in this district.~~

7.2.5.7 Design Advisory Board

- A. ~~Board established. The mayor shall appoint a Cherry Creek North district design advisory board consisting of eight members to advise and assist the planning board and/or planning office in their review procedures.~~
- 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; one retailer from the district; and one nonvoting representative from the Denver planning office.~~
- C. ~~Two members of the board shall be appointed by the mayor within 30 days from the effective date of the ordinance from which this Section was derived. The members of the board shall be appointed by the mayor for the term of three years and shall serve at the pleasure of the mayor. The six members of the board serving on the effective date of the ordinance from which this Section was derived shall serve the balance of the term to which the member was appointed. Vacancies shall be filled within 30 days by the mayor from the date on which the vacancy occurs.~~

7.2.5.8 Application for Design Plan Approval

~~Applicants for a zoning administration use and construction permit shall first obtain approval of a design plan according to the following regulations:~~

- A. ~~Pre-application conference. Prior to filing an application for approval of a design plan, the applicant shall make a request to the planning office for a pre-application conference. During such conference the planning staff shall explain the procedures involved in the design review and shall list the submittal material from the following subsection which will be needed to describe the project:~~
- B. ~~Applications for approval of a design plan under this Article shall be filed with the department of zoning administration by all the owners or authorized representative[s] of any land to be included within the zone lot. The application may include the following: [site plan;] floor plan; sections through building and site; building elevations; special zone lot plan for planned building groups; an exterior perspective; tabulations of major exterior and interior areas; a tabulation of parking by size and type required and provided; dimensions of parking areas, setbacks,~~

building heights and sign design; a mass model of the project at a scale of one inch equals 30 feet. The planning staff may require that the application include all or a portion of the items listed above in order to describe the specific project.

- C. The complete application shall be forwarded to the planning office for review by the design advisory board. At a regular meeting of the design advisory board, the applicant shall have the opportunity to discuss the application within 25 days after submittal to zoning administration. If no action is taken within 25 days after submittal, the project shall be deemed approved unless the review period is extended by mutual agreement of the applicant and the design review board.
- D. Rules and regulations, including administrative procedures and design guidelines, shall be prepared by the design review board and adopted by the planning board. Such guidelines shall address the following: building character; alignment of architectural features; pedestrian interest at the sidewalk edges; building materials, textures and patterns; art, open spaces, parking and signs.
- E. Applications shall be evaluated on the basis of the design guidelines. The design advisory board shall prepare recommendations, and an applicant may appeal the recommendations of the design review board to the planning board by filing an appeal in the office of the planning board within 15 days of the date of the recommendations of the design advisory board. If an appeal is filed with the planning board, the planning board shall evaluate all comments on the application and shall forward a final recommendation to the Zoning Administrator. If an appeal is not filed with the planning board, the recommendations of the design advisory board shall be forwarded to the Zoning Administrator. The Zoning Administrator shall approve, approve with conditions or deny the application for use and construction permit after reviewing the recommendations of the design advisory board or the planning board.

7.3.2.4 Specific Building Form Intent

A. 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 increased build-to range.

2. 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.

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.

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 that are located on the south side of 3rd Avenue and that exist as of October , 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 publicly accessible 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 publicly accessible 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 , 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.

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

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

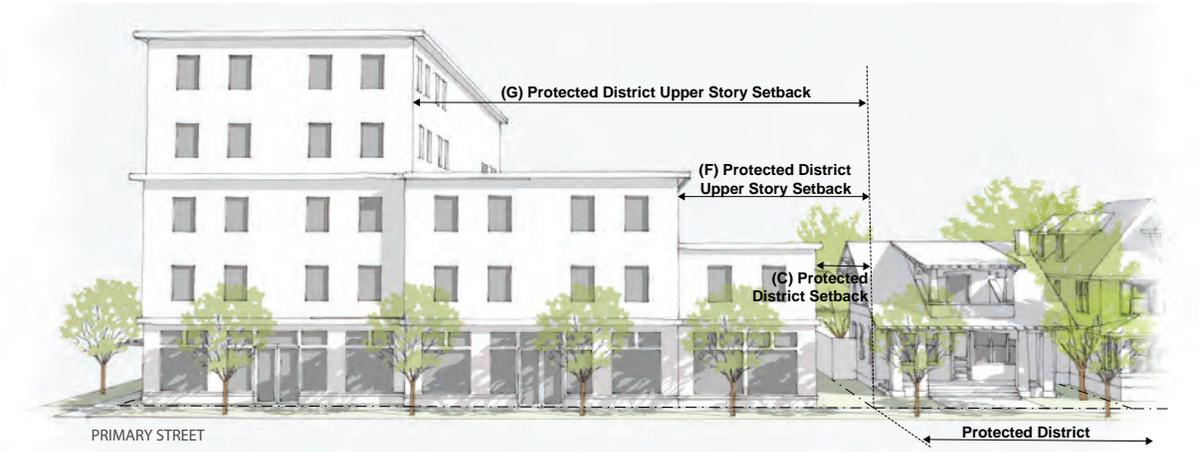
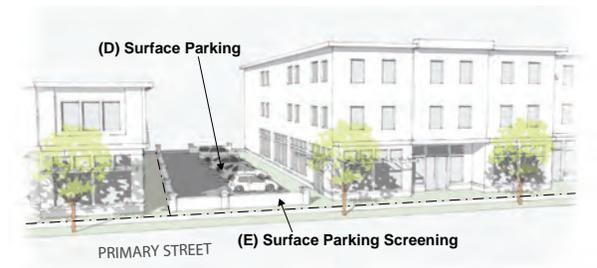
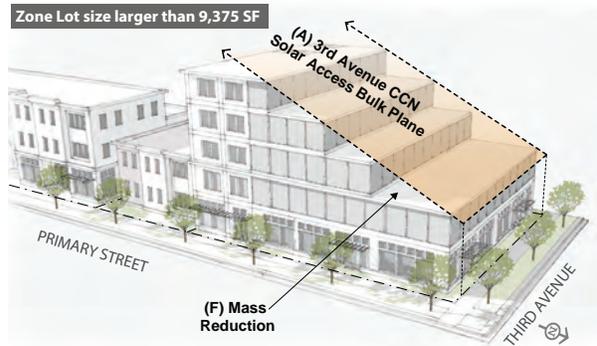
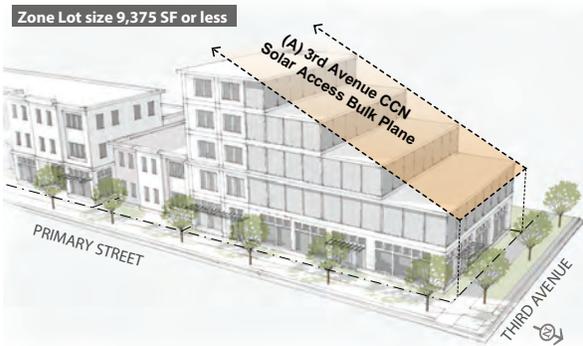
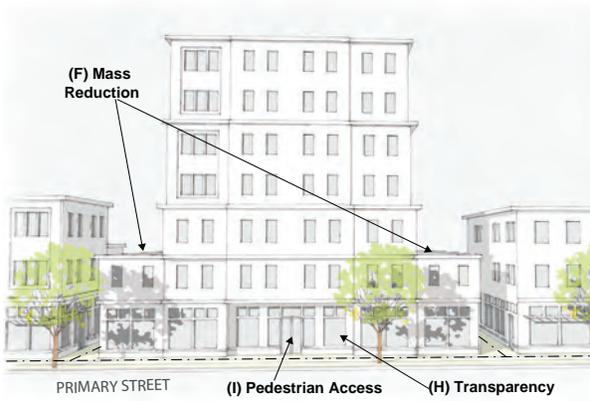
7.3.3.3 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by ~~z~~Zone and ~~D~~District is summarized below::

Urban Center (C-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms																
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	<u>Cherry Creek General</u>	<u>Cherry Creek General - Small Lot on South Side of 3rd Ave</u>	<u>Cherry Creek Open Space</u>	<u>Cherry Creek Open Space - Small Lot on South Side of 3rd Ave</u>	Shopfront
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	C-CCN-3, -4, -5	See Sec. 7.2.5 for Standards Applicable in the C-CCN District <u>no max</u>												■	■	■	■		
	C-CCN-7, -8, -12	<u>no max</u>												■		■			

■ = Allowed □ = Allowed subject to limitations

D. 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)	<u>3</u>	<u>4</u>	<u>5</u>	<u>7</u>	<u>8</u>	<u>12</u>
	Feet (max)	<u>45'</u>	<u>57'</u>	<u>70'</u>	<u>96'</u>	<u>110'</u>	<u>150'</u>
A	3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1)	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>
	Height Exceptions	<u>See Section 7.3.7.1</u>					
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)	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>
SETBACKS							
	Primary Street (min)	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
	Side Interior (min)	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>
C	Side Interior, adjacent to Protected District (min)	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
	Rear, alley and no alley (min)	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>
	Rear, adjacent to Protected District, alley/no alley (min)	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>
	Setback Exceptions and Encroachments	<u>See Sections 7.3.7.3 and 7.3.7.4</u>					
PARKING							
D	Surface Parking between building and Primary Street	<u>Not Allowed</u>					
E	Surface Parking Screening Required	<u>See Article 10, Division 10.5</u>					
	Vehicle Access	<u>See Section 7.3.5.2</u>					
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)	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>	<u>25%</u>
	Mass Reduction where Zone Lot Size is 9,375 square feet or less, as of October 1, 2014 (min)	<u>na</u>	<u>na</u>	<u>na</u>	<u>na</u>	<u>na</u>	<u>na</u>
G	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>
H	Upper Story Setback Above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	<u>na</u>	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>
GROUND STORY ACTIVATION							
I	Transparency, Primary Street (min)	<u>60%</u>					
J	Pedestrian Access, min 1 per building	<u>Entrance</u>					
USES		<u>All C-CCN</u>					
<u>All allowable Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking</u>							

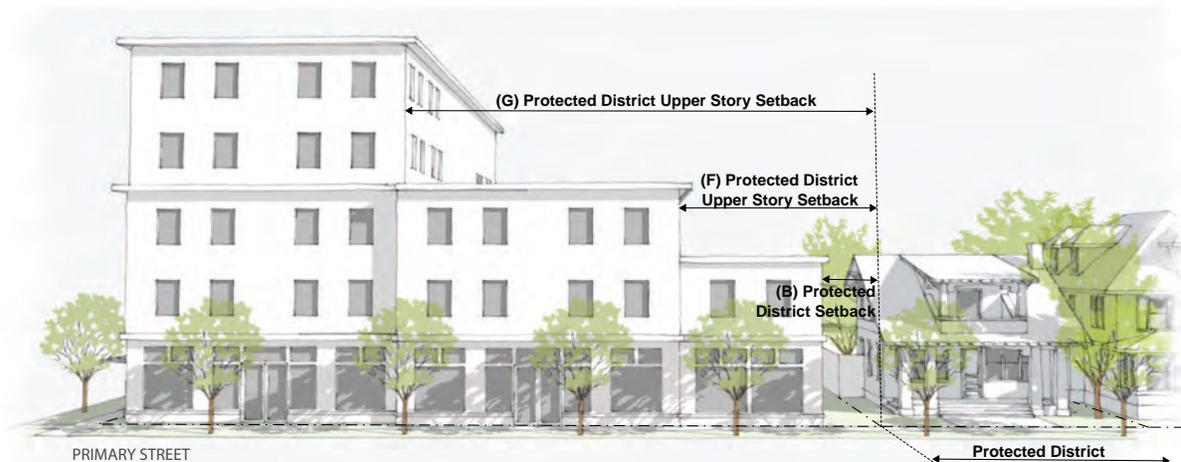
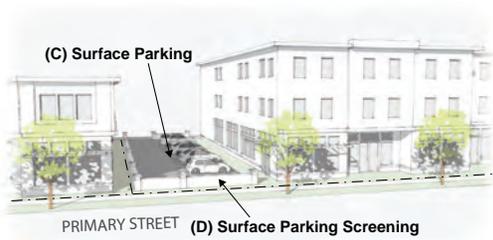
E. Cherry Creek General - Small Lot on South Side of 3rd Ave



CHERRY CREEK GENERAL - SMALL LOT ON SOUTH SIDE OF 3RD AVE

		C-CCN-3, -4, -5	
HEIGHT		Option A	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	
		C-CCN-3, -4, -5	
SITING		Option A	Option B
	ZONE LOT		
	Zone Lot Size, as of October __, 2014 (max)	6,250 ft ²	6,250 ft ²
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% 5'/15'	70% 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 7.3.5.2	
		C-CCN-3, -4, -5	
DESIGN ELEMENTS		Option A	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
	GROUND STORY 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 allowable Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking			

F. Cherry Creek Open Space



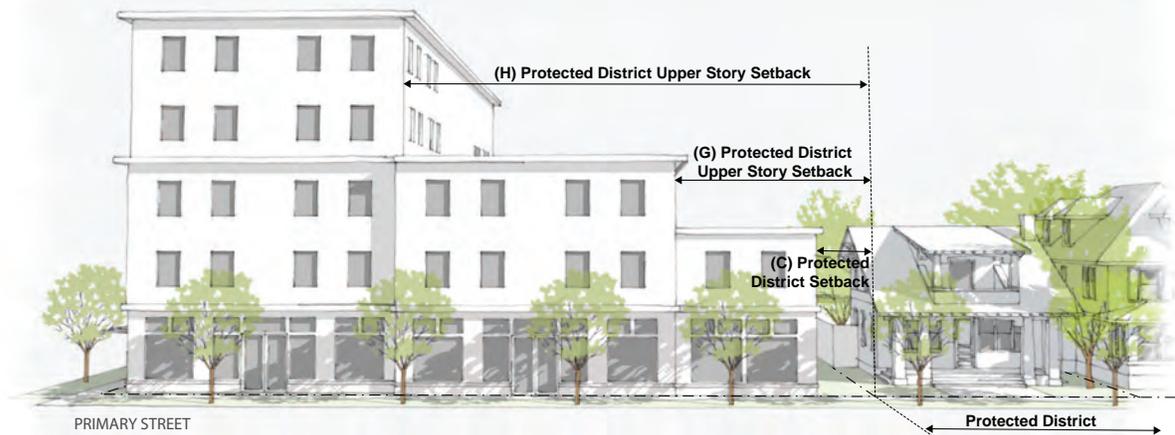
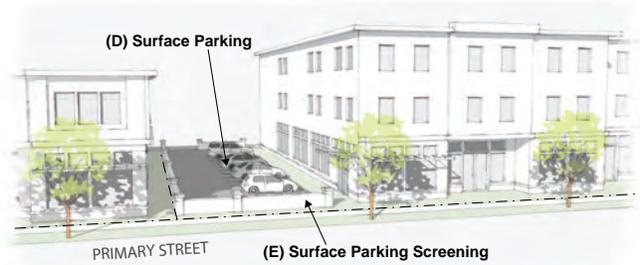
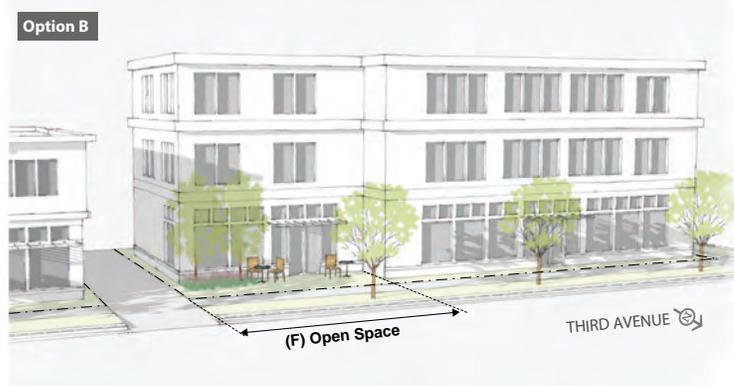
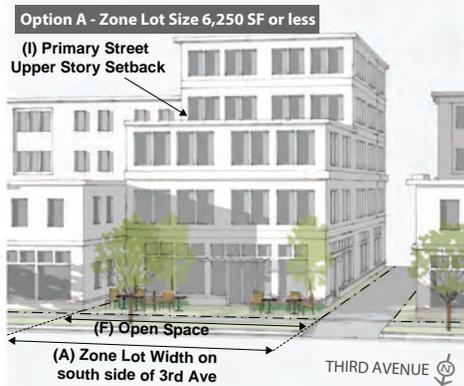
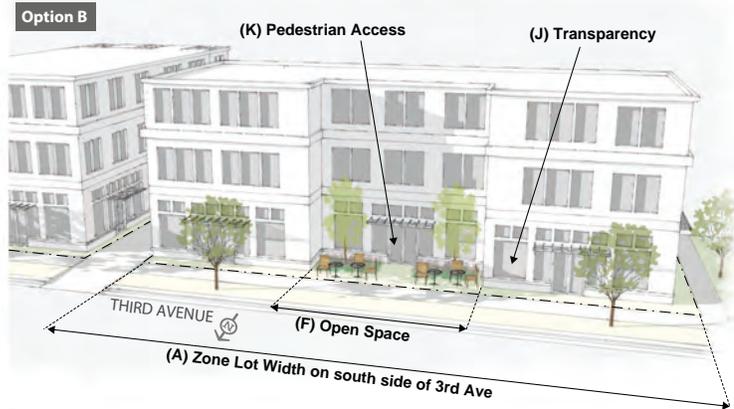
CHERRY CREEK OPEN SPACE

HEIGHT	C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
Stories (max)	<u>3</u>	<u>4</u>	<u>5</u>	<u>7</u>	<u>8</u>	<u>12</u>
Feet (max)	<u>45'</u>	<u>57'</u>	<u>70'</u>	<u>96'</u>	<u>110'</u>	<u>150'</u>
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)	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>
SETBACKS						
Primary Street (min)	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
Side Interior (min)	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>
B Side Interior, adjacent to Protected District (min)	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
Rear, alley and no alley (min)	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>
Rear, adjacent to Protected District, alley/no alley (min)	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>	<u>0'/10'</u>
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 7.3.5.2					

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)	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>
F Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>	<u>20'/25'</u>
G Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>	<u>35'/40'</u>
GROUND STORY ACTIVATION						
H Transparency, Primary Street (min)	60%					
I Pedestrian Access, min 1 per building	Entrance					
USES	All C-CCN					
<u>All allowable Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking</u>						

G. Cherry Creek Open Space - Small Lot on South Side of 3rd Ave



CHERRY CREEK OPEN SPACE - SMALL LOT ON SOUTH SIDE OF 3RD AVE

	C-CCN-3, -4, -5	
HEIGHT	Option A	Option B
Stories (max)	<u>C-CCN-3: 3</u> <u>C-CCN-4: 4</u> <u>C-CCN-5: 5</u>	<u>C-CCN-3: 3</u> <u>C-CCN-4: 4</u> <u>C-CCN-5: 5</u>
Feet (max)	<u>C-CCN-3: 45'</u> <u>C-CCN-4: 57'</u> <u>C-CCN-5: 70'</u>	<u>C-CCN-3: 45'</u> <u>C-CCN-4: 57'</u> <u>C-CCN-5: 70'</u>
3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1)	No	No
Height Exceptions	See Section 7.3.7.1	

	C-CCN-3, -4, -5	
SITING	Option A	Option B
ZONE LOT		
Zone Lot Size, as of October __, 2014 (max)	9,375 ft ²	6,250 ft ²
A Zone Lot Width on the south side of 3rd Avenue	At least 1'	6,250 ft ² OR At least 1' but no more than 50'

	C-CCN-3, -4, -5	
REQUIRED BUILD-TO	Option A	Option B
B Primary Street (% within min/max)	<u>70%</u> <u>5'/15'</u>	<u>70%</u> <u>5'/15'</u>

	C-CCN-3, -4, -5	
SETBACKS	Option A	Option B
Primary Street (min)	<u>5'</u>	<u>5'</u>
Side Interior (min)	<u>0'</u>	<u>0'</u>
C Side Interior, adjacent to Protected District (min)	<u>10'</u>	<u>10'</u>
Rear, alley and no alley (min)	<u>0'</u>	<u>0'</u>
Rear, adjacent to Protected District, alley/no alley (min)	<u>0'/10'</u>	<u>0'/10'</u>
Setback Exceptions and Encroachments	See Sections 7.3.7.3 and 7.3.7.4	

	C-CCN-3, -4, -5	
PARKING	Option A	Option B
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 7.3.5.2	

	C-CCN-3, -4, -5	
DESIGN ELEMENTS	Option A	Option B
BUILDING CONFIGURATION		
F Private Open Space (min)	<u>15%</u>	<u>20%</u>
G Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	<u>20'/25'</u>	<u>20'/25'</u>
H Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	<u>35'/40'</u>	na
I Primary Street Upper Story Setback Above 45' and 3 Stories; where zone lot abuts southern right-of-way of 3rd Avenue (min)	<u>57'</u>	na

	C-CCN-3, -4, -5	
GROUND STORY ACTIVATION	Option A	Option B
J Transparency, Primary Street (min)	<u>60%</u>	
K Pedestrian Access, min 1 per building	Entrance	

	C-CCN-3, -4, -5: Options A and B	
USES		
	All allowable Primary Uses shall be allowed within this building form. See Division 7.4 Uses and Parking	

7.3.4.3 Supplemental Standards

A. Gross Floor Area for Detached Accessory Structures in All Zone Districts

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.

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

1. Required Building Materials

All detached 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.

2. Access and Contiguity

Except when used for a permitted accessory dwelling unit, any residential floor area contained within a second story located above an attached accessory structure shall be contiguous to and accessed only through other residential floor area contained within the principal residential structure.

7.3.4.4 District Specific Standards Summary

The maximum number of structures per zone lot and building forms allowed by ~~z~~Zone ~~d~~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	C-CCN	See Sec. 7.2.5 for Standards Applicable in the C-CCN District no max				■

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

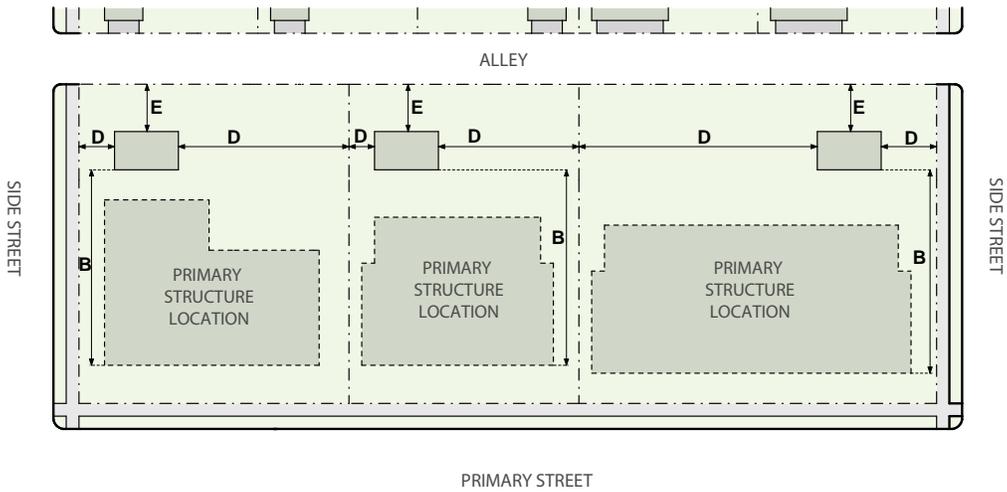
7.3.4.5 District Specific Standards

A. Detached Accessory Structures

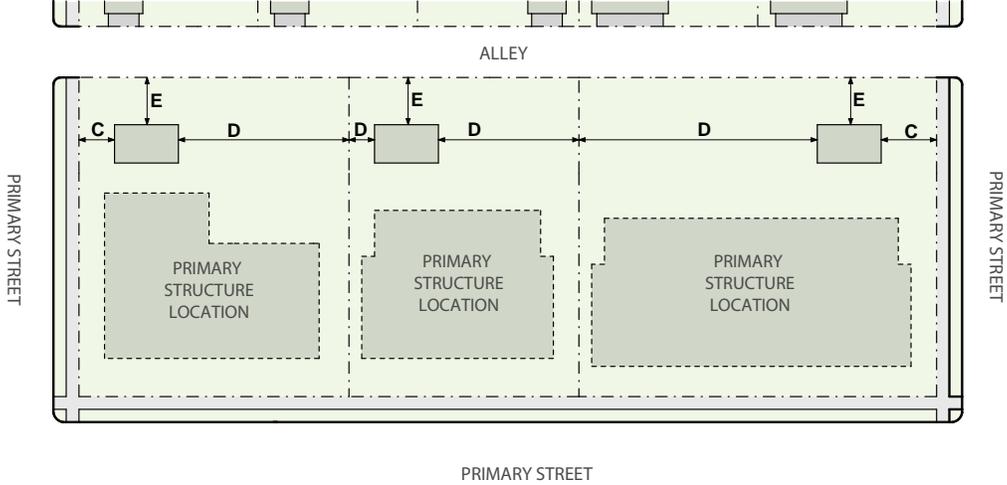
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C-RX, C-MX, C-MS



C-CCN



DETACHED ACCESSORY STRUCTURES

HEIGHT		All C-RX, C-MX, C-MS	All C-CCN
A	Stories (max)	1	<u>1'</u>
A	Feet (max)	17'	<u>17'</u>
SITING		All C-RX, C-MX, C-MS	All C-CCN
Additional Standards		See Sections 7.3.4.3	See Sections 7.3.4.3
SETBACKS			
B	Setback from Primary Street Facing Facade of Primary Structure (min)	10'	<u>0'</u>
C	<u>Primary Street</u>	<u>na</u>	<u>5'</u>
D	Side Interior and Side Street (min)	5'	<u>0'</u>
E	Rear, no alley (min)	5'	<u>0'</u>
	Rear, alley, where garage doors face alley (min)	5'	<u>0'</u>
	Rear, alley, where garage doors do not face alley (min)	0'	<u>0'</u>
DESIGN ELEMENTS		All C-RX, C-MX, C-MS, <u>C-CCN</u>	
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, <u>C-CCN</u>	
		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 RESERVED SUPPLEMENTAL DESIGN STANDARDS

7.3.5.1 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 ground-story, pedestrian-friendly active uses in all new or redeveloped buildings and structures containing parking spaces. Active ground-story 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. Ground story 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 pedestrian-friendly active uses.

B. **Applicability**

Section 7.3.5.1 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. **Active Ground Story Uses**

1. The ground story of a structure containing parking spaces shall be occupied by a use allowed 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 allowed in the same building or structure,
 - c. Household Living, and
 - d. Automobile Services, Light or Heavy, except as otherwise allowed in Section 11.4.16.3.
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% ground story active use frontage requirement.
3. When vehicle access to on-site parking or loading spaces from a primary street is allowed under Section 7.3.5.2, the width of such vehicle access may be credited toward compliance with the 100% ground story active use requirement.

See also C-CCN Zone District use limitations related to ground-story Household Living uses in Section 11.2.4 of this Code, and C-CCN Zone District uses limitations related to ground-story Automobile Services, Light or Heavy uses in Section 11.4.16.3.

7.3.5.2 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 ground-story 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 7.3.5.2 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.

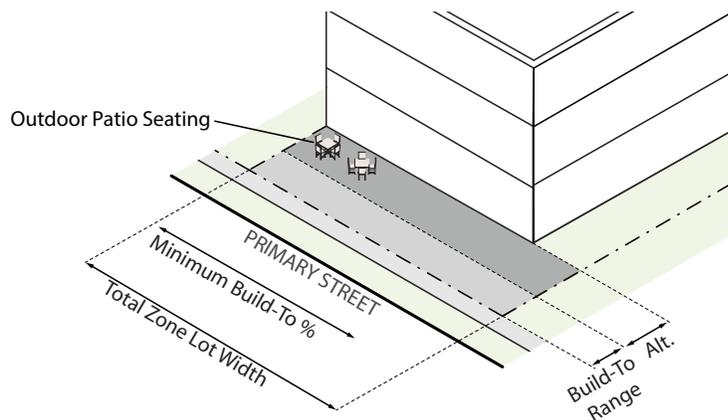
SECTION 7.3.6 DESIGN STANDARD ALTERNATIVES

7.3.6.1 Required Build-To Alternatives

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement. In the C-CCN Zone Districts, the Outdoor Patio Seating and Private Open Space alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard for 100% of the requirement, provided the Outdoor Patio Seating complies with the Private Open Space rule of measurement in Article 13.

A. Outdoor Patio Seating

In all C-CCN Zone Districts, the Required Build-To Range may be increased from 15' to 20' when Outdoor Patio Seating is provided between the building and the Primary Street. Ground Story Activation requirements shall still apply.



B. Private Open Space

In all C-CCN Zone Districts, any portion of the Private Open Space (see Article 13, Division 13.1) shall count toward up to 100% of the Required Build-To Percentage.

C. Garden Walls

In all Urban Center Neighborhood Context Zone Districts, Garden Walls may count toward 25% of the Required Build-To minimum percentage and 30% when covered seating for pedestrians is incorporated, provided the garden wall meets the following standards:

1. Garden Walls must be between 30" and 42" in height with the following exceptions:

- e. Required public Entrance shall be visible from the public right-of-way.
 - f. Perimeter walls of court or plaza shall meet primary facade transparency standards.
2. Covered Walkway
- a. Arcades or Pergola/Trellis that meet the following:
 - ii. Shall be accessible to public during business hours
 - iii. Shall provide continuous covered access to required Entrance from the public right-of-way
 - iv. Required public Entrance shall be visible from the public right-of-way

SECTION 7.3.7 DESIGN STANDARD EXCEPTIONS

7.3.7.1 Height Exceptions

A. Intent

To allow unoccupied 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:

The following unoccupied building features are allowed to exceed height in feet, bulk plane and upper story setbacks as described below:

UNOCCUPIED 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 PROJECT THROUGH THE BULK PLANE	MAY PROJECT THROUGH THE 3RD AVENUE BULK PLANE	MAY ENCROACH INTO THE UPPER STORY SETBACK
Eaves	All C- Zone Districts	No	No	Not allowed	Any distance	<u>Not allowed</u>	Any distance
Spires, towers, flagpoles, antennas, chimneys, flues and vents	All C- Zone Districts	No	No	28'	Any distance	<u>Not allowed</u>	Any distance
Cooling towers and enclosures for tanks	All 5-Story or greater C-RX, C-MX, C-MS Zone Districts	No	Yes	28'	Not allowed	<u>Not allowed</u>	Not allowed
Elevator penthouses unoccupied shade structures, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment.	C-MX-3, C-CCN Zone Districts	Yes	Yes	12'	Not allowed	<u>Not allowed</u>	Not allowed
Elevator penthouses, unoccupied shade structures, stair enclosures and mechanical equipment including any vertical or sloped screen walls	All 5-Story or greater C-RX, C-MX, C-MS Zone Districts	Yes	Yes	28'	Not allowed	<u>Not allowed</u>	Not allowed

UNOCCUPIED 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 PROJECT THROUGH THE BULK PLANE	MAY PROJECT THROUGH THE 3RD AVENUE CCN BULK PLANE	MAY ENCROACH INTO THE UPPER STORY SETBACK
Parapet Wall and/or Safety Railing	All 5-Story or greater C- Zone Districts	No	No	Any distance	Not allowed	<u>Not allowed</u>	Not allowed
Flush-mounted solar panels	All C- Zone Districts	No	No	Any distance	Any distance	<u>Not allowed</u>	Any distance
Evaporative coolers	All C- Zone Districts	No	Yes	Any distance	Any distance	<u>Not allowed</u>	Any distance
Accessory water tanks	All C-MX, C-MS Zone Districts	No	Yes	28'	Any distance	<u>Not allowed</u>	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.

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					APPLICABLE USE LIMITATIONS	
	• Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)		C-MX-3 C-MX-5 C-MX-8 C-RX-5 C-RX-8 C-RX-12	C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
RESIDENTIAL PRIMARY USE CLASSIFICATION							
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	L-ZP	§7.4.5.1 §11.2.4	
	Dwelling, Two Unit • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: 0.75/unit	P-ZP	P-ZP	P-ZP	L-ZP	§7.4.5.2 §11.2.4	
	Dwelling, Multi-Unit • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	L-ZP	§7.4.5.3 §11.2.4	
	Dwelling, Live / Work • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	L-ZP	L-ZP	L-ZP	L-ZP	§7.4.5.5; §11.2.3; §11.2.4	
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	NP		
	Community Corrections Facility	NP	NP	NP	NP		
	Nursing Home, Hospice • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP		
	Residence for Older Adults • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP		
	Residential Care Use, Small or Large • Vehicle: No requirement • Bicycle: 1/10 units (50/50)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.2.5	
	Rooming and Boarding House • Vehicle - MS only: 2/ 1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	NP		
	Shelter for the Homeless • Vehicle: No requirement • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.6	
	Student Housing • <u>Vehicle - CCN districts only:1/unit</u> • Vehicle: 0.75/unit • 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* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1	
	Utility, Minor Impact* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)					APPLICABLE USE LIMITATIONS
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
Community/ Public Services	Community Center •Vehicle: No requirement •Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood •Vehicle - CCN districts only: <u>2.5/1,000 ft² GFA</u> •Vehicle: 1.25/ 1,000 ft ² GFA •Bicycle: 1/7,500 ft ² GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	
Community/ Public Services	Postal Processing Center •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/7,500 ft ² GFA(20/80)	NP	P-ZP	P-ZP	NP	
	Public Safety Facility •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.5
	Hospital Correctional Institution	NP NP	NP NP	NP NP	NP NP	
Cultural/Special Purpose/Pub- lic Parks & Open Space	Cemetery	NP	NP	NP	NP	
	Library •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	P-ZP	P-ZP	P-ZP	
	City Park •No Parking Requirements	NP	NP	NP	NP	
	Open Space - Recreation •Vehicle: No requirement •Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation •No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School •Vehicle: 1/1,000 ft ² GFA •Bicycle: 1/10,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6
	University or College •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6; §11.3.7
	Vocational or Professional School •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	L-ZP	L-ZP	L-ZP	§ 11.3.6
Public and Religious As- sembly	All Types •Vehicle: No requirement •Bicycle: No requirement	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.8

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)					APPLICABLE USE LIMITATIONS
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
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.
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle - Artist Studio: 0.3/1000 ft ² GFA • <u>Vehicle - CCN districts only: 2.5/1,000 ft² GFA</u> • Vehicle - All Others: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	
	Arts, Recreation and Entertainment Services, Outdoor* • <u>Vehicle - CCN districts only: 2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA(20/80)	L-ZPIN	L-ZPSE	L-ZPSE	L-ZPIN	§ 11.4.2
	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	§11.4.3
Parking of Vehicles	Parking, Garage • No Parking Requirements	P-ZP	P-ZP	P-ZP	<u>L-P-P-ZP</u>	<u>§7.3.5.2</u>
	Parking, Surface* • No Parking Requirements	NP	NP	NP	<u>NP-P-ZP</u>	
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2/ 1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/1,500 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 0.875/guest room or unit • Bicycle: 1/2 guest room or unit (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 0.5/ guest room or unit • Bicycle: 1/2 guest rooms or units (80/20)	P-ZP	P-ZP	P-ZP	NP	
Office	Dental / Medical Office or Clinic • <u>Vehicle - CCN districts only: 2/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (60/40)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.7
	Office, All Others • <u>Vehicle - CCN districts only: 2/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (60/40)	P-ZP	P-ZP	P-ZP	P-ZP	

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		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • <u>Vehicle - CCN districts only:</u> <u>2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA(20/80)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	
	Body Art Establishment • <u>Vehicle - CCN districts only:</u> <u>2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	NP	L-ZP	L-ZP	L-ZP	§11.4.10
	Food Sales or Market • <u>Vehicle - CCN districts only:</u> <u>2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	L-ZP	P-ZP	P-ZP	P-ZP	§11.4.11
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Liquor Store, Including Drugstores Licensed to Sell Liquor • <u>Vehicle - CCN districts only:</u> <u>2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.12
	Pawn Shop	NP	NP	NP	NP	
	Retail Sales, Service & Repair -- Outdoor*	NP	NP	NP	NP	
	Retail Sales, Service & Repair - Firearms Sales • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA(20/80)	NP	NP	P-ZP	NP	
	Retail Sales, Service & Repair, All Others • <u>Vehicle - CCN districts only:</u> <u>2.5/1,000 ft² GFA</u> • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² 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 • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	<u>L-ZP NP</u>	§11.4.16 §11.4.17
	Automobile Services, Heavy • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	L-ZP/ZPSE	NP	§11.4.16 §11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	<u>L-ZP NP</u>	§11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals & Service*	NP	NP	NP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS				
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION						
Communications and Information	Antennas Not Attached to a Tower* • No Parking Requirements	L-ZP	L-ZP	L-ZP	L-ZP	§11.5.2
	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	C-MX-3: L-ZP/ZPSE All Others: P-ZP	P-ZP	P-ZP	§11.5.1
	Telecommunications Towers* • 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* • No Parking Requirements	L-ZP/ZPIN	L-ZP/ZPIN	L-ZP/ZPIN	L-ZP/ZPIN	§11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • 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 • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	NP	§11.5.4
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	NP	§11.5.5
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZPIN	L-ZP	L-ZP	L-ZP	§11.5.6
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	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* • No Parking Requirements	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.5.9

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)					APPLICABLE USE LIMITATIONS
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
Transportation Facilities	Airport*	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* • No Parking Requirements	L-ZPIN	L-ZP	L-ZP	NP	§11.5.10
	Railroad Facilities*	NP	NP	NP	NP	
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 ft ² GFA • 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 Solid Waste Facility	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	
	Mini-storage Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	NP	NP	§11.5.12
	Vehicle Storage, Commercial*	NP	NP	NP	NP	
	Wholesale Trade or Storage, General	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP/ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	NP	§11.5.14
AGRICULTURE PRIMARY USE CLASSIFICATION						
Agriculture	Aquaculture*	NP	NP	NP	NP	
	Garden, Urban* • Vehicle: .5/ 1,000 ft ² GFA • 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 • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.6.3

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USE CATEGORY	SPECIFIC USE TYPE					APPLICABLE USE LIMITATIONS
	<ul style="list-style-type: none"> • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility) 	C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-3 C-CCN-4 C-CCN-5 C-CCN-7 C-CCN-8 C-CCN-12	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION						
Accessory to Primary Residential Uses (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; §11.8.1
	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 Allowed Primary Uses			§11.7; §11.8.7
	Second Kitchen Accessory to Single Unit Dwelling Use	NP	NP	NP	NP	
	Vehicle Storage, Repair and Maintenance*	L	L	L	L	§11.7; §10.9
Wind Energy Conversion Systems*	L-ZPIN/ ZPSE	Not Applicable - See Allowed Primary Uses			§11.7; §11.5.8	
Yard and/or Garage Sales*	L	L	L	L	§11.7; §11.8.9	
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 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

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					APPLICABLE USE LIMITATIONS
	• Vehicle Parking Reqmt: # spaces per unit of measurement	C-MX-3	C-MS-5	C-CCN-3		
	• Bicycle Parking Reqmt: # spaces per unit of measurement	C-MX-5	C-MS-8	C-CCN-4		
	(% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	C-MX-8	C-MS-12	C-CCN-5		
		C-RX-5	C-MS-5	C-CCN-7		
		C-RX-8	C-MS-8	C-CCN-8		
		C-RX-12	C-MS-12	C-CCN-12		
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION						
Accessory to Primary Non-residential Uses (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 Allowed Primary Uses	Not Applicable - See Allowed Primary Uses	Not Applicable - See Allowed 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 Allowed 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 Allowed 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
	Garden*	L	L	L	L	§11.7; §11.10.9
	Keeping of Animals	L/L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	§11.7; § 11.10.10
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	Not Applicable - See Allowed Primary Uses	Not Applicable			§11.4.3
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	§11.7; §11.10.11
	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; §11.10.12
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.13
	Outdoor Retail Sale and Display*	NP	L-ZP	L-ZP	L-ZP NP	§11.7; §11.10.14
Outdoor Storage, General*	NP	NP	NP	NP		
Outdoor Storage, Limited*	NP	L	L	L	§11.7; §11.10.16	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	§11.7; §11.10.17	

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					APPLICABLE USE LIMITATIONS
	• Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)		C-MX-3 C-MX-5 C-MX-8		C-CCN-3 C-CCN-4 C-CCN-5	
		C-RX-5 C-RX-8 C-RX-12	C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN-7 C-CCN-8 C-CCN-12	
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	L-ZP	Not Applicable - See Allowed Primary Uses			§11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	§11.11.3
	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
Tent for Religious Services	NP	NP	NP	NP		

SECTION 7.4.5 APPLICABLE USE LIMITATIONS

7.4.5.1 Dwelling, Single Unit

In the C-CCN District, single unit dwelling uses may be located only in floors above the ground floor. For purposes of this provision, “ground floor” shall mean the first floor in which the ceiling is 4 feet or more above grade at the nearest building line.

7.4.5.2 Dwelling, Two Unit

In the C-CCN District, two unit dwelling uses may be located only in floors above the ground floor. For purposes of this provision, “ground floor” shall mean the first floor in which the ceiling is 4 feet or more above grade at the nearest building line.

7.4.5.3 Dwelling, Multi-Unit

In the C-CCN District, multi-unit dwelling uses may be located only in floors above the ground floor. For purposes of this provision, “ground floor” shall mean the first floor in which the ceiling is 4 feet or more above grade at the nearest building line.

7.4.5.4 Dwelling, Live/Work

In the C-CCN District, live/work dwelling uses may be located only in floors above the ground floor. For purposes of this provision, “ground floor” shall mean the first floor in which the ceiling is 4 feet or more above grade at the nearest building line.

ARTICLE 10. GENERAL DESIGN STANDARDS

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.
- B. ~~This Section 10.4.3 Bicycle Parking shall not apply in the C-CCN Zone District. See Section 7.2.5.5, Off-Street Parking Requirements for applicable bicycle parking standards for the C-CCN Zone District.~~

10.4.3.2 Calculation

- A. When a primary use's required amount of bicycle parking is less than 2 spaces, 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. All required spaces "per square feet" are measured as gross floor area, unless otherwise specified.
- D. For residential uses, the bicycle parking requirement shall be calculated separately for separate residential buildings.
- E. 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.

C. Vehicle Parking Reduction for the C-CCN Zone Districts

In the C-CCN Zone Districts, zone lots which are equal to or smaller than 9,375 square feet in area on October 1, 2014, shall be granted a 67 percent reduction in the total number of required parking spaces.

10.4.5.3 Shared Vehicle Parking

A. Applicability

1. An applicant may request shared parking to meet the minimum 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);
 - 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 Amount Allowed

The Zoning Administrator shall determine the total amount of parking allowed to be shared based upon the shared parking analysis.

C. 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.

D. 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. 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.
 - a. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

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/Lodging	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% 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 (EXCLUDING C-CEN ZONE DISTRICT) 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/Lodging	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% 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 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/Lodging	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% 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

10.10.17.3 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, and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

SECTION 10.10.18 CHERRY CREEK NORTH ZONE DISTRICT SIGN STANDARDS

10.10.18.1 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.

10.10.18.2 General

Signs may be erected, altered and maintained only for and by a use by right in the C-CCN Zone Districts district; 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.

10.10.18.3 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.

10.10.18.4 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.

10.10.18.5 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 dDistricts. 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.

10.10.18.6 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.

10.10.18.7 Permitted Sign Types

Wall, window, ground, projecting and arcade.

10.10.18.8 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.

10.10.18.9 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).

10.10.18.17 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 10.10.18:

- 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 but shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.18.18 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 10.10.18.19 (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; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.18.19 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 how-

ARTICLE 11. USE LIMITATIONS AND DEFINITIONS

- 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 11.2.4 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:

11.2.4.1 Intent

Improve the pedestrian experience along the street level in the Cherry Creek North mixed use shopping district by requiring ground-story, pedestrian-friendly uses in all development. Retain ground stories for nonresidential uses allowed 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. Ground story 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.

11.2.4.2 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 ground story; and/or
 - 2. On the ground story, 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 allowed along street frontages.

See also C-CCN Zone District supplemental design standards in Section 7.3.5.2 related to ground-story active uses in structures or buildings containing parking spaces.

GROUP LIVING USE CATEGORY

SECTION 11.2.5 RESIDENCE FOR OLDER ADULTS

11.2.5.1 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.

11.2.5.2 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 11.2.6 RESIDENTIAL CARE USE, SMALL OR LARGE

11.2.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

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 proposed accessory outdoor facility shall comply with the limitations in Section 11.3.3.3; and
 2. 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.

VEHICLE / EQUIPMENT SALES, RENTALS, SERVICE AND REPAIR USE CATEGORY

SECTION 11.4.15 AUTOMOBILE EMISSIONS INSPECTION FACILITY

11.4.15.1 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 11.4.16 AUTOMOBILE SERVICES, LIGHT OR HEAVY

11.4.16.1 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.

11.4.16.2 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.

11.4.16.3 All C-CCN Zone Districts

In all C-CCN 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 11.4.16.4:

A. Intent

Improve the pedestrian experience along the street level in the Cherry Creek North mixed-use shopping district by requiring ground-story, pedestrian-friendly uses in all new development or redevelopment. 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 contribute substantially to the activation, economic vitality, and safety of this important mixed-use neighborhood. Ground story 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 pedestrian-friendly active uses.

B. Limitations

1. Allowed 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.
3. 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 ground story, and/or
 - b. On the ground story, 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 allowed (e.g., a pedestrian lobby or waiting area), and such

area may be credited toward compliance with the 100% ground story use frontage requirement.

See also C-CCN Zone District use limitations related to ground-story Household Living uses in Section 11.2.4, and C-CCN Zone District supplemental design standards in Section 7.3.5.1 related to ground-story active uses in structures or buildings containing parking spaces.

4. Accessory fuel sales, including the sale of compressed natural gas or liquefied petroleum, are prohibited, except accessory electric charging of vehicles shall be permitted.
5. Accessory trailer rental is prohibited.
6. Washing, cleaning, and/or waxing of automobiles by hand or with manually or automatically operated equipment is allowed only as accessory to the primary Automobile Services use, and shall be located in the same building as the primary Automobile Services use.

11.4.16.4 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 allowed 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.

- 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 11.4.19 AUTOMOBILE / MOTORCYCLE, LIGHT TRUCK SALES, RENTAL AND/OR LEASING; PAWN LOT OR VEHICLE AUCTIONEER

11.4.19.1 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.

11.4.19.2 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.

11.4.19.3 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 allowed 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.

C. Specific Limitations When Located Less than 50' from a Protected District

1. Applicability

This Section 11.10.12.1.C's use standards shall apply to all accessory Outdoor Eating and Serving Areas, where allowed 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, -A, -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 ground story 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 ground story, ~~When the~~ Outdoor Eating and Serving Areas ~~is~~ located less than 50 feet from the nearest boundary of a Protected District, ~~it~~ 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 13.1.9, Measurement of Separation or Distance.

D. Specific Limitations When Located Between 50' and Less than 100' 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 allowed 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,

- E. If the Outdoor Entertainment area is less than 50 feet from the nearest boundary of any Protected District (measured according to Section 13.1.6, Measurement of Separation or Distance), it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

SECTION 11.10.14 OUTDOOR RETAIL SALE AND DISPLAY

11.10.14.1 All Zone Districts

In all Zone Districts, where permitted with limitations, Outdoor Retail Sales and Display shall comply with the following limitations:

A. 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.

B. Location and Placement Standards

1. Outdoor retail sales and display areas are permitted adjacent to the building façade containing an entrance, and shall extend no further from such facade than the inside edge of the required fire access lane or drive aisle abutting such facade.
2. Outdoor retail sales and display areas shall not exceed 20 feet in height.
3. Outdoor retail sales and display areas shall not obstruct the ingress/egress paths to the public way. Display of highly combustible goods shall be located at least 5 feet from ingress/egress paths.
4. Outdoor retail sales and display areas shall not obscure visibility of exits or address numbers (premises identification) from the primary street frontage.
5. 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.
6. Outdoor retail sales and display areas shall be located such that ADA standards are met.

11.10.14.2 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 allowed in the C-CCN Zone Districts and subject to Section 11.11.11, Outdoor Retail Sales.

ARTICLE 12. ZONING PROCEDURES & ENFORCEMENT

- 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 mayor shall appoint a~~ Cherry Creek North ~~district design advisory board~~ Design Advisory Board consisting shall consist of eight seven members appointed by the mayor to advise and assist the planning board and/or planning office in their review procedures.
- 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; ~~and one nonvoting representative from the Denver planning office.~~
- C. ~~Two members of the board shall be appointed by the mayor within 30 days from the effective date of the ordinance from which this Section was derived.~~ The members of the board shall

be appointed by the mayor for ~~the~~^a term of three years and shall serve at the pleasure of the mayor. ~~The six members of the board serving on the effective date of the ordinance from which this Section was derived shall serve the balance of the term to which the member was appointed.~~ 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.

ZONING STANDARD	MAXIMUM ALLOWED 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
HEIGHT AND BULK STANDARDS:		
1. NON-HISTORIC STRUCTURES		
• Maximum height (in stories or feet)	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 12.4.7.6.C.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.	na
• Bulk Plane Dimensions		na
2. NON-HISTORIC STRUCTURES IN THE D-GT ZONE DISTRICT ONLY		
• Maximum height (in feet)	Up to an additional 25 feet allowed, according to Section 8.6.1.3 (Maximum Height) of this Code.	
3. HISTORIC STRUCTURES		
• Maximum height (in stories or feet) • 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 12.4.7.6.C.2, "Compatibility with Existing Neighborhood," if the landmark approving authority (pursuant to D.R.M.C., Chapter 30, Landmarks) finds specifically that development on the lot or parcel 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 from 31 to 40 feet wide	No limit when based on a finding of neighborhood compatibility (see Section 12.4.7.5.C), provided the adjustment results in a side interior setback no less than 3 feet.	na
Setback requirements, all others, <u>except primary street setback in the C-CCN Zone Districts</u>	10%	20%
Build-to requirement -- Adjustment applies only to the min/max range of required build-to (e.g., an adjustment is allowed 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'

C. Calculation of Minimum Area

1. For the purpose of computing the size of an area for compliance herewith, there shall be added to the minimum area calculations the following:
 - a. All land area, including public rights-of-way, within and extending to the centerline of the abutting right-of-way.
 - b. The area of any land within the corporate limits of the city that abuts the area being changed and which land already bears the zoning classification sought for the area being changed. For the purposes of this provision, abutment shall not be destroyed by the existence of a dedicated public right-of-way.

2. For the purpose of computing the size of an area for compliance herewith, there shall be excluded from the minimum area calculation the following:
 - a. That portion of public rights-of-way in excess of 60 feet in width;
 - b. Water reservoirs, including supporting land, owned by the city, the state, the Denver Water Board, or any agency of the federal government;
 - c. All land owned by Denver School District No. 1 which is used for school purposes; and
 - d. All land owned by the city, the state, or any agency of the federal government which is used for public park or recreational purposes.

D. Minimum Area Requirements for Rezoning

Subject to the foregoing limitations, an area proposed to bear the following zoning classifications shall contain at least the following area:

ZONE DISTRICT CLASSIFICATION PROPOSED	MINIMUM AREA REQUIRED
SU	4 acres or at least two facing block faces except as required below: <ul style="list-style-type: none"> • Rezone from "A", "B", "C", etc. SU zone to "A1", "B1", "C1" etc. SU Zone District: minimum 1 block • Rezone from "A", "B", "C", etc. SU zone to "A2", "B2", "C2" etc. SU Zone District: 8 acres
TU	4 acres or at least two facing block faces except as required below: <ul style="list-style-type: none"> • Rezone from "A", "B", "C", etc. TU zone to "A1", "B2", "C1" etc. TU Zone District: 8 acres

TH	2 acres, or at least one face block
RH	2 acres, or at least one face block
MU	2 acres, or at least two facing block faces or one block
RO	No requirement

CC	No requirement
RX	No requirement
MX	No requirement
MS	No requirement
<u>CCN</u>	<u>No requirement</u>

D-C	Must abut an existing D-C District
D-TD	Must abut an existing D-TD district
D-LD	Must abut an existing D-LD district
D-CV	Must abut an existing D-CV district

plan. For good cause, the Zoning Administrator may grant an extension of the mitigation period for up to one additional 180-day period.

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 the 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.

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.

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 ~~the~~ 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 in 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

- 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 ~~the~~ 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.

ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

13.1.4.4 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

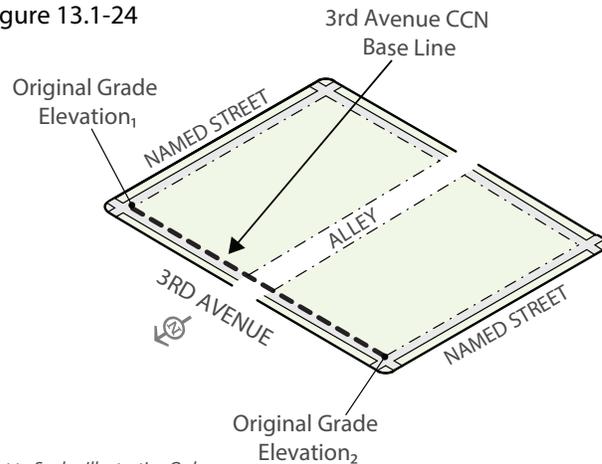
This Section 13.1.4.4 shall apply to zone lots located south of 3rd Avenue in a C-CCN Zone District. This includes zone lots south of 3rd Avenue that do not abut the 3rd Avenue right-of-way.

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.

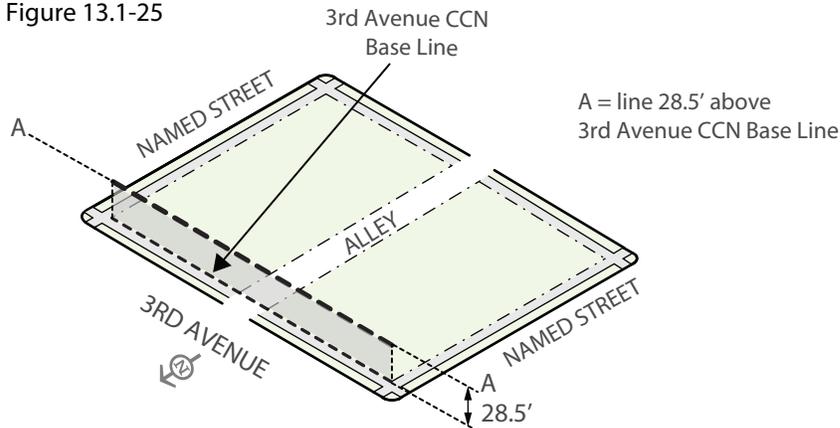
Figure 13.1-24



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 13.1-25.

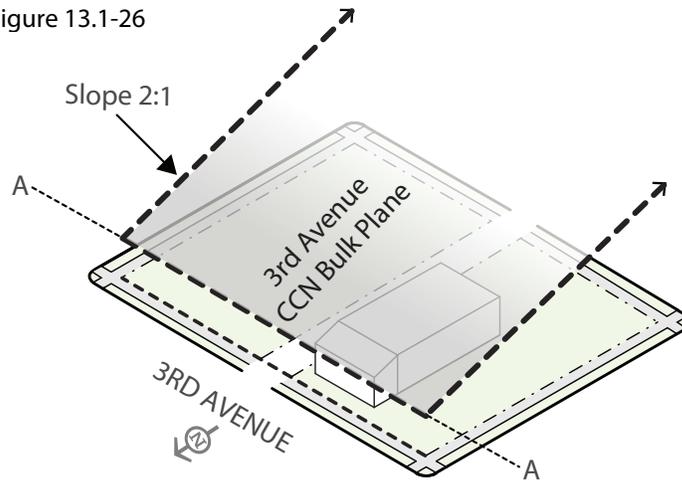
Figure 13.1-25



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 13.1-26.

Figure 13.1-26



Not to Scale. Illustrative Only.

13.1.4.5 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 __, 2014, and located to the south of 3rd Avenue in a C-CCN Zone District, where this exemption is allowed 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 13.1-25. 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 13.1-26.

Figure 13.1-25

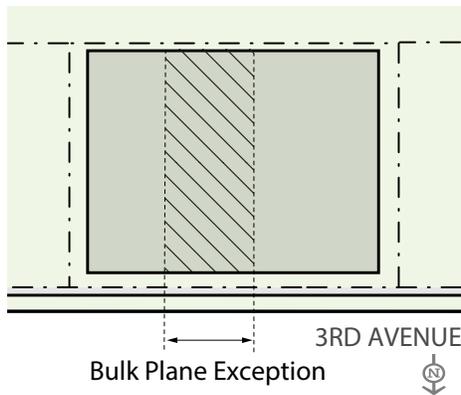
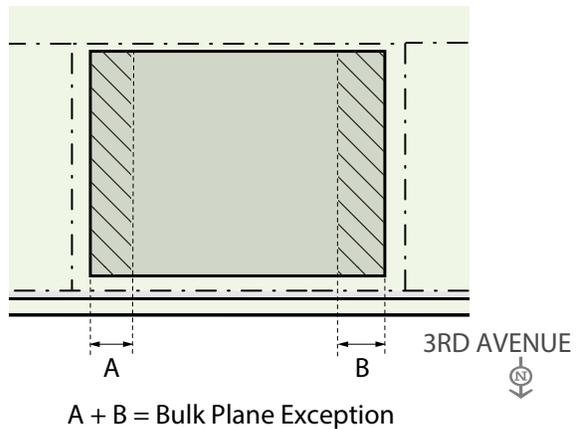


Figure 13.1-26



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 C-CCN

A. Intent

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

B. General Requirements

1. 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.
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 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:

1. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
2. Block and lot shape;
3. The functional street classification of all abutting streets as adopted by the Public Works Department;
4. The future street classification of all abutting streets as adopted in Blueprint Denver;
5. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
6. 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.

13.1.5.5 **Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN 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)

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 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

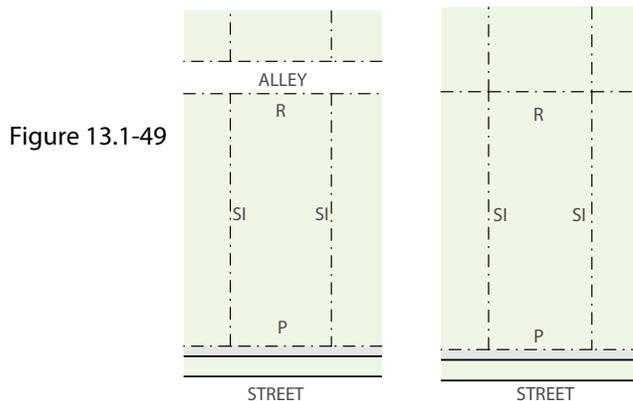
The Zoning Administrator shall designate all Zone Lot Lines abutting a street to be Primary Street zone lot lines.

2. Interior Zone Lots

For interior zone lots in all C-CCN 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 13.1-49



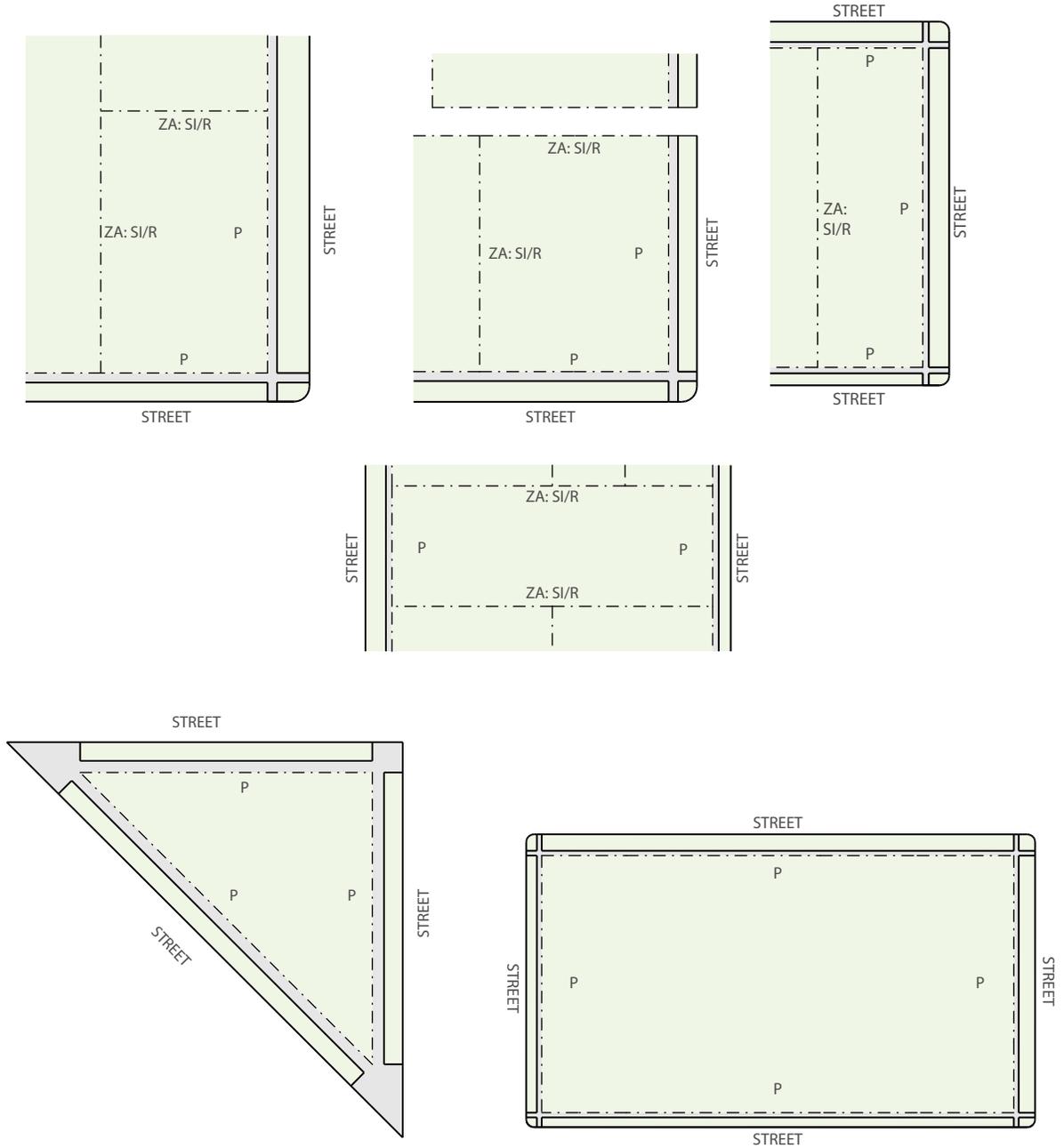
3. Corner Zone Lots, Double Frontage Zone Lots, and Zone Lots with Frontage on 3 or More Streets/Full Block

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 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 13.1-50

Figure 13.1-50



13.1.5.13 Floor Area Ratio (FAR)

A. Rule of Measurement - FAR

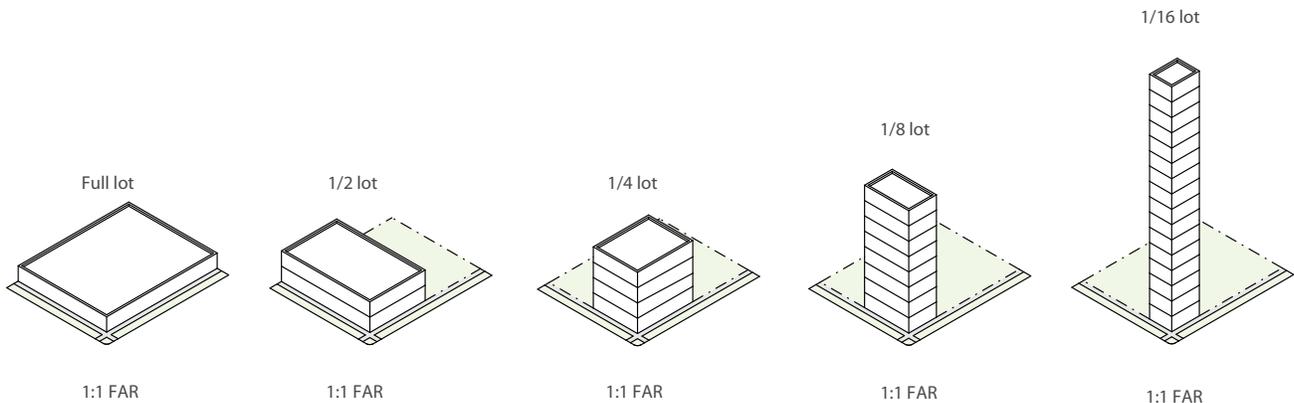
Floor area ratio (FAR) is the ratio of gross floor area of a building to the area of the zone lot on which the building is located. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio. See Figure 13.1-53

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 there shall be excluded the following:

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 motor vehicles; and
4. Any floor area that serves as a pedestrian mall or public access way to shops and stores.
5. ~~In the Cherry Creek North district (C-CCN), the floor area exclusion of subsection B.2 above shall not apply and any floor area in a story the ceiling of which is less than 44 feet above grade at the nearest building line shall be counted as part of the gross floor area, excluding, however, storage rooms, restrooms and utility rooms.~~
6. For purposes of calculating parking amounts, see rule provided in Article 10, Division 10.4 Parking and Loading.

Figure 13.1-53



SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

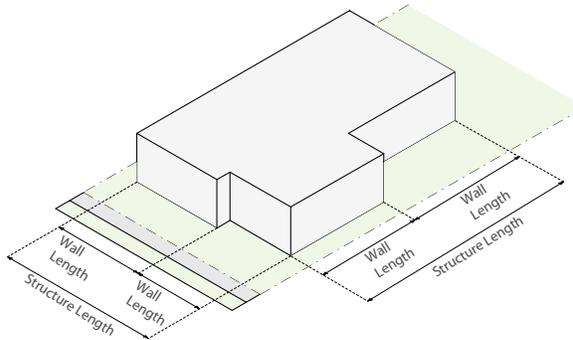
The design element form standards of this Code are defined and measured as set forth below.

13.1.6.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length

The length of the front or side wall of a structure, or the overall structure length, shall be measured along the primary or side street zone lot line for the entire length of the structure, as shown in Figure 13.1-59 below.

Figure 13.1-59



B. Private Open Space

1. Intent

To create quality privately owned open spaces on private property in the Cherry Creek North mixed use shopping district that are adjacent and physically open to the street. Private open space should provide visual interest and activate the pedestrian realm.

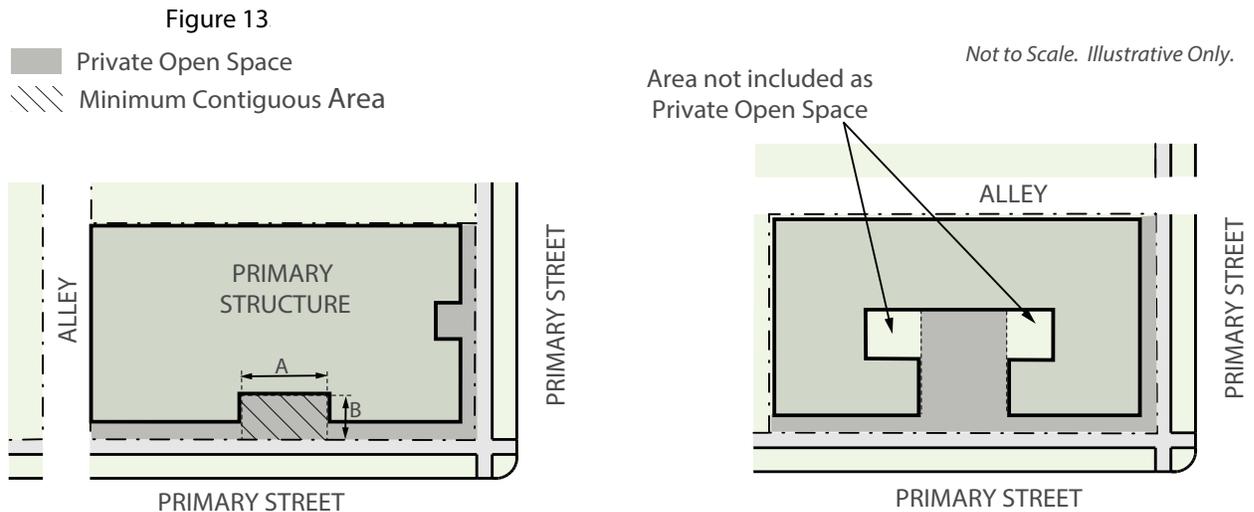
2. Applicability

This section applies to zone lots in the C-CCN Zone Districts.

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. Any portion of the Private Open Space within the build-to range shall count toward the required build-to percentage (see Subsection 7.3.6.1, Required Build-To Alternatives).
 - iv. Shall abut a primary street zone lot line.
 - v. Shall be fully visible from a primary street.
 - vi. Shall not be permanently enclosed by railings, fences, gates, or walls.

- vii. 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 zone lot line, shown as “A” in Figure 13.1-60. The depth of the Minimum Contiguous Area 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 13.1-60.
 - a) For zone lots 9,375 square feet or less, as of October , 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 , 2014, where the zone lot 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.



C. Mass Reduction

1. Intent

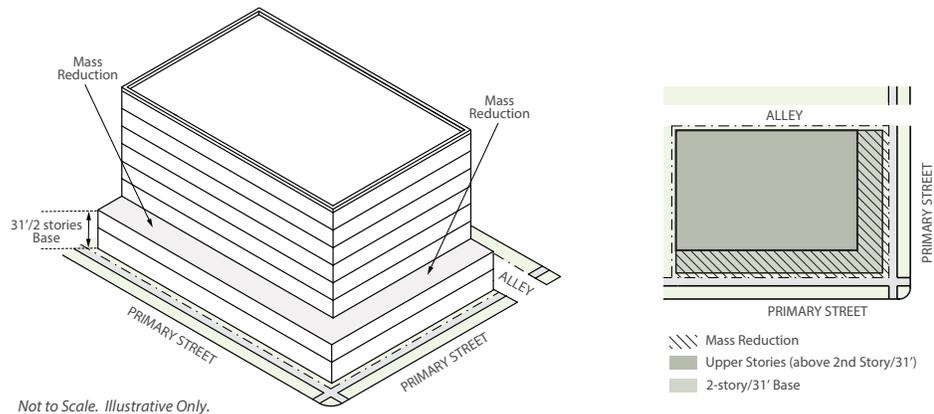
To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

2. Rule of Measurement see Figure 13.1-61

- 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:

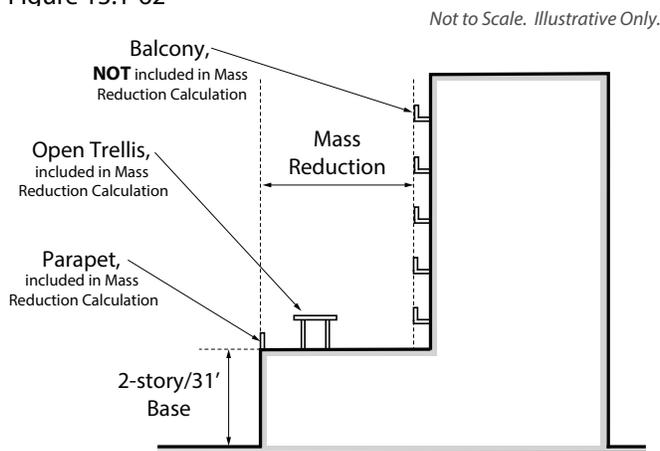
- i. Structure, Completely Enclosed;
- ii. Structure, Partially Enclosed; and
- iii. Balcony, Exterior.

Figure 13.1-61



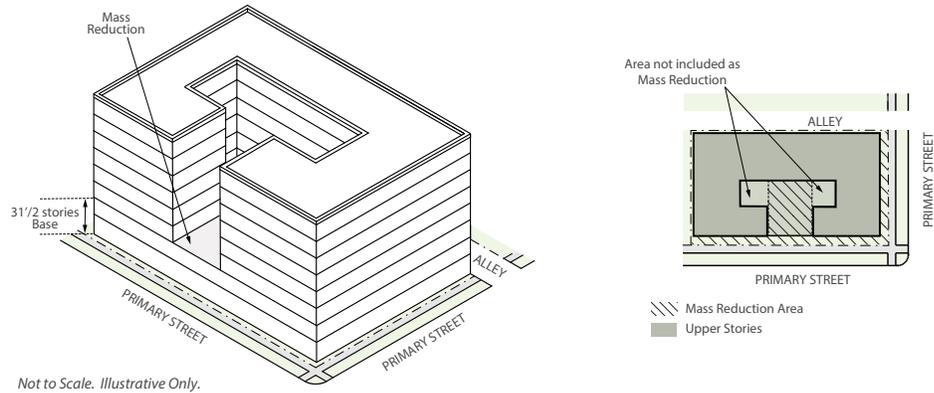
- b. For purposes of measuring the Mass Reduction:
 - i. The Mass Reduction shall be open to the sky from above a height of 31 feet or the highest point of the second story, whichever is less, except the following shall be allowed:
 - a. Safety Railings and Parapet Walls no taller than 4 feet; and
 - b. Open Structures, excluding Exterior Balconies.
- See Figure 13.1-62

Figure 13.1-62



- ii. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the public right-of-way. See Figure 13.1-63.

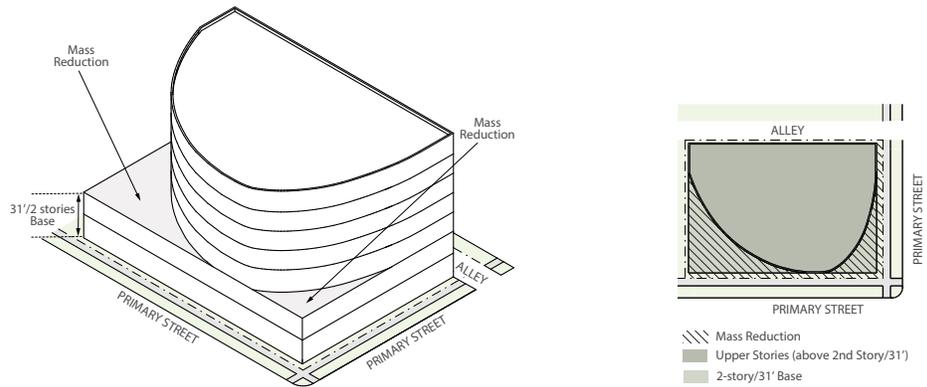
Figure 13.1-63



Not to Scale. Illustrative Only.

- iii. Off Street Parking Area is not allowed 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 13.1-64.

Figure 13.1-64



Not to Scale. Illustrative Only.

M

Manager: The manager of the Department of Community Planning and Development.

Manufacture: All operations required to produce the material named.

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.

Medical Marijuana: Marijuana plants used by persons suffering from debilitating medical conditions, as defined in the Colorado Revised Statutes, Section 12-43.3-104(7), as may be amended.

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](#)

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' 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' 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, and C-CCN~~ 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. Ground story activation standards;
 - ii. Upper-story setback standards;
 - iii. Overall structure length
 - iv. Pedestrian access, primary structure
 - v. Private open space
 - vi. Mass reduction
 - d. Use Building Form Standards

U

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), Townhouse (TH), or Rowhouse (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.
3. ~~In the Cherry Creek North (C-CCN) Zone District, the term “unobstructed open space” is synonymous with the term “open space” where required setback areas do not count as part of the open space.~~

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 allowed 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.

CITY COUNCIL

City and County of Denver

City and County Building
1437 Bannock Street, Room 493
Denver, Colorado 80202



Phone: 720-337-7710
Fax: 720-337-7717
jeanne.robbs@ci.denver.co.us
www.denvergov.org

Jeanne Robb
Councilwoman, District Ten

August 14, 2014

Brad Buchanan, Executive Director
Community Planning & Development
201 W. Colfax
Denver, CO 80202

Dear Executive Director Buchanan,

I am writing to request that CPD initiate the new Cherry Creek North – Urban Center (C-CCN) District zoning language amendment legislative process and the corresponding map amendment that would apply the zoning to all properties currently zoned C-CCN as well as 2 other properties:

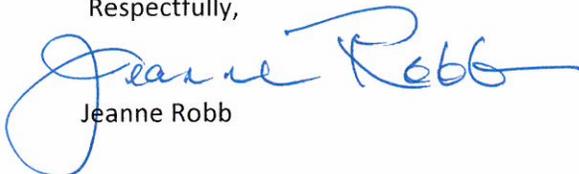
- 1) 250 Steele
- 2) the site located between First and Second Avenues between University Boulevard and Detroit Street.

The process for creating this new zoning language began formally in June of 2013 after the appointment of a 16 member Zoning Technical Task Force. Meetings throughout the summer of 2013 included both the Technical Task Force and members of the Cherry Creek Steering Committee. From September of 2013 until July 30 of 2014 the Task Force met regularly to analyze and decide on a whole host of issues including uses, heights, setbacks, solar bulk planes, and parking. On each issue the Task Force was able to reach consensus.

The task force agreed that the zoning language would be applied to all properties currently zoned C-CCN. Further, the task force requested that property owners in the area who are not currently zoned C-CCN work with the adjacent RNO's and try to reach an agreement on "opting-in to the new zoning." The Task Force agreed to hear from the RNOs but did not offer a recommendation as to which properties should opt-in. Since neighborhood agreement did support the two properties named above, I am requesting that they be included in the map amendment.

I am grateful for the hard work of the CPD staff and the Zoning Task Force. This work has ensured that these zoning proposals conform to the recommendations of the 2012 Cherry Creek Plan with full consideration of the Urban Form Study and the Kenneth Ho Development/Reinvestment Study. As a result, I believe there is substantial community support for these zoning changes.

Respectfully,


Jeanne Robb

From: rvogelmd@gmail.com
To: [Dalton, Kyle A. - Community Planning and Development](#)
Cc: [Wayne New](#); [Roger Armstrong](#); [Shayne Brady](#)
Subject: Support for New Cherry Creek North Zoning
Date: Monday, August 25, 2014 4:25:52 PM

Hi Kyle,

The Cherry Creek North Neighborhood Association (CCNNA) Board of Directors has voted to support the proposed Cherry Creek North Zoning Plan. Please contact me if you have any questions.

Robert A. Vogel, MD
President, CCNNA

Sent from Windows Mail

AmCap

INCORPORATED

August 22, 2014

Julie Underdahl, Chair
Denver Planning Board
201 W. Colfax Avenue, Dept. 205
Denver, CO 80202

Re: Cherry Creek North Zoning Text and Map Amendments

Dear Ms. Underdahl and Planning Board Members,

AmCap Clayton, LLC and A/U-N (SRCo) LLC (together, "AmCap") are the owners of all the retail properties and most of the parking within the property located between First Avenue, Second Avenue, University Boulevard and Detroit Streets in Cherry Creek. On behalf of AmCap, I am writing to support the proposed Cherry Creek North zoning text and map amendments as proposed by Councilwoman Jeanne Robb. As a property owner in the Cherry Creek North district, AmCap believes the proposed form-based zoning is an appropriate change from the existing and antiquated Cherry Creek North (CCN) zoning that limits FAR to a maximum of 1.5. The new CCN zoning designations with various height limitations correctly balance the scale of new development in relation to existing development and surrounding residential neighborhoods.

As you are aware, Cherry Creek North is a desirable place for shopping, dining, working and living. As portions of the district redevelop over time, the new CCN zoning designation will help to curb the single property rezonings that have prevailed in the district over the last decade. Most importantly, it will grant predictability in the redevelopment process to surrounding residents, businesses and developers alike.

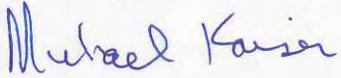
AmCap applied to the Cherry Creek Zoning Technical Task Force to have its property included in the rezoning with a C-CCN-8 designation. After extensive neighborhood outreach as required by the Technical Task Force, we have received the support of the surrounding Registered Neighborhood Organizations for this designation, and thus support the C-CCN-8 designation applied to our property.

I urge you to support the proposed zoning amendments and the extensive public process that occurred to create this new vision for Cherry Creek.

[Title]

Page 2

Sincerely,



Michael Kaiser

Vice President

AmCap Inc. (on behalf of AmCap Clayton, LLC and A/U-N (SRCo) LLC)

Cc: Councilwoman Jeanne Robb



August 28, 2014

Planning Board
City of Denver
Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Dear Planning Board Members:

I represented the Cherry Creek North Neighborhood Association (CCNNA) as a member of the C-CCN Rezoning Technical Task Force during the nine month process that updated the C-CCN District Zoning for the CCN Business Improvement District. I am a member of the CCNNA Board and the Cherry Creek Steering Committee.

The rezoning process was well designed and led by the City Senior Planners, Sarah Showalter and Kyle Dalton, and facilitated in a most efficient manner by Michael Hughes. The 15 members of the Technical Task Force represented Cherry Creek community residents, design professionals, and land owners and allowed community input on key zoning issues. The numerous hours discussing and debating the many aspects of the new zoning were carried out in a cooperative and professional manner, reaching agreements and consensus on key zoning requirements and guidelines that would have the greatest impact on development and the residential areas.

One of the key differences that made this process successful was the expanded use of analytical studies projecting the development growth in the BID, associated parking and traffic, traffic mitigation recommendations, and use parking ratio effects on building design. The use of data to aid decision-making allowed the task force members and the community to focus on and visualize quantitatively and objectively BID development changes that would result from the new zoning code. This especially allowed residents to understand better future projected growth changes, reducing some resident fear and anxiety and also emphasizing the need to manage change.

Along with my fellow members of the CCNNA Board I support the revised C-CCN District Zoning and encourage the Planning Board's support. At the same time we also encourage the Planning Board to support the ongoing analysis on the future effects of BID growth in a proactive preventive management manner. The Board should also encourage the BID, Planning, Public Works, and residential areas to work together to address the anticipated traffic and parking issues that may arise from future BID growth. Managing these growth issues effectively will provide greater customer satisfaction, will aid economic growth, and will maintain the residential quality of life we all enjoy.

Sincerely,

A handwritten signature in black ink that reads 'Wayne New'. The signature is written in a cursive, flowing style.

Wayne New