



TO: Denver City Council Land Use, Transportation and Infrastructure Committee (LUTI)
FROM: Brad Johnson, Principal City Planner
DATE: April 27, 2023
RE: Denver Zoning Code –Text Amendment to create and revise zoning standards and processes for Outdoor Gathering Areas (outdoor patios) accessory to non-residential uses on private property as part of the Outdoor Places Program.

CPD Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), Community Planning and Development (CPD) staff recommends that the LUTI Committee move the Denver Outdoor Places Text Amendment forward for consideration by the full City Council.

Outdoor Places Program Background

During COVID-19, indoor capacity limits, social distancing requirements and a reluctance about being indoors devastated the city’s food and beverage industry. In response, the city created the emergency Temporary Outdoor Expansion Program (hereafter referred to as the Emergency Program), which provided significant regulatory flexibility for businesses to expand seating outdoors. In addition to providing economic relief, patio spaces on private property, and within the right-of-way, made the city more vibrant and created new opportunities for social gathering. These placemaking and business benefits led the city to rethink the way patios are reviewed and regulated to encourage active outdoor places in Denver.

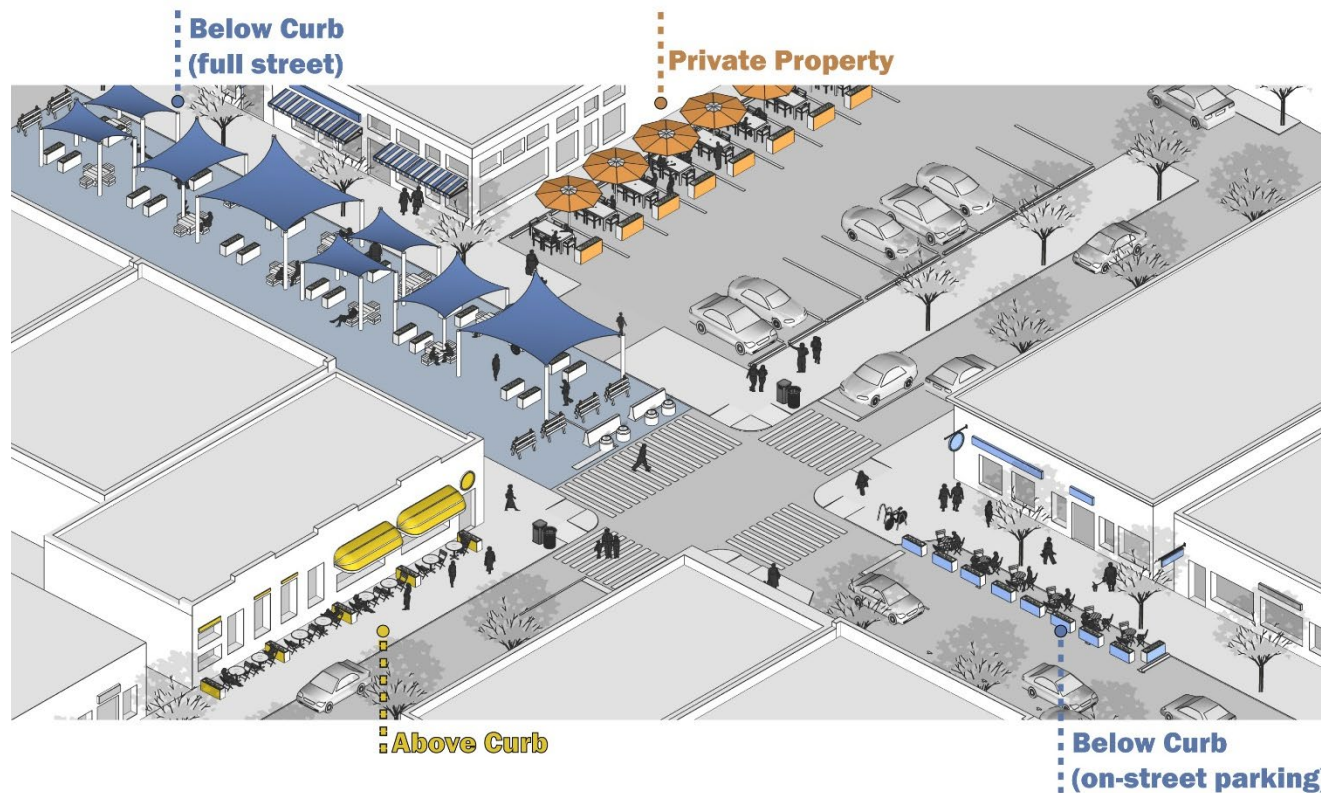
Outdoor Places is a multi-agency effort by the City and County of Denver to establish a permanent program for review, permitting and management of outdoor patios in the right-of-way and on private property. The effort builds on the city’s pre-pandemic patio regulations, responds to lessons learned under the Emergency Program, and draws inspiration from best practices research.

Outdoor Places Program Vision

Outdoor Places will be an efficient, accessible, and equitable program that allows the community to activate streets and private property with safe and vibrant spaces that contribute to Denver’s great neighborhoods.

Outdoor Places Patio Types

The Outdoor Places Program addresses three primary types of patios based on their location, as shown in the graphic below. Each type has its own set of rules and timeline for program development. **This proposed Denver Zoning Code text amendment sets forth the regulations only for patios established on private property (“Private Property patios”).** The other patio types, including “Above Curb patios” and “Below Curb patios,” are not governed by zoning, but are described below for context. Permits for Above Curb and Below Curb patios, which are located within the Right-of-Way, are reviewed and issued under the authority of the Department of Transportation and Infrastructure (DOTI).



- **Private Property Patios**
 - Private Property patios are located on private property.
 - The proposed requirements for Private Property patios are set forth in a proposed text amendment to the Denver Zoning Code, which is the primary subject of this staff report.
- **Above Curb Patios**
 - Above Curb patios are located fully in the public right-of-way within the sidewalk area between the street curb and private property line. Above Curb patios do not occupy on-street parking or vehicle travel lanes.
 - The Outdoor Places Program Requirements for Above Curb patios were developed in fall 2022 and took effect on February 28, 2023.
- **Below Curb Patios**
 - Below Curb patios are located fully in the public right-of-way and where some portion is located within the street (in on-street parking, or in vehicle travel lanes).
 - The Outdoor Places Program Requirements for Below Curb patios are currently in development and are anticipated to take effect in summer 2023.

Summary and Purpose

Patios present significant potential to enhance Denver’s public realm and quality of life. When located and designed thoughtfully, an outdoor patio can add vibrancy to the city, provide visual interest to the streetscape and enhance walkability and mobility for all. Patios provide diverse dining experiences for residents and visitors to Denver and support small businesses.

The proposed text amendment seeks to support local businesses, contribute to great neighborhoods, and promote safety. If adopted by City Council, this amendment would create opportunities for many

types of businesses to have a Private Property patio, reduce regulatory barriers, create flexible regulations that respond to case-by-case conditions, encourage design excellence, and streamline the review and permitting process.

Summary of Proposed Changes

- Modify the existing Denver Zoning Code “Outdoor Eating and Serving Area Accessory to a Primary Eating and Drinking Establishment” accessory use to promote objectives for Private Property patios as an “Outdoor Gathering Area” accessory use, to support broader applicability to a variety of non-residential primary uses.
- Define Outdoor Gathering Area as: “An unenclosed area containing tables, chairs, and other customary furnishings and elements that support outdoor gathering, waiting, socializing, employee break areas, eating, drinking, and other similar activities for patrons, employees, or others associated with the primary nonresidential use. This use includes outdoor patios where food and drinks are served to patrons of a primary eating and drinking establishment. Outdoor Gathering Areas do not include other accessory outdoor uses, such as Amusement Devices; Outdoor Entertainment; Outdoor Retail Sale and Display; Outdoor Storage; Retail Sales, Service and Repair-Outdoor; Heavy Vehicle/Equipment Sales, Rentals and Service; or other similar uses.”
- Allow Outdoor Gathering Areas accessory to all non-residential uses.
- Allow Outdoor Gathering Areas to be non-contiguous to the primary use.
- Remove the current requirement that Outdoor Gathering Areas be delineated by planters, fences, walls or other vertical elements (except in certain circumstances to address vehicle or pedestrian conflicts).
- Streamline the review process for Outdoor Gathering Areas proposed within 50’ of a Protected Zone District by utilizing the Zoning Permit Review with Informational Notice (ZPIN) process rather than the existing Zoning Permit with Special Exception Review (ZSPE) process. This change would remove the requirement for a public hearing at the Board of Adjustment and transfer review and approval authority to the Zoning Administrator, but maintain noticing requirements, allowances for public input, and the potential to appeal a decision to the Board of Adjustment.
- Create a path to allow flexibility from zoning standards for coverings and the maximum height of delineating elements (for example, fences) if the Zoning Administrator determines that the Outdoor Gathering Area is located such that it does not impact the public street, right-of-way or key public elements of a private site. This regulatory relief would be available without design review.
- Allow flexibility for alternative designs and use of a limited number of required off-street vehicle parking spaces for an Outdoor Gathering Area through a voluntary staff-administered design review process using newly-adopted design guidelines. Private Property Design Guidelines for Outdoor Gathering Areas would be enabled by the proposed text amendment, but would be adopted as Rules and Regulations by the Executive Director of Community Planning and Development. The Draft Private Property Design Guidelines are included as an attachment to this staff report. The design guidelines would be used in two ways:
 - An applicant could choose to use the guidelines voluntarily to inform design choices.

- Design review would be required when an applicant requests relief from zoning standards or wishes to use required off-street vehicle parking spaces for a patio. Where such regulatory relief is granted, the application would be required to meet or exceed the design guidelines.
- Update language related to existing and proposed patio allowances to use people-first language to describe people living with disabilities.
- Note on Former Chapter 59 Properties: Denver Community Planning and Development (CPD) is preparing a “bridge” text amendment to extend many of the changes recommended for the Denver Zoning Code to properties that retain Former Chapter 59 zoning.

For more details, please see the attached Private Property Patio Strategy, the proposed text amendment and the Private Property Design Guidelines. A summary of regulations for Outdoor Gathering Areas (currently known as Outdoor Eating/Serving Areas Accessory to a Primary Eating/Drinking Establishment) is shown below, which compares existing zoning allowances, the Emergency Program allowances and the zoning proposed by this text amendment.

	Existing zoning	Emergency program (Temporary Outdoor Expansion)	Proposed zoning (after text amendment)
Primary Use	Eating and Drinking Establishments only	Eating and Drinking Establishments only	All nonresidential uses
Process	<ul style="list-style-type: none"> ● Zoning permit ● Board of Adjustment hearing and approval required if the Outdoor Gathering Area is less than 50 feet from a Protected Zone District 	No permits required	<ul style="list-style-type: none"> ● Zoning permit ● Administrative approval through Zoning Permit with Informational Notice (ZPIN) process if the Outdoor Gathering Area is less than 50 feet from a Protected Zone District
Barriers at perimeter of Outdoor Gathering Area	Required	Not required	Not required except in certain circumstances to address potential vehicle and pedestrian conflicts
Location relative to Primary Use	Must be contiguous to the Primary Use	Could be noncontiguous to Primary Use	May be noncontiguous to Primary Use
Removal of required off-street vehicle parking for an Outdoor Gathering Area	Not allowed	Any amount of required off-street vehicle parking was allowed to be removed except for accessible (ADA) spaces	Some amount of required off-street vehicle parking would be allowed to be removed for Eating/Drinking

			Establishments, except for accessible (ADA) spaces, provided the Outdoor Gathering Area undergoes design review; the amount that could be removed would be limited to 5 spaces or a maximum percentage based on zone district, whichever is greater
Regulatory relief from zoning standards	Variance with public hearing at Board of Adjustment	Not applicable (zoning standards temporarily replaced with Unlisted Use Determination to address COVID-19 emergency)	Allowed with design review and determination that the proposed design meets the intent of the zoning
Enclosed elements on patios (igloos, domes, etc.)	Not allowed	Allowed	Allowed with design review and capacity limited at 20% of the capacity of the Primary Use

Public Process

Below is a summary of the public process for the proposed amendment.

November 17, 2022 – December 9, 2022	Online survey about experience with Denver’s temporary outdoor dining establishments to help shape the development of the permanent program.
January 9, 2023	Stakeholder Working Group meeting #1
February 13, 2023	Virtual focus group with community organizations to discuss permitting outdoor places on private property for dining operations and gathering spaces.
February 14, 2023	Virtual focus group with large businesses to discuss permitting outdoor places on private property for dining operations and gathering spaces.
February 15, 2023	Planning Board Informational Item
February 16, 2023	Stakeholder Working Group meeting #2
February 23, 2023	Virtual focus group with small businesses to discuss permitting outdoor places on private property for dining operations and gathering spaces.
February 27 – March 27, 2023	Public review period for Outdoor Places text amendment to the Denver Zoning Code, draft strategy document, and design guidelines.
March 9, 2023	Presentation to Inter-Neighborhood Cooperation-Transportation Committee
March 16, 2023	Virtual community meeting to provide a project overview, discuss the draft program requirements for outdoor patios on private property, and answer questions.

April 19, 2023	Planning Board public hearing (Planning Board recommends approval unanimously; 8-0)
May 2, 2023	Land Use, Transportation, and Infrastructure Committee of the Denver City Council meeting
June 12, 2023	City Council public hearing (tentative)

During the public comment period, CPD received 55 emails.

- 23 comments expressed support for the project. Participants particularly supported creating regulations that promote walkable and vibrant streets and gathering areas. Additionally, participants advocated for streamlining the process for business owners and establishing flexible regulations to allow for creative outdoor placemaking. Lastly, participants supported allowing parking to be removed for the Outdoor Gathering Area use to prioritize attractive, pedestrian-friendly areas.
- 32 comments do not state explicit support or opposition. These comments include questions about the project, suggestions, and potential concerns. In general, comments expressed a desire for well-designed outdoor spaces and removing barriers to their creation, so long as patios are respectful and compatible with the neighborhood. Concerns revolved primarily around potential impacts of patios on nearby residential areas and the enforcement of patio regulations.

CPD also received feedback verbally in stakeholder meetings, interviews, workshops and other targeted outreach efforts. The response to recommendations for private property has been overwhelmingly positive to-date from both businesses and residents. Concerns, where they were voiced, focused primarily on wanting to ensure neighborhood impacts of patios in close proximity to residential uses would be addressed.

Review Criteria and CPD Staff Evaluation

1. Consistency with the Adopted Plans

The following adopted plans are applicable to the proposed text amendment:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element. Key goals are listed below, along with findings of how the proposed text amendment is consistent with these goals.

Strong and Authentic Neighborhoods

- Goal 2: Enhance Denver’s neighborhoods through high-quality urban design (p. 34).
 - Strategy C: Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm.
 - Strategy D: Use urban design to contribute to economic viability, public health, safety, environmental well-being, neighborhood culture, and quality of life.
- Goal 4: Ensure every neighborhood is economically strong and dynamic.
 - Strategy A: Grow and support neighborhood-serving businesses.
- Goal 7: Leverage the arts and support creative placemaking to strengthen community.

- Strategy A: Infuse arts, culture, and creativity into all aspects of community design and planning.

The Outdoor Places Text Amendment would support the city’s vision for strong, dynamic, and well-designed neighborhoods. In addition to maintaining the existing zoning standards that are most important to placemaking, this amendment would encourage design excellence for patios that are reviewed under the optional design review process enabled by the text amendment. The design guidelines used in this design review process encourage the integration of public art in patios. Therefore, this amendment is **consistent** with the Comprehensive Plan’s Strong and Authentic Neighborhood goals.

Furthermore, *Comprehensive Plan 2040* identifies goals around supporting Denver’s local businesses, as listed below.

Economically Diverse and Vibrant

- Goal 3: Sustain and grow Denver’s local neighborhood businesses (p. 46).
- Goal 10: Promote a vibrant food economy and leverage Denver’s food businesses to accelerate economic opportunity (p. 48).
 - Strategy A: Develop Denver as an epicenter for the regional food economy.
 - Strategy B: Support the creation, expansion and economic vitality of Denver food businesses.

This text amendment would support Denver’s local businesses by streamlining the review process for patios, especially those near Protected Zone Districts. It would also create flexible regulations that are able to respond to a variety of conditions. Furthermore, a path for additional design flexibility would be created for patios that the Zoning Administrator determines do not impact the public street or key public elements of a private site through the Administrative Adjustment process. Finally, it would open a regulatory path to patios (including in the right-of-way) for businesses other than Eating/Drinking Establishments. By reducing regulatory barriers, streamlining the permitting process, and introducing regulations and processes that can meet the unique needs of a variety of businesses, this amendment is **consistent** with the Comprehensive Plan’s Economically Diverse and Vibrant goals listed above.

Blueprint Denver (2019)

The proposed text amendment is also consistent with a variety of policies and strategies in *Blueprint Denver*. These policies fall into three main categories: using regulatory tools to implement plan guidance, placemaking, and equity as summarized below.

Regulatory Tools

Blueprint Denver recommends various regulatory changes to ensure that the Denver Zoning Code responds to the evolving needs of the city and encourages the proactive implementation of plan recommendations through city-led text amendments. Key policies under this category are listed below along with information about how the proposed text amendment is consistent with these policies.

- Land Use and Built Form - General Policy 03: Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible (p. 74).
 - The Outdoor Places Text Amendment supports this policy by building upon and responding to the changing needs and desires regarding Outdoor Gathering Areas

highlighted by COVID-19. The proposed text amendment would create additional design flexibility, provide a path to regulatory relief from zoning standards with design review, and respond to community desire that Outdoor Gathering Areas be prioritized over required off-street parking. Therefore, the proposed text amendment is **consistent** with Land Use and Built Form – General Policy 03.

- Land Use and Built Form - General Policy 11: Implement plan recommendations through city-led legislative rezonings and text amendments (p. 79).
 - The proposed city-led text amendment implements several plan recommendations and would apply citywide to Outdoor Gathering Areas accessory to non-residential uses, and therefore is **consistent** with Land Use and Built Form – General Policy 11.
- Quality of Life Policy 01, Strategy C: Develop standards and guidelines around privately owned outdoor spaces to ensure public accessibility, great design and features to respond to culture of the local community. Examine the need to tailor standards and guidelines based on context and/or place (p. 118).
 - This text amendment would update the zoning standards and introduce optional design guidelines for Outdoor Gathering Areas. These regulations are intended to encourage Outdoor Gathering Areas that promote accessibility for all, integrate Outdoor Gathering Areas with their surroundings, and encourage design outcomes that add activation and visual interest in a variety of contexts. As such, the text amendment would provide more flexibility for the creation of privately owned outdoor spaces, and therefore be **consistent** with Quality of Life Policy 01, Strategy C.

Placemaking

Blueprint Denver calls for high-quality urban design and placemaking across the city. Key policies under this category are listed below along with information about how the proposed text amendment is consistent with these policies.

- Land Use and Built Form - Design Quality and Preservation Policy 03: Create exceptional design outcomes in key centers and corridors (p. 102).
 - In addition to retaining key design standards that ensure Outdoor Gathering Areas are thoughtfully scaled and integrated, the proposed text amendment would create a path for optional design review and enable design guidelines to help shape excellent design outcomes. The guidelines may be used voluntarily by businesses to guide design decisions. Therefore, this text amendment is **consistent** with Land Use and Built Form – Design Quality and Preservation Policy 03.
- Quality of Life Policy 05: Ensure attractive streets and outdoor spaces in all centers and corridors, giving priority to pedestrian spaces and amenities (p. 121).
 - The proposed text amendment would allow the use of a limited number of required off-street vehicle parking spaces for an Eating/Drinking Establishment to place an Outdoor Gathering Area, which would help create additional opportunities to transform auto-oriented spaces to people-oriented spaces. The text amendment would also address potential conflicts between patio users and pedestrians by requiring separation between patio elements and pedestrian paths in the form of a setback or vertical element, like a fence or raised planter. Thus, this amendment encourages patios to

contribute to attractive streets and outdoor spaces while prioritizing pedestrian spaces and is **consistent** with Quality of Life Policy 05.

- Land Use and Built Form - Design Quality and Preservation Policy 05: Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places (p. 103).
 - The proposed text amendment would allow removal of a limited number of required off-street vehicle parking spaces for an Eating/Drinking Establishment use to place an Outdoor Gathering Area. This regulatory change would expand placemaking opportunities to help promote active, pedestrian-friendly areas in suburban and urban edge contexts. Furthermore, suburban and urban edge areas often lack the urban form to support patios in the public right-of-way, so creating paths to activation and social gathering areas in parking areas has great potential to impact placemaking in these contexts. Therefore, this proposed text amendment is **consistent** with Land Use and Built Form – Design Quality and Preservation Policy 05.
- Mobility Policy 03: Provide equitable opportunities to improve streetscaping and placemaking along city streets (p. 109).
 - This amendment would provide equitable opportunities to improve streetscaping and placemaking by allowing all non-residential uses to have an Outdoor Gathering Area, rather than only allowing them accessory to primary Eating and Drinking Establishments. This is particularly impactful to the streetscape, since expanding the applicability of the use in zoning would also open up the potential for non-Eating/Drinking uses to establish patios within the right-of-way. Retail, community uses and art galleries are all potential examples. This expands the types of businesses that can contribute to activation, visual interest and the expansion of social gathering areas. Therefore, the proposed text amendment is **consistent** with Mobility Policy 03.

Equity

Equity is an essential element of *Blueprint Denver*, and the plan calls for “planning and guiding change to benefit everyone” to achieve its vision for inclusive, complete neighborhoods. Key policies under this category are listed below along with information about how the proposed text amendment is consistent with these policies.

- Land Use and Built Form Economics Policy 06: Ensure Denver and its neighborhoods have a vibrant and authentic retail and hospitality marketplace meeting the full range of experiences and goods demanded by residents and visitors (p. 93).
 - This text amendment would help to deliver the full range of experiences and goods demanded by residents and visitors by expanding the opportunity to have an accessory Outdoor Gathering Area to all types of businesses, rather than only the primary use of an Eating and Drinking Establishment. Additionally, this amendment would create a path for Eating/Drinking Establishments to remove a limited number of required off-street vehicle parking spaces to place an Outdoor Gathering Area, which responds to a community desire for more attractive, pedestrian-oriented areas. Lastly, this text amendment proposes to remove the requirement for using delineation elements (fences, walls, etc.), except where abutting a sidewalk, path or off-street parking area in some cases. This can make patios easier and less expensive to create. These regulatory changes remove barriers to accessory patios, making them easier to implement, and responds to a community desire for more vibrant,

attractive areas for outdoor gathering. Therefore, this proposed text amendment is **consistent** with Land Use and Built Form - Economics Policy 06.

- Land Use and Built Form - Design Quality and Preservation Policy 01: Ensure neighborhoods have equal access to design quality tools (p. 97).
 - Strategy A: Explore improvements to make design tools more accessible. This may include additional staff resources to support neighborhoods and improved process guides to more clearly articulate requirements.
 - This text amendment would make design tools more accessible by introducing a path for optional design review and enabling design guidelines for privately owned Outdoor Gathering Areas citywide. This document may be used to guide design decisions and includes user-friendly graphics and examples. Furthermore, this amendment would streamline the permitting process and set forth clear but flexible regulations, which removes regulatory barriers and makes the process more approachable for business owners. Lastly, this project includes a “bridge” amendment to the Former Chapter 59 Zoning Code that would ensure that Outdoor Gathering Areas are treated similarly in neighborhoods across the city, regardless of which zoning code they are regulated under. By creating optional design tools and establishing flexible regulations that can meet the varying needs of businesses, this proposed text amendment is **consistent** with Land Use and Built Form - Design Quality and Preservation Policy 01.

Blueprint Denver also sets forth three key equity concepts.

- Improving Access to Opportunity
 - This concept involves creating more equitable access to quality-of-life amenities, health and quality education. This is measured through indicators like access to parks, full-service stores, and Centers and Corridors. The proposed text amendment would create more location and design options for Outdoor Gathering Areas and provide additional paths to regulatory flexibility. These changes would make it moderately easier for businesses to expand operations outdoors. As such, the proposed text amendment may strengthen the amenities and richness of Denver's centers and corridors, as well as other contexts. Thus, the proposed text amendment may have a **moderate impact** on centers and corridors as compared to the existing zoning.
- Reducing Vulnerability to Displacement
 - This concept aims to stabilize residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents. Vulnerability is assessed by combining three main data points: median household income, percent of renters, and percent of population with less than a college degree. The proposed text amendment would allow businesses to expand their capacity for serving customers by removing barriers to creating outdoor patios, which could increase revenue and help keep up with increasing taxes, rents, and operational costs. Thus, the proposed text amendment may have a **moderate impact** on reducing vulnerability to displacement of businesses.
- Expanding Housing and Jobs Diversity

This equity concept aims to provide a better and more inclusive range of housing and employment options in all neighborhoods. Housing diversity is measured by considering indicators like home size diversity and housing costs. Jobs diversity is measured by two

key factors: the amount of jobs per acre and the mix of jobs in different parts of the city. As this text amendment is limited to the regulation of Outdoor Gathering Areas, it is likely to have **no impact** in expanding housing diversity throughout the city. By supporting a business’s ability to expand its service outdoors, the proposed amendment could have a positive impact on jobs by potentially increasing the hiring capacity of businesses. However, depending on the mix of businesses in an area, this may have **variable impacts** on jobs diversity.

2. Text Amendment Furthers the Public Health, Safety and Welfare

This text amendment would further the public health, safety, and welfare of Denver residents and businesses by providing clarity and predictability in the zoning regulations, encouraging high-quality design outcomes, and by implementing the city’s adopted comprehensive, land use and transportation plans through regulatory changes. It also would respond to lessons learned during COVID-19 by encouraging the creation of more outdoor places where people can gather in the open air, which proved to be safer and healthier than gathering indoors. It also furthers the economic welfare of the city by allowing businesses to extend their functional space to a greater portion of their private property thus improving their ability to remain viable under various conditions, including future public health shocks.

3. Text Amendment Results in Regulations that are Uniform Across the District

This text amendment would result in uniform regulations applicable to Outdoor Gathering Areas within each zone district where they are allowed.

Attachments

1. Draft Outdoor Places Private Property Strategy
2. Draft Outdoor Places Denver Zoning Code Text Amendment
3. Draft Private Property Design Guidelines (to be adopted as Rules and Regulations; not officially part of proposed text amendment)
4. Public comment letters



Outdoor Places

Private Property Strategy

Planning Board Draft
4.12.2023





↑ Patios at Ace Eat Serve, Colorado Plus Brewpub (Wheat Ridge) and Tacos Jalisco.

Introduction

During COVID-19, indoor capacity limits, social distancing requirements and a reluctance about being indoors devastated the city's food and beverage industry. In response, the city created the Emergency Temporary Outdoor Expansion Program (hereafter referred to as the Emergency Program), which provided significant regulatory flexibility for businesses to expand seating outdoors. In addition to providing economic relief, patio spaces on private property and within the right-of-way made the city more vibrant and created new opportunities for social gathering. These placemaking and business benefits led the city to begin rethinking the way patios are reviewed, regulated and encouraged in Denver.

Outdoor Places

Outdoor Places is a multi-agency effort by the City and County of Denver to establish a permanent program for review, permitting and management of outdoor patios in the right-of-way and on private property. The Program will build from the city's pre-pandemic patio regulations, respond to lessons learned under the Emergency Program and draw inspiration from best practices research.

Purpose of this Document

This document describes a proposed strategy for regulating and encouraging patios on private property. It contains zoning recommendations and outlines an optional design review program. This Strategy seeks to support our local businesses, contribute to great neighborhoods and promote safety.

Intent and Objectives

This section identifies the high-level intent and objectives for patios on private property. These qualitative statements inform the more detailed recommendations that follow.

Business Support

- Create opportunities for gathering spaces for many types of businesses
- Reduce regulatory barriers
- Expand patio design options
- Create flexible regulations that respond to case-by-case conditions
- Streamline review processes

Placemaking and Neighborhood Integration

- Mitigate impacts of patios on adjacent sensitive uses
- Activate streets, public ways and semi-public spaces
- Create visual interest
- Encourage social gathering spaces
- Encourage design excellence and creativity

Safety

- Protect patio users from adjacent vehicular activities
- Ensure patios do not conflict with pedestrians

Draft Outdoor Places Program Vision

Outdoor Places will be an efficient, accessible, and equitable program that allows the community to activate streets and private property with safe and vibrant spaces that contribute to Denver's great neighborhoods.

Private Property Patio Types

The Outdoor Places team conducted a design analysis to explore the range of patios that may need to be addressed. The objective was to consider the unique issues and opportunities that different patio types present. Patios on private property contribute to placemaking differently based on numerous factors, including location, configuration, scale, adjacent elements, and interface with public and semi-public spaces.

Type 1: Not Visible

A Type 1 patio is not visible from the street or key publicly accessible elements of private property (internal sidewalks, open space, etc.). These spaces have less external placemaking impact than other Patio Types and are typically oriented toward a single business. They are often located at the rear of or internal to an individual business, either within a fenced courtyard or behind a building. Due to their internal private nature, Type 1 patios are not visually impactful on pedestrians on the street or patrons of adjacent businesses.

Type 2: Internal

A Type 2 patio is internal to a site but is highly visible from key publicly accessible elements of private property, like internal sidewalks, integrated parking areas and common open spaces. A Type 2 patio is impactful to the experience of those visiting a property but does not impact fully public areas like streets or public parks. Examples include a patio within a large shopping center that faces a shared parking area or a patio along a private paseo between two buildings.

Type 3: Public Oriented

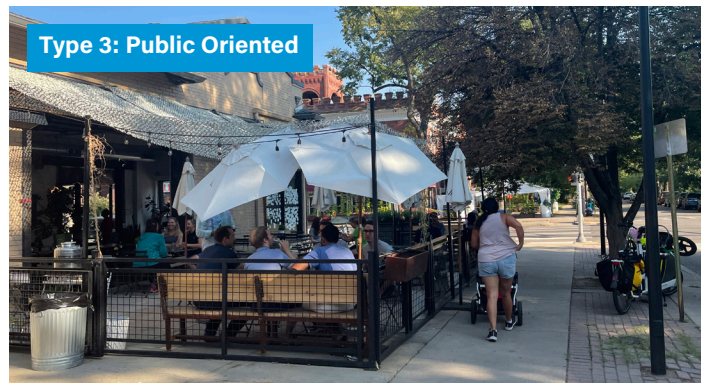
A Type 3 patio is next to and highly visible from a street, park or other fully public space. A Type 3 patio significantly impacts the experience within the public realm. Type 3 patios have the potential to activate and add visual interest to Denver's streets and public spaces. Examples include patios abutting the public right-of-way and patios that are moderately set back from the public right-of-way but are still highly visible and impactful to one's experience in the public realm. A patio that is immediately adjacent, highly visible from, and/or in proximity to a public space presents the greatest opportunity to enhance placemaking to the benefit of all.



The patio at Angelo's Taverna is not visible from the sidewalk or street and therefore has little impact on the public realm.



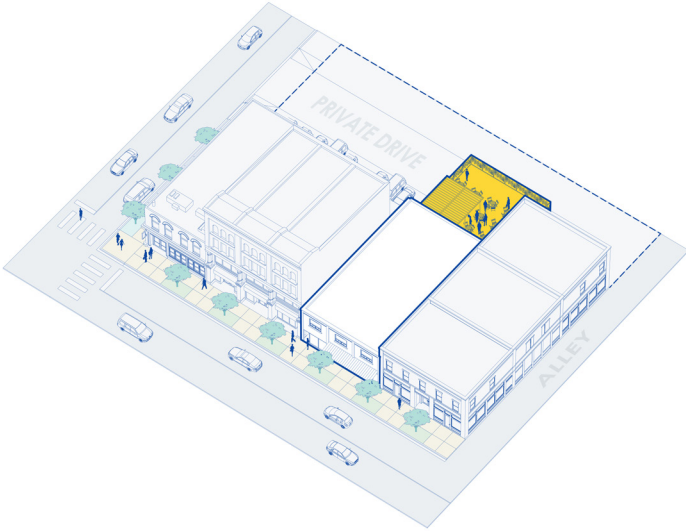
The patios at the Dairy Block are highly visible from the private alley, which is a key publicly accessible element.



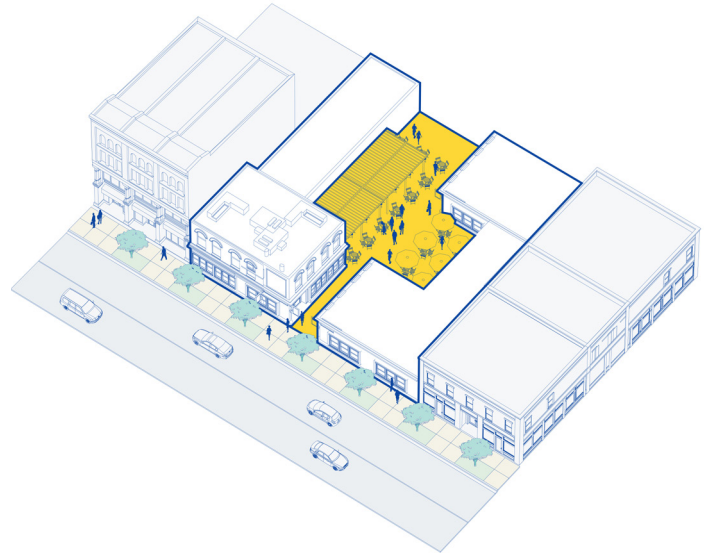
The patio at Honey Hill Cafe is located adjacent to the public sidewalk and contributes to activation and visual interest along the street.

↓ Private Property Patio Types

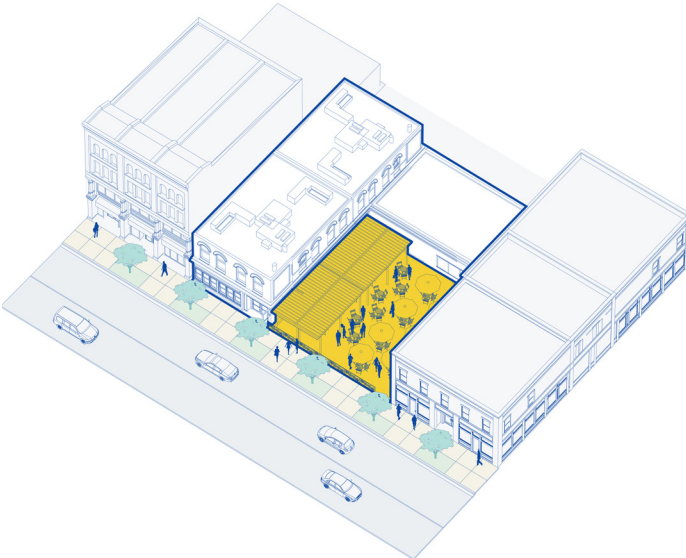
Type 1: Not Visible



Type 2: Internal



Type 3: Public Oriented



Draft Recommendations

This section identifies issues and recommendations for patios on private property. Recommendations would be implemented through amendments to the Denver Zoning Code and adoption of rules and regulations by the Executive Director of Community Planning and Development.

Create a Regulatory Path to Patios for All Nonresidential Uses

Issues and Opportunities

- Under current city rules, only restaurant/bars (eating and drinking establishments) are allowed to have an accessory patio.
- However, like those associated with restaurants/bars, patios accessory to uses like retail or services have the potential to benefit businesses and elevate placemaking.
- Furthermore, neighborhood impacts of patios of these additional uses are likely to be equal or lesser than those of restaurants/bars since they typically close earlier in the evening.
- Many types of businesses may wish to establish a patio for gathering, socializing, eating and drinking, queuing, waiting or other similar activities. Examples could include a space to eat lunch or wait for an appointment, tables and chairs to enjoy the outdoors before or after a gym class, seating outside of a grocery store for consuming purchased food, or a place for people to gather and socialize outside of an art gallery.

Recommendations

- Modify the Denver Zoning Code to establish a new Outdoor Gathering Area use to permit accessory patios for all nonresidential primary uses.
- Apply a universal set of design standards to a patio regardless of which Primary Use it accompanies.
- Limit activities on patios to socializing, gathering, waiting or queuing, served or unserved eating and drinking, and other similar activities. Outdoor entertainment, outdoor display of goods or other activities would not be permitted under this newly created Outdoor Gathering Area use.



↑ Patios like this one (an amenity for Barry's Gym in Cherry Creek), would be allowed and encouraged under the recommendations of this Strategy.

Case Study: Chakra Tattoo

A small patio in the right-of-way adjacent to Chakra Tattoo parlor was used by the business for employee lunches and breaks and as a customer waiting area. The patio, delineated by fixed railings and permitted under the pre-pandemic Tables, Chairs and Railings (TCR) Program, contributed positively to the streetscape and coordinated well with other patio installations along the block. Recently, the business was required to remove their patio, because patios in the right-of-way are only allowed where the patio use would be permitted by zoning, and currently a patio is not allowed as an accessory use to a tattoo parlor. The proposed text amendment would provide a path to approval for a patio such as this.

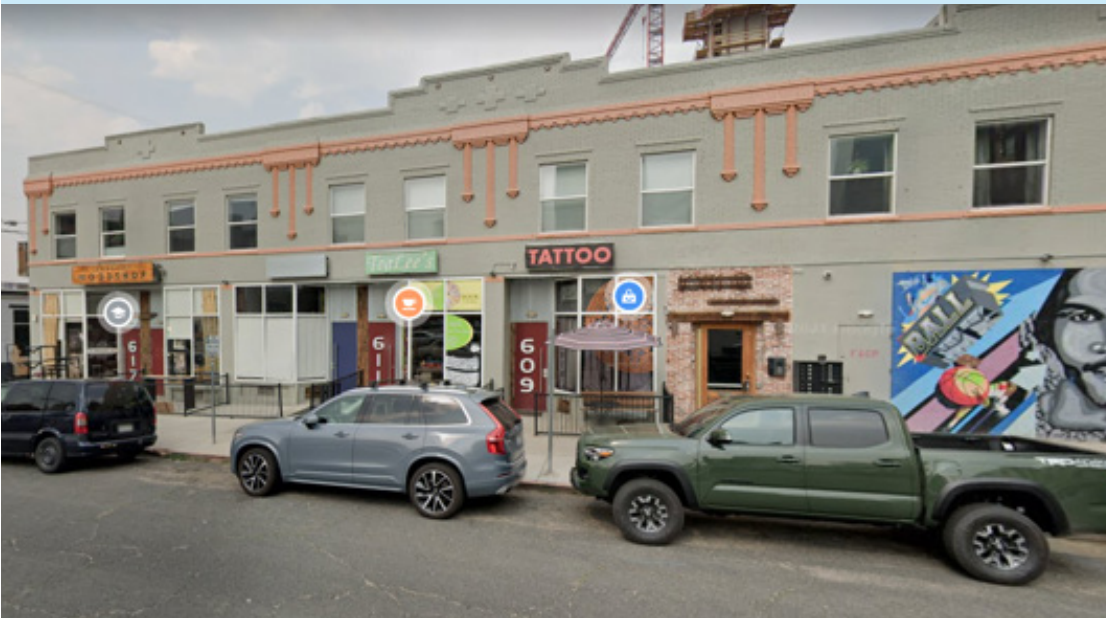


Image Source: Google Maps Street View

Streamline the Review Process for Patios Near Protected Districts

Issues and Opportunities

- Currently, all applications for a proposed patio within 50 feet of a Protected District are referred to the Zoning Board of Adjustment (BoA).
- The process requires a public hearing, and the BoA makes the ultimate decision on approvals and establishing special conditions, but CPD staff is heavily involved in review and makes a formal recommendation to the BoA.
- This process can be onerous for an applicant.

BoA Data and Research

- Few patios are denied at the BoA. Only one application was denied between 2018 and 2022, and the denial was consistent with a recommendation of denial from CPD staff.
- CPD requires pre-application meetings for patios within 50 feet of a Protected District. In practice, the pre-application process serves as a de-facto screening process prior to applicants choosing to enter the BoA review process.
- The result is that the BoA's final decisions are almost always aligned with CPD's recommendations.
- This analysis suggests that a more streamlined administrative review process may be more appropriate.

Recommendations

- Review patios within 50 feet of a Protected District administratively.
- Utilize the established Zoning Permit Review with Informational Notice (ZPIN) process instead of the currently applicable Zoning Permit with Special Exception Review (ZPSE) process that requires BoA approval. The ZPIN process would remove the current requirement for a public hearing at the BoA and transfer the review and approval authority to CPD but would continue to allow for neighborhood input, maintain the mandatory pre-application meeting, councilmember and RNO notification, and posted notice on the property as required under the current process.
- If this recommendation were implemented, CPD decisions could still be appealed to the BoA.

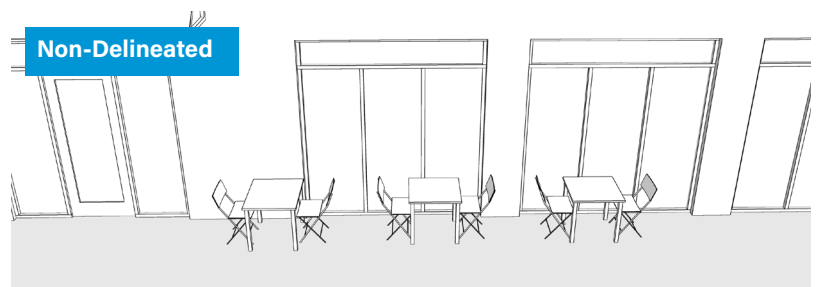
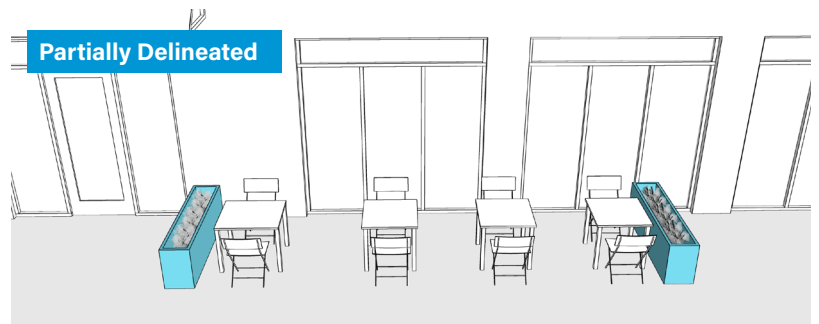
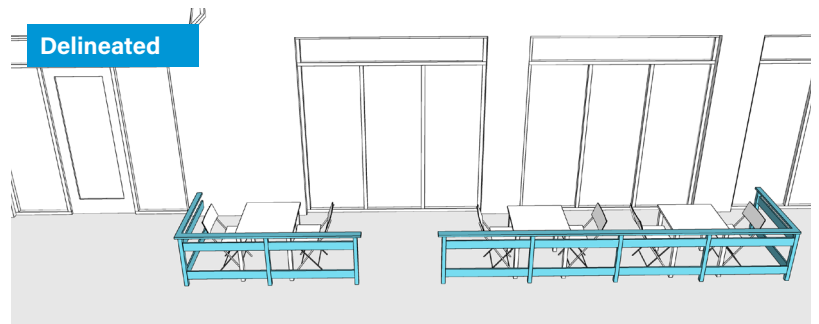
Protected District

A Protected District is a term used in the Denver Zoning Code to refer to low density residential zones. This primarily includes single and two unit zone districts but also includes rowhome and multi-unit zones up to three stories in some contexts. See Section 13.3 of the [Denver Zoning Code](#) for more information.

Introduce Additional Design Flexibility Issues and Opportunities

The Emergency Program showed that some patios that would violate current zoning standards could still be functional, safe, and in some cases elevate placemaking. As such, the Outdoor Places team assessed existing zoning standards applicable to accessory patios to identify opportunities for increased flexibility. The below existing requirements were commonly ignored by Emergency Program participants but had few negative impacts.

- **Contiguity.** The existing Denver Zoning Code requires an outdoor patio to be contiguous to the primary use. This prevents a permanent patio from being separated from businesses by a sidewalk, drive lane, parking, plaza or other use. Removing this requirement would allow greater flexibility for a patio with a greater variety of site conditions. While most operators may wish to continue to locate a patio as close to indoor operations as possible, this regulation could be overly restrictive in some conditions.
- **Delineation.** The current code requires a patio to be clearly marked by fences, walls or plant materials up to 42 inches in height. Patios participating in the Emergency Program program showed that non-delineated patios could be well integrated into a site and in some cases enhance the public realm through street activation and added visual interest. Furthermore, non-delineated patios can be less expensive and easier to create.



Delineating Element

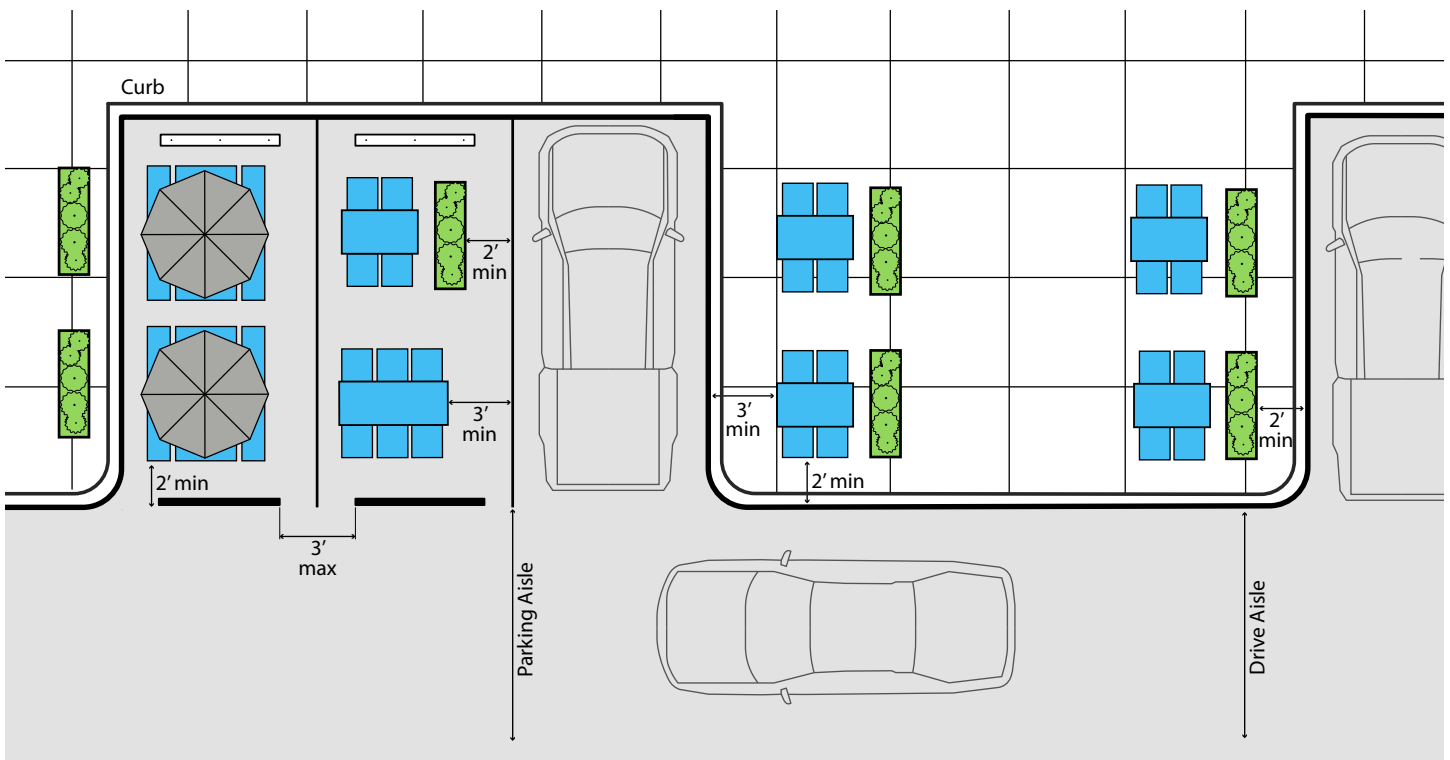
A Delineating Element is a vertical element that defines the perimeter of a permitted patio. Examples include railings, raised planters, bollards and walls.

Recommendations

- Eliminate the contiguity requirement.
- Allow partially delineated and non-delineated patios.
- If the patio is delineated, maintain the existing maximum height of 42 inches, but clarify that this maximum includes any plantings that may be integrated.
- To address potential conflicts between patio users and vehicles, require a patio to be set back from a drive aisle and require vertical delineation between a patio and a drive aisle when the patio is in the same vertical plane or level as the drive aisle.
- Require a patio to be set back from a parking space to allow space for vehicle doors to open.
- Require a patio to be set back from pedestrian walkways and sidewalks or separated from such elements by a Delineating Element.



↑ The patio at Marczyk Fine Foods has open seating with no delineation and enhances the public realm by adding activation and visual interest.



↑ Recommended design standards to address potential vehicle conflicts. Note additional setback distance would be required where a Delineating Element is not provided between a parking space and seating.

Fully Enclosed Patios

The Denver Zoning Code treats outdoor patios as accessory uses, which are held to a lower level of regulation because they are incidental and subordinate to the primary use. In the case of a restaurant, the primary use is the enclosed kitchen and dining space, and the patio is an accessory use. Allowing enclosure elements on a patio long-term poses a zoning challenge because an enclosed patio space operates year-round, which generates a different impact than an accessory outdoor patio that is only being used seasonally. A year-round patio functions similarly to a primary use, which triggers building design and off-street parking requirements in addition to other rules.

Some enclosed structures allowed during the pandemic also present challenges related to urban design, safety and permitting when considered for inclusion in the permanent program. Many enclosures are temporary in appearance, and opaque tents inhibit outdoor visibility and sight lines. Additional review is necessary for heating elements, electrical and utility connections, wind and snow loads, carbon monoxide mitigation, fire protection and other technical considerations to ensure enclosure safety long-term.

The text amendment proposes to allow enclosures as part of an Outdoor Gathering Area provided capacity is no greater than 20 percent of the occupancy of the adjacent primary use in order to maintain the intention of the accessory use classification. The enclosure must also be designed consistent with design guidelines as determined through a design review process with city staff. See section "Encourage Good Design Through Optional Design Review" on pages 13-14 of this document for more information. Design guidelines for enclosures are proposed to include topics such as location, visibility and sight lines, scale, integration with adjacent architecture, safety and access, transparency, and materials. Additionally, an enclosed accessory structure will require permits from Denver's Building and/or Fire Departments.



↑ Fully enclosed patio structures utilized during the pandemic. Going forward, a tent like the upper example will only be allowable as part of a special event. An enclosure similar to the lower image would be approvable through design review.

Create Significant Design Flexibility for Type 1 Patios

Issues and Opportunities

- The Denver Zoning Code currently establishes a one-size-fits-all approach to patio design.
- However, Type 1 patios, as described above, do not impact the public street or key public elements of a private site, so their design is less critical than more public-facing Patio Types.
- There is an opportunity to provide more design flexibility to businesses that want to have an internal patio.

Recommendations

- Provide an option for an applicant to request flexibility from design standards for Type 1 patios only.
- This would be accomplished by establishing a new Administrative Adjustment option for a patio that is determined by the city's Zoning Administrator to not be visible from a street or other public areas (excluding alleys) or from primary publicly accessible elements of a private site, such as shared internal paths or internal common amenity spaces.
- Type 1 patios would be eligible for zoning flexibility related to design of structures and delineating elements.



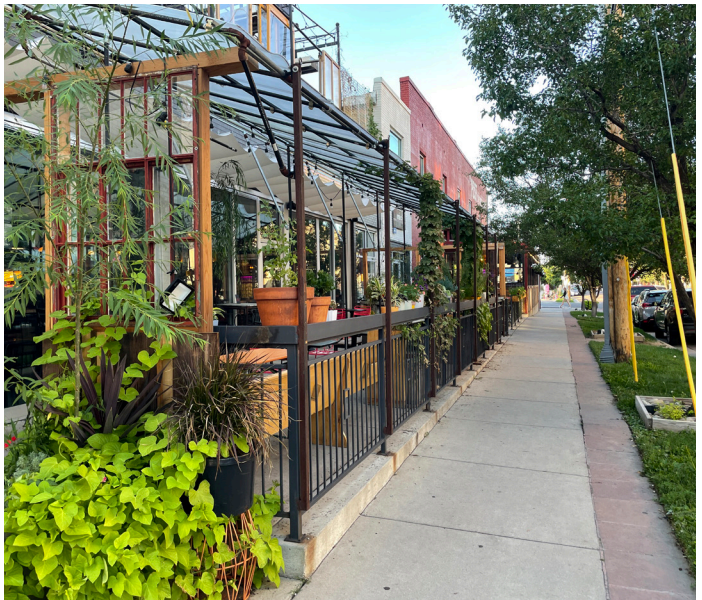
↑ This Type 1 patio could be afforded greater design flexibility since it is internally focused and not visible from the street or other public areas.

Encourage Good Design Through Optional Design Review

This section provides background and recommendations related to encouraging good patio design. It also addresses opportunities for additional regulatory flexibility beyond that described in the sections above, including strategies related to allowances for a patio to remove required off-street vehicle parking.

Issues and Opportunities

- Zoning is the appropriate tool for regulating patios on private property, but it lacks the qualitative design standards needed to pursue optimal design outcomes and respond to case-by-case constraints and opportunities. Even if design flexibility is added to zoning as recommended in the previous sections of this document, the remaining design standards will sometimes prevent optimal design outcomes.
- As seen under the Emergency Program, one of the easiest ways for a business to create an outdoor patio was to place it in an existing off-street parking area. However, current zoning regulations that are recommended to remain in place prohibit removing required off-street parking spaces.
- The Emergency Program allowed full use of required off-street parking for patio installations, and very few reported issues or complaints have been received by the city. Neighborhood outreach to-date suggests strong support for flexibility around parking requirements to facilitate social gathering space.
- Outdoor Places, as a Denver program exclusively focused on patios, presents an opportunity to pursue better design outcomes while also building more flexibility into regulations.



↑ A variety of Type 3 patios

Recommendations

- Revise zoning to authorize an optional design review path to promote patios that contribute positively to placemaking.
- Prepare qualitative design guidelines to facilitate design review.
- Focus design guidelines on:
 - Creating visual interest and activation along the street and other publicly accessible areas
 - Thoughtful integration of patio elements with site and building elements
 - Ensuring visibility into the patio from outside
 - Ensuring the patio is designed to be visually subordinate to the primary structure
 - Integration of landscape elements
 - Utilization of durable materials
 - Sustainable patio design
 - Integration of creative lighting solutions
 - Integration of artistic or stylistic elements that add visual interest
 - Increasing access for people of all abilities
- The optional design review component would be used in a variety of ways:
 - **Voluntary.** The design guidelines will be made available to applicants to use on their own or an applicant may request design review with city staff for a patio as part of their zoning permit application.
 - **Relief from Zoning Standards.** An applicant seeking relief from prescriptive zoning, such as standards for maximum height of delineation elements or roof coverage requirements including flexibility on open to the sky requirements in order to allow patio enclosures, may apply to deviate from the code's rules provided that the alternative design is consistent with the zoning intent and meets or exceeds the design guidelines. The design review process would be used to ensure this criteria has been met prior to granting the requested regulatory relief.
 - **Parking Removal Allowance.** An allowance to remove otherwise required off-street parking spaces may be granted provided that the patio is designed consistent with the design guidelines as determined through a design review process with city staff. Specific recommendations for parking removal include:
 - » Allow a patio(s) to remove up to 5 required parking spaces per property (zone lot) or up to a maximum percentage of required parking, whichever is greater.
 - » Allow a higher maximum percentage in urban zone districts where parking requirements are lower and a proportionately lower maximum percentage in areas with higher parking requirements.
 - » Allow parking removal only for a patio that is accessory to a restaurant or bar.
 - » On multi-tenant lots, require a letter of approval from the landlord.
 - » Prohibit removal of required accessible parking spaces.



↑ Patios within a parking lot



Case Study: Denver Art Museum

A proposed louver structure over a seating area in front of the Denver Art Museum Welcome Center (the Landis J & Sharon Martin Building) was prohibited by zoning because the louvers composing its roof were angled such that less than 50% of the roof structure was open to the sky. The Denver Art Museum requested a variance because the light reflecting off the glass element of the structure above the patio was making the patio itself uncomfortable and unusable. The louvered structure was approved by a variance but had to undergo CPD review and a public hearing with the Zoning Board of Adjustment. If the recommendations in this document are implemented, a pergola or shade structure that does not meet the prescriptive requirements of the Denver Zoning Code could be approved through the Outdoor Places design review process administratively.



Related Documents and Next Steps

[Denver Zoning Code Text Amendment](#)

The strategies proposed above would require amendments to the Denver Zoning Code, which regulates uses and design on private property. See separate Planning Board Draft Outdoor Places Denver Zoning Text Amendment for more details.

[Private Property Patio Design Guidelines](#)

Design guidelines would be needed to implement recommendations for optional design review. See separate Planning Board Draft Private Property Patio Design Guidelines for more details.

[Next Steps for Private Property](#)

Public Hearing Process

The public hearing process will begin with a Planning Board Hearing currently scheduled for April 19, 2023 and conclude with a City Council public hearing currently scheduled for June 12, 2023.





Denver Zoning Code Text Amendment Outdoor Places (Denver's Emerging Patio Program) LUTI REVIEW DRAFT - 04/27/2023

This document contains the draft of a proposed text amendment to the Denver Zoning Code to modify how outdoor accessory patios are regulated and encouraged in Denver. The recommended zoning code revisions in this draft are based on extensive outreach with community members, stakeholders and the Outdoor Places Stakeholder Working Group.

This technical text amendment language is accompanied by a more user-friendly "[Outdoor Places Private Property Strategy](#)" document that outlines the recommendations this text amendment is intended to support. Generally, the text amendment seeks to open up patio options to a wider range of businesses, streamline the review process, introduce additional design flexibility and encourage good patio design.

A [Draft Private Property Design Guidelines](#) document is also available for review. The guidelines would be used for an optional design review process that applicants may participate in voluntarily or that would be required for applicants seeking regulatory flexibility as outlined in this text amendment.

It is strongly recommended that readers review of the [Strategy](#) document before reviewing this Draft DZC Text Amendment or the [Draft Outdoor Places Private Property Design Guidelines](#).

Former Chapter 59 Properties: Denver Community Planning and Development (CPD) is preparing a "bridge" text amendment to extend many of the changes recommended for the Denver Zoning Code to properties that retain Former Chapter 59 zoning.

Mark-Up Document Conventions

- Text in red underline is proposed new language.
- Text in ~~red strikethrough~~ is proposed deleted language.
- Text in blue is moved from another location.
- Text in ~~blue strikethrough~~ was deleted from its original location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, "clean" version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments.

Visit www.denvergov.org/textamendments to learn more about this proposed text amendment. Please submit any questions or comments to Brad Johnson at brad.johnson2@denvergov.org.

All interested persons and organizations are encouraged to express their support or concerns at the public hearing before City Council.

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

*Permitted increase in the maximum depth of the required build-to range.

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

3.3.6.2 Primary Street Upper Story Setback

A. Intent

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

B. Applicability

S-MX-8, S-MX-8A, S-MX-12, S-MX-12A

C. Alternative

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

3.3.6.3 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

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

3.3.6.4 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

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

1. Courtyard or Plaza
2. Covered Walkway

3.3.6.5 Attached Garage Alternative

A. Intent

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

B. Applicability

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

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

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS										
		S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-Ix	S-SU-A S-SU-D S-SU-F S-SU-F1 S-SU-I	S-RH- 2.5	S-MU-3 S-MU-5 S-MU-8 S-MU-12 S-MU-20	S-CC-3x S-CC-5x	S-CC-3 S-CC-5	S-MX-2x	S-MX-2 S-MX-2A	S-MX-3 S-MX-3A S-MX-5 S-MX-5A S-MX-8 S-MX-8A S-MX-12 S-MX-12A	S-MS-3 S-MS-5	
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	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses*	NP	NP	NP	NP	L	Not Applicable - See Permitted Primary Uses	NP	NP	Not Applicable - See Permitted Primary Uses	Not Applicable - See Permitted Primary Uses	\$11.7; \$11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	L	L	L	Not Applicable - See Permitted Primary Uses						\$11.7; \$11.10.4
	Car Wash Bay Accessory to Automobile Services	NP	NP	NP	NP	L-ZP	L-ZP	NP	NP	L-ZP	NP	\$11.7; \$11.10.5
	College accessory to a Place for Religious Assembly	L	L	L	Not Applicable - See Permitted Primary Uses			L	Not Applicable - See Permitted Primary Uses			\$11.7; \$11.10.6
	Conference Facilities Accessory to Hotel Use	NP	NP	NP	NP	L	L	NP	NP	L	L	\$11.7; \$11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	NP	NP	NP	L-ZP	L-ZP	NP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.10.8
	Emergency Vehicle Access Point Garden*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	\$11.7; \$11.10.10
	Keeping of Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	\$11.7; \$ 11.10.11
	Limited Commercial Sales, Services	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	L	L	L	L	Not Applicable						\$11.7; \$11.4.6
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.10.13
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	<u>NP L/ L-ZP/ L-ZPIN</u>	<u>NP L/ L-ZP/ L-ZPIN</u>	<u>NP L/ L-ZP/ L-ZPIN</u>	<u>NP L/ L-ZP/ L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	<u>L/ L-ZP/L-ZPIN</u>	\$11.7; \$11.10.14
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	NP	NP	L-ZPIN/ZPSE	L-ZPIN/ ZPSE	\$11.7; \$11.10.15
	Outdoor Retail Sale and Display*	NP	NP	NP	NP	L-ZP/ ZPSE	L-ZP/ ZPSE	NP	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ ZPSE	\$11.7; \$11.10.16
	Outdoor Storage, General*	NP	NP	NP	NP	L-ZP	L-ZP	NP	NP	L-ZP	NP	<u>\$11.7; \$11.10.17</u>
	Outdoor Storage, Limited*	NP	NP	NP	NP	L	L	L	L	L	L	\$11.7; \$11.10.18
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	NP	NP	NP	L	L	L	L	L	L	\$11.7; \$11.10.19	

SECTION 4.3.6 DESIGN STANDARD ALTERNATIVES

4.3.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

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

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

*Permitted increase in the maximum depth of the required build-to range.

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

4.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

4.3.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

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

1. Courtyard or Plaza
2. Covered Walkway

SECTION 4.3.7 DESIGN STANDARD EXCEPTIONS

4.3.7.1 Height Exceptions

A. Intent

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

B. Standard

Except as specifically allowed below:

1. No portion of a structure shall project beyond the maximum height in feet specified in the applicable Building Form table.
2. No portion of a structure shall project beyond the bulk plane specified in the applicable Building Form table.

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS										
		E-SU-A E-SU-B E-SU-B1 E-SU-D E-SU-D1 E-SU-Dx E-SU-D1x E-SU-G E-SU-G1	E-TU-B E-TU-C	E-RH-2.5 E-MU-2.5	E-RX-3 E-RX-5	E-CC-3x E-CC-3	E-MX-2x E-MS-2x	E-MX-2A E-MX-2 E-MS-2	E-MX-3A E-MX-3	E-MS-3 E-MS-5		
Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.10.13
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP L/ L-ZP/ L-ZPIN	NP L/ L-ZP/ L-ZPIN	NP L/ L-ZP/ L-ZPIN	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	\$11.7; \$11.10.14
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; \$11.10.15
	Outdoor Retail Sale and Display*	NP	NP	NP	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ ZPSE	NP	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ ZPSE	\$11.7; \$11.10.16
	Outdoor Storage, General*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Outdoor Storage, Limited*	NP	NP	NP	L-ZP	L-ZP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.7; \$11.10.18
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	NP	NP	L	L	L	L	L	L	L	\$11.7; \$11.10.19
TEMPORARY USE CLASSIFICATION												
Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Unlisted Temporary Uses	L - Applicable to all Zone Districts										\$ 11.11.1
	Ambulance Service - Temporary	NP	NP	NP	L-ZP	Not Applicable - See Permitted Primary Uses						\$ 11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.7
	Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	\$ 11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Outdoor Retail Sales*	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$ 11.11.11
	Outdoor Sales, Seasonal*	NP	NP	NP	L-ZPIN	L-ZP	L-ZP	L-ZP/ ZPIN	L-ZP/ ZPIN	L-ZP	L-ZP	\$ 11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.13
	Retail Food Establishment, Mobile*	NP	NP	NP	L-ZP	L-ZP	L-ZP	NP	L-ZP	L-ZP	NP	\$ 11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.15
Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.16	
Temporary Tiny Home Village	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	L-ZPCIM	\$ 11.11.17	
Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		

B. Allowance

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

REQUIRED BUILD-TO ALTERNATIVES									
ZONE DISTRICT	BUILDING FORM	PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)	VEHICLE ACCESS (MAX FEET OF BUILD-TO)
U-RX U-MX U-MS	Town House	na	na	na	na	na	na	30%	12 feet
U-RX U-MX	All Others	na	na	25%*	30%*	30%*	100%	100%	na
U-MS	All Others	na	na	25%*	30%*	30%*	100%	na	na

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

5.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

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

USE CATEGORY	SPECIFIC USE TYPE	U-SU-A U-SU-A1 U-SU-A2 U-SU-B U-SU-B1 U-SU-B2 U-SU-C U-SU-C1 U-SU-C2 U-SU-E U-SU-E1 U-SU-H U-SU-H1	U-TU-B U-TU-B2 U-TU-C	U-RH-2.5 U-RH-3A	U-RX-3 U-RX-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	APPLICABLE USE LIMITATIONS
--------------	-------------------	--	-----------------------------	---------------------	------------------	--------------------	------------------	--------	------------------	----------------------------

ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION

USE CATEGORY	SPECIFIC USE TYPE	L - Applicable to all Zone Districts								APPLICABLE USE LIMITATIONS
		U-SU-A	U-TU-B	U-RH-2.5	U-RX-3	U-MX-2x	U-MX-2	U-MX-3	U-MS-3	
Accessory to Primary Nonresidential 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	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses*	NP	NP	NP	Not Applicable - See permitted Primary Uses	NP	NP	Not Applicable - See permitted Primary Uses	Not Applicable - See Permitted Primary Uses	\$11.7; \$11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	L	L	Not Applicable - See permitted Primary Uses	L	L	L	L	\$11.7; \$11.10.4
	Car Wash Bay Accessory to Automobile Services	NP	NP	NP	L-ZP	NP	NP	L-ZP	NP	\$11.7 \$11.10.5
	College Accessory to a Place for Religious Assembly	L	L	L	Not Applicable - See permitted Primary Uses	L	Not Applicable - See permitted Primary Uses			\$11.7 \$11.10.6
	Conference Facilities Accessory to Hotel Use	NP	NP	NP	L	NP	NP	L	L	\$11.7; \$11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.10.8
	Emergency Vehicle Access Point	NP	NP	NP	NP	NP	NP	NP	NP	
	Garden*	L	L	L	L	L	L	L	L	\$11.7; \$11.10.10
	Keeping of Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	\$11.7; \$11.10.11
	Limited Commercial Sales, Services	L	L	L	L	L	L	L	L	\$11.7; \$11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	L	L	L	Not Applicable - See permitted Primary Uses	Not Applicable				\$11.7; \$11.4.3
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	\$11.7; \$11.10.13
Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP L/L-ZP/L-ZPIN	NP L/L-ZP/L-ZPIN	NP L/L-ZP/L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	\$11.7; \$11.10.14	

SECTION 6.3.6 DESIGN STANDARD ALTERNATIVES

6.3.6.1 Required Build-To Alternatives

A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when Alley access is not feasible per Section 6.3.7.6 in the Town House building form.

B. Allowance

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

REQUIRED BUILD-TO ALTERNATIVES									
ZONE DISTRICT	BUILDING FORM	PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)	VEHICLE ACCESS (MAX FEET OF BUILD-TO)
G-MU G-RO G-RX G-MX G-MS	Town House	na	na	na	na	na	na	30%	12 feet
G-RX G-MX	All others	na	na	25%*	30%*	30%*	100%	100%	na
G-RH G-MU G-RO G-MS	All others	na	na	25%*	30%*	30%*	100%	na	na

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

6.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

6.3.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

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

1. Courtyard or Plaza
2. Covered Walkway

SECTION 6.3.7 DESIGN STANDARD EXCEPTIONS

6.3.7.1 Height Exceptions

A. Intent

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

B. Standard

Except as specifically allowed below:

1. No portion of a structure shall project beyond the maximum height in feet specified in the applicable Building Form table.
2. No portion of a structure shall project beyond the bulk plane specified in the applicable Building Form table.
3. No portion of a structure shall exceed the maximum height in stories specified in the applicable Building Form table.

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility)	G-RH-3	G-MU-3 G-MU-5 G-MU-8	G-MU-12 G-MU-20	G-RO-3 G-RO-5	G-RX-3 G-RX-5	G-MX-3	G-MS-3 G-MS-5	APPLICABLE USE LIMITATIONS
--------------	--	--------	----------------------------	--------------------	------------------	------------------	--------	------------------	----------------------------

ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION

USE CATEGORY	SPECIFIC USE TYPE	L - Applicable to all Zone Districts							APPLICABLE USE LIMITATIONS
		G-RH-3	G-MU-3 G-MU-5 G-MU-8	G-MU-12 G-MU-20	G-RO-3 G-RO-5	G-RX-3 G-RX-5	G-MX-3	G-MS-3 G-MS-5	
Accessory to Primary Nonresidential 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	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses*	NP	NP	NP	NP	Not Applicable - See Permitted Primary Uses	Not Applicable - See Permitted Primary Uses	Not Applicable - See Permitted Primary Uses	§ 11.7; § 11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	L	L	L	Not Applicable - See Permitted Primary Uses			§ 11.7; § 11.10.4
	Car Wash Bay Accessory to Automobile Services or Hotel Uses	NP	NP	NP	NP	L-ZP	L-ZP	NP	§ 11.7; § 11.10.5
	College Accessory to a Place for Religious Assembly	L	Not Applicable - See Permitted Primary Uses		L	Not Applicable - See Permitted Primary Uses			§ 11.7; § 11.10.6
	Conference Facilities Accessory to Hotel Use	NP	NP	NP	NP	L	L	L	§ 11.7; § 11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	NP	NP	NP	NP	L-ZP	L-ZP	§ 11.7; § 11.10.8
	Emergency Vehicle Access Point Garden*	NP	NP	NP	NP	NP	NP	NP	
	Keeping of Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	§ 11.7; § 11.10.11
	Limited Commercial Sales, Services	L	L	L	L	L	L	L	§ 11.7; § 11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	L	L	L	L	Not Applicable - See Permitted Primary Uses	Not Applicable		§ 11.4.6
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	§ 11.7; § 11.10.13
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP/L/L-ZP/L-ZPIN	NP/L/L-ZP/L-ZPIN	NP/L/L-ZP/L-ZPIN	NP/L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	§ 11.7; § 11.10.14
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	NP	NP	NP	L-ZPIN/ZPSE	L-ZPIN/ZPSE	L-ZPIN/ZPSE	§ 11.7; § 11.10.15
	Outdoor Retail Sale and Display*	NP	NP	NP	NP	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ZPSE	§ 11.7; § 11.10.16
	Outdoor Storage, General*	NP	NP	NP	NP	NP	NP	NP	
	Outdoor Storage, Limited*	NP	NP	NP	NP	NP	L	L	§ 11.7; § 11.10.18
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	NP	NP	NP	L	L	L	§ 11.7; § 11.10.19

7.3.6.3 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

7.3.6.4 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

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

1. Courtyard or Plaza
2. Covered Walkway

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

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-MX-12	C-MS-5	C-CCN-7	
		C-RX-8	C-MX-16	C-MS-8	C-CCN-8	
		C-RX-12	C-MX-20	C-MS-12	C-CCN-12	
		C-MX-3			C-CCN-3	
		C-MX-5			C-CCN-4	
		C-MX-8			C-CCN-5	
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 Permitted Primary Uses	Not Applicable - See Permitted Primary Uses	Not Applicable - See Permitted Primary Uses	NP	\$11.7; \$11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	Not Applicable - See Permitted Primary Uses				\$11.7; \$11.10.4
	Car Wash Bay Accessory to Automobile Services or Hotel Uses	NP	NP	NP	NP	
	College accessory to a Place for Religious Assembly	Not Applicable - See Permitted Primary Uses				\$11.7; \$11.10.6
	Conference Facilities Accessory to Hotel Use	NP	L	L	NP	\$11.7; \$11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	L-ZP	L-ZP	NP	\$11.7; \$11.10.8
	Emergency Vehicle Access Point	NP	NP	NP	NP	
	Garden*	L	L	L	L	\$11.7; \$11.10.10
	Keeping of Animals	L/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	L/L-ZP/L-ZPIN	\$11.7; § 11.10.11
	Limited Commercial Sales, Services	L	L	L	L	\$11.7; \$11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	Not Applicable - See Permitted Primary Uses	Not Applicable			\$11.4.6
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	\$11.7; \$11.10.13
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L/L-ZP/L-ZPINSE	L/L-ZP/L-ZPINSE	L/L-ZP/L-ZPINSE	L/L-ZP/L-ZPINSE	\$11.7; \$11.10.14
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ZPSE	L-ZPIN/ZPSE	L-ZPIN/ZPSE	L-ZPIN/ZPSE	\$11.7; \$11.10.15
	Outdoor Retail Sale and Display*	NP	L-ZP	L-ZP/ZPSE	L-ZP/ZPSE	\$11.7; \$11.10.16
	Outdoor Storage, General*	NP	NP	NP	NP	
Outdoor Storage, Limited*	NP	L	L	L	\$11.7; \$11.10.18	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	\$11.7; \$11.10.19	

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

USE CATEGORY	SPECIFIC USE TYPE	D-C	D-TD	D-LD	D-CV	D-GT D-AS	D-AS-12+ D-AS-20+ D-CPV-T D-CPV-R D-CPV-C	APPLICABLE USE LIMITATIONS
	D-C, D-TD, D-CV, D-GT, D-AS-12+/20+, D-CPV-T/R/C Districts have no minimum vehicle parking requirement. D-CPV-T/R/C maximum vehicle parking requirements are provided in Section 8.11.5. D-C, D-TD, D-CV bicycle parking requirements are provided in Section 8.3.1.5. D-LD vehicle parking requirements are provided in Section 8.4.1.4. • 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)							

ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION

USE CATEGORY	SPECIFIC USE TYPE	L - Applicable to all Zone Districts						APPLICABLE USE LIMITATIONS	
		D-C	D-TD	D-LD	D-CV	D-GT D-AS	D-AS-12+ D-AS-20+ D-CPV-T D-CPV-R D-CPV-C		
Accessory to Primary Nonresidential 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	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.10.2	
	Automobile Rental Services Accessory to Certain Retail Uses*	Not Applicable - See Permitted Primary Uses			NP	Not Applicable - See Permitted Primary Uses			
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	L	L	L	L	L	\$11.7; \$11.10.4	
	Car Wash Bay Accessory to Automobile Services	NP	NP	NP	NP	NP	NP		
	College accessory to a Place for Religious Assembly	L	L	L	L	L	L	\$11.7; \$11.10.6	
	Conference Facilities Accessory to Hotel Use	L	L	L	L	L	L	\$11.7; \$11.10.7	
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	NP	NP	NP	L-ZP	NP	\$11.7; \$11.10.8	
	Emergency Vehicle Access Point	NP	NP	NP	NP	NP/L-ZPSE	NP	\$11.7; \$11.10.9	
	Garden*	L	L	L	L	L	L	\$11.7; \$11.10.10	
	Keeping of Animals	L/ L-ZP/ L-ZPIN	L/ L-ZP/ L-ZPIN	L/ L-ZP/ L-ZPIN	L/ L-ZP/ L-ZPIN	L/ L-ZP/ L-ZPIN	L/ L-ZP/ L-ZPIN	\$11.7; \$11.10.11	
	Limited Commercial Sales, Services	L	L	L	L	L	L	\$11.7; \$11.10.12	
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	Not Applicable							
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	\$11.7; \$11.10.123	
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	L/L-ZP/ L-ZPINSE	\$11.7; \$11.10.134	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; \$11.10.145	
Outdoor Retail Sale and Display*	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	\$11.7; \$11.10.156		
Outdoor Storage, General*	NP	NP	NP	NP	NP	NP			
Outdoor Storage, Limited*	L	L	L	L	L	L	\$11.7; \$11.10.178		
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	L	L	\$11.7; \$11.10.189		

REQUIRED BUILD-TO ALTERNATIVES									
ZONE DISTRICT	BUILDING FORMS	PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)	VEHICLE ACCESS (MAX FEET OF BUILD-TO)
I-MX	Town House	na	na	na	na	na	na	30%	12 feet
I-MX	General	na	na	25%*	30%*	30%*	100%	na	na

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

9.1.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

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

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

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

9.1.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	I-MX-3 I-MX-5 I-MX-8 I-MX-12	I-A	I-B	APPLICABLE USE LIMITATIONS
HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Home Occupations	Child Care Home, Large	L-ZPIN	L-ZPIN	L-ZPIN	§11.9; §11.9.3
	All Other Types	L-ZP	L-ZP	L-ZP	§11.9; §11.9.4
	Unlisted Home Occupations	L - ZPIN - Applicable in all Zone Districts			§11.9; §11.9.5
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable in all Zone Districts			§11.7; §11.10.1
	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses	L-ZP	L-ZP	L-ZP	§11.7; §11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses*	Not Applicable - See Permitted Primary Uses			§11.7; §11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	Not Applicable - See Permitted Primary Uses	L	L	§11.7
	Car Wash Bay Accessory to Automobile Services	L-ZP	L-ZP	L-ZP	§11.7; §11.10.5
	College Accessory to a Place for Religious Assembly	Not Applicable - See Permitted Primary Uses			§11.7; §11.10.6
	Conference Facilities Accessory to Hotel Use	L	L	L	§11.7; §11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	L-ZP	L-ZP	L-ZP	§11.7; §11.10.8
	Emergency Vehicle Access Point	NP	NP	NP	
	Garden*	L	L	L	§11.7; §11.10.10
	Keeping of Animals	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	§11.7; § 11.10.11
	Limited Commercial Sales, Services	L	L	L	§11.7; §11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	Not Applicable			
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	§11.7; §11.10.1 23
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	§11.7; §11.10.1 34
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.1 45
	Outdoor Retail Sale and Display*	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ZPSE	§11.7; §11.10.1 56
	Outdoor Storage, General*	L-ZP	L-ZP	L-ZP	§11.7; §11.10.17
Outdoor Storage, Limited*	L-ZP	P-ZP	P-ZP	§11.7; §11.10.1 78	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Use	L	NP	NP	§11.7; §11.10.1 89	

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS								
		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	CMP-NWC	CMP-NWC-C	CMP-NWC-G	CMP-NWC-F	CMP-NWC-R	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION										
Accessory to Primary Nonresidential 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	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; §11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses*	L	L	L	L	L	L	L	NP	\$11.7; §11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	L	L	L	L	L	L	L	§ 11.7
	Car Wash Bay Accessory to Automobile Services	L-ZP	L-ZP	L-ZP	NP	NP	NP	L-ZP	NP	\$11.7; §11.10.5
	College Accessory to a Place for Religious Assembly	L	L	NP	L	L	L	L	NP	\$11.7; §11.10.6
	Conference Facilities Accessory to Hotel Use	L	L	L	L	L	L	L	NP	\$11.7; §11.10.7
	Drive Through Facility Accessory to Eating / Drinking Establishments and to Retail Sales, Service, and Repair Uses*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$11.7; §11.10.8
	Emergency Vehicle Access Point Garden*	L-ZPSE	NP	NP	NP	NP	NP	NP	NP	\$11.7; §11.10.9
	Keeping of Animals	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L	L	L	L	\$11.7; § 11.10.11
	Limited Commercial Sales, Services	L	L	L	L	L	L	L	L	\$11.7; §11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	Not Applicable								
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	\$11.7; §11.10.123
	Outdoor Gathering Area* Eating and Serving Area- Accessory to Eating/Drinking Establishment Use*	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	\$11.7; §11.10.134
	Outdoor Entertainment Accessory to Eating / Drinking Establishments Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; §11.10.145
	Outdoor Retail Sale and Display*	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	L-ZP/ ZPSE	\$11.7; §11.10.156
Outdoor Storage, General*	NP	NP	NP	NP	NP	NP	L-ZP	NP	\$11.7; §11.10.17	
Outdoor Storage, Limited*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$11.7; §11.10.178	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	L	L	L	L	\$11.7; §11.10.189	

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 • Vehicle Parking Requirement -# of spaces per unit of measurement • Bicycle Parking Requirement -# of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)	APPLICABLE USE LIMITATIONS			
		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses	Unlisted Accessory Uses	See Section 9.3.4.1	L - Applicable to all Zone Districts		\$11.7; §11.10.1
	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses		NP	NP	
	Automobile Rental Services Accessory to Certain Retail Uses*		NP	NP	
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities		L	NP	§ 11.7
	Car Wash Bay Accessory to Automobile Services		NP	NP	
	College accessory to a Place for Religious Assembly		NP	NP	
	Conference Facilities Accessory to Hotel Use		NP	NP	
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*		NP	NP	
	Emergency Vehicle Access Point		NP	NP	
	Garden*		L	L	\$11.7; §11.10.10
	Keeping of Animals		L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	\$11.7; §11.10.11
	Limited Commercial Sales, Services		L	L	\$11.7; §11.10.12
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses		Not Applicable		
	Occasional Sales, Services Accessory to Places of Religious Assembly*		L	NP	\$11.7; §11.10.12
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP L/L-ZP	NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Retail Sale and Display*		NP	NP	
	Outdoor Storage, General*		NP	NP	
	Outdoor Storage, Limited*		NP	NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	NP	

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

1. There is hereby created an design overlay district designated as the Uptown Design Overlay District.
2. As applied on the Official Zoning Map to properties retaining underlying zone district designations pursuant to Former Chapter 59, DO-1 Uptown Design Overlay District’s standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying zone district pursuant to this Code.

B. Lower Floor Building Design

All new structures and all structures renovated where (1) the renovation is valued at more than 50 percent of the replacement cost of the existing building excluding land costs, and (2) the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials, shall be subject to the design standards set forth below; provided, however, that if property is a designated Historic Structure, or is a contributing structure in a designated historic district, such property shall not be subject to the design standards and design review procedures set forth below.

1. Lower Floor Design Standards

All new structures and all renovated structures, where the renovation meets the requirements set forth in this Section 9.4.5.5.B, shall be subject to rules and regulations establishing design standards applicable to the lower eighty (80) feet of the building, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street frontages, to reflect Denver’s history of primarily solid and masonry building material, and shall address the following:

- a. The percentage of the building that must be built within a short distance of property lines along public streets and sidewalks;
- b. Building and building entry orientation;
- c. Appearance of parking garages;
- d. The percentage of glass to solid materials;
- e. The required use of scaling elements, insets, and projections to break up flat or monotonous facades, to emphasize entries, and to respond to older buildings nearby;
- f. Building and glazing materials;
- g. Location and appearance of access ramps for the handicapped People with Disabilities;
- h. Location of adjacent structures; and
- i. Fence height, appearance and materials.

2. Optional Lower Floor Design Review

As an alternative to compliance with specific design standards adopted pursuant to this subsection, any new structure or any renovated structure meeting the conditions set forth in Section 9.4.5.5.B may elect to have the lower 80 feet of the building reviewed by the Zoning Administrator according to Section 12.4.3, Site Development Plan Review, and guided by the following standards:

- a. To allow more variation and architectural creativity than the design standards described in Section 9.4.5.5.B.1 above;
- b. To provide human scale through change, contrast, and intricacy in facade form, color, and/or material where lower levels of buildings face public streets and sidewalks;

TRANSPARENCY ALTERNATIVES					
ZONE LOT LINE DESIGNATION	DISPLAY CASES AND AUTOMATED TELLER MACHINES (MAX)	WALL DESIGN ELEMENTS (MAX)	PERMANENT OUTDOOR EATING/ SERVING GATHERING AREAS (MAX)	PERMANENT ART (MAX)	COMBINATION OF ALTERNATIVES (MAX)
Primary Street	0%	50%	0%	50%	80%
Primary Street B	0%	50%	0%	50%	80%
Side Street	0%	50%	0%	50%	80%

H. Vehicle Parking Exception for Transit Oriented Development in the DO-7 District

1. Intent

To promote multi-modal transportation options near major transit investments and provide flexibility for development with reduced automobile orientation.

2. Applicability

- a. The vehicle parking exception set forth below shall apply all to all uses located within this DO-7 district that are also located within 1/2 mile of the outer boundary of the Rail Transit Station Platform at the 38th and Blake commuter rail station.
- b. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11 Measurement of Separation or Distance.

3. Exemption Allowed

- a. Uses in the area described by Section 9.4.5.11.H.2.a shall be exempt from providing the minimum amount of vehicle parking otherwise required by this Code.
- b. Minimum bicycle parking requirements set forth in the Underlying Zone District shall apply.

4. Relationship to Maximum Vehicle Surface Parking for Transit Oriented Development

Where Section 10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development applies, maximum parking standards shall apply, based on the minimum amount of parking set forth in the Underlying Zone District for such use or structure absent any exemption or reduction.

9.4.5.12 Active Centers and Corridors Design Overlay District (DO-8)

A. Creation

There is hereby created a design overlay district designated as the Active Centers and Corridors Design Overlay District (DO-8).

B. Intent

The intent of the DO-8 Overlay Zone District is to encourage neighborhood mixed-use areas that support nonresidential active uses at the Street Level, promote active pedestrian-oriented building frontages, and provide sufficient space for transitions between the public realm and private residential Dwellings.

C. Applicability

The provisions of this DO-8 Overlay Zone District shall apply only to those areas within Residential Mixed Use (RX), Mixed Use (MX), and Main Street (MS) zone districts that are designated with the DO-8 Overlay Zone District on the Official Zone Map.

D. Primary Building Form Standards Within Overlay District

1. Intent for Overlay Building Form Standards

- a. To enable greater flexibility for ~~outdoor eating and serving areas~~ Outdoor Gathering Areas and similar exterior uses, increase space for pedestrians, buffer private residential Dwellings from the public realm, and minimize the visibility of Surface Parking areas through the application of new or modified Siting Standards.
- b. To ensure Street Level heights consistent with nonresidential active uses, encourage Street Level windows, and clearly distinguish entries into individual dwelling units with additional features through the application of new or modified Design Element Standards.
- c. To promote activation of the Street and sidewalk with nonresidential active uses at the Street Level of Structures with long street-facing frontages, and locate new Structures containing only Residential Uses on only narrow lots, in districts that allow 3 stories or more of Building Height through the application of new or modified Use Building Form Standards.

2. Applicability

All Primary Structures in the DO-8 Overlay Zone District shall comply with the primary Building Form Standards stated in this Section 9.4.5.12.D.

3. General Standards

Except as modified in this Section 9.4.5.12.D, the district-specific primary Building Form Standards set forth in the Underlying Zone District shall apply.

4. Building Forms Allowed

The Shopfront and Town House primary building forms are the only building forms allowed for Primary Structures within the DO-8 Overlay Zone District.

5. Overlay District-Specific Standards

The district-specific standards of the Underlying Zone District are modified as set forth in the following tables. Additional Building Form Standards that are not listed in the tables below, but which are found in the Underlying Zone District for the applicable building form, still apply.

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

USE CATEGORY	SPECIFIC USE TYPE	APPLICABLE USE LIMITATIONS IN THE O-1 ZONE DISTRICT ONLY		
		DIA	O-1	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION				
Accessory to Primary Nonresidential Uses Accessory to Primary Nonresidential Uses	Unlisted Accessory Uses	See Section 9.5.5.1 for permitted uses and required parking	L	§11.7; §11.10.1
	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses		NP	
	Automobile Rental Services Accessory to Certain Retail Uses*		NP	
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities		L	§ 11.7
	Car Wash Bay Accessory to Automobile Services		NP	
	College accessory to a Place for Religious Assembly		NP	
	Conference Facilities Accessory to Hotel Use		NP	
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*		NP	
	Emergency Vehicle Access Point		NP	
	Garden*		L	§11.7; §11.10.10
	Keeping of Animals		L/L-ZP/ L-ZPIN	§11.7; §11.10.11
	Limited Commercial Sales, Services		L	§11.7; §11.10.1
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses		Not Applicable	
	Occasional Sales, Services Accessory to Places of Religious Assembly*		NP	
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	
	Outdoor Retail Sale and Display*		L-ZP	§11.7; §11.10.15
	Outdoor Storage, Limited*		NP	
	Outdoor Storage, General*		NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	

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

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

SECTION 9.7.7 DESIGN STANDARD EXCEPTIONS

9.7.7.1 Height Exceptions

A. Intent

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

B. Standard

Except as specifically allowed below:

1. No portion of a structure shall project beyond the maximum height in feet specified in the applicable Building Form table.
2. No portion of a structure shall project beyond the bulk plane specified in the applicable Building Form table.
3. No portion of a structure shall exceed the maximum height in stories specified in the applicable Building Form table.

C. Exceptions

The following building features of Primary Structures and Accessory Structures are allowed to exceed height in feet, stories, bulk plane, and upper story setbacks as described in the table below, subject to the following standards.

1. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.
2. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
3. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.
4. Where a building feature exceeds either the maximum height in feet or the maximum height in stories as allowed in this section, all standards for the applicable feature in the table below shall apply.

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

USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)						APPLICABLE USE LIMITATIONS	
		M-RH-3	M-RX-3 M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX		
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION								
Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Un- less Specifically Stated in this Table or in an Ap- plicable Use Limitation)	Unlisted Accessory Uses	L - Applicable in all Zone Districts					\$11.7; §11.10.1	
	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.10.2	
	Automobile Rental Services Accessory to Certain Retail Uses*	NP	Not Applicable - See Primary Uses					§ 11.7; § 11.10.3
	Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities	L	Not Applicable - See Permitted Primary Uses					§ 11.7; § 11.10.4
	Car Wash Bay Accessory to Automobile Services	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.10.5	
	College Accessory to a Place for Religious Assembly	L	Not Applicable - See Permitted Primary Uses					§ 11.7; § 11.10.6
	Conference Facilities Accessory to Hotel Use	NP	L	L	L	L	§ 11.7; § 11.10.7	
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.10.8	
	Emergency Vehicle Access Point	NP	NP	NP	NP	NP		
	Garden*	L	L	L	L	L	\$11.7; §11.10.10	
	Keeping of Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	L/L-ZP/ L-ZPIN	\$11.7; § 11.10.11	
	Limited Commercial Sales, Services	L	L	L	L	L	\$11.7; §11.10.12	
	Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses	NP	Not Applicable - See Permitted Primary Uses	Not Applicable				
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	\$11.7; §11.10.12 3	
	Outdoor Gathering Area* Eating and Serving Area Accessory to Eating/Drinking Establishment Use**	NP- L/L-ZP/L- ZPIN	L/L-ZP/L- ZPINSE	L/L-ZP/L- ZPINSE	L/L-ZP/L- ZPINSE	L/L-ZP/L- ZPINSE	\$11.7; §11.10.13 4	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ZPSE	\$11.7; §11.10.14 5	
	Outdoor Retail Sale and Display*	NP	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ZPSE	L-ZP/ZPSE	\$11.7; §11.10.15 6	
	Outdoor Storage, General*	NP	NP	NP	NP	M-IMX: NP M-GMX: L-ZP	\$11.7; §11.10.17	
Outdoor Storage, Limited*	NP	NP	L-ZP	L-ZP	L-ZP	\$11.7; §11.10.17 8		
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	L	L	L	L	\$11.7; §11.10.18 9		

DIVISION 10.2 GENERAL SITE DESIGN AND FACILITY STANDARDS

SECTION 10.2.1 INTENT

This Division's general site design and facility standards are intended to supplement the more specific zone district building and design standards found in Articles 3 through 9 and, consistent with this Code's context-based approach, ensure that new development: (a) Provides adequate on-site facilities to meet the demands of residents, employees, and visitors; (b) Assures and promotes convenient pedestrian and bicycle access to parks, community amenities, and activity or employment centers; and (c) Mitigates the potential for any adverse impacts on surrounding properties and neighborhoods.

SECTION 10.2.2 APPLICABILITY

In addition to compliance with applicable building form and design standards, all development shall comply with the following general site and facility design standards. In case of conflict between an applicable zone district standard or an applicable and more specific building form standard in Articles 3 through 9 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific building form standard shall apply, unless otherwise expressly stated. In case of conflict between a more specific design standard stated in this Article 10 and a design standard stated in this Division 10.2, General Site Design and Facility Standards the more specific design standard shall apply, unless otherwise expressly stated.

SECTION 10.2.3 GENERAL SITE DESIGN AND FACILITY STANDARDS

All development shall provide, as applicable:

- 10.2.3.1 Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust;
- 10.2.3.2 Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal;
- 10.2.3.3 Arrangement of buildings and vehicular circulation open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;
- 10.2.3.4 Adequate amount and proper location of pedestrian walks, malls and landscaped spaces to separate horizontally or vertically pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities;
- 10.2.3.5 Arrangement and orientation of buildings and location of Off-Street Parking Areas so as to minimize the impacts on adjacent properties;
- 10.2.3.6 Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts;
- 10.2.3.7 In development providing for family occupancy, adequate amount and safe location of play areas for children and other recreational areas according to the concentration of occupancy;
- 10.2.3.8 In development intended for nonresidential uses and located near or abutting Residential Zone Districts, provide fences, walls or year-round screen planting when necessary to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat, blowing papers and dust and to reduce the visual encroachment of commercial architectural, signs and activity on residential privacy and residential neighborhood character;
- 10.2.3.9 Adequate consideration for the access needs of ~~disabled or handicapped residents~~ People with Disabilities through the provision of special accessible parking spaces, accessible routes between Off-Street Parking Areas and buildings, passenger loading zones and access to other facilities in order to give ~~disabled residents~~ People with Disabilities an increased level of mobility;

amount of parking provided on the zone lot shall not exceed the aggregate maximum parking allowed for those uses, and may be used jointly.

3. Vehicle queuing spaces serving permitted fuel pumps where the spaces meet the dimensional standards for a 0° parking space as required in Section 10.4.6, may count toward the minimum required number of vehicle parking spaces.

B. Gross Floor Area for Purposes of Calculating Parking Amounts

For the purposes of complying with minimum and maximum parking requirements, gross floor area shall mean the sum of the gross horizontal areas of all of the floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area, the following shall be excluded:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located;
2. Any floor area used exclusively as parking space for vehicles or bicycles; and
3. Any floor area that serves as a pedestrian mall or public access way to shops and stores.

C. “Unit” for Purposes of Calculating Parking Amounts

For the purposes of complying with minimum and maximum parking requirements, the term “unit” shall mean, as applicable, either:

1. A dwelling unit in a household living use, as “dwelling unit” is defined in Article 11, Use Limitations and Definitions; or
2. A Room, which may or may not contain kitchen or bathing facilities, intended for occupancy by a resident or guest in a Residential Care or Congregate Living use.

D. Guest Parking in Districts with Maximum Vehicle Parking Standards

1. Intent

To allow flexibility for a limited amount of guest parking in zone districts with maximum vehicle parking standards.

2. Applicability

This Section 10.4.4.2.D applies to all residential primary uses in zone districts where maximum vehicle parking standards apply.

3. Standards

- a. On a zone lot containing at least 3 and no more than 19 dwelling units, one additional vehicle parking space may be provided for guest parking.
- b. On a zone lot containing 20 or more dwelling units, one additional vehicle parking space may be provided for guest parking for every 20 dwelling units. For example, a 42-unit development may provide two additional parking spaces for guest parking.
- c. Except when shared parking is being provided on a separate zone lot according to Section 10.4.5.4, Shared Vehicle Parking, all guest parking must be located on the same zone lot as the residential primary use for which it is being provided.

10.4.4.3 Accessible Vehicle Parking

All primary uses subject to this Division 10.4 shall provide accessible parking for ~~disabled persons~~ People with Disabilities that complies with the Denver Building and Fire Code and with the Americans with Disabilities Act (ADA) standards, provided, however, that the amount of accessible park-

ing provided for multi-unit dwelling uses shall be no less than one (1) space for each dwelling unit constructed for occupancy by a ~~disabled person~~ Person with a Disability.

10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development

A. Intent

To promote active, transit-supportive development and uses proximate to transit stations, thereby leveraging regional investment in transit infrastructure and promoting livability and sustainability in Denver’s transit neighborhoods.

B. Applicability

1. This Section 10.4.4.4 shall apply to all uses located within 1/4 mile of the outer boundary of a Rail Transit Station Platform in all zone districts except the CMP and zone districts; and
2. This Section 10.4.4.4 shall apply only to limit the amount of Surface Parking.
3. If a structure or use is exempt from minimum parking requirements, this subsection’s maximum parking standard shall still apply, based on the minimum amount otherwise required by the underlying zone district for such use or structure absent any exemption or reduction.
 - a. If the underlying zone district does not include minimum parking requirements, this subsection’s maximum parking standard shall still apply, based on the minimum requirement otherwise required for the subject use or uses in the C-MX Zone Districts.
4. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11, Measurement of Separation or Distance.

C. Maximum Vehicle Surface Parking Permitted

For all applicable zone districts where minimum parking requirements apply, Surface Parking spaces shall not exceed 110 percent of the minimum parking spaces required by the subject property’s zone district, except that up to 1 vehicle surface parking space per dwelling unit shall be allowed even if exceeding the 110 percent. For all applicable zone districts where maximum vehicle parking standards apply, the more restrictive standard shall determine the maximum vehicle Surface Parking allowed.

10.4.4.5 Location of Required Vehicle Parking

Required vehicle parking spaces shall be located on the same zone lot as the primary use for which provided, except as allowed below:

A. As allowed in Section 10.4.5.4, Shared Vehicle Parking, or

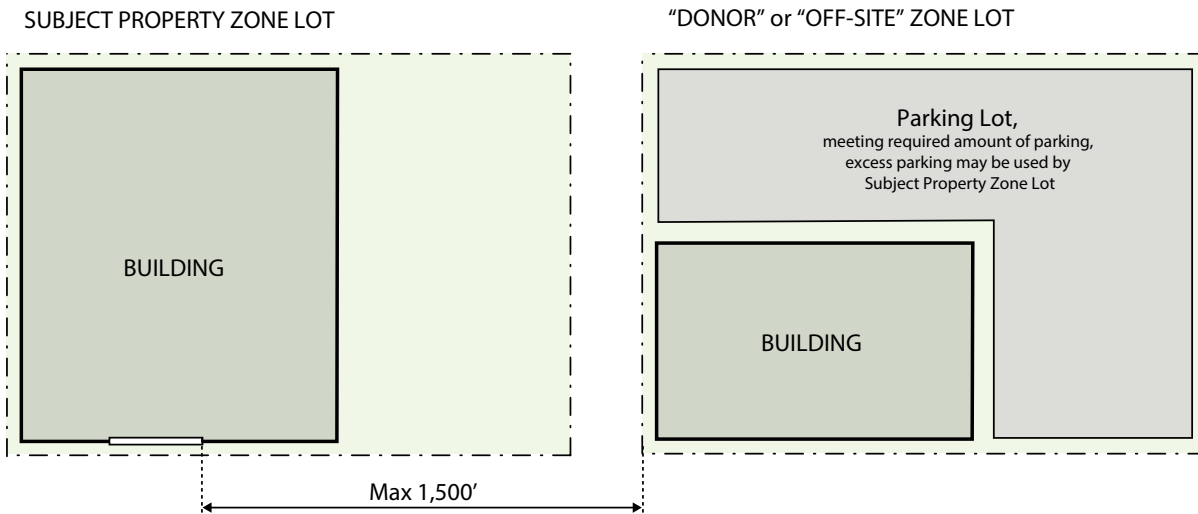
B. Off-Site Vehicle Parking

A primary use’s required vehicle parking may be located on a Zone Lot different from the Zone Lot containing the primary use (“off-site vehicle parking”), subject to compliance with the following standards:

1. The subject Primary Use may provide off-site vehicle parking provided that the parking spaces on the off-site Zone Lot are not required vehicle parking spaces for any other Primary Use(s) (See Section 10.4.5.4 Shared Vehicle Parking for that scenario).
2. Parking requirements may be met off the zone lot by ownership or a current lease of parking spaces on another zone lot and dedicated to the primary use being served. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the zoning permit until the parking deficiency is remedied.

3. Off-site parking shall be located within a “walking distance” of 1,500 feet from the use served by the remote parking. “Walking distance” shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

Figure 10.4-1



SECTION 10.4.5 VEHICLE PARKING EXCEPTIONS

10.4.5.1 Vehicle Parking Exemptions

The following uses and circumstances are exempt from providing the minimum amount of vehicle parking otherwise required by this Code, but only to the extent specified in this Section. [See also Section 11.10.14.3.C for parking exceptions for Eating and Drinking Establishment Uses.](#)

A. Pre-Existing Small Zone Lots

1. Intent

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

2. Applicability

- a. All Mixed Use Commercial Zone Districts; and
- b. Where the subject Zone Lot is currently equal to or smaller than 6,250 square feet and was equal to or smaller than 6,250 square feet on June 25, 2010 (“Small Zone Lot”)

3. Exemption Allowed

a. Reuse of Existing Buildings on Small Zone Lots

- i. If a building (1) is located on a Small Zone Lot and (2) existed on March 23, 2017, then of all uses in such building, including any modifications, alterations, and expansions, shall be exempt from providing vehicle parking.
- ii. Any building located on a Small Zone Lot that is voluntarily demolished shall not be considered an existing building. “Voluntarily demolished” shall have the same meaning as the term “Demolition, Voluntary” defined in Article 13.

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

TYPE OF ALTERNATIVE	APPLICABLE ZONE DISTRICTS	APPLICABLE USE	ADDITIONAL REQUIREMENTS	ALTERNATIVE ALLOWED
Household Living for Older Adults	All Main Street Zone Districts	Household Living Primary Use	Dwelling unit must be occupied only by older adults (individuals 55 or more years of age) who comprise a single, non-profit housekeeping unit, and do not meet the definition of a "Residential Care Use."	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit
Other Housing	All Main Street Zone Districts	Primary Residential Uses	Other special needs housing with similar reduced parking demands, as approved by the Zoning Administrator	Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit

10.4.5.3 Vehicle Parking Reductions

A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

1. Calculation

In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section's permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

2. Reductions Not Applicable to Accessible Parking

The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.

3. No Combination with Alternative Minimum Vehicle Parking Ratios

A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

- a. For example: A Zone Lot in a Main Street zone district includes 100 housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

4. Maximum Reduction Allowed

- a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, with the following exceptions:
 - i. Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.
 - ii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.
 - iii. [Vehicle parking reductions for Eating and Drinking Establishment Uses according to Section 11.10.14.3.C.](#)
- b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection's permitted reductions.

- i. For example, a Zone Lot in a G-MS-5 zone district includes 100 housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The housing use may apply the alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 90% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

5. Informational Notice Required for Certain Reduction Requests

A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:

- a. Alternative vehicle parking ratios
- b. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.
- c. [Vehicle parking reductions for Eating and Drinking Establishment Uses according to Section 11.10.14.3.C.](#)

6. Withdrawal from Participation in Plans or Programs

- a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
- b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:
 - i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,
 - ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

B. Reductions Allowed

The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:

- e. Surface Off-Street Parking Areas;
- f. Area dedicated to permanent outdoor amenities related to the primary use, such as an **outdoor eating and serving area** Outdoor Gathering Area; or
- g. Areas that other City laws require to be kept free of live planting material.

B. Minimum Landscaping Standards

1. A minimum of 50% of the applicable area shall be landscaped with live planting material and the remaining 50% shall be landscaped with either live or non-live landscaping material, according to Section 10.5.4.6 Landscaping Material Standards. (See Figures 10.5-1 and 10.5-2)
2. Trees and shrubs in the Campus National Western Center-Core (CMP-NWC-C), Urban Center (“C-”) and Downtown (“D-”) zone districts may be located in planters.
3. Existing trees and shrubs located in the required landscape areas shall be credited towards this requirement, provided they meet Section 10.5.4.6, Landscaping Material Standards.

Figure 10.5-1

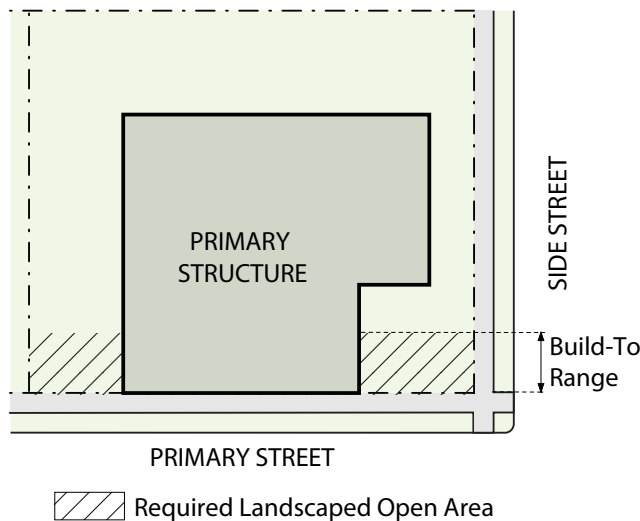
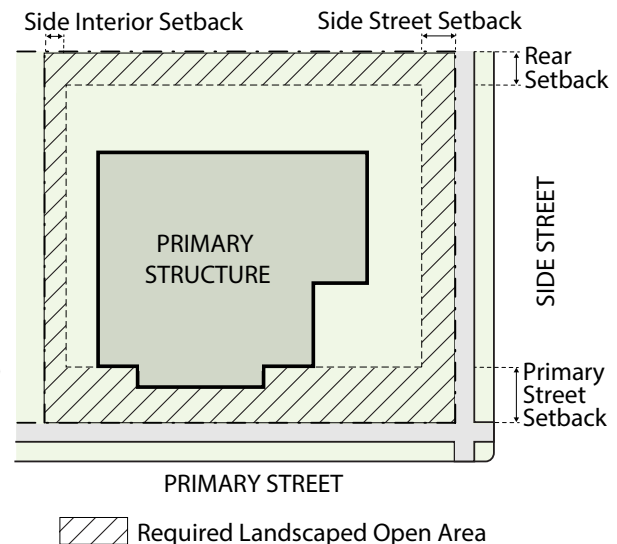


Figure 10.5-2



10.5.4.3 Site Landscaping Standards - Group 2

A. Applicability

1. This subsection 10.5.4.3 shall apply in the I-A and I-B zone districts and in I-MX zone districts to development using the Industrial Primary Building Form.
2. **Expansions of Existing Use**
 - a. This Section 10.5.4.3 shall apply to the expansion of an existing use only if the site area or gross floor area of such use is enlarged more than 15 percent of that existing on June 25, 2010.
 - b. The area of landscaping required shall be the ratio of additional floor or site area to the gross floor area or site area existing on June 25, 2010, multiplied by 5 percent.
 - i. For example, assume an industrial use is to be expanded by 23 percent of the present gross floor area or site area: $0.23 (23\%) \times 0.05 (5\%) = 0.0115$. $0.0115 \times$ Present zone lot area = Area of required new landscaping. See Figure 10.5-3)

DIVISION 11.8	USES ACCESSORY TO PRIMARY RESIDENTIAL	
	USES - LIMITATIONS	11.8-1
Section 11.8.1	[Reserved]	11.8-1
Section 11.8.2	Accessory Dwelling Unit (“ADUs”)	11.8-1
Section 11.8.3	Domestic Employees	11.8-2
Section 11.8.4	Garden	11.8-3
Section 11.8.5	Keeping of Household Animals	11.8-3
Section 11.8.6	Kennel or Exercise Run	11.8-4
Section 11.8.7	Limited Commercial Sales, Service Accessory to Multi-Unit Dwelling Use	11.8-5
Section 11.8.8	Outdoor Storage, Residential	11.8-5
Section 11.8.9	Second FULL Kitchen Accessory to Single Unit Dwelling Use	11.8-6
Section 11.8.10	Short-term Rental	11.8-6
Section 11.8.11	Yard and/or Garage Sales	11.8-7
DIVISION 11.9	HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL	
	USES - ALL ZONE DISTRICTS	11.9-1
Section 11.9.1	Intent	11.9-1
Section 11.9.2	Limitations Applicable to All Home Occupations - All Zone Districts	11.9-1
Section 11.9.3	Child Care Home – Large	11.9-2
Section 11.9.4	All Other Types	11.9-3
Section 11.9.5	Unlisted Home Occupations	11.9-5
DIVISION 11.10	USES ACCESSORY TO PRIMARY NONRESIDENTIAL	
	USES - LIMITATIONS	11.10-1
Section 11.10.1	Unlisted Accessory Uses	11.10-1
Section 11.10.2	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses	11.10-1
Section 11.10.3	Automobile Rental Services Accessory to Certain Retail Uses	11.10-2
Section 11.10.4	Book or Gift Store; Media Recording and Production Facilities Accessory to Library, Museum, Assembly, and College/University Use	11.10-2
Section 11.10.5	Car Wash Bay Accessory to Automobile Services or Hotel Uses	11.10-3
Section 11.10.6	College Accessory to a Place for Religious Assembly	11.10-3
Section 11.10.7	Conference Facilities Accessory to Hotel Use	11.10-3
Section 11.10.8	Drive-Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses	11.10-4
Section 11.10.9	Emergency Vehicle Access Point	11.10-5
Section 11.10.10	Garden	11.10-5
Section 11.10.11	Keeping of Animals	11.10-6
Section 11.10.12	Limited Commercial Sales and Services	11.10-6
Section 11.10.13	Occasional Sales, Services Accessory to Primary Places of Religious Assembly or Primary Uses Operated by Non-Profit Organizations	11.10-7
Section 11.10.14	Outdoor Eating and Serving Gathering Areas Accessory to Eating/Drinking Establishment Use	11.10-8
Section 11.10.15	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use	11.10-10
Section 11.10.16	Outdoor Retail Sale and Display	11.10-10
Section 11.10.17	Outdoor Storage, General	11.10-11
Section 11.10.18	Outdoor Storage, Limited	11.10-13
Section 11.10.19	Rental or Sales of Adult Material Accessory to Retail Sales of Books	11.10-14

EATING AND DRINKING ESTABLISHMENTS USE CATEGORY

SECTION 11.4.9 EATING AND DRINKING ESTABLISHMENTS, ALL TYPES

11.4.9.1 All MX-2x, -2A, -2; MS-2x, -2, -CMP-H2, CMP-EI2 Districts

In all MX-2x, -2A, -2; MS-2x, -2, CMP-H2, CMP-EI2 zone districts abutting a SU or TU zone district, where permitted with limitations:

- A. Lighted signage for an Eating and Drinking Establishment shall be turned off during non-operating hours.
- B. All outdoor lighting for an Eating and Drinking Establishment shall be provided with full cut-off fixtures.

11.4.9.2 All MX-2x, MS-2x, CMP-H2, CMP-EI2 Zone Districts

In all MX-2x, MS-2x, CMP-H2, CMP-EI2 zone districts, where permitted with limitations, in addition to compliance with the use limitations in this Section 11.4.9, if the eating and drinking establishment is less than 100 feet from the boundary of any Protected District, all business activities open to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m.

OFFICE USE CATEGORY

SECTION 11.4.10 DENTAL/MEDICAL OFFICE OR CLINIC

11.4.10.1 G-RO Zone District

In the G-RO zone district, where permitted with limitations, Dental/Medical Office or Clinic use is permitted provided, however, that such use that expands to create a gross floor area exceeding 10,000 square feet shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. Any such use that contains a gross floor area in excess of 10,000 square feet and which was legally established on or before September 16, 1994, shall be considered a legal, conforming use and does not need to comply with Section 12.4.2, Zoning Permit Review with Informational Notice. This limitation shall not apply to rehabilitation centers for handicapped persons. People with Disabilities.

11.4.10.2 All Zone Districts

In all zone districts, where permitted with limitations:

- A. In all zone districts, except the RO, RX, MX-2x, MS-2x, and I-B zone districts, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use.
- B. In the RO, RX, MX-2x, MS-2x and I-B zone districts, overnight patient or client stays are prohibited.

RETAIL SALES, SERVICE AND REPAIR USE CATEGORY

SECTION 11.4.11 RETAIL SALES, SERVICE AND REPAIR, ALL TYPES

11.4.11.1 All MX-2x, -2A, -2; MS-2x, -2 Zone Districts

In all MX-2x, -2A, -2; and MS-2x, -2 zone districts, where permitted with limitations:

- A. Lighted signage shall be turned off during non-operating hours.
- B. All outdoor lighting shall be provided with full cut-off fixtures.
- C. Retail Marijuana Stores and Medical Marijuana Centers are prohibited in these zone districts.

11.5.7.3 All I-A, I-B; CMP-NWC-F; M-IMX Zone Districts

In all I-A, I-B, CMP-NWC-F and M-IMX zone districts, where permitted with limitations:

- A. Commercial Service/Repair uses are limited only to the following specific types:
 1. Repair, rental and servicing of any commodity that is manufactured, processed, fabricated, stored or sold in the zone, and which may involve an environmental hazard as determined by the Denver Fire Code, including but not limited to the following:
 - a. Vehicle body shop,
 - b. Upholstery or top shop,
 - c. Paint shop,
 - d. Refrigeration and air conditioning service and repair,
 - e. Disinfecting and pest control service.
 2. Autoclave;
 3. Laundry, dry cleaning, commercial, industrial.
- B. In the CMP-NWC-F zone district, all Service/Repair, Commercial uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.
- C. All Commercial Service/Repair uses shall be located at least 500 feet from any Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

MANUFACTURING AND PRODUCTION USE CATEGORY

SECTION 11.5.8 MANUFACTURING, FABRICATION, AND ASSEMBLY - CUSTOM

11.5.8.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

- A. On-site manufacturing of malted barley is prohibited.
- B. Unenclosed outdoor storage is prohibited.
- C. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided in all zone districts, except in the I-A zone district, such areas shall comply with the limitations stated in Section [11.10.12-11.10.14](#), for Outdoor [Eating and Serving Gathering Areas](#) [Accessory to Eating/Drinking Establishment Use](#).

11.5.8.2 All RX and All MX -2x, -2A, -2; MS -2x, -2 Districts

In all RX, and MX-2x, -2A, -2, and MS-2x, -2 zone districts abutting a SU or TU zone district, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

- A. Lighted signage shall be turned off during non-operating hours; and
- B. All outdoor lighting shall be provided with full cut-off fixtures.

11.5.8.3 All RX and MX -2x, MS -2x Zone Districts

In all RX, MX-2x, and MS-2x zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - Custom uses involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following limitations:

- A. If the use is less than 100 feet from the boundary of any Protected District, all business activities open to the public shall cease by 10:00 p.m., except on Friday and Saturday nights when all business activities open to the public shall cease by 11:00 p.m

SECTION 11.5.9 MANUFACTURING, FABRICATION, AND ASSEMBLY - GENERAL

11.5.9.1 All Zone Districts

In all zone districts, where permitted with limitations, Manufacturing, Fabrication, and Assembly - General uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that the proposed use, its siting, design, traffic generation, and other external effects indicate a reduced or eliminated separation will have no significant adverse impact on the nearby Residential Zone District.

11.5.9.2 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts, where permitted with limitations:

- A. A Manufacturing, Fabrication and Assembly - General use on a zone lot greater than 60,000 square feet or operating between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
- B. A Manufacturing, Fabrication and Assembly - General use proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.
- C. A Manufacturing, Fabrication, and Assembly - General use involving the manufacture of malted beverages, wine, brandy or brandy spirits, or distilled and blended liquors shall comply with the following additional limitations:
 1. On-site manufacturing of malted barley is prohibited.
 2. Unenclosed outdoor storage is prohibited.
 3. Outdoor tasting, serving, and seating areas are permitted as common and customary accessory uses, provided such areas shall comply with the limitations stated in Section ~~11.10.12~~ 11.10.14 for Outdoor ~~Eating and Serving~~ Gathering Areas ~~Accessory to Eating/Drinking Establishment Use~~.

11.5.9.3 CMP-NWC-F Zone District

In CMP-NWC-F, where permitted with limitations, all Manufacturing, Fabrication and Assembly-General uses must be located a minimum of 50 feet from a South Platte River Primary Street zone lot line.

DIVISION 11.7 ACCESSORY USE LIMITATIONS

The Use and Parking Tables in Articles 3 through 9 reference any limitations applicable to permitted primary, accessory, or temporary uses. This Division contains general standards applicable to all accessory uses across multiple zone districts and neighborhood contexts.

SECTION 11.7.1 GENERAL PROVISIONS APPLICABLE TO ALL ACCESSORY USES

11.7.1.1 General Allowance for Accessory Uses

A. Accessory Uses are Incidental, Subordinate, and Customary to the Primary Use

Accessory uses shall be clearly incidental, subordinate, customary to, and commonly associated with operation of a primary use. Accessory uses may be incidental to a primary use permitted without limitations, or to a permitted primary use with limitations. The Use and Parking Tables in Articles 3 through 9 list specific accessory uses permitted in each zone district; applicable limitations may further restrict the type or operations of an accessory use.

B. Clarification When Primary Use is Unenclosed

For an unenclosed primary use, such as a recreational playing field, urban garden, or other similar open space, the primary use is the unenclosed use of the land. Any structures and uses common and customary to the unenclosed primary use (such as structures containing rest-rooms, equipment storage, concession stands, etc.) shall be deemed “accessory uses” and/or “accessory structures” and shall comply with the applicable accessory building form standards and accessory use limitations.

11.7.1.2 Limitations Applicable to All Accessory Uses

A. General Limitations

All accessory uses, except Accessory Dwelling Unit uses and Short-term Rental accessory uses, shall comply with all of the following general limitations. Accessory Dwelling Units uses, where permitted, shall comply with the specific limitations stated in Section 11.8.2, Accessory Dwelling Units, instead of these general limitations in Section 11.7.1.2.A. Short-term Rental accessory uses, where permitted, shall comply with the specific limitations stated in 11.8.10, Short-term Rental, instead of these general limitations in Section 11.7.1.2.A.

1. Incidental, Subordinate, and Customary to the Primary Use

Such use shall be clearly incidental, subordinate, and customary to and commonly associated with the operation of the primary use.

2. Exception to Area/Size Limits - Outdoor Accessory Uses

Subject to the general requirements in this Section that they remain incidental and subordinate to their associated primary use, the following outdoor (unenclosed) accessory uses are allowed without limit on the area (size) of such accessory outdoor use:

- a. Drive-Thru Facility;
- b. Outdoor ~~Eating and Serving~~ Gathering Area;
- c. Outdoor Entertainment Area; and
- d. Garden.

3. Maintained Under Same Ownership - Exceptions

Such accessory use shall be operated and maintained under the same ownership and on the same zone lot as the primary use; provided, however, that in all Mixed Use Commercial Zone Districts, lessees or concessionaires may operate the accessory use; and provided further that in nonresidential structures owned and operated by a Place for Religious

- A. A primary Religious Assembly use; or
- B. A primary use operated by a non-profit organization.

SECTION 11.10.14 OUTDOOR ~~EATING AND SERVING~~ GATHERING AREAS ACCESSORY TO EATING/DRINKING ESTABLISHMENT USE

11.10.14.1 Intent

The intent of the Use Limitations in this Section 11.10.14 are as follows:

- A. Encourage Outdoor Gathering Areas that facilitate social gathering opportunities.
- B. Encourage Outdoor Gathering Areas that enhance public streets, public ways and publicly accessible components of private property by adding activation and visual interest.
- C. Integrate Outdoor Gathering Areas thoughtfully with their surroundings.
- D. Ensure an Outdoor Gathering Area remains accessory to the Primary Use permitted on the Zone Lot.
- E. Ensure Outdoor Gathering Areas are designed to be visually subordinate to the Primary Structures with which they are associated.
- F. Promote accessibility for all.
- G. Mitigate potential conflicts between vehicular activity and users of an Outdoor Gathering Area.
- H. Mitigate potential conflicts between an Outdoor Gathering Area and pedestrians.
- I. Ensure vertical elements used to delineate an Outdoor Gathering Area allow visibility into and out of an Outdoor Gathering Area when the Outdoor Gathering Area is visible from public areas or public elements of a private site, such as internal shared paths or common open space areas.
- J. Allow additional design flexibility for an Outdoor Gathering Area that is not visible from public areas or public elements of a site, such as internal shared paths or common open space areas.
- K. Enable flexibility related to required off-street vehicle parking and the Use Limitations for an Outdoor Gathering Area where the proposed design meets the zoning intent and meets or exceeds design guidelines for Outdoor Gathering Areas adopted as rules and regulations.

11.10.14.2 Zoning Permit Requirements for Outdoor Gathering Areas

In all zone districts, where permitted with limitations, a zoning permit shall be required for an Outdoor Gathering Area according to the table below:

OUTDOOR GATHERING AREA	RESIDENTIAL ZONE DISTRICTS	MIXED USE COMMERCIAL ZONE DISTRICTS
	<u>Zoning Permit Required (Yes/No)</u>	<u>Zoning Permit Required (Yes/No)</u>
<u>Outdoor Gathering Area is subject to Section 11.10.14.3.D, Limitations When Located Less than 50 feet from a Protected District</u>	Yes	Yes
<u>Outdoor Gathering Area is subject to Section in 11.10.14.3.E, Limitations When Located Between 50 feet and Less than 100 feet from Protected District</u>	Yes	Yes
<u>Outdoor Gathering Area is accessory to a Primary Eating/Drinking Establishment Use</u>	Yes	Yes
<u>Outdoor Gathering Area contains Permanent Structures, such as a Delineating Element or Detached Accessory Structure</u>	Yes	Yes
<u>Outdoor Gathering Area requires an Administrative Adjustment per Section 12.4.5, Administrative Adjustment and Section 11.10.14.3.C</u>	Yes	Yes
<u>Outdoor Gathering Area is accessory to a Primary Use other than Eating/Drinking Establishment and only includes movable furnishings, such as umbrellas, picnic tables, benches, tables and chairs</u>	No*	No

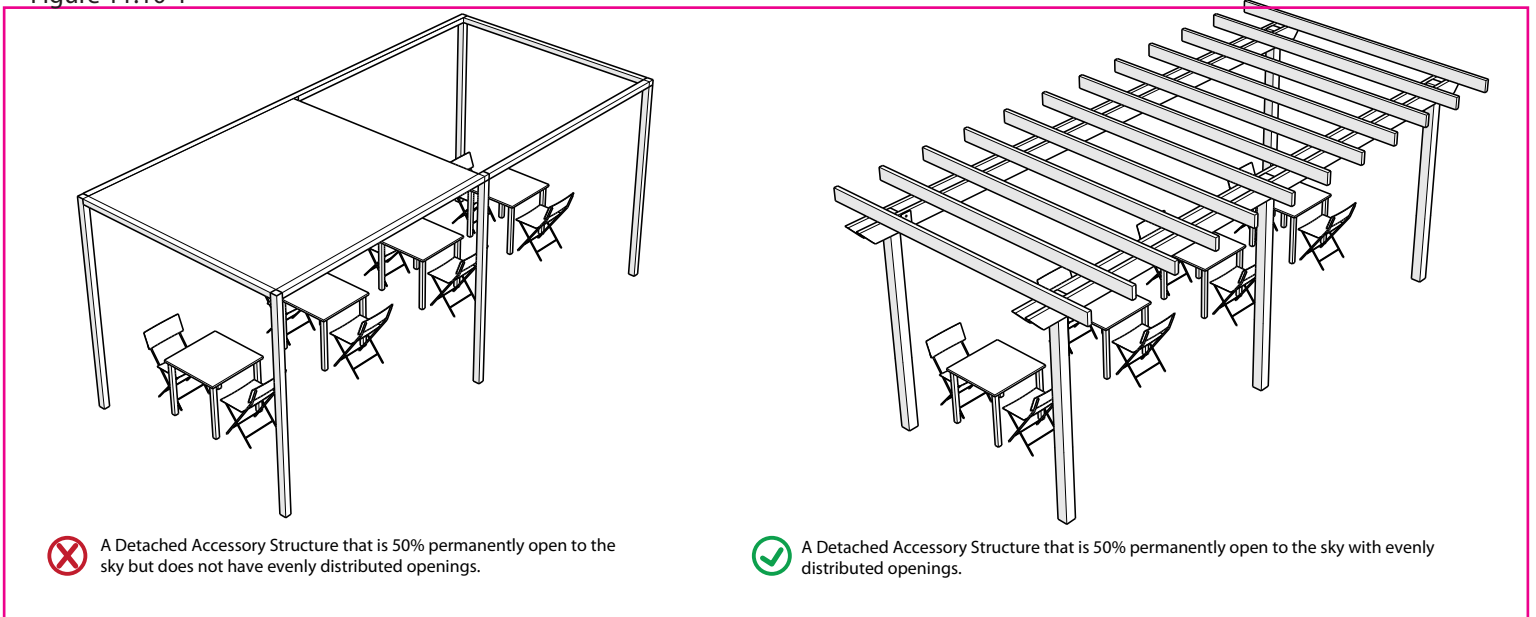
* In all Residential Zone Districts, an Outdoor Gathering Area subject to Section 11.4.6, Nonresidential Uses in Existing Business Structures in Residential Zone Districts shall require a zoning permit.

11.10.14.3 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. ~~Outdoor Eating and Serving Areas~~ Outdoor Gathering Areas are permitted as accessory to an ~~Eating and Drinking Establishment~~ nonresidential use, and shall comply with all applicable limitations stated for the primary use to which the Outdoor Gathering Area is accessory. ~~Eating and Drinking Establishments in Section 11.4.9, Eating and Drinking Establishments – All Types.~~ In case of conflict with the use limitations stated in this section specific to Outdoor Gathering Eating and Serving Areas, the more restrictive limitation shall apply.
- B. Except where an administrative adjustment is approved by the Zoning Administrator according to Section 12.4.5, Administrative Adjustment, and according to Section 11.10.14.3.C., All Outdoor ~~Eating and Serving~~ Gathering Areas shall comply with the following limitations:
 - 1. ~~The Outdoor Eating and Serving Area shall be contiguous to the Eating and Drinking Establishment to which it is accessory. An Outdoor Gathering Area shall be located and designed according to the Americans with Disabilities Act (ADA) standards.~~
 - 2. **Surface**
The An Outdoor Eating and Serving Gathering Area shall have a hard, all weather surface.
 - 3. **Detached Accessory Structures Covering an Outdoor Gathering Area**
A Detached Accessory Structure, such as a pergola, trellis or similar element, may be used to permanently cover an Outdoor Gathering Area. Except as permitted under Section 11.10.14.3.B.3.d., such covering shall comply with the following limitations. See Figure 11.10-1.
 - a. The entire area of the surface of such covering shall be at least 50% permanently open to the sky and openings shall be evenly dispersed across the surface of the covering; and
 - b. A detached permanent structure shall comply with the applicable Detached Accessory Structure building form standards except the ~~detached building~~ Detached Accessory Structure building form's setback standards shall not apply; and
 - c. If walls, fences or other Delineating Elements are integrated into a Detached Accessory Structure, such elements shall comply with Section 12.10.14.2.B.4 below.

Figure 11.10-1



- d. Exceptions include:
- i. Canvas awnings, umbrellas or other movable or detachable elements may be utilized as shade devices, but shall not enclose any side of a permitted Detached Accessory Structure. See Figure 11.10-2.
 - ii. Poles or other similar vertical elements may be used within an Outdoor Gathering Area to support a movable shade element such as a shade sail or canvas awning. Such vertical element shall not exceed 8 inches in width as measured in any direction and such elements shall have a minimum separation of 5 feet from any other such vertical element. See Figure 11.10-3.

Figure 11.10-2

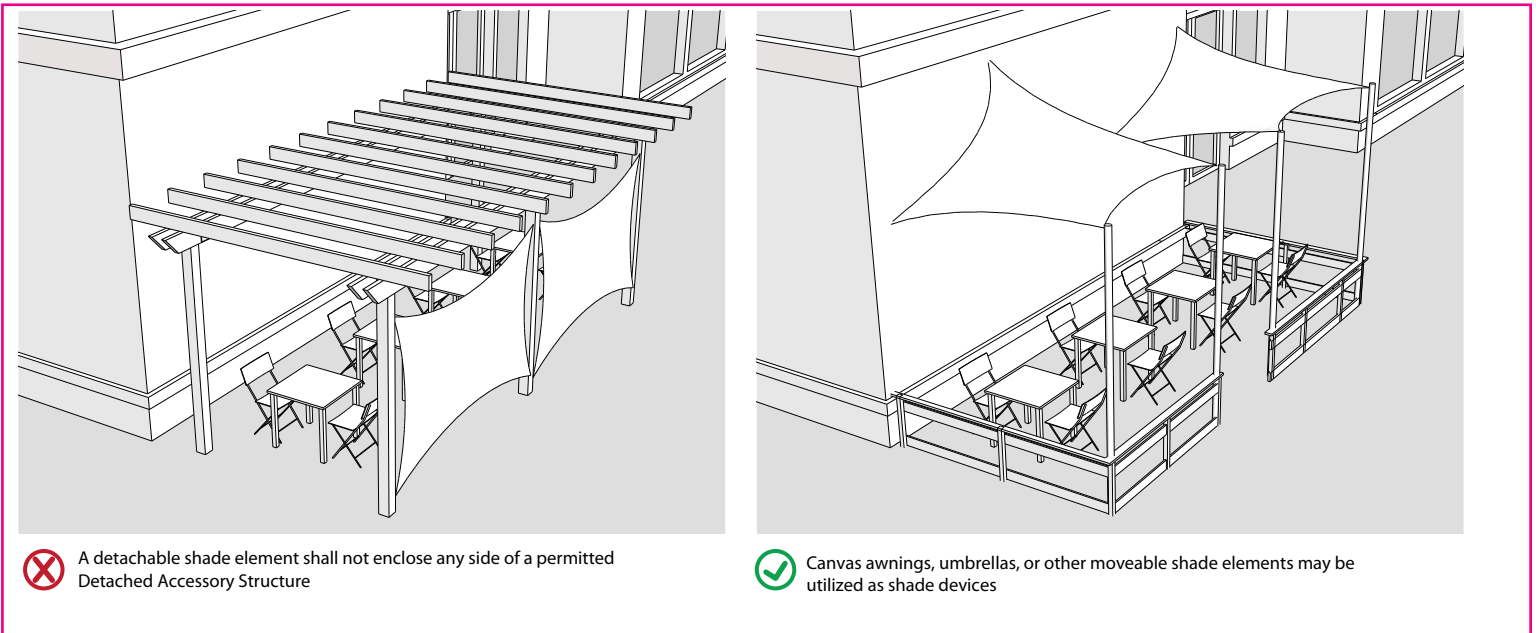
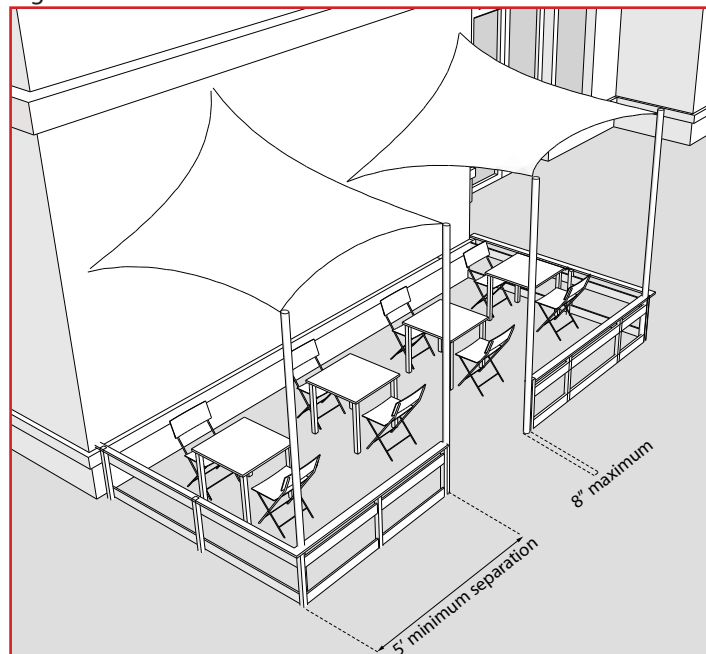


Figure 11.10-3

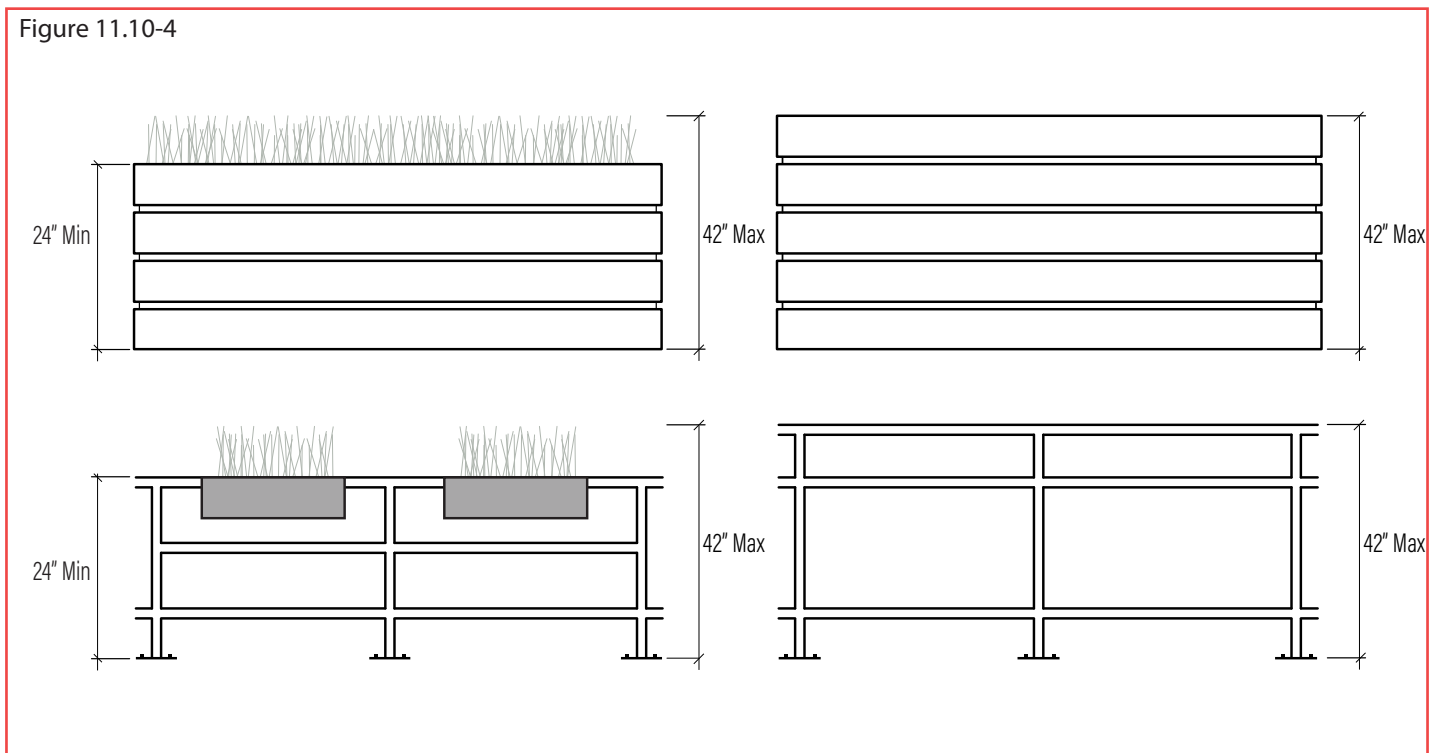


4. **Delineating Elements**

~~The If the perimeter of an Outdoor Eating and Serving Gathering Area is shall be clearly delineated by fences, walls, railings, or raised planters or plant materials, such Delineating Element shall comply with the following limitations. See Figure 11.10-4.~~

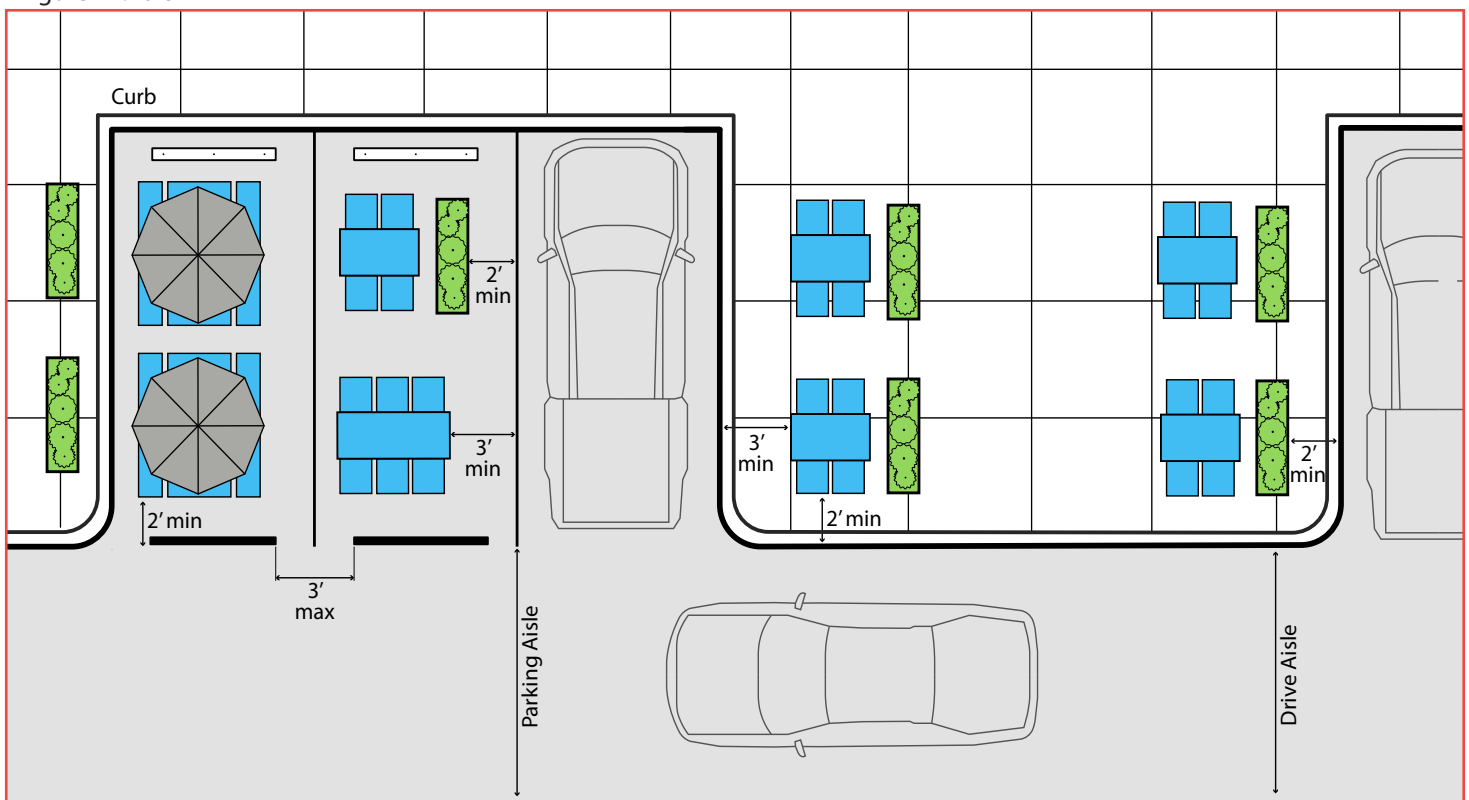
- a. ~~Shall not exceed but there shall be no structure or enclosure more than 42 inches tall in height, inclusive of integrated plantings, as measured from the base of the Delineating Element. except for the following:~~
- b. ~~Shall be a minimum of 24 inches in height, exclusive of integrated plantings, as measured from the base of the Delineating Element.~~
- c. ~~Temporary canvas awnings or umbrellas may serve as sun shades.~~
- d. ~~Permanent structures that form a covering over the Outdoor Eating and Serving Area, provided:~~
 - i. ~~The entire area of the surface of such covering shall be at least 50% permanently open to the sky and openings shall be evenly dispersed across the surface of the covering; and~~
 - ii. ~~A detached permanent structure shall comply with the applicable Detached Accessory Structure building form standards except the detached building form's setback standards shall not apply.~~

Figure 11.10-4



5. ~~The Outdoor Eating and Serving Area shall have a hard, all weather surface.~~
6. **Other Structures**
No structure shall exceed 42 inches in height as measured from the base of the structure unless expressly permitted by the Use Limitations in this Section 11.10.14.3.B
7. **Vehicle Conflicts**
All vertical elements within an Outdoor Gathering Area adjacent to a vehicle Drive Aisle, Parking Aisle or off-street parking space intended for use by vehicles shall comply with the following limitations (See Figures 11.10-5 and 11.10-6):
 - a. Shall be set back a minimum of 2 feet from a Drive Aisle or Parking Aisle.
 - b. Shall include a vertical Delineating Element a minimum of 24 inches in height between a Parking Aisle and any other element within an Outdoor Gathering Area.
 - c. A Delineating Element separating an Outdoor Gathering Area from a Parking Aisle may include intermediate space for access, but such access shall not exceed 3 feet in width.
 - d. Shall be set back a minimum of 2 feet from a Parking Space intended for use by vehicles. If a Delineating Element does not separate the Outdoor Gathering Area from an adjacent Parking Space, the minimum setback shall be increased to 3 feet.

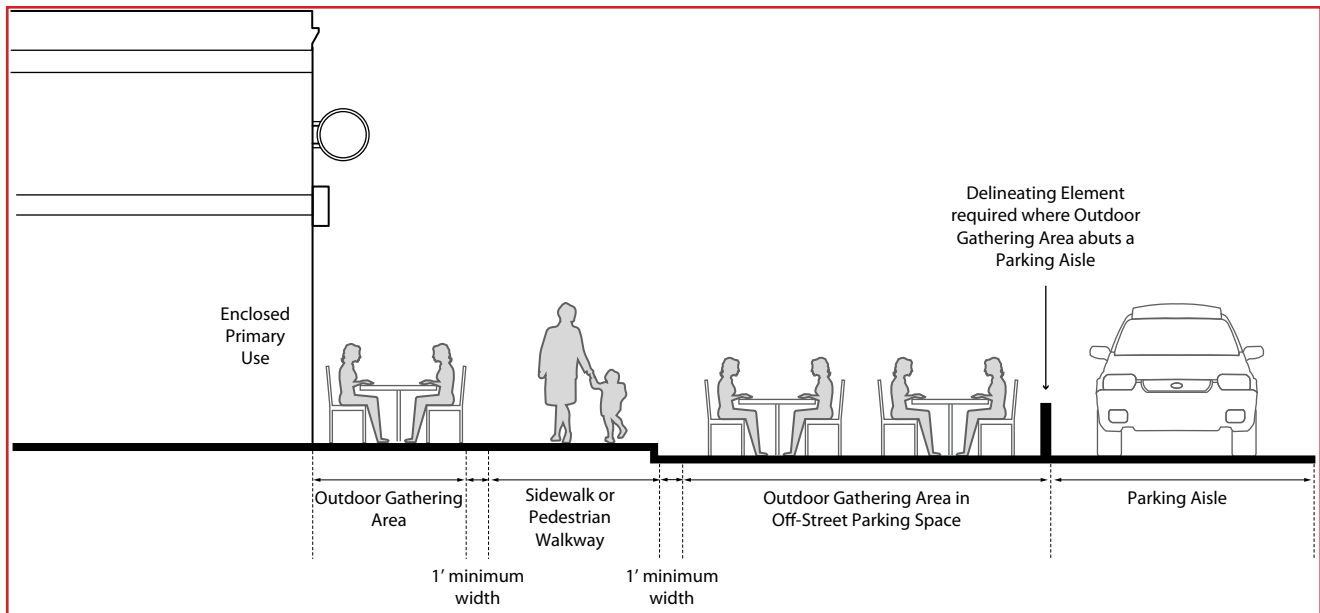
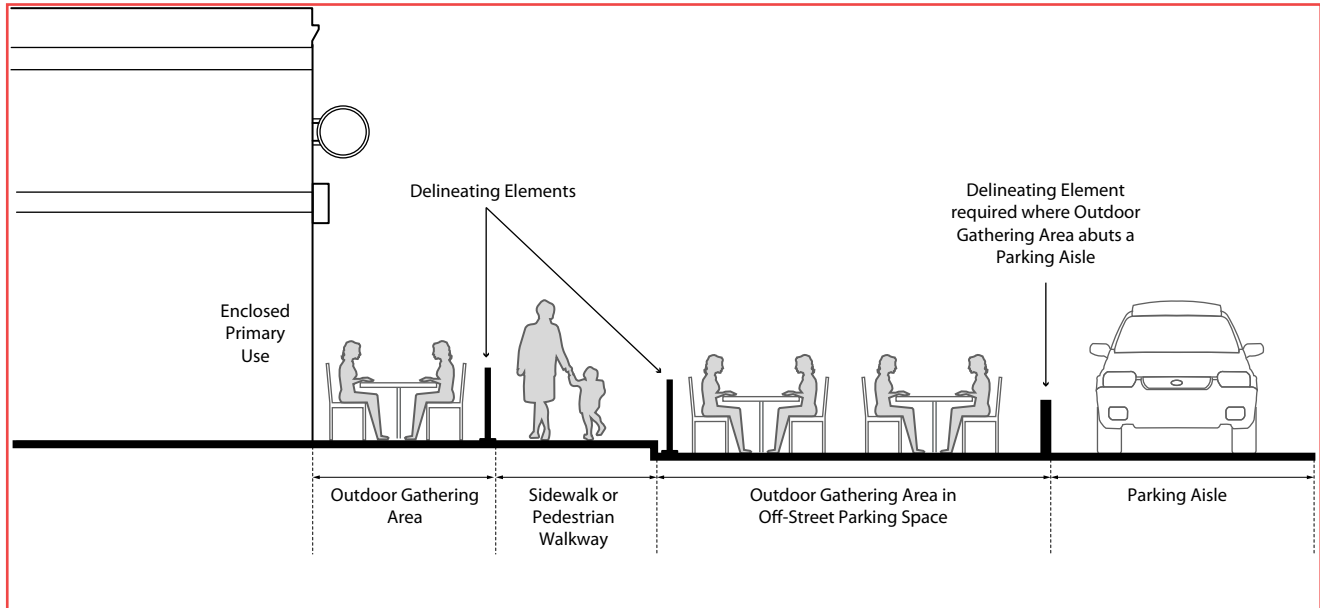
Figure 11.10-5



8. **Pedestrian Conflicts**

All vertical elements within an Outdoor Gathering Area adjacent to a pedestrian path or sidewalk shall be separated from the pedestrian path or sidewalk by a Delineating Element or be set back a minimum of 1 foot from the pedestrian path or sidewalk, except where the Outdoor Gathering Area extends beyond the zone lot into the right-of-way as permitted by the Department of Transportation and Infrastructure. See Figure 11.10-6.

Figure 11.10-6



9. **Removal of Required Off-street Parking**
Except as allowed in Section 11.10.14.3.C.3, no required off-street parking spaces shall be used for the an Outdoor Gathering Eating and Serving Area.
10. **Allowance for Extension Beyond Zone Lot**
An Outdoor Gathering Area may extend beyond the zone lot containing the Primary Use and into the right-of-way subject to approval and permit by the Department of Transportation and Infrastructure (DOTI).

C. Incentives Available

1. **Purpose**
This section authorizes regulatory relief from compliance with specified zoning standards when an Outdoor Gathering Area furthers the intent of these Use Limitations through creative design and siting alternatives that exceed the design outcomes of this Section’s minimum standards and meet or exceed the design guidelines authorized by Section 11.10.14.3.C.2.
2. **Design Guidelines**
The Manager has the authority to adopt rules and regulations establishing criteria and guidelines for Outdoor Gathering Areas on private property. Any regulatory flexibility identified in this Section 11.10.14.3.C is only available upon adoption of such rules and regulations.
3. **Flexibility for Outdoor Gathering Areas**
The Zoning Administrator may provide the following types of regulatory relief if an application for an Outdoor Gathering Area is found to meet the intent of Section 11.10.14.1 and meets or exceeds the design guidelines authorized by Section 11.10.14.3.C.2:
 - a. Waive or otherwise provide relief from compliance with the Use Limitations in Section 11.10.14.3.
 - b. Allow removal of required off-street vehicle parking spaces for a Primary Eating and Drinking Establishment use to provide an Outdoor Gathering Area, provided that no required accessible off-street parking spaces may be removed. An Outdoor Gathering Area may remove up to five required parking spaces per zone lot or up to a maximum percentage of required parking, whichever is greater, according to the table below. For a request to remove required vehicle parking spaces on a zone lot containing multiple uses or tenants, the applicant shall submit a notarized letter of approval from the property owner or landlord, as applicable.

ZONE DISTRICT	MAXIMUM NUMBER OF REQUIRED PARKING SPACES	MAXIMUM PERCENTAGE OF REQUIRED SPACES
<u>Main Street (MS-)</u>	<u>5</u>	<u>80%</u>
<u>Urban Center (C-) and Campus (CMP-)</u>	<u>5</u>	<u>65%</u>
<u>General Urban (G-), Master Planned (M-) and Industrial Mixed Use (I-MX)</u>	<u>5</u>	<u>45%</u>
<u>Urban (U-) and Urban Edge (E-)</u>	<u>5</u>	<u>35%</u>
<u>Suburban (S-) and Industrial (I-)</u>	<u>5</u>	<u>30%</u>

- c. Be fully enclosed provided that the number of seats in the enclosed Detached Accessory Structure shall be no greater than 20 percent of the total permitted occupancy for the permitted Primary Use to which the Outdoor Gathering Area is accessory, and any fully enclosed Detached Accessory Structure shall comply with all detached accessory building form standards.

4. **Process**
The process to apply for regulatory relief outlined in Section 11.10.14.3.C shall be according to Section 12.4.5.4, Administrative Adjustment Review Process.
5. **Review Criteria**
An application for an Outdoor Gathering Area seeking flexibility and incentives under this Section 11.10.14.3.C shall show compliance with the following criteria:
 - a. Be consistent with the overall intent of the Denver Zoning Code.
 - b. Meet the intent for an Outdoor Gathering Area as stated in Section 11.10.14.1.
 - c. Meet or exceed the design guidelines for an Outdoor Gathering Area established as rules and regulations according to Section 11.10.14.3.C.2.

D. Specific Limitations When Located Less than 50 feet from a Protected District

1. **Applicability**
This Section 11.10.~~13.1-14.3~~.D's use standards limitations shall apply to all accessory Outdoor Gathering Eating and Serving Areas, where permitted with limitations, in the following zone districts:
 - a. All RX zone districts
 - b. All CC-3x, -5x zone districts
 - c. All CC-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver
 - d. All MX-2x, -2A, -2 zone districts
 - e. All MX-3A, -3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver
 - f. All MS-2x, -2 zone districts
 - g. All MS-3, -5 zone districts except when zone district abuts a Commercial Arterial Street as designated in Blueprint Denver
 - h. All C-CCN zone districts
 - i. All I-MX, I-A, I-B zone districts
 - j. All M-RX, -IMX, -GMX zone districts
2. **Use Limitations**
 - a. In all C-CCN zone districts, Outdoor Eating and Serving Gathering Areas are not permitted when located above the Street Level and less than 50 feet from the nearest boundary of a Protected District.
 - b. In all other zone districts, and in all C-CCN zone districts when not located above the Street Level, Outdoor Eating and Serving Gathering Areas located less than 50 feet from the nearest boundary of a Protected District shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. ~~12.4.9, Zoning Permit with Special Exception Review.~~
 - c. Amplified sound shall not be used within the Outdoor Gathering Area.
 - d. The Board of Adjustment Zoning Administrator, in addition to compliance with the general limitations for Outdoor Eating and Seating Gathering Areas stated in this ~~Section 11.10.12~~ Section 11.10.14, shall allow the operation of the Outdoor Eating and Seating Gathering 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~~ Outdoor Gathering Area;
- iii. ~~Type of food or drink being served~~ The specific Primary Use and the specific activities proposed for the Outdoor Gathering Area;
- iv. The ambient noise generated by activity on the ~~eating and seating area~~ Outdoor Gathering Area; ~~including whether outdoor speakers will be authorized.~~
- e. In all cases, the use of the Outdoor Gathering Area shall cease by 10:00 p.m.
- f. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

E. ~~Specific~~ Limitations When Located Between 50 feet and Less than 100 feet from Protected District

1. Applicability

This Section 11.10.~~12.1.D~~ 14.3.E's limitations shall apply to all accessory Outdoor ~~Eating and Serving~~ Gathering Areas, where permitted with limitations, in the following zone districts:

- a. All RX zone districts,
- b. All CC-3x, -3, 5x zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,
- c. All MX-2x, -2A, -2 zone districts,
- d. All MX-3A, -3 zone districts, except when zone district abuts an Arterial Street as designated in Blueprint Denver,
- e. All MS-2x, -2 zone districts,
- f. All MS-3 zone districts except when zone district abuts an Arterial Street as designated in Blueprint Denver,
- g. All I-MX, I-A, I-B zone districts,
- h. All M-RX, -IMX, -GMX zone districts.

2. Use Limitations

- a. When the Outdoor ~~Eating and Serving~~ Gathering Area is between 50 feet and less than 100 feet from the boundary of a Protected District, the use of the Outdoor ~~Eating and Serving~~ Gathering Area shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the Outdoor ~~Eating and Serving~~ Gathering aArea shall cease by 11:00 p.m.
- b. All distance and spacing requirements shall be measured according to Section 13.1.11, Measurement of Separation or Distance.

SECTION 11.10.15 OUTDOOR ENTERTAINMENT ACCESSORY TO AN EATING/ DRINKING ESTABLISHMENT USE

11.10.15.1 All Zone Districts

In all zone districts, where permitted with limitations:

- A. Outdoor Entertainment uses are permitted accessory to a primary eating and drinking establishment use only.
- B. Outdoor Entertainment uses are subject to compliance with all applicable standards stated for primary Eating and Drinking Establishments in Section 11.4.9, Eating and Drinking Establishments - All Types. In case of conflict with the use standards stated in this Section specific to Outdoor Entertainment, the standards in this Section shall apply.
- C. All Outdoor Entertainment areas shall comply with the following standards:
 1. The Outdoor Entertainment area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.
 2. The Outdoor Entertainment area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 6 feet tall, except that temporary canvas awnings or umbrellas may serve as sun shades.
 3. Any part of the Outdoor Entertainment area located outside of the Completely Enclosed Structure shall have a hard, all weather surface.
 4. No required off-street parking spaces shall be used for an Outdoor Entertainment area.
- D. If the Outdoor Entertainment area is less than 100 feet from the boundary of a Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), the use of the Outdoor Entertainment area and all activities therein shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the ~~outdoor eating area~~ Outdoor Entertainment Area and all activities therein shall cease by 11:00 p.m.
- E. If the Outdoor Entertainment area is less than 50 feet from the nearest boundary of any Protected District (measured according to Section 13.1.11, Measurement of Separation or Distance), it shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review.

SECTION 11.10.16 OUTDOOR RETAIL SALE AND DISPLAY

11.10.16.1 All Zone Districts

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

- A. **Intent**

To ensure accessory Outdoor Retail Sale and Display areas are located, contained, and designed to be consistent with the general purpose of the applicable zone district.
- B. **Exemption**

Vehicles for sale, lease, or rent as part of a permitted use (including boats and manufactured housing) shall not be considered merchandise, material, or equipment subject to the requirements of this Section 11.10.14.1.
- C. **Location and Placement Standards**
 1. Outdoor retail sales and display areas shall not exceed 20 feet in height.

B. Specific Community / Public Services Use Types and Definitions

1. Community Center

A building or open land, together with lawful accessory buildings and uses, used to provide social, recreational, cultural, educational, health care and/or food services, which is not operated for profit.

2. Day Care Center

An establishment used for the purposes of providing care for either children or adults for less than a 24 hour consecutive period.

a. **For adults:** “Day Care Center” means a facility limited to 5 or more persons who are 18 years and older and not related to the owner, operator or manager thereof, and where care is provided for less than a 24 hour consecutive period.

b. **For children:**

i. “Day Care Center” means a child care center organized under Chapter 11 of the Denver Revised Municipal Code, which is maintained for the whole or part of the day but for less than 24 hour care, which offers care to 5 or more children not related to the owner, operator, or manager thereof, from the ages of 6 weeks through 18 years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.

ii. “Day Care Center” includes, but is not limited to, facilities commonly known as Day Care Centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for ~~developmentally disabled~~ children with disabilities, and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school.

iii. “Day Care Center” shall not include any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 5 grades or operated as a component of a school district’s preschool program operated pursuant to article 28 of Title 22, C.R.S.

iv. “Day Care Center” shall not include any facility licensed as a “child day care home” or “Foster Family Care”, as defined in this Code or in the Colorado Revised Statutes.

3. Postal Facility, Neighborhood

A facility that has distribution boxes, collection, and/or retail services related to mail delivery for the general public, but no mail carriers.

4. Postal Processing Center

A facility used for the collection, sorting, processing, and distribution of bulk mail or packages to other postal facilities or to the general public, and which may have some retail services for the general public, such as stamps, postcards, or postal insurance.

5. Public Safety Facility

Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.

6. Hospital

An institution licensed by the state providing 24-hour health services, primarily for inpatients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

11.12.9.10 Outdoor Eating and Serving Area Accessory to an Eating/Drinking Establishment Gathering Area Use

An unenclosed area containing ~~only~~ tables, ~~and~~ chairs and ~~and other customary furnishings and elements that supports outdoor gathering, waiting, socializing, employee break areas, and other similar activities for patrons and employees of the primary nonresidential use. This use includes Outdoor Gathering Areas~~ where food and drinks are served to patrons of ~~the~~ a primary eating and drinking establishment.

Outdoor Gathering Areas do not include other accessory outdoor uses, such as Amusement Devices; Outdoor Entertainment; Outdoor Retail Sale and Display; Outdoor Storage; Occasional Sales, Services Accessory to Places of Religious Assembly; or other similar accessory uses.

Except for an Outdoor Gathering Area accessory to a Primary Eating and Drinking Establishment, the Outdoor Gathering Area shall be limited to the secondary and incidental (accessory) activities described in this definition and shall not be used to allow the Primary Use's primary and substantial activities to be conducted outdoors. The Outdoor Gathering Area shall not be used to establish a different primary use outdoors in violation of this Code.

11.12.9.11 Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use

An accessory use allowing the provision of live and/or Outdoor Entertainment to the general public for a fee. The use is conducted in open or partially enclosed or screened facilities. This use does not include adult businesses or any permitted primary land uses.

11.12.9.12 Outdoor Retail Sale and Display

An accessory use; an outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the display, sale and/or advertising of a business, product, or service. The outdoor location of soft drink or similar vending machines shall be considered outdoor retail sales and display. Outdoor retail sales and display shall not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (such merchandise shall be considered "outdoor storage" as defined herein). Temporary outdoor retail sales and displays are regulated as temporary uses and structure according to Division 11.11, Temporary Use Limitations.

11.12.9.13 Outdoor Storage

The permanent placement or deposit of any equipment, furniture, machine, material, merchandise, or supplies in an outside location or outside an enclosed structure, except objects that are customarily placed outside and clearly incidental and commonly associated with the permitted primary use. "Outdoor storage" is more intensive than "Outdoor Retail Display and Sales" use, with such Outdoor Storage typically remaining outdoors overnight. Vehicles for sale, lease, or rent as part of a permitted primary use (including boats and manufactured housing) shall not be considered "outdoor storage" for purposes of this Code.

A. Outdoor Storage, General

The overnight outdoor storage of fuel, raw materials, shipping containers, lumber, pipe, steel, junk and other similar merchandise, material, or equipment.

B. Outdoor Storage, Limited

The overnight outdoor storage of vehicles awaiting repair (includes the storage of vehicles at self-storage facility); merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers; garden supplies; building supplies; plants; fleet vehicles; and other similar merchandise, material or equipment.

ZONING STANDARD	MAXIMUM ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE	
	Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only	All Other Building Forms
Minimum Width of Parking Aisles or Internal Drives in Off-Street Parking Areas	na	Adjustment permitted when Zoning Administrator finds adjustment is necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow lots.
Minimum Landscaping Standards	na	Adjustment permitted when Zoning Administrator finds the adjustment is necessary to: (1) preserve existing, mature trees; (2) mitigate excessive improvement costs; (3) relieve impractical hardship due to physical limitations of the site. See Section 10.5.4.1.
Open Space in Large Developments - Design Standards in Section 10.8.1.6	Adjustment permitted when Zoning Administrator finds the Open Space in Large Developments, with the adjustment(s) in design standards, is consistent with the intent and purpose for the open space stated in Section 10.8.1.1.	
<u>Use Limitations for an Outdoor Gathering Area: Sections 11.10.14.3.B.3, Detached Accessory Structures Covering an Outdoor Gathering Area; Sections 11.10.14.3.B.4, Delineating Elements; and Sections 11.10.14.3.B.5, Other Structures.</u>	<u>Adjustment permitted when Zoning Administrator finds the Outdoor Gathering Area is not visible from the street or other public areas (excluding alleys) or from a publicly accessible element of a private site, such as shared internal pedestrian paths, off-street parking areas or internal common amenities and open space.</u>	
<u>Use Limitations for an Outdoor Gathering Area - 11.10.14.3.B.2 through 11.10.14.3.B.8</u>	<u>Adjustment permitted when Zoning Administrator finds the Outdoor Gathering Area, with adjustments in design standards, is consistent with the intent for an Outdoor Gathering Area in Section 11.10.14.1 and is found to meet or exceed design guidelines as authorized by Section 11.10.14.2.C.</u>	
As expressly permitted in other parts of this Code, the Zoning Administrator may grant administrative adjustments according to the allowances and limits expressed, and according to the procedures in this Section 12.4.5.		

B. Administrative Adjustments to Ensure Compliance with Federal Law

1. Compliance with Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)

a. General

The Zoning Administrator may grant administrative adjustments to any use, building form, or design standard stated in Articles 3 through 9, Contexts and Zone Districts, Article 11, Use Limitations, or Article 10, General Design Standards in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.

2. The Board may attach any condition to a variance approval necessary to protect the health, safety and welfare of the community and minimize adverse impacts on adjacent properties, including but not limited to a condition changing the location or dimensions of a proposed development directly related to the request for a variance.

12.4.7.5 Review Criteria - Showing of Unnecessary Hardship

The Board of Adjustment may grant a variance only if it finds that there is an unnecessary hardship whereby the application satisfies the criteria of **any one of** paragraph A. **or** B. **or** C. **or** D. **or** E. of this subsection **and** satisfies the criteria of Section 12.4.7.6, Review Criteria - Applicable to All Variance Requests.

A. Disability

1. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the ~~disabled~~ **Person with a Disability** to utilize or access the property.

B. Unusual Physical Conditions or Circumstances

1. There are unusual physical circumstances or conditions, including, without limitation:
 - a. Irregularity, narrowness or shallowness of the lot; or
 - b. Exceptional topographical or other physical conditions peculiar to the affected property; or
 - c. Unusual physical circumstances or conditions arising from a nonconforming or compliant structure existing on the affected property; and
2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located, or the circumstances or conditions relate to drainage conditions and challenges found consistently throughout the neighborhood or zone district in which the property is located; and
3. The unusual physical circumstances or conditions have not been created by the applicant.

C. Designated Historic Property or District

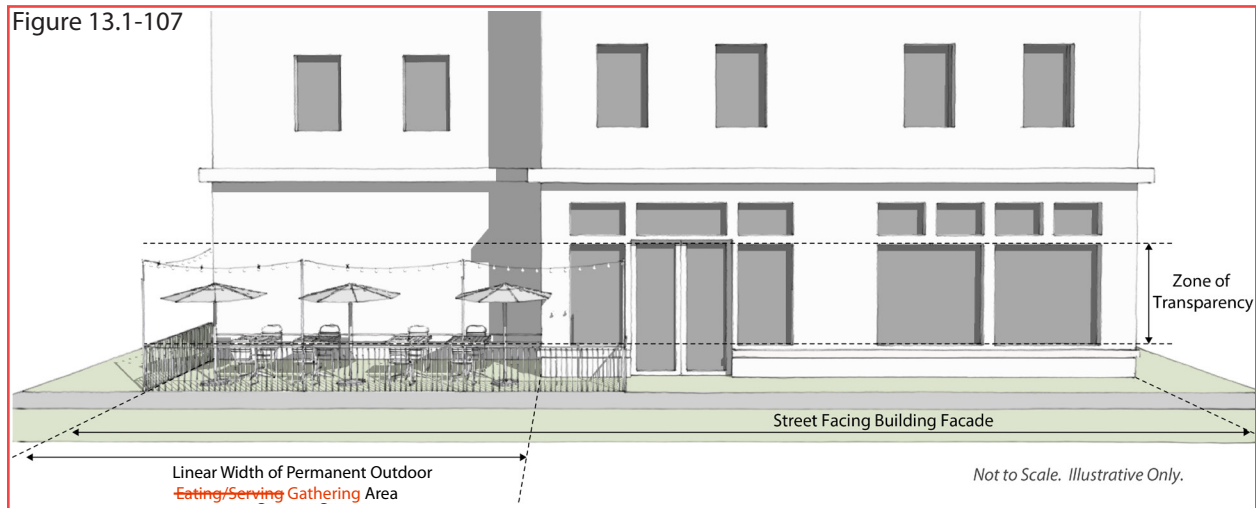
The property could be reasonably developed in conformity with the provisions of this Code, but the building has been designated as a Historic Structure or is in a designated historic district. As part of the review pursuant to D.R.M.C., Chapter 30 (Landmark Preservation), the approving authority has found that development on the Zone Lot conforming to this Code's regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

D. Compatibility with Existing Neighborhood

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed adjustment or variance will result in a building form that is more compatible, in terms of building height, siting, and design elements, with the existing neighborhood in which the subject property is located. In making a determination of whether the subject property, with the proposed variance, would be more compatible with the existing neighborhood, the decision-making body may choose not to consider primary or accessory buildings in the existing neighborhood that have been granted vari-

d. Permanent Outdoor ~~Eating/Serving Gathering~~ Areas

- i. Permanent accessory ~~o~~Outdoor ~~eating/serving Gathering a~~Areas shall be located between the building and the Primary Street or Side Street zone lot line depending on which transparency standard (Primary or Side Street) the alternative is applied toward.
- ii. Outdoor ~~eating/serving Gathering a~~Areas are measured as the linear width (in feet, measured to the outside posts or railings of an ~~o~~Outdoor ~~eating/serving Gathering a~~Area), divided by the total length of the same street-facing building façade (including any open parking structure entrances). See Figure 13.1-107.



SECTION 13.1.10 MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

When measuring the permitted length of a motor vehicle, including but not limited to recreational vehicles, trailers, buses, or trucks, the following rule of measurement shall apply: The distance measured from the front-most to the rear-most portion of the vehicle (e.g., to the front and rear bumper), except, however, when extensions or projections are added beyond the front-most or rear-most portion of the vehicle, then the measurement shall include such extensions or projections.

SECTION 13.1.11 MEASUREMENT OF SEPARATION OR DISTANCE

13.1.11.1 Measurement of Separation or Distance Between Uses

- A. When measuring a required separation between uses, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.
- B. Only when a significant part of the use is operated outside of a Completely Enclosed Structure shall a separation be measured from the nearest point of the zone lot occupied by the use requiring separation to the nearest point of a structure or part of a multiple use structure occupied by a use from which the separation is to be effected or established.

13.1.11.2 Measurement of Separation or Distance Between a Use and Zone District

- A. When measuring a required separation between a use and a zone district, distance shall be determined from the nearest point of a structure or part of a multiple use structure occupied by the use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
- B. Only when a significant part of the primary use requiring separation is operated outside of a Completely Enclosed Structure shall the separation be measured from the nearest point of the zone lot occupied by the primary use requiring separation to the nearest point of the zone district boundary from which the separation is to be effected or established.
- C. In the case of an outdoor accessory use requiring separation from a zone district (for example, an accessory ~~outdoor eating or serving area~~ Outdoor Gathering Area), distance shall be measured from the nearest point of the outdoor accessory use to the nearest point of the zone district boundary from which the separation is to be effected or established.

13.1.11.3 Measurement of Separation or Distance Between a Rail Transit Station Platform and a Zone Lot

When measuring distance between a Rail Transit Station Platform and a use, distance shall be determined from the nearest point of the Rail Transit Station Platform to the nearest point of the Zone Lot.

13.1.11.4 Measurement of Distance Between a Transit Corridor and a Zone Lot

When measuring distance between a transit corridor and a Zone Lot, distance shall be determined from the centerline of the right of way of the transit corridor to the nearest point of the Zone Lot. This rule of measurement shall apply to the following transit corridors identified in the Denver Zoning Code:

1. High-Frequency Transit Corridor
2. High/Medium-Capacity Transit Corridor
3. Transit priority street as defined in Blueprint Denver

D

D.R.M.C.: Denver Revised Municipal Code.

Deck: A platform 12 inches or more above finished grade, and supported on the ground.

Deck, Raised: A platform more than 2.5 feet above original grade, and supported on the ground.

Dedicated or Dedication: The conveyance or setting aside of land to the City Council or its designee.

Delineating Element: A vertical Permanent Structure that defines a portion of the perimeter of a permitted Outdoor Gathering Area, such as a railing, fence, raised planter, wall or other similar element.

Demolished or Destruction, Involuntary: See “Involuntary Demolition or Involuntary Destruction.”

Demolished or Demolition, Voluntary: See “Voluntary Demolition or Demolished.”

Denver Zoning Code: This Code.

Design Element Form Standards or Design Element Standards: Those standards in this Code that regulate building configuration (massing or sculpting of the building form), transparency, and building entrances

Development: Any of the following activities:

1. Any construction activity, grading and/or ongoing operation that changes the basic character or the use of the environment in which the construction activity, grading, or operation occurs; or any use or extension of the use of land; but not including total demolition of any structure.
2. A new parking area; expansion of an existing parking area; a change in the use of a structure that changes the off-street parking requirement; or a change in the gross floor area of a structure that changes the off-street parking requirement.

Development, Residential: Development intended for residential occupancy.

DIA Airport Influence Area: An area within the City of Denver proximate to Denver International Airport (DIA), which is recognized by the City Council as containing lands that are expected to be significantly affected by noise and/or safety hazards associated with aircraft operations associated with DIA.

Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

Disabled Person (Or People) with a Disability (or Disabilities): A person so severely handicapped that he or she with a physical or mental impairment that substantially limits a major life activity is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the state division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially his or her ability to move from place to place.



Outdoor Places

Private Property Design Guidelines

Planning Board Draft
4.12.2023



DENVER
THE MILE HIGH CITY





↑ Patios at Super Star Asian, Machete Tequila + Tacos and Tacos Jalisco

This document provides design guidance, requirements and recommendations for Outdoor Gathering Areas as defined in the Denver Zoning Code. This document is exclusively intended for the review of Outdoor Gathering Areas located on privately owned land. For the purposes of this document, the term "patio" is used interchangeably with Outdoor Gathering Area. These guidelines are intended to facilitate a range of design options for patios on private property and establish guidance for optimizing placemaking and high-quality design. These guidelines are in addition to requirements in the Denver Zoning Code and shall be used concurrently with review of a zoning permit application for an Outdoor Gathering Area. Where design review is required by the zoning code, a patio shall meet all relevant requirements in these guidelines and be consistent with their intent. If design review is not required, these guidelines may be utilized at the discretion of the applicant and compliance is voluntary.



Overview

Overarching Design Principles

- » Make Denver more vibrant
- » Enhance Denver's public realm network
- » Foster inviting social gathering spaces
- » Design in context

Private Property Patio Types

- » Type 1: Not Visible
- » Type 2: Internal
- » Type 3: Public Oriented

Design Guidelines

- » Locating a Patio
- » Patio Integration
- » Delineating Elements
- » Landscape
- » Materials
- » Integration of Art and Other Features
- » Detached Structures Covering a Patio
- » Enclosure Elements
- » Signage
- » Lighting
- » Surface Materials within an Off-street Parking Area

Overarching Design Principles

The overarching design principles describe the high-level intent and objectives for Outdoor Gathering Areas on private property. These Principles serve as a basis for the more detailed guidelines that follow.

Make Denver more vibrant

- Facilitate people-oriented outdoor spaces that activate neighborhoods.
- Encourage creative designs and unique outdoor installations.
- Integrate features that add visual interest, such as landscaping, art and lighting.

Enhance Denver's public realm network

- Contribute to the citywide public realm of streets, parks and plazas by adding spaces for gathering and socializing.
- Maximize the positive contribution of a patio to the public realm through strategic placement and design.
- Prioritize pedestrian experiences, including enhancing physical comfort and creating visually interesting features.



Foster inviting social gathering spaces

- Provide comfortable exterior seating areas and features that maximize user experience.
- Provide protected exterior spaces by mitigating conflicts between patio users and adjacent vehicular, pedestrian and service activities.
- Promote features that increase accessibility for people of all abilities beyond requirements of the Americans with Disabilities Act.

Design in context

- Thoughtfully integrate a patio with surrounding streets, buildings and common open space areas.
- Design a patio to complement and remain visually subordinate to the buildings they serve.
- Promote a strong visual and physical connection between a patio and interior building elements.



Business and Economic Benefits of a Well-Designed Patio

Good urban design and placemaking provides tangible economic, social and environmental benefits. Encouraging well-designed private patios as a part of our built environment allows for business flexibility, expansion, and adaptability and helps promote higher business viability, increased visibility and improved pedestrian safety. Maintaining high quality design that contributes to community character can help improve quality of life and create an environment where people want to live, work and invest. The Design Guidelines encourage high quality design that adds value to development.



↑ Patios at Illegal Pete's and Call to Arms Brewery.

Private Property Patio Types

This section outlines three Private Property Patio Types and the unique opportunities for each. Patios on private property contribute to placemaking differently based on numerous factors, including site location, configuration, scale, adjacent elements, and interface with public and semi-public spaces. In some cases, the guidelines in the following sections provide special guidance for specific Private Property Patio Types.



↑ *The patio at Angelo's Taverna is not visible from the sidewalk or street and therefore has little impact on the public realm.*



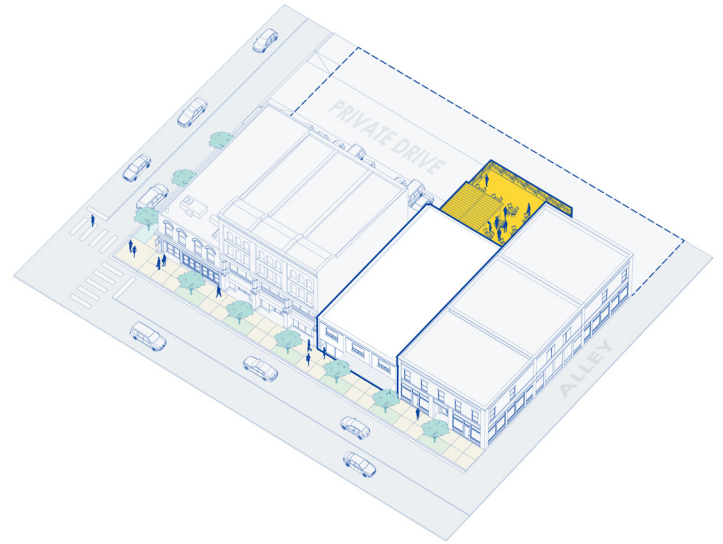
↑ *The patios at the Dairy Block are highly visible from the private alley, which is a key publicly accessible element.*



↑ *The patio at Honey Hill Cafe is located adjacent to the street and contributes to activation and visual interest along the street.*

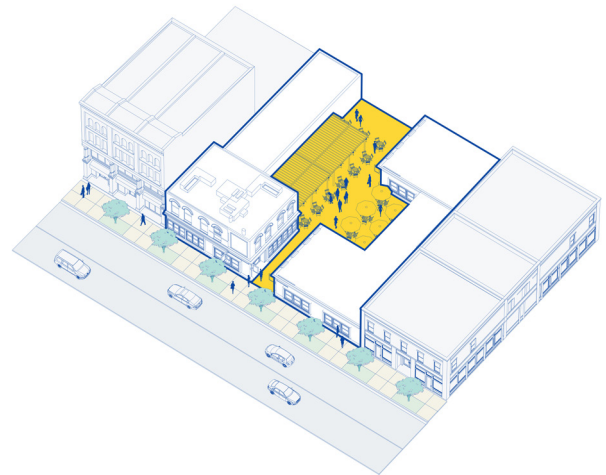
Type 1: Not Visible

A Type 1 patio is not visible from the street or key publicly accessible elements of private property (intern sidewalks, open space, etc.). These spaces have less external placemaking impact than other Patio Types as are typically oriented toward a single business. They are often located at the rear or internal to an individual business, either within a fenced courtyard or behind a building. Due to their internal private nature, Type 1 patios are not visually impactful on pedestrians on the street or patrons of adjacent businesses.



Type 2: Internal

A Type 2 patio is internal to a site but is highly visible from key publicly accessible elements of private property, like internal sidewalks, parking areas and common open spaces. A Type 2 patio is impactful to the experience of those visiting a property but has less impact on fully public areas like streets or public parks. Examples include a patio within a large shopping center that faces a parking area or a patio along a private paseo between two buildings.



Type 3: Public Oriented

A Type 3 patio is next to and highly visible from a street, park or other fully public space. A Type 3 patio significantly impacts the experience within the public realm. Type 3 patios have the potential to activate and add visual interest to Denver’s streets and public spaces. Examples include patios abutting the public right-of-way and patios that are moderately set back from the public right-of-way but are still highly visible and impactful to one’s experience in the public realm. A patio that is immediately adjacent, highly visible from, and/or in proximity to a public space presents the greatest opportunity to enhance placemaking to the benefit of all.



Design Guidelines

This section provides design guidelines for Outdoor Gathering Areas on Private Property for a range of topics.

INTENT statements establish the objectives to be achieved for each topic and may also be used to determine the appropriateness of alternatives or innovative approaches that do not meet specific design guidelines. It is expected that a proposed patio will be consistent with all relevant intent statements.

GUIDELINES are design requirements that shall be met when relevant, though some flexibility may be considered if the proposed design is consistent with the intent statements and based on site-specific considerations.

RECOMMENDATIONS provide additional suggestions to achieve the intent statements. Not all topics contain recommendations.

Locating a Patio

INTENT

- Enhance the public realm and/or publicly accessible elements of a private property.
- Maximize placemaking benefits and integration with interior activities.

GUIDELINES

- Locate a patio close to a public way to contribute visual interest and activation.
 - For a Type 2 Patio, locate a patio near a shared pedestrian path, private drive, a common open space or other similar shared amenity space.
 - For a Type 3 Patio, locate a patio close to the street.
- Locate a patio to maximize placemaking benefits and integration with activities within a building.
 - Locate a patio near an entryway to a building or near windows that provide visual access to interior activities.
 - Where there is an opportunity to activate an area with little activation, such as a blank wall, consider whether adding a patio may strategically activate a currently inactivated location.



↑ Site a patio close to a public way to contribute visual interest and activation →



Patio Integration

INTENT

- Design a patio to be visually subordinate to an overall site and buildings.
- Place a patio to integrate with site elements.

GUIDELINES

- Place and design a patio and its elements to maintain visibility to architectural features.
- Minimize the use of visually obtrusive elements that overwhelm adjacent buildings.
- Design patio elements at the street level to maintain a single-story scale.
 - Where a detached structure is utilized, maintain a scale that is at or below that of the primary street level story architecture.
- Site a patio such that it fits thoughtfully within its immediate context. For example:
 - Site a patio in an open area adjacent to a pedestrian walkway
 - Utilize ground plane elements, such as paths, landscape areas, or walls, to inform the location of a patio.



↑ Place and design a patio and its elements to maintain visibility to architectural features.



↑ Site a patio in an open area adjacent to a pedestrian walkway

Delineating Elements

This section applies to vertical Delineating Elements that may be used to establish the boundaries of a patio.

INTENT

- Maintain clear visibility into a patio.
- Create visual interest.

GUIDELINES

- Scale and design a delineating element to retain views in and out of a patio.
 - Minimize the height of a delineating element.
 - Where a railing is used, maximize the level of transparency.
 - Where opaque planters are used, provide some spacing between each element to avoid creation of a solid wall.

RECOMMENDATIONS

- Consider adding visual interest into a Delineating Element. Examples include:
 - Railings that have continuous vertical and horizontal pattern or texture that is visually interesting or artistic in character.
 - Solid walls broken down using vertical or horizontal gaps or spacing at regular intervals, material or textural changes, or integration of plants.
 - Creative, sculptural or artistic delineating elements.



↑ *Maintain clear visibility into a patio.*



↑ *Railings should have a continuous vertical and horizontal pattern or texture that is visually interesting or artistic in character.*

Landscape

INTENT

- Provide shade.
- Express a human scale.
- Add visual interest.
- Visually soften a patio space.
- Screen utility elements.
- Encourage minimal water usage.

GUIDELINES

- Where possible, utilize existing site landscaping for shade and to add visual interest.
- Add trees or other landscape elements to provide shade.
- Integrate landscape elements into a patio by:
 - Adding landscaping to a Delineating Element
 - Adding freestanding plantings within a patio space
 - Adding landscaping to a building wall that frames a patio space.
- Place landscaping to screen utility boxes and parking areas.

RECOMMENDATIONS

- Use live plant material where possible.
- Group plants that require similar amounts of watering, choose plants that are regionally appropriate, and avoid large amounts of natural turfgrass that requires significant irrigation.
- Use irrigation systems designed for water efficiency, including low precipitation heads, drip systems and other low gallon heads.



Materials

INTENT

- Ensure patio elements are long-lasting.
- Encourage materials that minimize environmental impacts.

GUIDELINES

- Use durable materials that are specifically intended for outdoor use or that are proven durable in Colorado's climate.
- Use materials that can withstand wind, rain, snow and solar exposure.
 - Utilize non-corroding metals or protective coatings.
 - If wood is used, ensure it is finished.
- Avoid lightweight materials that appear temporary and will deteriorate quickly such as plastic chains, plastic buckets and other similar materials.

RECOMMENDATIONS

- Consider using materials that are locally sourced and/or are comprised of reclaimed, recycled or renewable materials.



↑ Use durable materials that are specifically intended for outdoor use or that are proven durable in Colorado's climate.

Integration of Art and Other Features

INTENT

- Add visual interest.
- Encourage creative elements such as art.

GUIDELINES

- If art is proposed on a patio, locate the art element or other similar visual or interactive element as a focal point within a patio.

RECOMMENDATIONS

- Consider integrating murals, graphics, sculpture or other art elements.
- Consider other visual and audible features like water features, fire elements or other amenity features.



↑ Consider integrating murals, graphics, sculpture or other art elements.

Detached Structures Covering a Patio

This section applies to Detached Accessory Structures, such as pergolas or other shade structures, that cover a patio.

INTENT

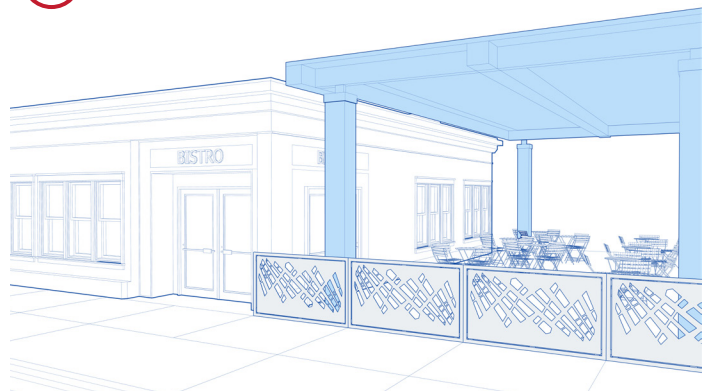
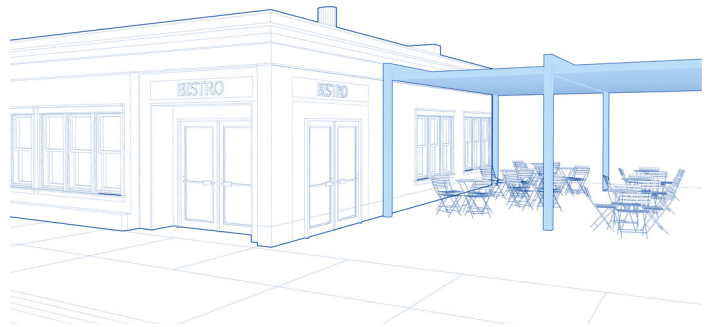
- Ensure a coverage structure is visually subordinate to a building.
- Preserve and maintain visibility through the patio space.
- Allow some passage of light from the open sky to the patio space.
- Complement the building architecture.

GUIDELINES

- Limit the amount of impermeable covering to the amount needed to provide shade or other user benefits.
 - If coverings are utilized that are not open to the sky, maintain other areas within the patio that are fully open to the sky.
- Where a significant amount of the cover is not open to the sky, place a greater emphasis on using visually permeable railings or consider an open condition without Delineating Elements.
- Use a thin roof structure such that the structure remains visually subordinate to an adjacent building.
 - Limit the scale, width and bulk of a roof covering and its components.
- Utilize a patio coverage structure of materials and architectural style that are compatible with a building's architectural style.
 - For a contemporary building, utilize a contemporary coverage structure with a simple design and limited ornamentation.
 - For a traditional building with more detailing, a coverage structure with more ornamentation may be appropriate.

RECOMMENDATIONS

- Consider creative cover patterns and textures that result in visually interesting shading patterns on the surface below.



Ensure a coverage structure is visually subordinate to a building.

Enclosure Elements

INTENT

- Design and locate an enclosure to be visually subordinate to the overall site and buildings.
- Complement the building architecture.
- Provide visibility into and through the enclosure.
- Add visual interest.
- Maintain the outdoor nature of the patio as much as possible.
- Maximize accessibility for all.

GUIDELINES

- Locate an enclosure to maintain visibility to windows, entries and other critical architectural features of a building.
- Where possible, locate an enclosure to activate spaces that otherwise lack visual interest, such as in a parking area or a blank wall of a building.
- Design an enclosure to remain visually subordinate to the street level architecture.
 - Limit the height, scale, width and bulk of the enclosure and its components.
- Maintain adequate space for persons to enter and exit the enclosure and the building.
- Maximize transparency on all sides of the enclosure to maintain visibility into and through the structure.
- Use transparent elements that are rigid enough to retain shape and visual permeability.
- Maintain transparent materials to prevent fogging and clouding over time.

RECOMMENDATIONS

- Operable elements that allow the enclosure to be opened as weather allows are encouraged.

Additional Design Flexibility for Enclosures on Type 1 Patios

Flexibility in meeting some of the guidelines for enclosed structures may be appropriate if the structure is less visible from public rights-of-way or public areas of a private site. For example, providing more flexibility for transparency guidelines may be appropriate for an enclosed structure located behind a building and that is not visible from a public way.

Additional Permitting

Enclosed accessory structures typically require additional permits from Denver's Building and/or Fire Departments. The separate building and fire permits process could address a variety of topics including, heating, electrical, utility connections, wind load, carbon monoxide mitigation, fire extinguishers, anchoring, structure materials, snow loads and other similar technical topics.



↑ Design an enclosure to remain visually subordinate to the street level architecture.



↑ Maximize transparency on all sides of the enclosure to maintain visibility into and through the structure.



↑ Temporary tents are not permissible except as part of a special event.

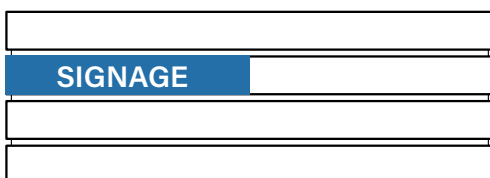
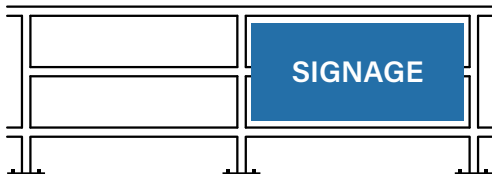
Signage

INTENT

- Integrate a sign with a patio.
- Ensure a sign is visually subordinate to a patio and adjacent buildings.
- Use signage that will stand up to weather impacts and exudes a level of permanence.
- Ensure a sign is easily readable.
- Add visual interest.



↑ *If a sign is attached to a Detached Accessory Structure covering a patio, attach it within in upper supports, vertical columns or other structural features.*



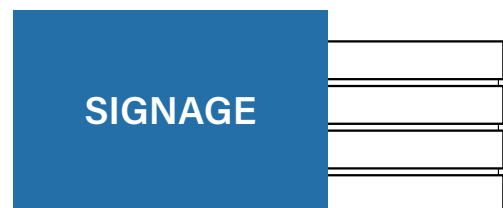
↑ *Place and size a sign to integrate with architectural patio features, such as delineating elements.*

GUIDELINES

- Place and size a sign to integrate with architectural patio features.
 - If a sign is attached to a delineating element, place the sign within, and to not obscure, critical architectural features.
 - If a sign is attached to a delineating element, place it in a distinct signage band area integrated with the railing or barrier at the pedestrian or street level.
 - If a sign is attached to a Detached Accessory Structure covering a patio, attach it within the upper supports, vertical columns or other structural features.
- Utilize materials that are durable and that appear intentional and long lasting.
 - Avoid temporary signs that deteriorate easily and are susceptible to wind damage, fading and other deterioration.
- Design text, color, and contrast to ensure the sign is easily readable.

RECOMMENDATIONS

- Consider creative designs that integrate logos, branding, colors and other features that add visual interest.
 - Consider utilizing creative and iconographic signs.



Lighting

This section applies to patios operated at night.

INTENT

- Enhance user safety and visibility.
- Add visual interest.

GUIDELINES

- Place lighting to enhance safety, such as near entries, steps, or pedestrian routes.
- Use string or festoon lighting that is elevated and can be seen from a distance.

RECOMMENDATIONS

- Consider using lighting to highlight architectural elements like railings, detached structures providing a cover, plantings or other patios elements.
 - For example, integrate lighting with a horizontal railing element or place downlights to illuminate special patio areas or features of the coverage structure.



↑ Use string or festoon lighting that is elevated and can be seen from a distance.

Surface Materials within an Off-street Parking Area

INTENT

- Differentiate a patio in an off-street parking area from remaining vehicular areas.
- Create a visually interesting and comfortable surface that encourages gathering.

GUIDELINES

- Visually define the surface of an outdoor dining area in a parking lot such that it is distinguishable from the surface of remaining vehicular areas.
 - Options for distinguishing a patio's surface include improved surface treatments such as color changes, texture change, perimeter outlines, painting, striping, markings, surface artwork, material changes or other similar visual treatments.
- Avoid significant areas of bare asphalt.



↑ Visually define the surface of an outdoor dining area in a parking lot such that it is distinguishable from the surface of remaining vehicular areas.

Comment Date	Outdoor Places Text Amendment Public Review Draft Comments Received
03/01/2023 16:43 PM	I am for outdoor seating and patios. I feel for the safety of the business, customers and drivers that the areas do have the small fencing around the areas.
03/01/2023 18:53 PM	Best idea yet! Let's pretty this place up!
03/02/2023 10:52 AM	I wholeheartedly support the removal of any regulation hampering the use of outdoor spaces by local businesses. Reclaiming street parking spaces for more community-driven purposes should be a target of any such program. Building a walkable, pedestrian-friendly urban fabric within Denver would dramatically increase quality of life within our city.
03/02/2023 15:04 PM	Updated regulations that reduce the burden to make the city more lively and pedestrian friendly are a great move! We should continue to look for ways to repurpose car space into human space!
03/03/2023 6:56 AM	I love the outdoor patio spaces and think we should have more of them (and less parking!) so that we can prioritize people using services over cars. I still prefer to mask and eat outdoors whenever possible, so having better options at a wider array of businesses lets me participate in the community more fully.
03/07/2023 6:50 AM	This sounds great!
03/07/2023 6:59 AM	I'm just giving a vote in favor of this. I loved how open, accessible, and communal our streets felt when they were opened up after lockdown. Keep it up! Thanks!
03/07/2023 13:50 PM	I appreciate the thought and devotion to obtaining feedback on this initiative. Whatever the details turn out to be, my family and I totally support any effort to increase and enhance outdoor places and implement necessary changes in regulations and enforcement.
03/09/2023 9:13 AM	I think this is a great idea! 2 things in particular stand out as really good improvements for the city: Replacing parking spaces (excluding ADA parking spaces) with patios, and eliminating the contiguous requirement for the patios. Both of these would serve to create a more friendly and enjoyable streetscape, and I can't wait to see them put into practice!

03/09/2023 9:26 AM	I support this because I think there should be more green spaces and shady areas for people to hang out outside, which makes neighborhoods more livable. Thanks!
03/09/2023 9:48 AM	Long overdue changes to an unnecessarily difficult process. I hope they don't have to go to the hard to access water department to pay these permits.
03/09/2023 10:40 AM	Outdoor dining is fantastic. Considering Denver's great climate, anything we can do to make outdoor dining more accessible and easier to permit is good. I particularly support replacing parking and closing streets to facilitate this.
03/09/2023 13:03 PM	This is a great program, and I fully support making it a permanent feature of our cityscape. Please continue to prioritize infrastructure decisions that increase the walkability and accessibility of the city and reduce our reliance on cars, parking lots, etc.
03/09/2023 19:52 PM	Anyone who has been to Europe, New York, San Francisco or other great cities will applaud this as a great step forward. There was never any reason for local government to impose such restrictions, and it is a huge step to undo them. Could not approve this decision more.
03/11/2023 7:55 AM	As a user of patios and outdoor places and a resident who cares about improving our city, I strongly support the suggested changes. The increased flexibility will help our businesses and the placemaking will improve life in the city. I especially support allowing the outdoor places to replace parking spots and this should include on street parking as well as off street. Additionally, I would encourage the strategy to also allow tents and other fully enclosed patios.
03/13/2023 15:04 PM	I'm 100% in favor of more (and permitting streamlined) outdoor spaces. It's a much better use of public space than parking.
03/20/2023 12:53 PM	I support making outdoor patio spaces more permanent to help local businesses succeed. As a board member for the Lower Downtown Neighborhood Association, I frequent many bars and restaurants in the downtown area and I find the outdoor spaces very inviting especially on the many sunny, warm days we are fortunate to have here in Denver. Any such program though, should be coordinated with the overall city transportation plan in advancing walkability, mass transit and energy savings goals.
03/23/2023 8:59 AM	Patios are wonderful! Please ensure they are easy for restaurants to do and offer them the flexibility to make them workable in diverse situations.

03/24/2023 10:45 AM	Over all I find the Outdoor Places draft thoughtful and addresses any concerns I might have had. I think if problem arise they can be solved later on and it should move forward.
03/24/2023 12:55 PM	Happy that denver is making it easier for businesses to have outdoor gathering spaces !! Yay !! I hope this will help reduce ugly parking lots and increase beautiful spaces for hanging out.
03/28/2023 10:51 AM	I support the idea of having more outdoor dining / placemaking areas! I agree that this will make the city more vibrant and attractive, I also think it will be good to revitalize downtown's economy. I think that fully enclosed patios should be continued to be allowed, as it would encourage people to enjoy outside and go out to eat, especially on those warm(er) and sunny winter days. I also think there are many areas of the city where parking / streets could be closed and we could keep patios out there, which would help with bike / ped safety and complete streets. As suggested in the draft plan during the pandemic there were few reported issues with patios replacing off street parking.
03/02/2023 14:30 PM	thank you for the opportunity to comment on the design for revised outdoor spaces in Denver. While I agree with the need to do this is a managed, consistent way, I would urge you to consider making it clearer that these changes apply to businesses only. Applications to business is stated in the opening section but needs to be emphasized. Denver is now allowing single and multi-family dwellings to increase the number of square feet on which one can build and we are losing our green spaces including backyards, etc. Once we lose green space, we can never recover. Those who are concerned about our air and living quality would agree that we need to preserve green space. That is usually not an issue with this design and draft guidelines but when I received the email and saw private property, I immediately thought about homes and multi-family dwellings.
03/03/2023 18:20 PM	Please end the ridiculous requirement that the patio area be restricted and fenced in for "No alcohol beyond this point." No city in Europe does that. It's time for America to grow up, and quit catering to the religious right anti-alcohol lobby.
03/06/2023 10:45 AM	Please consider requiring patios and other outdoor places as part of this work to be tobacco-free. Most people do not use tobacco, yet many places end up catering to the ones that do. I will not frequent an establishment that ignores the science and overwhelming support for tobacco-free public places.
03/06/2023 10:52 AM	I understand the need for some outdoor dining spaces. However, after seeing the impact to pedestrians and traffic I do not agree with allowing these outdoor dining spaces to completely block the sidewalk and street parking or an actual traffic lane.
03/07/2023 11:28 AM	The requirements for the "Landlord or property owner letter of approval" are not made clear. Is it possible to get a list of what should be included and/or a sample draft?
03/09/2023 8:47 AM	Patios should not be facing any residential spaces. Our homes are our only place of refuge in a city that continues to remove our ability to have peace and quiet in our homes and our own yards. I fully support the idea of Main street Zoning where patios face the main street (such as Colfax). The noise from places that face the neighborhood has been unbearable from some businesses and there is no way for the private citizen to mitigate it.

03/09/2023 9:06 AM	I'm 76, should I move out of Denver? My mother lived to 92 but I don't ride a bike any more and you are closing the direct route to the hospital.
03/09/2023 9:47 AM	I really like the emphasis on Colorado materials. I think we should definitely make sure that patios use as little water though as is practical. For example, there shouldn't be massive amounts of turf for bocce ball or what have you. Also if there are type 3 patios there should definitely be enough space for wheelchairs on the street.
03/09/2023 10:27 AM	Outdoor places should be as flexible as possible as long as they are safe and accessible. What is not acceptable is if the outdoor space is next to residential homes and the operation of the patio space is a nuisance to the residential residents. For example, a bar or restaurant patio that is next to a private home and interferes with the resident's right to privacy and peace. A business should not be in a position to be a nuisance to it's neighbors.
03/10/2023 14:42 PM	I like the patios not having to have vertical features, those are often difficult to navigate around.
03/11/2023 5:56 AM	Will restaurant patios where alcohol is served still be required to have fencing or railing around them?
03/14/2023 9:33 AM	Under the proposed zoning ordinance how many patios approved during the pandemic would need to be removed due to minimum parking requirements?
03/14/2023 20:25 PM	A majority of homeowners on the 1400 block of Monroe and homeowners on 1400 Garfield and Madison request clear communication as to the Outdoor Places Private Property Strategy - Public Review Document regarding Fully Enclosed Patios. We believe if allowed to continue, they should return to pre-pandemic conditions. Here's our situation: A brew pub w/ a residential street address of 1477 Monroe St, 80206 has been operating under an expanded patio since 2020. Prior to Covid, the private prop owner had an 8 place parking lot - w/ a handicap spot. Since 2020, the parking lot is closed and its become an outdoor patio - in a residential neighborhood. Since late 2022, they have operated w/ a large tent dwarfing one side. It's not very friendly looking. No one can really see inside the windows. This should be permitted as primary use.
03/14/2023 20:55 PM	Who can contact me regarding the Denver Zoning Code Text Amendment? I would love to have someone walk me through all of the redlines. I ask bc this is not a typical zoning matter re: construction of some sort. Thanks.

03/14/2023 21:31 PM	<p>Does this proposed zoning supersede the Outdoor spaces zoning amendment that was signed late 2022? How is a brew pub with a residential address of 1477 Monroe street allowed to operate under this program? They have a terrible record of not following the rules that are in place. I again, have documentation of just over a week ago, people walking outside of the patio carrying alcoholic drinks and they have started to amplify music onto their patio. How does this program hold bad actors into account? How can we report current bad actors? And why do we allow beer pub patios in residential areas. They are not aesthetic in any any sense per the design guidelines and in our case are really just frat patio parties that accommodate a ton of dogs. Which leads to more noise and trash. Not to mention the real safety issues caused by this program. I mention b/c it drives back to the original question. So, as always, thank you. I am glad there's a better roadmap. I appreciate your follow up.</p> <p>And, I am curious as to why no clear mention in either about parking impac</p>
03/15/2023 13:42 PM	<p>The Thin Man Patio in the rear should not be allowed as currently configured. Smoking patios should be at least 15' from adjoining properties. I own the property next to this patio and much of the time you cannot use the backyard due to the extreme stench from smoking material. There's also a lot of noise with people drink too much, screaming and cussing very loudly. The patio being open to the alley and parking lot allows for anyone to bring their backpack with their own drinks and over serve themselves. If smoking is not allowed within 15' of the front door, why should the neighbors have to tolerate the smell and be exposed to second hand smoke at home. We are exposed to this second hand smoke just trying to enter home from the parking area.</p>
03/16/2023 0:10 AM	dfg
03/16/2023 15:13 PM	I am having an issue with the application accepting the liquor license permit number with the given format.
03/16/2023 16:28 PM	<p>Can we ensure in the new rules and regulations that District's that have Design Advisory Boards are part of the process. Example Cherry Creek North has a Design Advisory Board that is appointed by the Mayor's Office. This Board reviews all signage and new buildings in the District. They should review all outdoor seating applications to ensure they meet the standards laid out for the District.</p>
03/16/2023 18:10 PM	<p>The last page of the draft provides some definitions, including the following: "Disabled Person: A person so severely handicapped that he or she is unable to move from place to place without the aid of a mechanical device or who has a physical impairment verified, in writing, by the director of the state division of rehabilitation or a physician licensed to practice medicine in this state that such impairment limits substantially his or her ability to move from place to place."</p> <p>It's possible that this was written by an attorney who was concerned that the city would be sued for not enforcing ADA requirements and sought to shift the burden using this language. Just like "retarded", the word "handicapped" has been dropped from use in the context of describing a person. This word was opposed by people hoping to clear a slate of negative connotation, and distinguish disability from complete inability.</p> <p>Substituting "handicapped" with "disabled" isn't enough here - qualifying a degree of severity is irrelevant. Crutches, walker, manual or power wheelchair - it's all enough. And outside of disability, those with a baby stroller are just as happy to have access.</p> <p>My ability to move place to place is shrouded in so many ignorant assumptions that I encounter when I'm out. I can't tell you how many random strangers in bars have "complimented" me for being there. You see, the idea that we can't exist in different spaces is a sentiment that so many people with disabilities come across. I've even heard Colorado state Rep David Ortiz say the same. This language perpetuates harmful ideas and must be completely changed.</p> <p>Thank you</p>
03/20/2023 8:42 AM	<p>Given most residents behavior of not wearing masks, dining out and inside restaurants, attending crowded venues and acting as though the pandemic and COVID-19 is over, it appears that the true need for intrusive, outdoor places has ended. The temporary outdoor patios are a an eyesore, affect parking and pedestrians. The April 30- 2023 deadline should be enforced.</p>

03/20/2023 15:46 PM	What sort of plans are required to apply for the program? Will a google maps overlaid with details suffice or are you looking for full architectural plans?
03/21/2023 9:56 AM	When allowing patio area in a on street parking area protect them from a car hitting the area. Also it is difficult to step off the curb into the gutter and then sit on the uneven crown of the street or in the gutter. Tennyson St has several parking areas block off with a silver rail, looks awful and not protection from a car hitting it and they have not been use in over a year. Just taking up parking spaces and not attractive. Look at what Palastate CO did. They have prefab patios that rest on the top of the gutter curb/sidewalk grade. All water flows under the platform in the gutter. I have photos but cannot upload them to this side.
03/24/2023 9:30 AM	I LOVE PATIOS!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!
03/24/2023 9:58 AM	While we are looking at outdoor spaces, can we consider the "dogs on the patio" consideration?? With separation from the kitchens/buildings and the non-enclosed seating, can we have this reviewed for those dog lovers who would love to support these seatings with well behaved dogs without making the servers have to decide if they have to wing it and risk a snooty inspector.
03/24/2023 10:47 AM	I like the idea of expanded patios, but hate when they are in the street. It looks unsafe, it's ugly, and it takes up parking spaces.
03/24/2023 11:15 AM	11.10.14.B.2 Consider defining "hard, all weather surface" for greater clarity, and whether we would want to allow crushed gravel or other permeable surfaces. 11.10.14.D.2.d Consider "type of food" as a review criterion. What is the intent? Need to ensure not an opportunity for bias.
03/24/2023 12:17 PM	[1] I may have missed it but I did not see any requirements (or pointers to requirements) for handicap accessibility to the subject spaces; e.g., accessible routes, seating, maneuverability, egress, etc. [2] outdoor spaces that accommodate occupant loads of 50 or more people need to be provided with 2 or more exits (more if OLs exceed 500). They should be marked and provided with hardware that allows people to leave quickly without requiring a key or extraordinary effort.
03/24/2023 13:17 PM	There should be absolutely no piped or live music on the patios. We live in the 200 block of South Lincoln and the Tiki Bar often plays loud music on their extended back patio. This is against the Good Neighbor agreement that is attached to the Liquor license. We do not need outside music on any of these establishments. How about if we just enjoy conversation. Please respect others who might not like your music.
03/25/2023 18:06 PM	I would approve use of patios which are attached attached to public eating establishments.

03/26/2023 9:52 AM	I was hoping that there would be a guideline as to how close to residences the patio could be. I live behind a bar that put up a patio in the parking lot between my house and the bar. 30 to 50 feet away is way too close for noise and second hand smoke
03/27/2023 11:53 AM	Hoping to get some assistance on my submittal. I have several questions as i want to make sure I'm doing this correctly. We currently have a temporary outdoor permit and I'm trying to apply for the transition to permanent.
03/27/2023 16:08 PM	Hi we're the capital grille on larimer square. The street between 14th and 15th is pedestrian only, does that count as your 6ft of pedestrian space?
03/28/2023 13:06 PM	We need to make sure we include noise limits and no amplified music. We are overwhelmed with noise from the restaurants and clubs as it is. Also no smoke from BBQ and gas generators from food trucks.