

Amendment 5 to the Denver Zoning Code

Red-lined Text of Denver Zoning Code Showing Changes in Amendment 5

ARTICLE 1. GENERAL PROVISIONS

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DIVISION 1.1 GENERAL

SECTION 1.1.1 PURPOSE

This Code is enacted to implement Denver’s Comprehensive Plan and guide orderly development of the City that preserves and promotes the public health, safety, prosperity, and welfare of its inhabitants.

SECTION 1.1.2 INTENT

This Code is intended to balance conservation and development by:

- A. Promoting development that maintains Downtown Denver’s preeminence as the region’s economic, civic, and cultural center.
- B. Promoting development along transit corridors that enhance their function as mixed-use, walkable centers that serve surrounding residential neighborhoods.
- C. Providing standards for compatible transitions of use, density, building scale and height between existing and new development.
- D. Guiding reinvestment in established neighborhoods that builds upon and reinforces their unique characteristics
- E. Promoting preservation and protection of historic resources
- F. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.

This Code is intended to achieve design excellence in the built environment by:

- G. Providing building and site design standards that address the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- H. Providing circulation and access standards that appropriately balance pedestrian and vehicular needs and result in safe pedestrian environments of the highest quality.
- I. Providing standards for adequate provision of urban services, public amenities, and public spaces that have lasting civic purpose and, through design excellence, create long term value for the community.
- J. Promoting innovative infrastructure, landscape, and building design that advance the function and beauty of the City.

This Code is intended to guide Denver’s prosperous and sustainable future by:

- K. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.
- L. Promoting sustainable building and site design practices.
- M. Promoting diverse and affordable housing options.
- N. Providing standards for interconnected streets and development patterns that support all modes of travel (walking, bicycling, public transit, driving)
- O. Providing standards that maintain safe and healthful water conditions by minimizing impervious cover and controlling erosion, sedimentation and other pollution of surface and subsurface waters.
- P. Promoting conservation of land, energy, and natural resources

SECTION 1.1.3 APPLICABILITY

1.1.3.1 Jurisdiction

This Code shall apply to all property within the limits of the City and County of Denver.

1.1.3.2 Limitations

A. Limitations on All Land and Structures

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except in conformity with this Code and upon performance of all conditions herein set forth.

B. Limitations on Sales and Rentals of All Land and Structures

No person and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this Code.

C. Limitations on City Agencies

No permit, certificate, license or other document or oral approval, the use of which may be subject to the provisions of this Code, shall be issued by any department, agency or board of the City until the Community Planning and Development shall have certified that the use to be made of the permit, certificate, license, other document or oral approval is in full compliance with the provisions of this Code.

1.1.3.3 Conflicting Provisions

- A. Wherever higher or more restrictive standards are established by the provisions of any other applicable statute or ordinance than are established by the provisions of this Code, the provisions of such other statute or ordinance shall govern.
- B. Nothing herein contained shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are contrary to the provisions of this Code. Nothing in any restrictions established by covenants running with the land shall render inoperative any provisions established in this Code.

SECTION 1.1.4 MINIMUM REQUIREMENTS

This Code shall be deemed the minimum requirements necessary to achieve the intent of this Code.

DIVISION 1.2 ZONE LOTS

SECTION 1.2.1 INTENT AND PURPOSE

The purpose of a Zone Lot is to provide a boundary for a defined area of land to which [this Code's](#) regulations for both land uses and structures apply.

SECTION 1.2.2 ZONE LOT REQUIRED

1.2.2.1 Zone Lot Required Prior to Development

1.2.2.2 A separate ground area, herein called a "Zone Lot," shall be designated, provided, and continuously maintained for all permitted structures and land uses. Designation shall occur prior to or concurrent with a zoning application required by ~~this~~ Article 12, [Zoning Procedures and Enforcement](#).

1.2.2.3 All Zone Lots designated according to this Section shall comply with:

- A. The general standards for all Zone Lots in Section 1.2.3, [General Standards for All Zone Lots](#); and
- B. The minimum Zone Lot standards for at least one building form allowed in the Zone District in which the subject Zone Lot is located.

1.2.2.4 Zone Lot for Existing Structures and Uses

The land area occupied by a use, or the building site heretofore designated and occupied by each structure existing on ~~June 25, 2010~~ [the Effective Date of this Code](#), shall, for the purposes of this Code, be deemed the Zone Lot for such use or structure. Such Zone Lot shall be continuously provided and maintained in accordance with the provisions of this Code for uses or structures in the Zone District in which each such use or structure is located. The boundaries and area of a designated Zone Lot may be amended under Section 12.4.4, Zone Lot Amendments.

SECTION 1.2.3 GENERAL STANDARDS FOR ALL ZONE LOTS

1.2.3.1 Public Street Frontage Required

Each Zone Lot shall have at least one Zone Lot line abutting a dedicated named or numbered street.

1.2.3.2 Contiguous Land Area Required

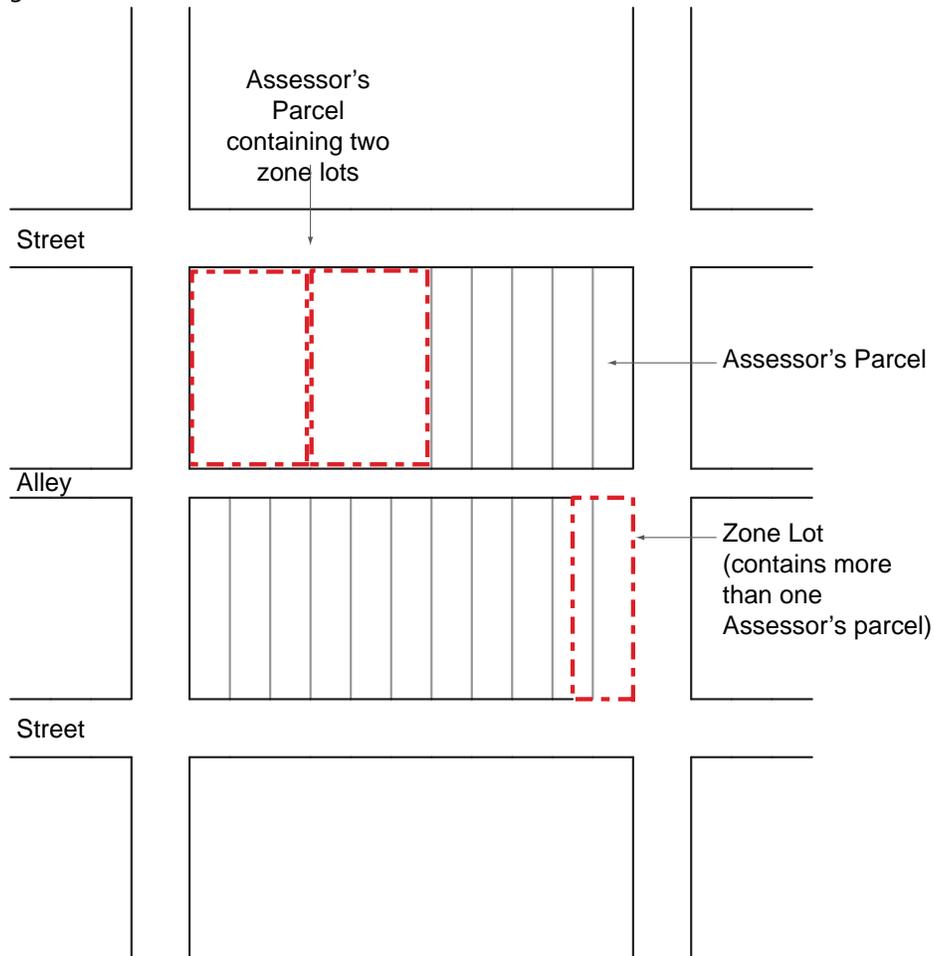
A. General Rule - Contiguity Required

1. A Zone Lot shall be composed of contiguous land area.
2. More than one assessor's parcel and/or portions of one assessor's parcel may make up a Zone Lot. See ~~Figure 1.2-1 below~~. Changes in ownership of one or more assessor's parcels underlying a Zone Lot does not affect the status of the Zone Lot.

B. Exception in D-C, D-TD and Campus Zone Districts - Zone Lot May Cross Public Streets

In all Campus ~~Context (CMP-)~~ Zone Districts and in the Downtown Core (D-C) and Downtown Theater District (D-TD) Zone Districts, two or more abutting Zone Lots divided by one or more public streets or alleys may be designated as a single Zone Lot. In cases where a single Zone Lot is divided by one or more primary streets or alleys, multiple street frontages within the Zone Lot boundaries shall comply with all building form standards tied to frontage on a primary or side street, including but not limited to build-to standards and ground story activation standards, unless otherwise specifically exempted by this Code.

Figure 1.2-1



1.2.3.3 Limited Allowance for Flag Lots

"Flag" lots may be permitted in the SU Zone Districts, subject to compliance with the following limitations:

- A. The required minimum lot width may be reduced to 20 feet at the public street frontage of a Zone Lot containing a width of 50 feet or more for a depth of at least 40 feet, but the required minimum Zone Lot area shall not include any portion of the lot less than 30 feet in width.
- B. Before any flag lot is approved pursuant to this ~~subsection B.4~~ [Section 1.2.3.3](#), and before any development is allowed on a flag lot, the Zone Lot or development must be approved by the Fire Department, which may impose conditions upon its approval, ~~according to. See also, requirements for site development plan review, in~~ [Section 12.4.3, "Site Development Plan Review," in this Code.](#)

1.2.3.4 Compliance with Minimum Zone Lot Standards

Where the building forms allowed in a Zone District include minimum Zone Lot standards, such as minimum Zone Lot size or minimum Zone Lot width, compliance with such standards is subject to the following:

A. New Zone Lots

The creation or designation of new Zone Lots (whether through subdivision, through designation of a new Zone Lot, or through amendment of an existing Zone Lot) shall comply with the minimum Zone Lot size for at least one primary building form allowed in the subject Zone District. Different minimum Zone Lot sizes may apply to different primary building forms allowed in the same Zone District.

For example, a Zone Lot is created in the G-MU-3 district after ~~June 25, 2010, [the effective date of this Code]~~ and it is 3,000 square feet in size. The Zone Lot is allowed because one of the primary building forms permitted in the G-MU-3, the Urban House form, allows a Zone Lot to be as small as 3,000 square foot. However, while an Urban House form may be developed on that new 3,000 square foot Zone Lot, an Apartment building form could not because, in the G-MU-3 Zone District, the Apartment building form requires a Zone Lot no smaller than 6,000 square feet.

B. Development of Primary Building Forms

Development of an allowed primary building form (e.g., a Row House or Duplex building form) shall occur only on a Zone Lot that complies with the minimum Zone Lot size required for that specific building form. Zone lots that do not comply with the minimum size or width requirements for a specific building form are nonconforming Zone Lots; development on nonconforming Zone Lots shall comply with the standards ~~according to in Article 12,~~ Division 12.10, Nonconforming Zone Lots.

C. Development of Accessory Structures

Development of an allowed accessory structure shall occur only on a Zone Lot that complies with the minimum Zone Lot size required for the primary building on the same Zone Lot

D. Development on Nonconforming Zone Lots

An existing Zone Lot that is nonconforming under this Code may be used and developed according to ~~Article 12,~~ Division 12.10, Nonconforming Zone Lots.

1.2.3.5 Number of **Uses and Structures Allowed Per Zone Lot**

The following table establishes the number of structures and uses allowed per zone lot:

PRIMARY USES AND STRUCTURES			
Applicability	Primary Uses per Zone Lot	Primary Structures per Zone Lot	Specific Requirements
All SU and TU Zone Districts	1	1	na
All SU and TU Zone Districts, Tandem House Building Form Only	2	2	Where permitted, may be occupied by a Tandem house building form, which is comprised of two primary structures, each containing a primary single-unit dwelling use.
All SU and TU Zone Districts, Carriage House Exception	2	2	One additional structure containing more than one habitable story, and which structure was erected prior to November 8, 1956, as a carriage house, may be used in its entirety as a primary single unit dwelling unit.
All SU and TU Zone Districts, Civic Uses	1	No Limit	On a Zone Lot 18,000 square feet or larger in area, where the primary use is classified as a "Civic, Public and Institutional Use", and where such use is permitted in the Zone District, the Zone Lot may be occupied by one or more primary structures.
All Other Zone Districts	No Limit	No Limit	na

ACCESSORY USES AND STRUCTURES		
<u>Applicability</u>	<u>Accessory Uses per Zone Lot</u>	<u>Detached Accessory Structures per Zone Lot</u>
<u>All Residential Zone Districts</u>	<u>No Limit</u>	<u>No Limit, except detached accessory structures with vehicle access doors, limited to 1 per dwelling unit</u>
<u>All Other Zone Districts</u>	<u>No Limit</u>	<u>No Limit</u>

- A. ~~In a SU and TU Zone District, each Zone Lot may be occupied by only one primary structure containing the primary use, and one or more structures containing permitted accessory uses, with the following exceptions:~~
1. ~~Where permitted, a Zone Lot in a SU or TU Zone District may be occupied by a Tandem house form, which is comprised of two primary structures, each containing a primary single-unit dwelling use, and one or more structures containing permitted accessory uses.~~
 2. ~~One additional structure containing more than one Habitable Story, and which structure was erected prior to November 8, 1956, as a carriage house, may be used in its entirety as a primary single-unit dwelling unit.~~
 3. ~~On a Zone Lot 18,000 square feet or larger in area, where the primary use is classified as a “Civic, Public and Institutional Use”, and where such use is permitted in the Zone District, the Zone Lot may be occupied by one or more primary structures, and one or more structures containing permitted accessory uses.~~
- B. ~~In all other Zone Districts, each Zone Lot may be occupied by one or more primary structures and one or more structures containing permitted accessory uses.~~

SECTION 1.2.4 REFERENCE TO OTHER APPLICABLE PROVISIONS

1.2.4.1 Multiple Buildings on a Single Zone Lot

See Division 10.3., Multiple Buildings on a Single Zone Lot.

1.2.4.2 Zone Lot Amendment Procedures

See Section 12.4.4., Zone Lot Amendments.

1.2.4.3 Definition of “Zone Lot”

See Article 13, Division 13.3, Definitions of Words, Terms and Phrases.

DIVISION 1.3 OFFICIAL ZONING MAP

SECTION 1.3.1 ADOPTION OF OFFICIAL MAP

The digital maps created and maintained by the Department of Community Planning and Development and published by Technology Services' Geographic Information Systems Office delineating the boundaries of the various Zone Districts, together with all matters and things shown on such maps, are hereby adopted and approved, incorporated herein and made a part hereof and collectively shall constitute the official zoning map of the City and County of Denver ("Official Map"). The Official Map shall be marked pursuant to a system of identification established by Community Planning and Development consistent with this Code.

SECTION 1.3.2 AMENDMENTS TO OFFICIAL MAP

All amendments to the Official Map shall be maintained in and kept current by the Department of Community Planning and Development and made available to the public.

SECTION 1.3.3 INTERPRETATIONS

1.3.3.1 District Regulations to be Uniform

The regulations established in this Code shall apply uniformly to all geographical areas having the same Zone District classification and designation on the Official Map.

1.3.3.2 Determination of District Boundaries

- A. If a district boundary line divides an area of land under 6,000 square feet in area and held in one ownership of record on the date the district boundary line was established, then:
 1. The entire site may be used in conformity with the regulations for each of the districts; or
 2. If the area is divided into two or more parcels of land, the entire area may be used in conformity with the regulations for the district in which one parcel is located, if such parcel contains more than one-half of the entire area; or
 3. If the area is divided into two equal parcels of land, the entire area may be used in conformity with the regulations for the district in which either of such parcels of land is located.
- B. If a district boundary line divides an area of land containing 6,000 square feet or more and resulting from the establishment of a district boundary line dividing an area of land held in one ownership of record on the date the district boundary line was established, each parcel of land in excess of 6,000 square feet shall be used only in conformity with the regulations for the district in which such parcel of land is located unless one of the following exceptions apply:
 1. If a building containing a use by right exists on the area of land on the date the district boundary line was established and the building was divided by the district boundary line, the provisions of this paragraph shall not apply and the use of such parcel of land shall be governed by the provisions stated in paragraph A. above.
 2. If the parcel will contain only multi-family residential development and contains moderately priced dwelling units (MPDUs) pursuant to the mandatory or voluntary provisions of [D.R.M.C. Article IV, Chapter 27 \(Affordable Housing\)](#) and more than 50% of the parcel is located in a district where permitted building forms would allow more dwelling units to be constructed, then the entire parcel may be developed with the same building forms permitted in the district applicable to more than 50% of the parcel. This provision shall also apply to multi-family owner-occupied or rental residential developments that include a higher percentage of MPDUs than the thresholds established in [D.R.M.C. Article IV, Chapter 27 \(Affordable Housing\)](#) and to multi-family residential development that includes housing affordable to households at a lower adjusted medium income than the

thresholds established in [Denver Revised Municipal Code](#) Article IV, Chapter 27 (Affordable Housing).

- C. If for any reason the location of any district boundary line is not readily determinable from the official map, the location of the district boundary line shall be fixed by the Department of Community Planning and Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:
1. Where a district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control;
 2. Where a district boundary line is given a position within a street or alley right-of-way or channelized waterway, the district boundary line shall be deemed to be in the center of such street or alley right-of-way or channelized waterway;
 3. Where a district boundary line is shown as approximately following platted lot lines, the district boundary line shall be deemed to coincide with such platted lot lines;
 4. Where a district boundary line is shown by a specific dimension, such specific dimension shall control;
 5. Where a district boundary line extends in the direction of the length of a block, the district boundary line shall be deemed to coincide with the center line of such block;
 6. Where a district boundary line divides a platted lot or crosses unsubdivided property, the location of the district boundary line shall be fixed from the scale of the official map.

1.3.3.3 Access Across Parcels With Different Districts

- A. Notwithstanding the provisions of paragraphs A or B above, access across parcels of land with different district classifications shall be governed by this paragraph. In order to promote appropriate development in all Zone Districts, access across a parcel of land to another parcel of land with a different district classification is permitted except that access to a parcel of land not located in a residential district across a parcel of land located in a residential district shall not be permitted unless the Zoning Administrator determines that:
1. Such access is compatible or could be made compatible with any existing or allowed uses on the parcel of land in the residential district; and
 2. Traffic, noise, pollution and other impacts of such access are or can be mitigated.
- B. The Zoning Administrator may impose conditions on the approval of such access in order to ensure that the impacts of traffic, noise, pollution and other external effects of such access are mitigated so as to protect the residential character of the parcel of land located in a residential district. If the use of the parcel of land not located in a residential district changes so as to alter the access or otherwise impact the use of the parcel of land located in the residential district, the Zoning Administrator may terminate the right to access the parcel of land not located in a residential district across the parcel of land located in the residential district or may impose additional conditions on the continued access. All other provisions of the district in which each such parcel of land is located shall apply. An owner requesting such access shall file a request with the Zoning Administrator and the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice (PIN), shall be followed.

1.3.3.4 Necessity for District Designation

- A. It is the intent of this Code that all lands within the boundaries of the City and County of Denver shall have a zoning district designation. However, nothing herein prohibits one or more overlay districts to be used in conjunction with another of the enumerated districts.

- B. If for any reason any land within the boundaries of the City and County of Denver shall be determined not to be within one of the aforesaid districts or shall be determined not to validly bear one of the aforesaid zoning designations, whether such determination results from annexation, from judicial declaration or from any other reason or cause, no permits shall be issued for the erection or alteration of any structure or structures within the area found wanting in classification until a zoning classification has been established therefore by the City Council. A zoning classification shall be established promptly and within a reasonable period of time; provided, however, that if a zoning classification is not established within 90 days from the date on which an area is determined to be in want of a classification, the site shall be considered part of the Open Space C (OS-C) District until such time as a zoning classification is established.

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ARTICLE 2. USING THE CODE

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DIVISION 2.1 OVERVIEW

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

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DIVISION 2.2 CODE APPROACH

SECTION 2.2.1 CONTEXT-BASED APPROACH

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

SECTION 2.2.2 FORM-BASED APPROACH

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

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DIVISION 2.3 CODE ORGANIZATION

SECTION 2.3.1 ARTICLES 3 - 7: NEIGHBORHOOD CONTEXTS

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

2.3.1.1 Neighborhood Context Description

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

2.3.1.2 Districts

- A. This Division establishes the menu of Zone Districts for the Neighborhood Context. There is a list of intent statements for each Zone District in the Context.
- B. Zone District Naming Convention: The Zone Districts for the Suburban, Urban Edge, Urban, General Urban and Urban Center Neighborhood Contexts follow a consistent naming convention, as follows:

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

2.3.1.3 Design Standards

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

2.3.1.4 Uses and Required Minimum Parking

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

SECTION 2.3.2 ARTICLE 8: DOWNTOWN NEIGHBORHOOD CONTEXT

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

SECTION 2.3.3 ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS

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

- 2.3.3.1 Industrial Context (I-MX, I-A, I-B): The Industrial Context establishes Zone Districts that allow varying intensities and types of industrial forms and uses.
- 2.3.3.2 Campus Context (CMP-H, CMP-H2, CMP-EI, CMP-EI2, CMP-ENT): The Campus Context establishes Zone Districts for larger scale sites offering healthcare, education/institution and entertainment.
- 2.3.3.3 Open Space Context (OS-A, OS-B, OS-C): The Open Space Context establishes Zone Districts for various types of park, recreational and open space land.
- 2.3.3.4 Overlay Districts (CO, UO, DO, AIO): Overlay Districts are Zone Districts that apply in addition to the base Zone District. There are Conservation Overlay Districts, Use Overlay Districts, Design Overlay Districts and the Airport Influence Overlay District.
- 2.3.3.5 Denver International Airport District: This district applies to the Denver International Airport.
- 2.3.3.6 O-1 Zone District: O-1 is a Zone District that applies to various recreation, institutional, and utilities.
- 2.3.3.7 Planned Unit Development District: The Planned Unit Development District is a unique Zone District that provides form, use, parking and other standards tailored to a particular site.
- 2.3.3.8 Master Planned Context: The Master Planned Context is intended for larger scale sites that will develop over a long period of time and in multiple phases. Within the Master Planned Context there is a menu of residential and mixed use Zone Districts.

SECTION 2.3.4 ARTICLES 10 - 13: GENERAL STANDARDS AND PROCEDURES

Articles 10 - 13 contain regulations that apply throughout the city and are not unique to a Neighborhood Context or Special Context. They are organized together so that common regulations are found in the same place

such as use limitations, procedures, definitions and rules of measurement.

DIVISION 2.4 USING THE CODE

SECTION 2.4.1 STEP BY STEP USE OF THE CODE

2.4.1.1 Determine the Zone District:

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

2.4.1.2 Find the Neighborhood Context Article:

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

2.4.1.3 Understand the Neighborhood Context:

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

2.4.1.4 Review the Applicable Zone Districts:

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

2.4.1.5 Choose a Building Form:

The Zone Districts allow a variety of building forms appropriate for the context. Review "Design Standards," the third Division in all Neighborhood Context Articles, for a listing of allowed primary and accessory building forms by Zone District. Next, find the building form you want to construct or alter, and use the associated graphic and table to determine allowed building setbacks, height and other regulations. Primary Building Forms are listed separately from Detached Accessory Building Form standards. One building form and the associated standards must be selected. For example, read Section 5.3.3, "Primary Building Form Standards" in Division 5.3, "Design Standards." A table at the beginning of this Section summarizes which building forms are appropriate in each Urban Neighborhood Context Zone District. Assume, for example, you want to build an Urban House in the U-SU-A Zone District. Read Section 5.3.3.2(A)3.A, [District Specific Standards](#), for the applicable standards for the Urban House form in the Urban Neighborhood Context. Review the graphic and read the table to find standards for this building form applicable to the U-SU-A Zone District. Read Section 5.3.5 through 5.3.7 to find additional design standards and to understand permitted exceptions and alternatives to meeting the building form standards. If a term is not clear, refer to Article 13 for Rules of Measurement and Definitions.

2.4.1.6 Identify Allowable Uses and Required Parking:

The last Division of each Neighborhood Context Article states the allowed land uses and required vehicle and bicycle parking in each Zone District. To find what uses are allowed in a particular Zone District, consult the Uses Table at the end of the Article. Allowed primary, accessory and temporary

uses and the relevant vehicle and bike parking requirements are listed in the first column of the Use Table and Zone Districts are listed across the remaining table columns. Table cell entries for each use indicates whether the use is allowed in the Zone District or allowed subject to specific limitations, and/or subject to a specific review. If the use is not allowed it will be indicated as Not Permitted ("NP"). The last column of the Use Table references the user to all applicable use ~~standards~~limitations. Some use ~~standards~~limitations are contained within the Article and some, that apply to several Zone Districts, are found in Article 11 of the Code. In some cases, use ~~standards~~limitations reference their applicability to "Residential Zone Districts" or "Mixed Use Commercial Zone Districts." Refer to Article 13 for a listing of which Zone Districts are categorized as such. Unless otherwise specified, any use can occupy any building form provided they are allowed in the Zone District. If you need a use summary, use definitions or use limitations refer to Article 11.

2.4.1.7 Review the General Design Standards:

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

2.4.1.8 Understand Zoning Procedures and Enforcement:

Review Article 12 to gain an understanding of all zoning procedures applicable to new development. The Article first identifies all the review and decision-making bodies and their respective roles under this Code, then describes steps common to most or all zoning procedures (e.g., public notice requirements), and then describes the steps required for each type of zoning procedure (e.g., zoning permit review, special exception review, rezonings, and variances). A summary of review and decision making authority and type of public notice required for each procedure is provided in Section 12.2.7. Article 12 also contains the rules for nonconforming and compliant uses, structures, and lots. Finally, Article 12 contains general enforcement provisions, including what constitutes a violation of the Code and the associated penalties.

DIVISION 2.5 ESTABLISHMENT OF ZONE DISTRICTS

The following are the Zone Districts organized by context:

2.5.1.1 Suburban, Urban Edge and Urban Neighborhood Context:

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

2.5.1.2 General Urban, Urban Center and Downtown Neighborhood Context:

GENERAL URBAN NEIGHBORHOOD CONTEXT		URBAN CENTER NEIGHBORHOOD CONTEXT		DOWNTOWN NEIGHBORHOOD CONTEXT	
G-RH-3	Row House 3	C-MX-3	Mixed Use 3	D-C	Downtown Core District
G-MU-3	Multi Unit 3	C-MX-5	Mixed Use 5	D-TD	Downtown Theater District
G-MU-5	Multi Unit 5	C-MX-8	Mixed Use 8	D-LD	Lower Downtown District
G-MU-8	Multi Unit 8	C-MX-12	Mixed Use 12	D-CV	Downtown Civic District
G-MU-12	Multi Unit 12	C-MX-16	Mixed Use 16	D-GT	Downtown Golden Triangle
G-MU-20	Multi Unit 20	C-MX-20	Mixed Use 20	D-AS	Downtown Arapahoe Square
G-RO-3	Residential Office 3	C-RX-5	Residential Mixed Use 5		
G-RO-5	Residential Office 5	C-RX-8	Residential Mixed Use 8		
G-MX-3	Mixed Use 3	C-RX-12	Residential Mixed Use 12		
G-RX-5	Residential Mixed Use 5	C-MS-5	Main Street 5		
G-MS-3	Main Street 3	C-MS-8	Main Street 8		
G-MS-5	Main Street 5	C-MS-12	Main Street 12		
		C-CCN	Cherry Creek North District		

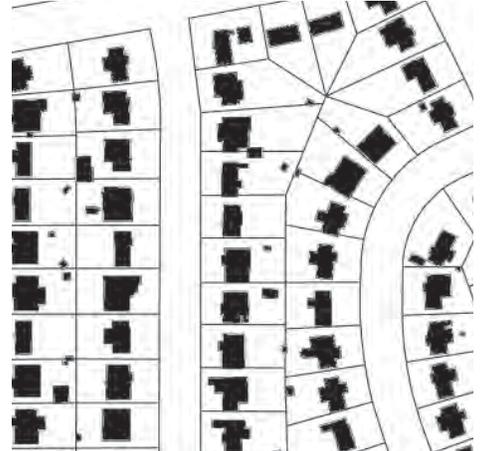
2.5.1.3 Special Contexts and Zone Districts:

INDUSTRIAL CONTEXT	
I-MX-3	Industrial Mixed Use 3
I-MX-5	Industrial Mixed Use 5
I-MX-8	Industrial Mixed Use 8
I-A	Light Industrial
I-B	General Industrial
CAMPUS CONTEXT	
CMP-H	Campus Healthcare
CMP-H2	Campus Healthcare 2
CMP-EI	Campus Education Institution
CMP-EI2	Campus Education Institution 2
CMP-ENT	Campus Entertainment
OPEN SPACE CONTEXT	
OS-A	Open Space Public Parks
OS-B	Open Space Recreation
OS-C	Open Space Conservation
MASTER PLANNED CONTEXT	
M-RH-3	Row House 3
M-RX-5	Residential Mixed Use 5
M-RX-5A	Residential Mixed Use 5A
M-CC-5	Commercial Corridor 5
M-MX-5	Commercial Mixed Use 5
M-IMX-5	Industrial Mixed Use 5
M-IMX-8	Industrial Mixed Use 8
M-IMX-12	Industrial Mixed Use 12
M-GMX	General Mixed Use
OVERLAY DISTRICTS	
UO-	Use Overlay District
CO-	Conservation Overlay District
DO-	Design Overlay District

AIO-	Airport Influence Overlay District
OTHER SPECIAL CONTEXTS OR ZONE DISTRICTS	
PUD	Planned Unit Development
PLANNED UNIT DEVELOPMENT CONTEXT	
DIA	Denver International Airport
O-1	Open Zone District

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ARTICLE 3. SUBURBAN (S-) NEIGHBORHOOD CONTEXT



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DIVISION 3.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 3.1.1 GENERAL CHARACTER

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

SECTION 3.1.2 STREET AND BLOCK PATTERNS

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

SECTION 3.1.3 BUILDING PLACEMENT AND LOCATION

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

SECTION 3.1.4 BUILDING HEIGHT

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

SECTION 3.1.5 MOBILITY

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

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

SECTION 3.2.1 DISTRICTS ESTABLISHED

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

Suburban Neighborhood Context

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

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

3.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.
- B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts promote a consistent pattern of one to two story suburban houses where the wider part of the building orients to the street and access is provided by front-loaded garages. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the townhouse and multi unit districts promote existing and future patterns of multiple building forms on a single lot. These building forms include duplex, townhouse and apartments and are typically organized around common open space and parking areas with an internal circulation system.
- C. These standards recognize common residential characteristics within the Suburban Neighborhood Context but accommodate variation by providing a range of Residential Zone Districts.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.
- E. These Residential districts capture parts of the city typically platted and developed in the mid-to late-1900s.

3.2.2.2 Specific Intent

- A. Single Unit A (S-SU-A)**
S-SU-A is a single unit district allowing suburban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Suburban Neighborhood Context. Access may be from the street or from an alley.
- B. Single Unit D (S-SU-D)**
S-SU-D is a single unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet.
- C. Single Unit F (S-SU-F)**
S-SU-F is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet.
- D. Single Unit Fx (S-SU-Fx)**
S-SU-Fx is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. The primary distinction between this Zone District and S-SU-F is there are more limitations on home occupations.
- E. Single Unit F1 (S-SU-F1)**
S-SU-F1 is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. Tandem houses and detached accessory dwelling units are also allowed on lots that are at least 150 feet deep.

F. Single Unit I (S-SU-I)

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

G. Single Unit Ix (S-SU-Ix)

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

H. Town House 2.5 (S-TH-2.5)

S-TH-2.5 is a multi unit district and allows suburban house, duplex and town house building forms up to two and one half stories in height.

I. Multi Unit 3, 5, 8, 12, 20 (S-MU-3, 5, 8, 12, 20)

S-MU- is a multi unit district and allows suburban house, duplex, town house, garden court, apartment and courtyard apartment building forms up to 3, 5, 8,12, 20 stories in height.

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

3.2.3.1 General Purpose

- A. The Commercial Corridor Zone Districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.
- B. The Commercial Corridor Zone Districts address development opportunities adjacent to the city's most auto-dominated corridors.
- C. Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout.
- D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

3.2.3.2 Specific Intent

A. Commercial Corridor – 3 (S-CC-3)

S-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

B. Commercial Corridor – 3x (S-CC-3x)

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

C. Commercial Corridor – 5 (S-CC-5)

S-CC-5 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 5 stories is desired.

D. Commercial Corridor – 5x (S-CC-5x)

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

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

3.2.4.1 General Purpose

- A. The Mixed Use Zone Districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.
- B. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections.
- C. The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of adequate parking through build-to requirements, ground story activation and parking lot screening along the right-of-way. Standards offer predictable flexibility consistent with the variety of mixed use development found in the Suburban Neighborhood Context.
- D. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

3.2.4.2 Specific Intent

- A. Mixed Use – 2 (S-MX-2)**
S-MX-2 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired.
- B. Mixed Use – 2x (S-MX-2x)**
S-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.
- C. Mixed Use – 3 (S-MX-3)**
S-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.
- D. Mixed Use – 5 (S-MX-5)**
S-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.
- E. Mixed Use – 8 (S-MX-8)**
S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.
- F. Mixed Use – 12 (S-MX-12)**
S-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired.

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

3.2.5.1 General Purpose

- A. The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.
- B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
- C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.
- E. In all cases, the Main Street Zone Districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.
- F. In the Suburban Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.
- G. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and maximum building coverage is significant.

3.2.5.2 Specific Intent

- A. Main Street – 3 (S-MS-3)**
S-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.
- B. Main Street – 5 (S-MS-5)**
S-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 5 stories is desired.

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DIVISION 3.3 DESIGN STANDARDS

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

SECTION 3.3.1 GENERAL INTENT

3.3.1.1 Urban Design and Building Form Standards

The Intent of Urban Design and Building Form Standards in all Districts are to:

- A. Implement the Denver Comprehensive Plan.
- B. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
- C. Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
- D. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- E. Give equal prominence to pedestrian realm as a defining element of neighborhood character.
- F. Spatially define public streets and their associated open space as positive, useable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- G. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

3.3.1.2 Transit Oriented Development

The Intent of Transit Oriented Development Design Standards are to:

- A. Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- B. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
- C. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
- D. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 3.3.2 BUILDING FORM INTENT

3.3.2.1 Height

- A. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

3.3.2.2 Siting

A. Required Build-To

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

B. Setbacks

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

C. Parking Location

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

3.3.2.3 Design Elements

A. Configuration

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

B. Transparency

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

C. Entrances

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

SECTION 3.3.3 PRIMARY BUILDING FORM STANDARDS

3.3.3.1 **Applicability**

All development in all the Suburban Neighborhood Context Zone Districts.

3.3.3.2 **Generally Applicable Standards**

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

~~In addition to the neighborhood context specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

3.3.3.3 **District Specific Standards Summary**

~~The districts allow a variety of building forms appropriate for the Suburban Neighborhood Context, as set out. The maximum number of structures per zone lot and building forms allowed by Zone District is summarized below.:~~

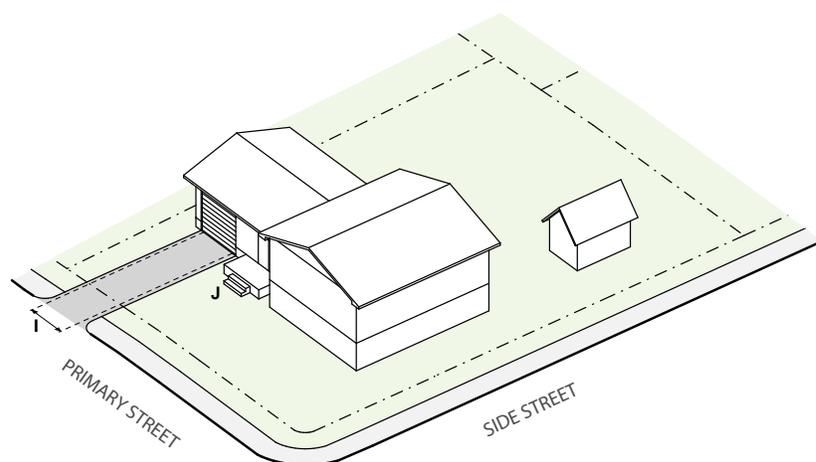
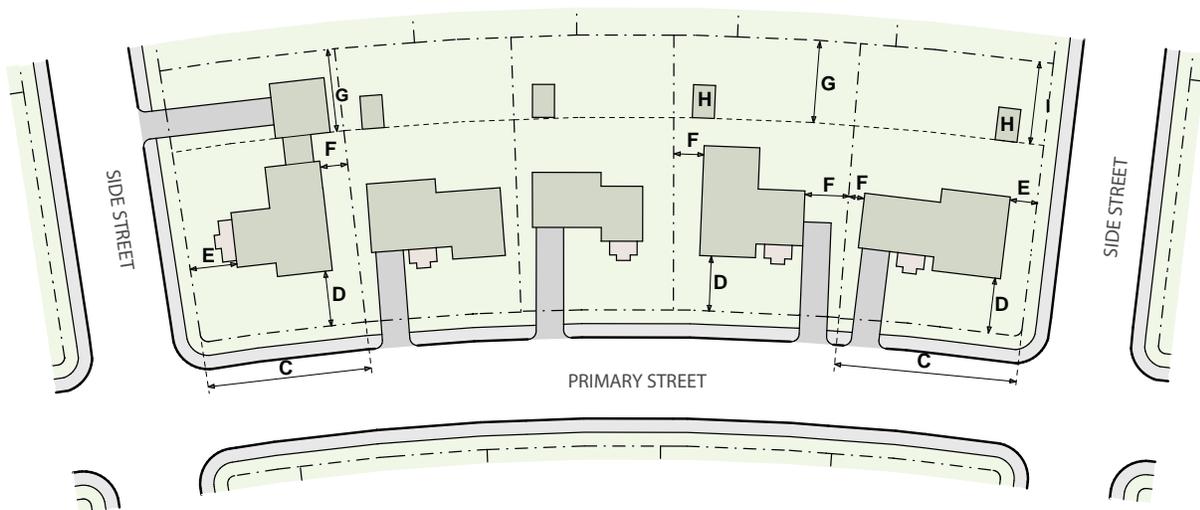
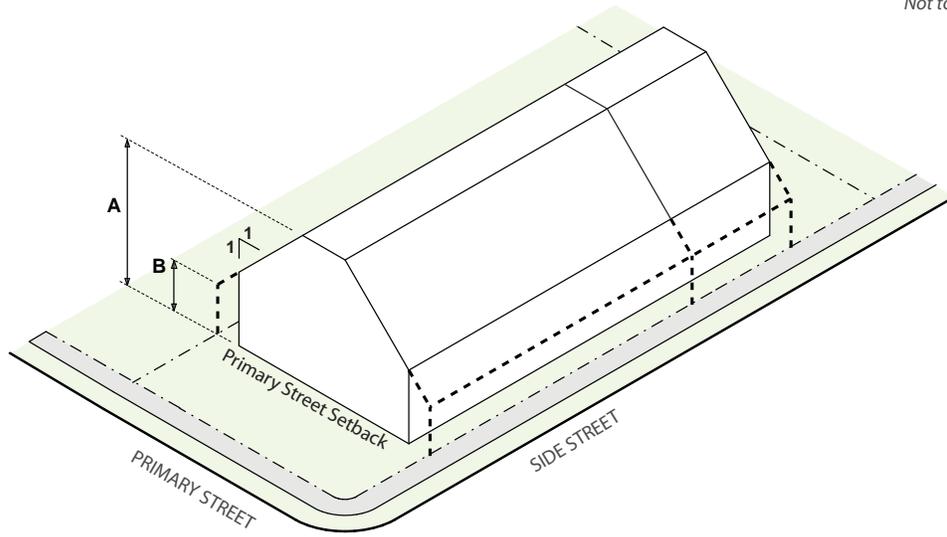
Suburban (S-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurants	General	Shopfront
<u>Single Unit (SU)</u>	S-SU-A, -D, -F, -Fx, -I, -Ix	1*	■													
	S-SU-F1	1*	■		□		□									
<u>Town House (TH)</u>	S-TH-2.5	no max	■		■	■		■								
<u>Multi Unit (MU)</u>	S-MU-3, -5, 8, 12, 20	no max	■		■	■		■				■				
<u>Commercial Corridor (CC)</u>	S-CC-3, -3x, -5, -5x	no max						■				■	■	■	■	
<u>Mixed Use (MX)</u>	S-MX-2x	no max								■		■			■	
	S-MX-2, -3, -5, -8, -12	no max								■		■	■	■	■	
<u>Main Street (MS)</u>	S-MS-3, -5	no max								■		■	■	■		■

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

3.3.3.4 District Specific Standards

A. Suburban House

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SUBURBAN HOUSE

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

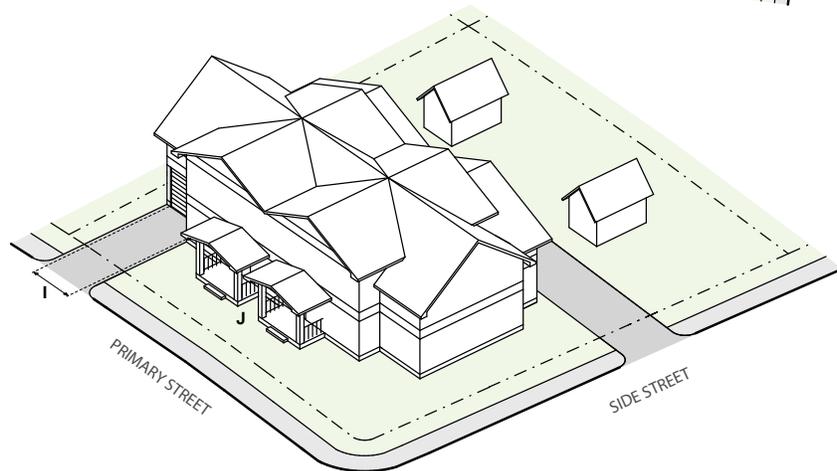
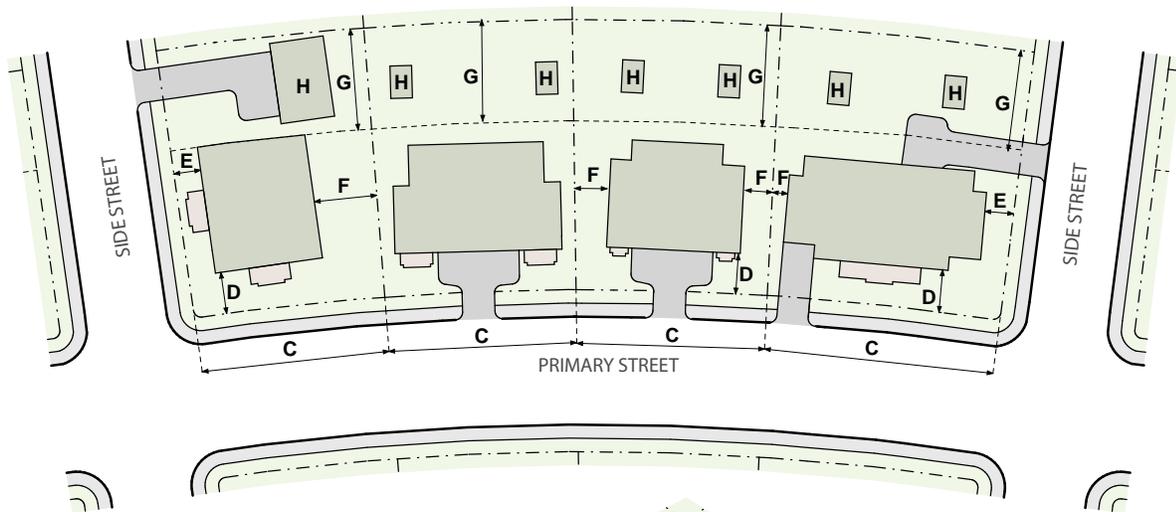
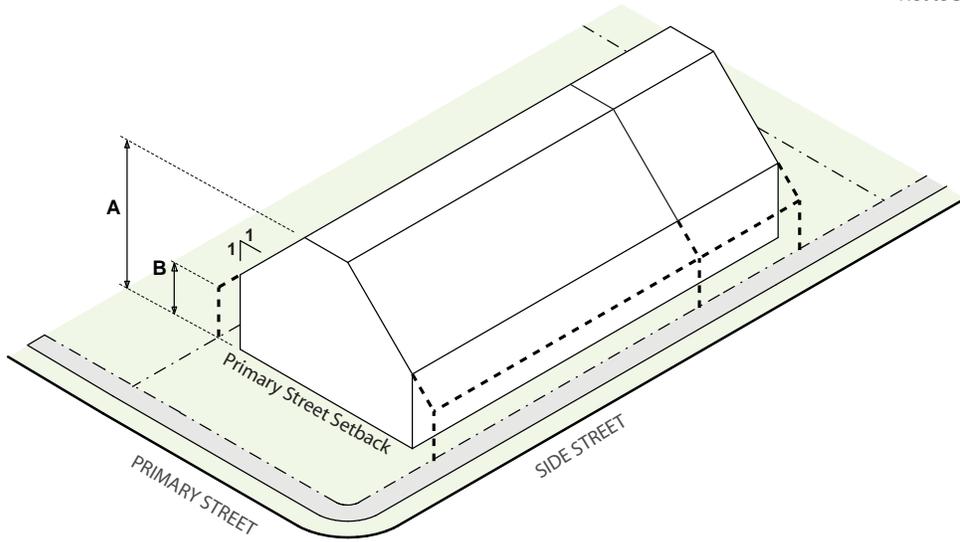
SITING		S-SU-F					S-MU-3, -5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-I1	S-TH-2.5	
ZONE LOT							
	Zone Lot Size (min)	3,000 ft ²	6,000 ft ²	8,500 ft ²	12,000 ft ²	6,000 ft ²	6,000 ft ²
C	Zone Lot Width (min)	25'	50'	62.5'	62.5'	50'	50'
	Dwelling Units per Primary Residential Structure (max)	1	1	1	1	na	na

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All S-SU, -TH, -MU Districts		
		25' or Less	26' to 61'	62' or Greater
D	Primary Street, block sensitive setback required (see Sec. 13.1.12.3)	na	yes	yes
D	Primary Street, where block sensitive setback does not apply (min)	15'	20'	20'
E	Side Street (min)	3'	5'	5'
F	Side Interior (min)	3'	5'	7.5'
G	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'
	Building Coverage per Zone Lot , including all accessory structures (max)	50%	50%	50%
PARKING BY ZONE LOT WIDTH				
	Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 ft ²	2 Spaces and 320 ft ²	33%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 3.3.7.6		
ACCESSORY STRUCTURES				
H	Detached Accessory Structures Allowed	see Sec. 3.3.4		

DESIGN ELEMENTS		S-SU-F					S-MU-3, -5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	
BUILDING CONFIGURATION							
	Attached Garage Allowed	(1) Shall not project forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling (2) May follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks . encroach into the Rear Setback, provided it comply with the Detached Garage building form standards					
I	Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max)	35% of the entire width of the front Primary Street facing facade of the dwelling primary structure or 16', whichever is greater					
GROUND STORY ACTIVATION							
J	Pedestrian Access, Primary Street	Entry Feature					
		See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions					

B. Duplex

Not to Scale. Illustrative Only.



DUPLEX

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

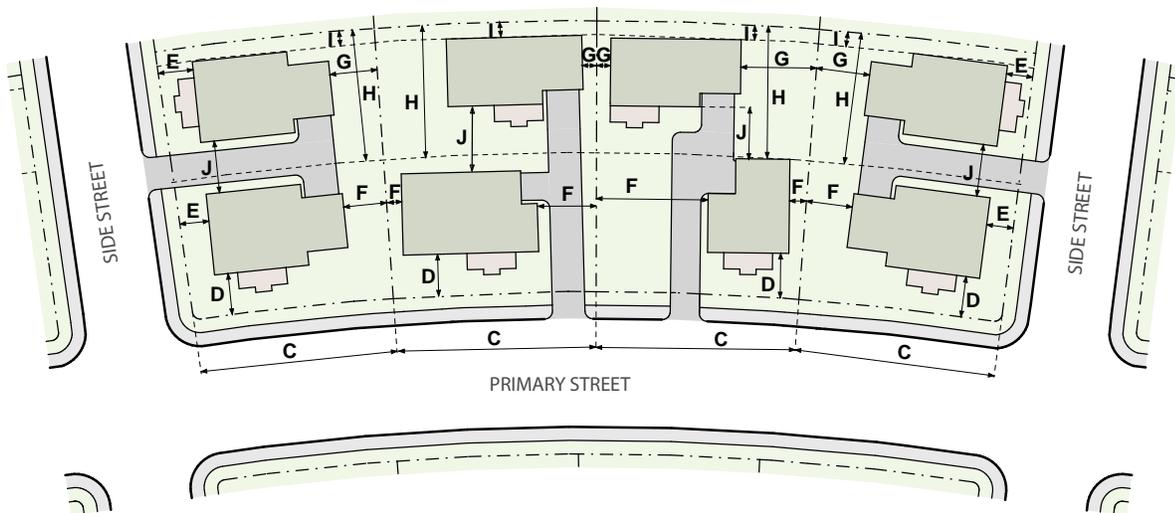
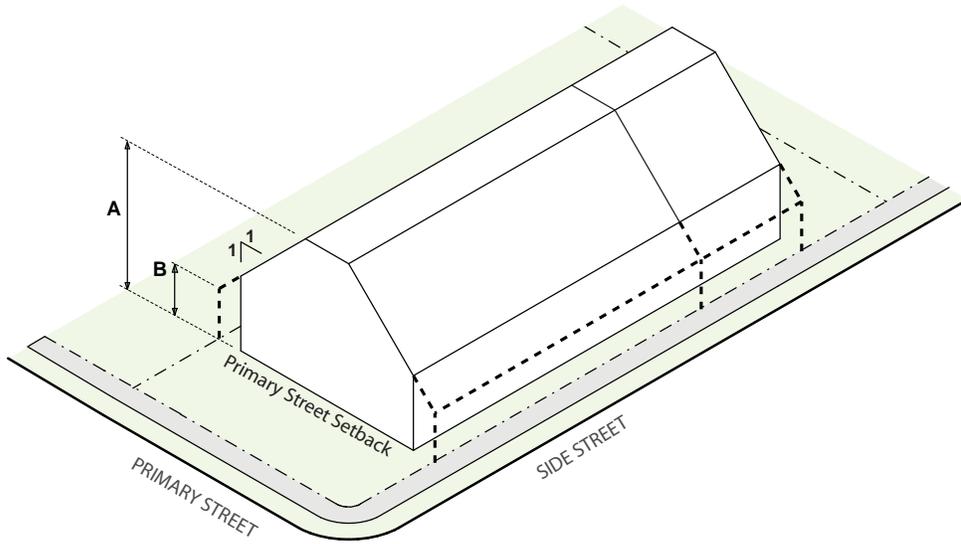
SITING		S-TH-2.5	S-MU-3, -5, -8, -12, -20
ZONE LOT			
	Zone Lot Size (min)	4,500 ft ²	4,500 ft ²
C	Zone Lot Width (min)	37.5'	37.5'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	2/2	2/2

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All S-TH and S-MU Districts	
		61' or Less	62' or Greater
D	Primary Street, block sensitive setback required (see Sec. 13.1.12.3)	yes	yes
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'
E	Side Street (min)	5'	5'
F	Side Interior (min)	5'	5'
G	Rear, alley/no alley (min)	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	50%
PARKING BY ZONE LOT WIDTH			
	Parking and Drive Lot Coverage in Primary Street Setback (max %)	50%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 3.3.7.6	
ACCESSORY STRUCTURES			
H	Detached Accessory Structures Allowed	see Sec. 3.3.4	

DESIGN ELEMENTS		S-TH-2.5	S-MU-3, -5, -8, -12, -20
BUILDING CONFIGURATION			
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) May <u>follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks, encroach into the Rear Setback, provided it comply with the Detached Garage building form standards</u>	
I	Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max)	35% of the entire width of the <u>front Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater	
GROUND STORY ACTIVATION			
J	Pedestrian Access, Primary Street	Entry Feature	
<u>See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>			

C. Tandem House

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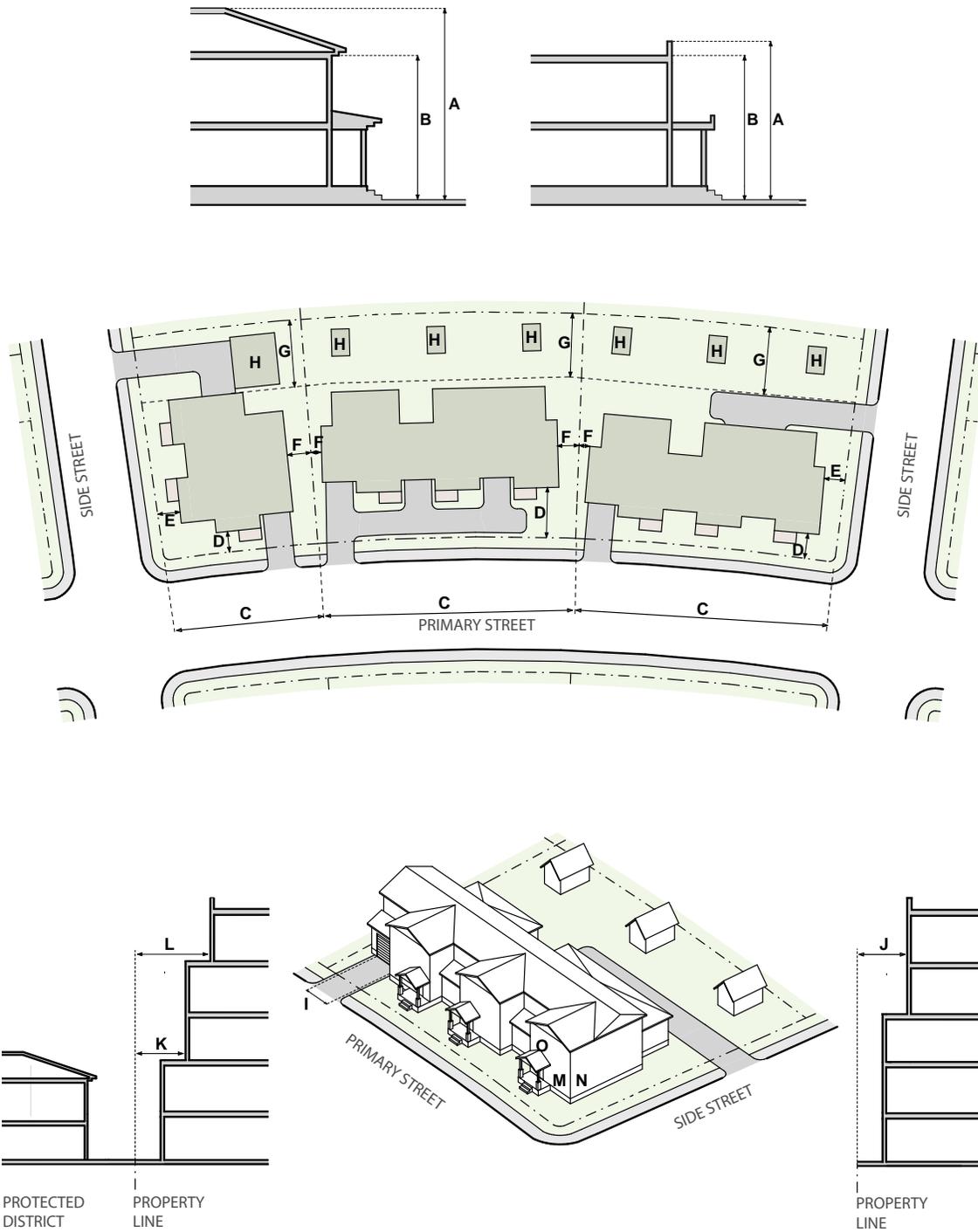
TANDEM HOUSE

HEIGHT		S-SU-F1
A	Stories (max)	2.5
A	Feet (max)	30'
	Feet, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'
B	Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'
	Bulk Plane Slope from Side Interior/Side Street Zone Lot Line	45°
SITING		S-SU-F1
ZONE LOT		
	Zone Lot Size (min)	8,500 ft ²
C	Zone Lot Width (min)	62.5'
	Zone Lot Depth (min)	150'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/1
SETBACKS AND BUILDING COVERAGE		
D	Primary Street, block sensitive setback required (see Sec. 13.1.12.3)	yes
D	Primary Street (min)	20'
E	Side Street (min)	10'
F	Side Interior, for Primary Structure #1 (min one side/min combined)	5'/15'
G	Side Interior, for Primary Structure #2 (min one side/min combined)*	5'/15'
H	Rear, for Primary Structure #1, as a % of lot depth (min)	50%
I	Rear, for Primary Structure #2 (min)	5'
J	Required Separation Between Primary Structures (min)	6'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%
PARKING BY ZONE LOT WIDTH		
	Parking and Drive Lot Coverage in Primary Street Setback (max %)	50%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 3.3.7.6
ACCESSORY STRUCTURES		
	Detached Accessory Structures Allowed	see Sec. 3.3.4
DESIGN ELEMENTS		S-SU-F1
BUILDING CONFIGURATION		
K	Overall Structure Width, Primary or Side Street (max)	36'
L	Overall Structure Length, Primary or Side Street (max)	42'
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) May <u>follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks. encroach into the Rear Setback, provided it comply with the Detached Garage building form standards</u>
	Primary Street-Facing Attached Garage Door Width in first 50% of lot Depth (max)	35% of the entire width of the <u>front Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater
GROUND STORY ACTIVATION		
M	Pedestrian Access, Primary Street	Primary Structure #1: Entry Feature Primary Structure #2: No Requirement
<u>See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

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

D. Town House

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TOWN HOUSE

HEIGHT		S-TH-2.5	S-MU-3	S-MU- 5, 8, 12, 20	S-CC-3 S-CC-3x	S-CC-5 S-CC-5x
A	Stories (max)	2.5	3	5	3	5
A	Feet (max)	35'	40'	65'	40'	70'
B	Side Wall height	25'	na	na	na	na

SITING		S-TH-2.5	S-MU-3	S-MU- 5, 8, 12, 20	S-CC-3 S-CC-3x	S-CC-5 S-CC-5x
ZONE LOT						
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	6,000 ft ²	na	na
	Zone Lot Width (min)	50'	50'	50'	na	na
	Dwelling Units per Primary Residential Structure (min/max)	3/10	3/na	3/na	na	na
REQUIRED BUILD-TO						
C	Primary Street (min % within min/max)	na	50% 0'/80'	50% 0'/80'	na	na
SETBACKS						
D	Primary Street, block sensitive setback required	yes	na	na	na	na
D	Primary Street (min)	20'	10'	10'	0'	0'
E	Side Street (min)	5'	5'	5'	0'	0'
F	Side Interior (min)	5'	5'	5'	0'	0'
	Side Interior, adjacent to Protected District (min)	na	10'	10'	10'	10'
G	Rear, alley/no alley (min)	12'/20'	10'/20'	10'/20'	0'/0'	0'/0'
	Rear, adjacent to Protected District (min)	na	na	na	0'/10'	0'/10'
PARKING						
	Surface Parking Setback (min)	See Sec. 3.3.7.5			na	na
	Vehicle Access	From alley; or Street access allowed when no alley present; Sec 3.3.7.6				
ACCESSORY STRUCTURES						
H	Detached Accessory Structures Allowed	see Sec. 3.3.4				

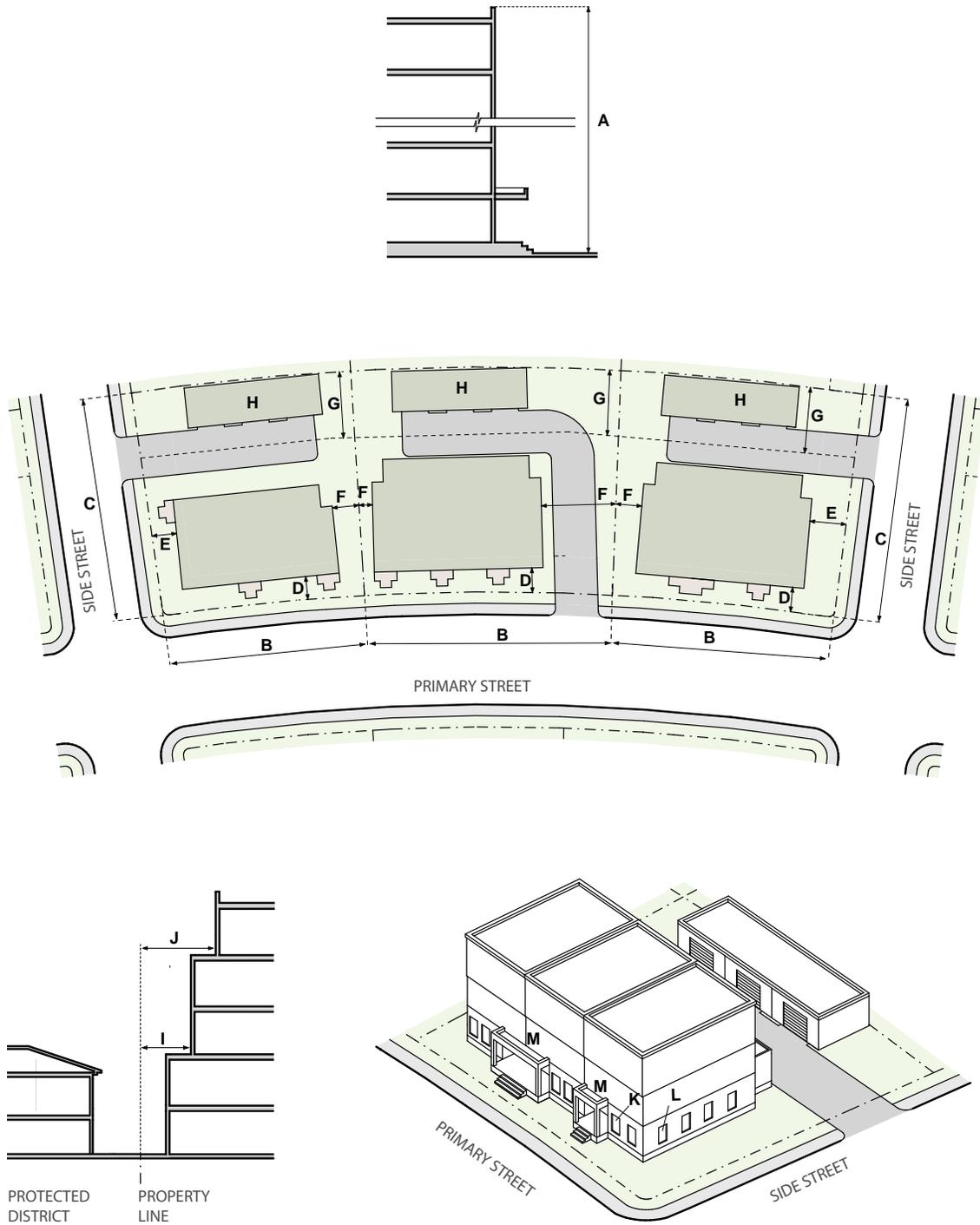
DESIGN ELEMENTS		S-TH-2.5	S-MU-3	S-MU- 5, 8, 12, 20	S-CC-3 S-CC-3x	S-CC-5 S-CC-5x
BUILDING CONFIGURATION						
I	Primary Street-Facing Attached Garage Door Width (max per unit)	10'	10'	10'	10'	10'
	Upper Story Stepback, for Flat Roof, Above 25', Primary Street, Side Street and Side Interior	10'	na	na	na	na
J	Upper Story Setback Above 40', Side, interior	na	na	15'	na	na
J	Upper Story Setback above 51', Side, interior	na	na	15'	na	na
K	Upper Story Setback Above 27', adjacent to Protected District: Side Interior	na	25'	25'	na	na
	Upper Story Setback above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	na	20'/25'	15'/25'	20'/25'
	Upper Story Setback above 40', adjacent to Protected District: Rear, alley/Rear, no alley (min)	na	na	30'/40'	na	na
L	Upper Story Setback above 51', adjacent to Protected District: Side Interior (min)	na	na	40'	na	na
	Upper Story Setback above 51', adjacent to Protected District: Rear, alley/no alley and Side, interior (min)	na	na	na	na	35'/40'
GROUND STORY ACTIVATION						
M	Transparency, Primary Street (min)	30%	30%	30%	30%*	30%*
N	Transparency, Side Street (min)	25%	25%	25%	25%*	25%*
O	Pedestrian Access	Each unit shall have a street-facing Entrance				

[See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

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

E. Row House

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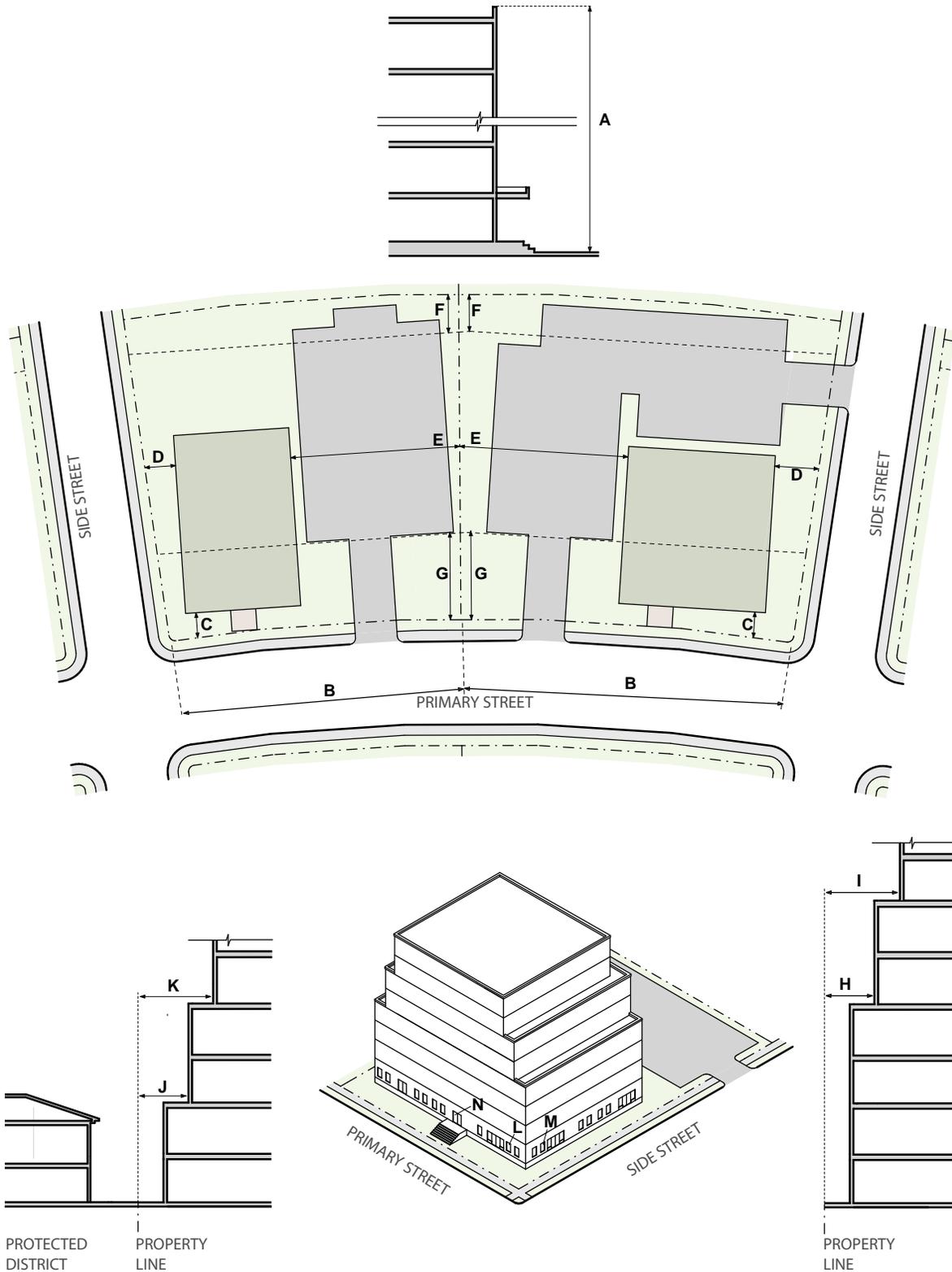


ROW HOUSE

		S-MX-2x						
HEIGHT		S-MX-2	S-MX-3	S-MX-5	S-MX-8	S-MX-12	S-MS-3	S-MS-5
A	Stories (max)	2	3	5	5	5	3	5
A	Feet (min/max)	na/35'	na/40'	na/70'	na/70'	na/70'	na/40'	24'/70'
		S-MX-2x						
SITING		S-MX-2	S-MX-3	S-MX-5	S-MX-8	S-MX-12	S-MS-3	S-MS-5
ZONE LOT								Ground story within required build-to portion must have at least one primary use, other than parking of vehicles
	Use Restrictions	na	na	na	na	na		
REQUIRED BUILD-TO								
B	Primary Street (min % within min/max)	50% 0'/80'	50% 0'/80'	50% 0'/80'	50% 0'/80'	50% 0'/80'	75% 0'/5'	If Residential Only: 75% 0'/10'
C	Side Street (min % within min/max)	na	na	na	na	na	25% 0'/5'	If Residential Only: 25% 0'/10'
SETBACKS								
D	Primary Street (min)	0'	0'	0'	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	S-MX-2x: 5' 10'	10'	10'	10'	10'	10'	10'
G	Rear (min)	0'	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING								
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed				MS: Not Allowed/Not Allowed		
	Surface Parking Screening	See Article 10, Division 10.5						
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 3.3.7.6						
ACCESSORY STRUCTURES								
H	Detached Accessory Structures Allowed	see Sec. 3.3.4						
		S-MX-2x						
DESIGN ELEMENTS		S-MX-2	S-MX-3	S-MX-5	S-MX-8	S-MX-12	S-MS-3	S-MS-5
BUILDING CONFIGURATION								
	Primary Street-Facing Attached Garage Door Width (max per structure)	20'	20'	20'	20'	20'	20'	20'
I	Upper Story Setback above 27', adjacent to Protected District: Rear alley/Rear, no alley and Side Interior (min)	na	15'/25'	20'/25'	20'/25'	20'/25'	15'/25'	20'/25'
J	Upper Story Setback above 51', adjacent to Protected District: Rear alley/Rear, no alley and Side Interior (min)	na	na	35'/40'	35'/40'	35'/40'	na	35'/40'
GROUND STORY ACTIVATION								
K	Transparency, Primary Street (min)	30%	30%	30%	30%	30%	60%	If Residential Only: 40%
L	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%	25%
M	Pedestrian Access	Each unit shall have a street-facing Entrance						

F. Apartment (1 of 2)

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APARTMENT (1 OF 2)

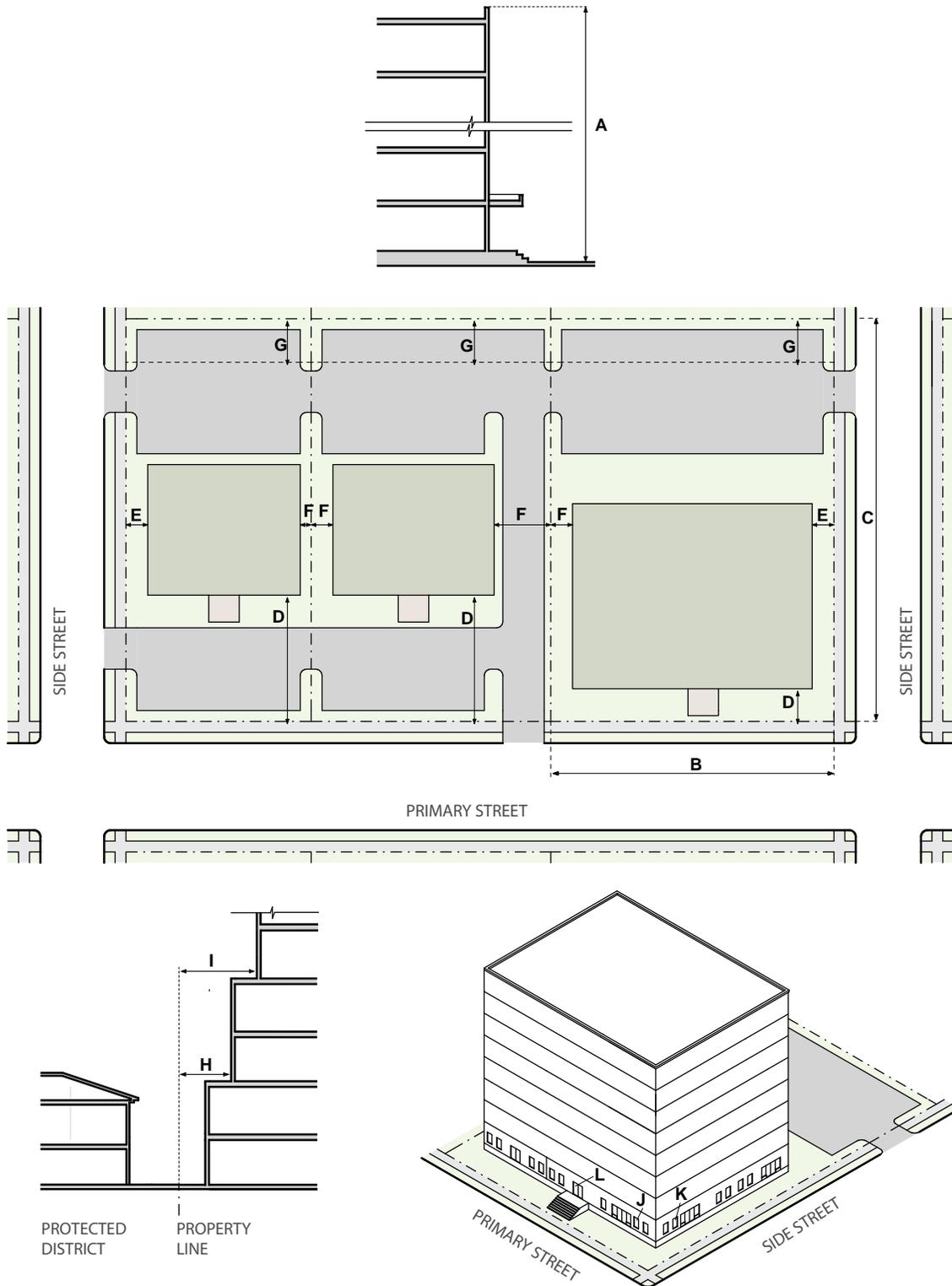
HEIGHT		S-MU-3	S-MU-5	S-MU-8	S-MU-12	S-MU-20
A	Stories (max)	3	5	8	12	20
A	Feet (max)	40'	65'	100'	140'	230'
	Feet, within 175' of Protected District (max)	na	na	75'	75'	75'

SITING		S-MU-3	S-MU-5	S-MU-8	S-MU-12	S-MU-20
ZONE LOT						
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'	50'	50'	50'
	Building Coverage per Zone Lot , including all accessory structures (max)	na	na	na	70%	70%
	Dwelling Units per Primary Residential Structure (min)	3	3	3	3	3
REQUIRED BUILD-TO						
B	Primary Street (min% within min/max)	50% 0'/80'	50% 0'/80'	50% 0'/80'	50% 0'/80'	50% 0'/80'
SETBACKS						
C	Primary Street (min)	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'
E	Side Interior (min)	7.5'	7.5'	7.5'	7.5'	7.5'
	Side Interior adjacent to Protected District (min)	10'	10'	10'	10'	10'
F	Rear, alley/no alley (min)	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
PARKING						
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed				
G	Surface Parking Setback (min)	See Sec. 3.3.7.5				
	Vehicle Access	Access determined at Site Development Plan Review				

DESIGN ELEMENTS		S-MU-3	S-MU-5	S-MU-8	S-MU-12	S-MU-20
BUILDING CONFIGURATION						
	Primary Street-Facing Attached Garage Door Width (max per structure)	20'	20'	20'	20'	20'
H	Upper Story Setback Above 40', Side Interior	na	15'	na	na	na
	Upper Story Setback Above 51', Side Interior	na	na	15'	15'	15'
I	Upper Story Setback Above 75', Rear, alley/Rear, no alley and Side Interior	na	na	20'/30'	20'/30'	20'/30'
J	Upper Story Setback above 27', adjacent to Protected District: Side Interior (min)	25'	25'	25'	25'	25'
K	Upper Story Setback Above 40', adjacent to Protected District: Rear, alley/no alley	na	30'/40'	30'/40'	30'/40'	30'/40'
	Upper Story Setback above 51', adjacent to Protected District: Side Interior (min)	na	40'	40'	40'	40'
GROUND STORY ACTIVATION						
L	Transparency, Primary Street (min)	30%	30%	30%	30%	30%
M	Transparency, Side Street (min)	25%	25%	25%	25%	25%
N	Pedestrian Access, Primary Street	Pedestrian Connection				
See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions						

G. Apartment (2 of 2)

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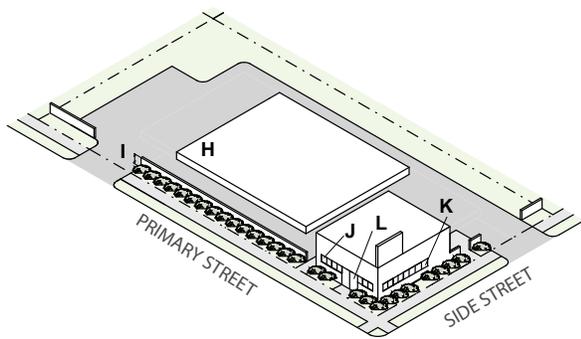
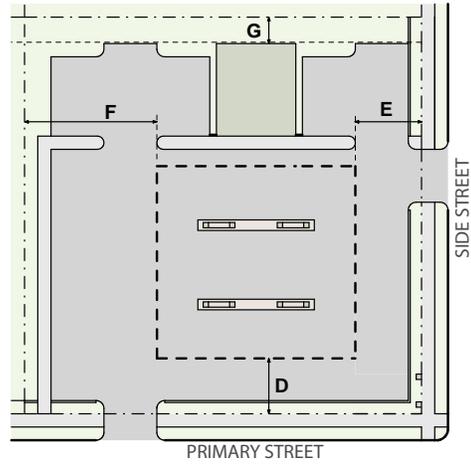
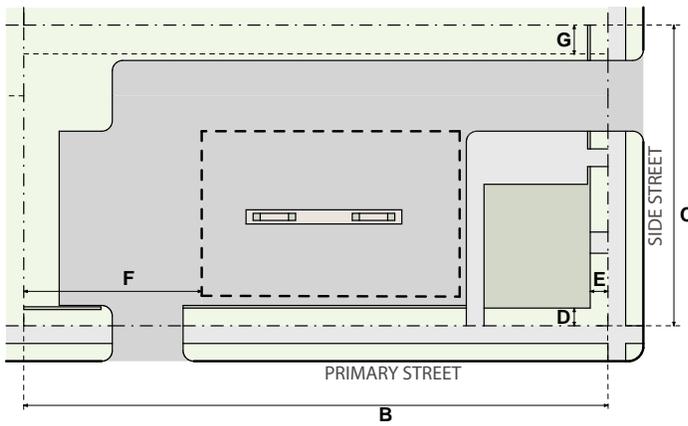
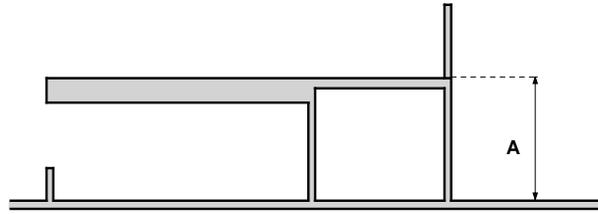
APARTMENT (2 OF 2)

		S-CC-3	S-CC-5	S-MX-2							
HEIGHT		S-CC-3x	S-CC-5x	S-MX-2x	S-MX-3	S-MX-5	S-MX-8	S-MX-12	S-MS-3	S-MS-5	
A	Stories (max)	3	5	2	3	5	8	12	3	5	
A	Feet (min/max)	na/40'	na/70'	na/35'	na/40'	na/70'	na/100'	na/140'	na/45'	24'/70'	
	Feet, within 175' of Protected District (max)	na	na	na	na	na	75'	75'	na	na	
SITING		S-CC-3, -3x S-CC-5, -5x		All S-MX				S-MS-3 S-MS-5			
ZONE LOT											
Use Restrictions		Residential only			Residential only			Residential Only; Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles			
REQUIRED BUILD-TO											
B	Primary Street (min% within min/max)	na			50% 0'/80'			75% 0'/10'			
C	Side Street (min % within min/max)	na			na			25% 0'/10'			
SETBACKS											
D	Primary Street (min)	0'			0'			0'			
E	Side Street (min)	0'			0'			0'			
F	Side Interior (min)	5'			0'			0'			
	Side Interior, adjacent to Protected District (min)	10'			S-MX-2x: 5' 10'			10'			
G	Rear, (min)	0'			0'			0'			
	Rear, adjacent to Protected District alley/no alley (min)	0'/10'			0'/10'			0'/10'			
PARKING											
Surface Parking between building and Primary Street/Side Street		Allowed/Allowed			Allowed/Allowed			Not Allowed/Not Allowed			
Surface Parking Screening		See Article 10, Division 10.5									
Vehicle Access		Access determined at Site Development Plan Review									
		S-CC-3	S-CC-5	S-MX-2							
DESIGN ELEMENTS		S-CC-3x	S-CC-5x	S-MX-2x	S-MX-3	S-MX-5	S-MX-8	S-MX-12	S-MS-3	S-MS-5	
BUILDING CONFIGURATION											
Street facing garage door width per Primary Structure (max)		20'	20'	20'	20'	20'	20'	20'	20'	20'	
H	Upper Story Setback Above 27' adjacent to Protected District: Rear alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	na	15'/25'	20'/25'	20'/25'	20'/25'	15'/25'	20'/25'	
I	Upper Story Setback Above 51' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	na	na	35'/40'	35'/40'	35'/40'	na	35'/40'	
GROUND STORY ACTIVATION											
J	Transparency, Primary Street (min)	30%*	30%*	30%	30%	30%	30%	30%	40%	40%	
K	Transparency, Side Street (min)	25%*	25%*	25%	25%	25%	25%	25%	25%	25%	
L	Pedestrian Access, Primary Street	Pedestrian Connection						Entrance	Entrance		

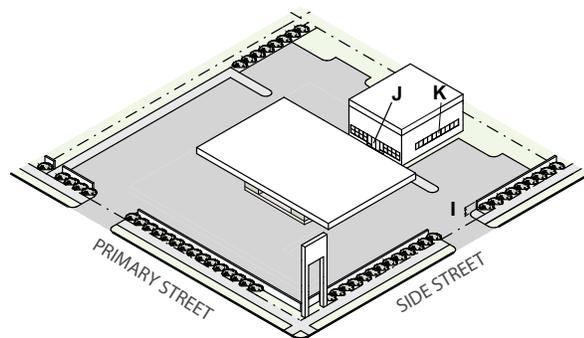
*Applies only to street-facing portions of building facade located within 80' of the Primary and/or Side Street

H. Drive Thru Services

Not to Scale. Illustrative Only.



OPTION - A



OPTION - B

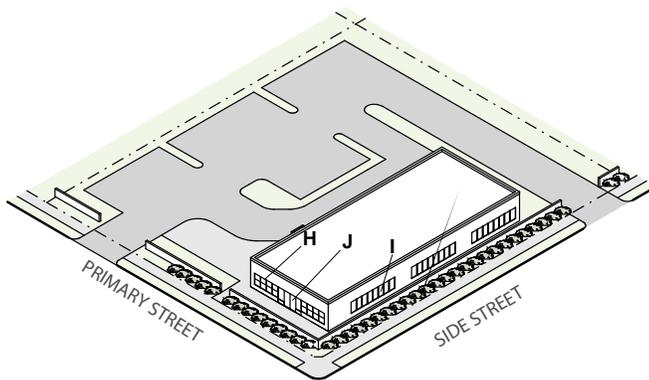
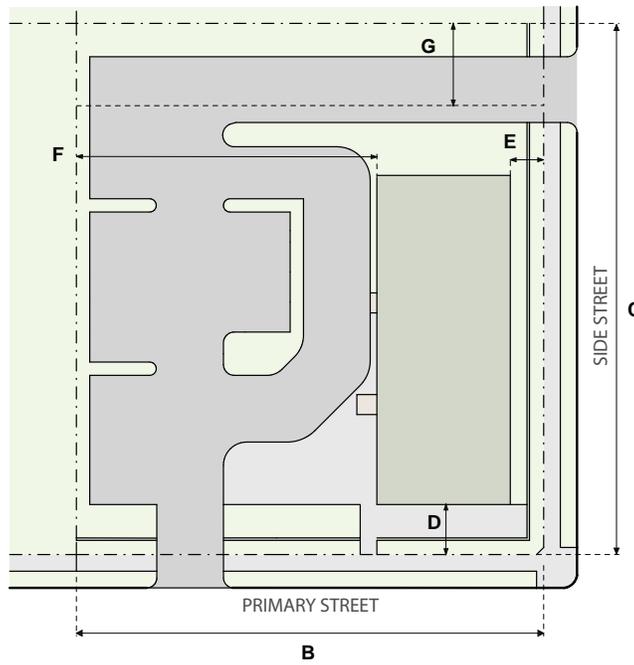
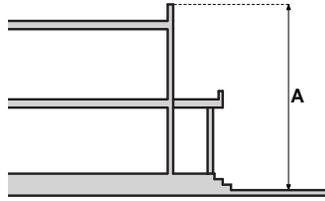
DRIVE THRU SERVICES

		S-MX-2	S-CC-3, -3x, -5, -5x S-MX-3, -5, -8, -12 S-MS-3, -5	
HEIGHT				
A	Stories (max)	2	3	
A	Feet (max)	35'	45'	
SITING		S-CC-3, -3x, -5, -5x	S-MX-2, 3, -5, -8, -12 S-MS-3, -5 Option A	S-MX-2, -3, -5, -8, -12 Option B
USE RESTRICTION Automobile Services, Light and/or Primary Use with Accessory Drive Thru Uses, excluding Eating/Drinking Establishments				
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)*	na	50% 0'/15'	na
C	Side Street (min % within min/max)*	na	50% 0'/15'	na
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed	Not Allowed/Allowed	Allowed/Allowed
DESIGN ELEMENTS		S-CC-3, -3x, -5, -5x	S-MX-2, 3, -5, -8, -12 S-MS-3, -5 Option A	S-MX-2, -3, -5, -8, -12 Option B
BUILDING CONFIGURATION				
H	*Canopy	na	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To.	na
I	Screening Required	See Article 10	Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0'/15, following the standards of Article 10, Section 10.5.4.3	
	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	15'/25' S-MX-2: na	15'/25' S-MX-2: na
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	40%*	40% S-MS: 60%	40%*
K	Transparency, Side Street (min)	25%*	25%	25%*
L	Pedestrian Access, Primary Street	Pedestrian Connection	Entrance	Pedestrian Connection

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

I. Drive Thru Restaurants (1 of 2)

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DRIVE THRU RESTAURANT (1 OF 2)

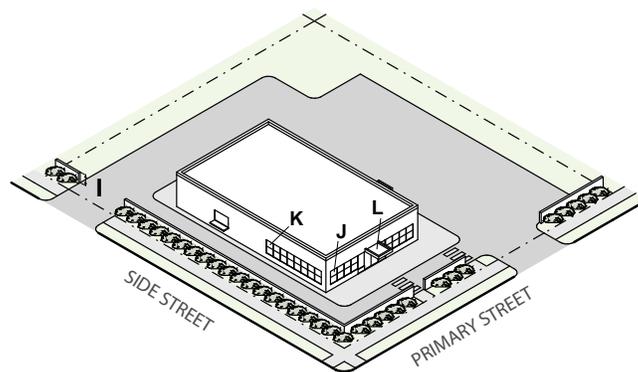
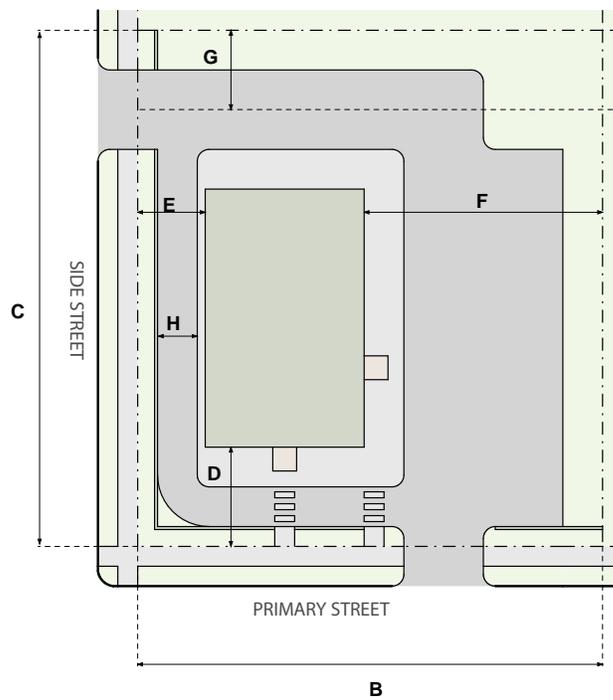
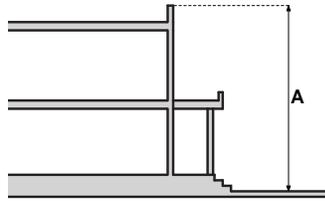
		S-CC-3, -3x, -5, -5x S-MX-3, -5, -8, -12 S-MS-3, -5	
HEIGHT		S-MX-2	
A	Stories (max)	2	3
A	Feet (max)	35'	45'

		S-CC-3, -3x, -5, -5x S-MX-2, 3, -5, -8, -12 S-MS-3, -5 Option A	
SITING			
USE RESTRICTION		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/10' All other: 75% 0'/5'	
C	Side Street (min % within min/max)	50% 0'/10'	
SETBACKS			
D	Primary Street (min)	0'	
E	Side Street (min)	0'	
F	Side Interior (min)	0'	
	Side Interior, adjacent to Protected District (min)	10'	
G	Rear (min)	0'	
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	
PARKING AND DRIVE THRU			
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed	
Surface Parking Screening		See Article 10, Division 10.5	
Drive Thru Lane between building and Primary Street/Side Street		Not Allowed/Not Allowed	

		S-CC-3, -3x, -5, -5x S-MX-3, -5, -8, -12 S-MS-3, -5	
DESIGN ELEMENTS		S-MX-2	
BUILDING CONFIGURATION			
Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)		na	15'/25'
GROUND STORY ACTIVATION			
H	Transparency, Primary Street (min)	40%	40% S-MS: 60%
I	Transparency, Side Street (min)	25%	25%
J	Pedestrian Access, Primary or Side Street	Entrance	Entrance

J. Drive Thru Restaurant (2 of 2)

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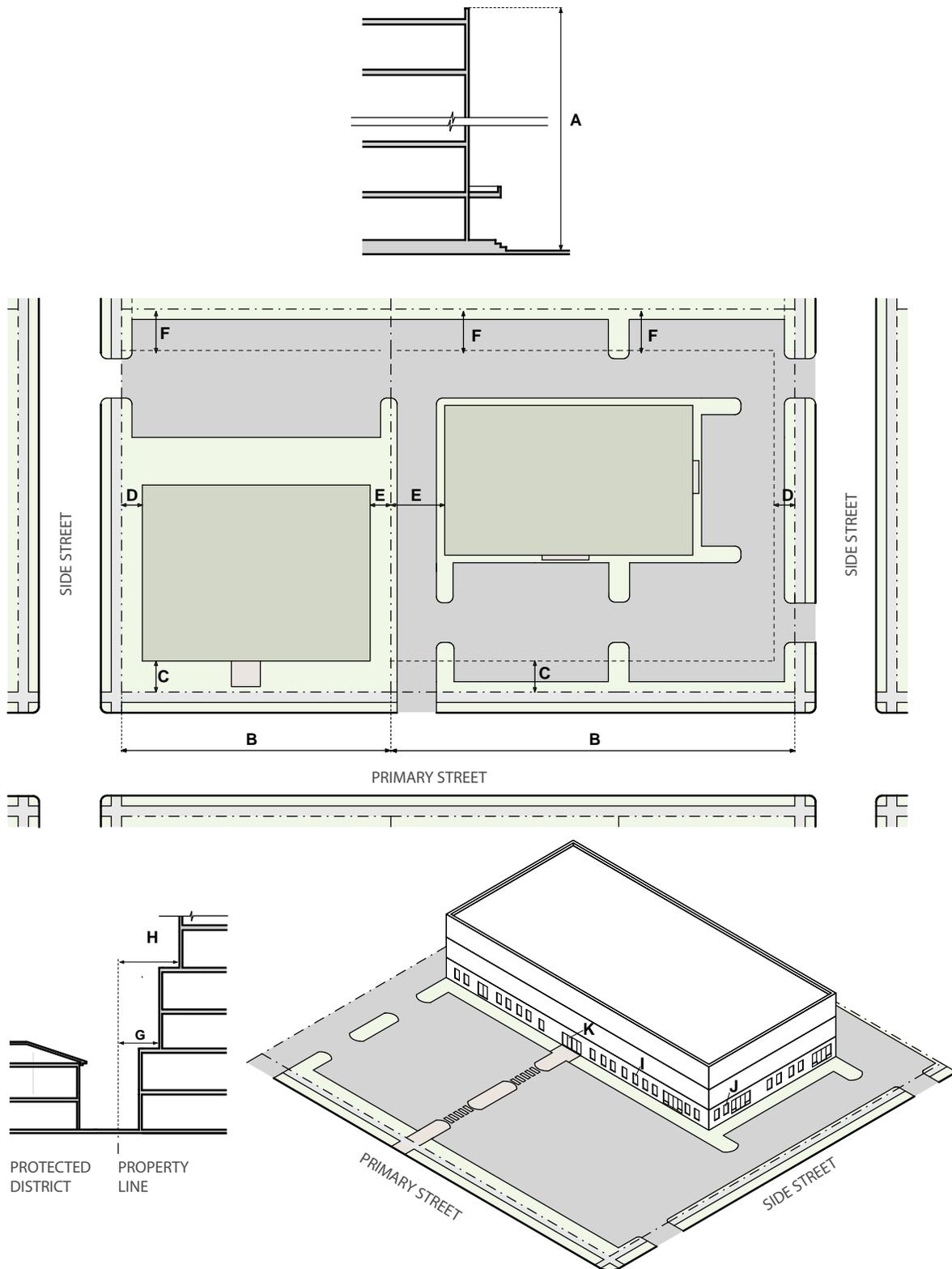
DRIVE THRU RESTAURANT (2 OF 2)

		S-CC-3, -3x, -5, -5x S-MX-3, -5, -8, -12 S-MS-3, -5		
HEIGHT		S-MX-2		
A	Stories (max)	2	3	
A	Feet (max)	35'	45'	
SITING		S-CC-3, -3x, -5, -5x Option B	S-MX-2, 3, -5, -8, -12 Option B	S-MX-2, 3, -5, -8, -12 S-MS-3, -5 Option B
USE RESTRICTION		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only		
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	na	50% 0'/80	50% 0'/35'
C	Side Street (min % within min/max)	na	na	50% 0'/18'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed	Allowed/Allowed	Not allowed/Not Allowed
	Drive Thru Lane between building and Primary Street/Side Street	Allowed/Allowed	Allowed/Allowed	Allowed/Allowed
H	Drive Thru Lane Width (max)	na	na	12'
I	Drive Thru Lane Screening	na	na	Garden Wall, following the standards of Article 10, Section 10.5.4.3
DESIGN ELEMENTS		S-CC-3, -3x, -5, -5x	S-MX-2, -3, -5, -8, -12	S-MS-3, -5
BUILDING CONFIGURATION				
	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	15'/25' S-MX-2: na	15'/25'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	40%*	40%	60%
K	Transparency, Side Street (min)	25% *	25%	25%
L	Pedestrian Access, Primary Street	Pedestrian Connection	Pedestrian Connection	Entrance and Pedestrian Connection

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

K. General

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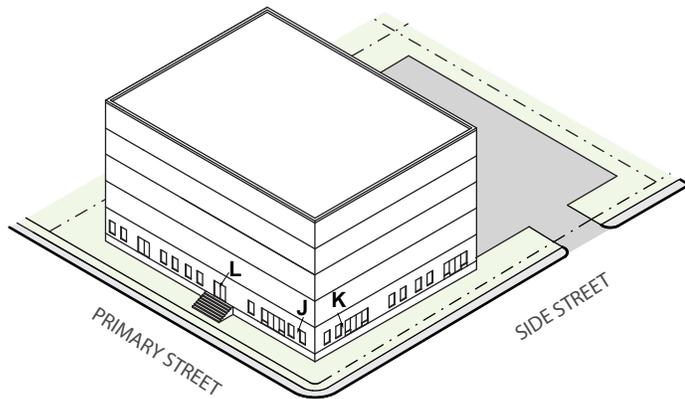
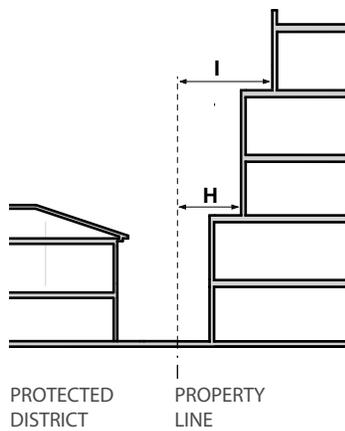
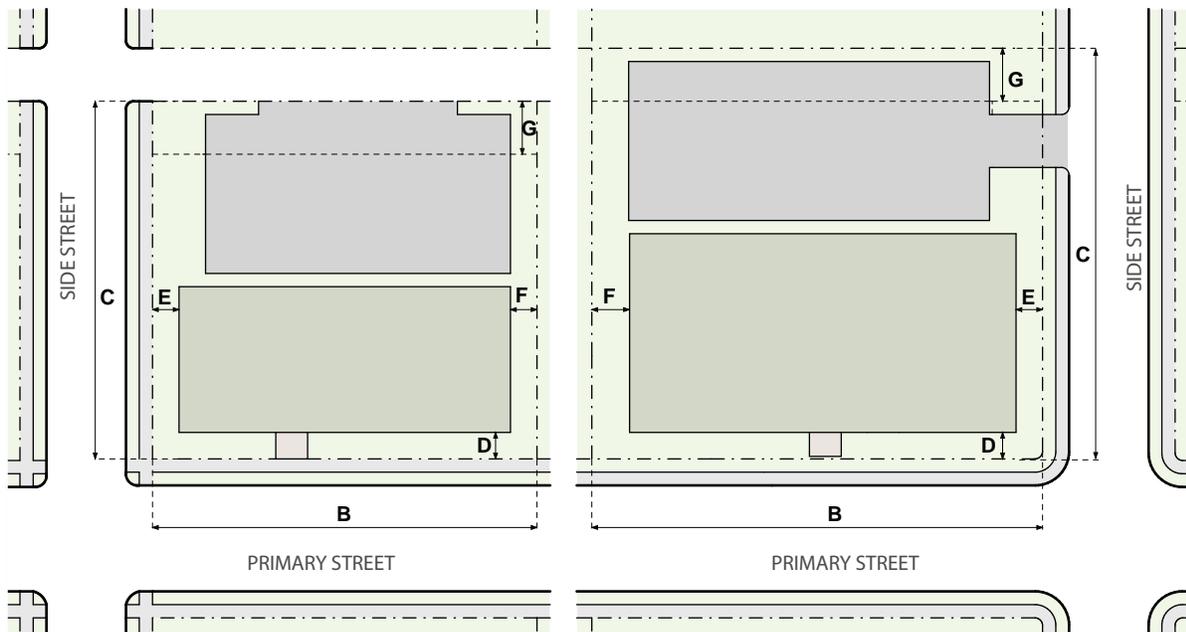
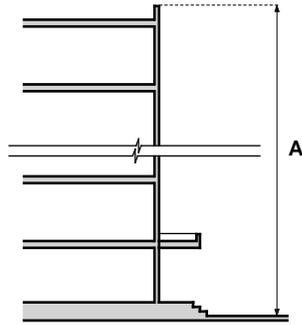
GENERAL

		S-CC-3	S-CC-5								
HEIGHT		S-CC-3x	S-CC-5x	S-MX-2x	S-MX-2	S-MX-3	S-MX-5	S-MX-8	S-MX-12		
A	Stories (max)	3	5	2	2	3	5	8	12		
A	Feet (max)	45'	70'	35'	35'	45'	70'	110'	150'		
	Feet, within 175' of Protected District (max)	na	na	na	na	na	na	75'	75'		
SITING		S-CC-3, -3x, -5, -5x			All S-MX Option A		All S-MX Option B				
RESTRICTION		na			na		Allowed only if Ground Story is equal or greater than 20,000 square feet				
REQUIRED BUILD-TO											
B	Primary Street (min % within min/max)	na			50% 0'/80		50% 0'/150'				
SETBACKS											
C	Primary Street (min)	0'			0'		0'				
D	Side Street (min)	0'			0'		0'				
E	Side Interior (min)	5'			0'		0'				
	Side Interior, adjacent to Protected District (min)	10'			10'		10'				
F	Rear (min)	0'			0'		0'				
	Rear, adjacent to Protected District, alley/ no alley (min)	0'/10'			S-MX-2x: 0'/5' 0'/10'		S-MX-2x: 0'/5' 0'/10'				
PARKING											
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed			Allowed/Allowed		Allowed, limited to two double loaded aisles within the Build-To range/Allowed Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0'/15'; following the standards of Article 10, Section 10.5.4.3				
	Surface Parking Screening	See Article 10, Division 10.5									
	Vehicle Access						Access determined at Site Development Plan Review				
DESIGN ELEMENTS		S-CC-3	S-CC-5				S-MX-5; S-MX-8;				
BUILDING CONFIGURATION		S-CC-3x	S-CC-5x	S-MX-2x	S-MX-2	S-MX-3	S-MX-12				
G	Upper Story setback above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	na	na	15'/25'	20'/25'	20'/25'	20'/25'		
H	Upper story setback above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	na	na	na	35'/40'	35'/40'	35'/40'		
GROUND STORY ACTIVATION											
I	Transparency, Primary Street (min)	40%*	40%*	40%*	40%*	40%*	40%*	40%*	40%*		
J	Transparency, Side Street (min)	25%*	25%*	25%*	25%*	25%*	25%*	25%*	25%*		
K	Pedestrian Access, Primary Street				Pedestrian Connection						

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

L. Shopfront

Not to Scale. Illustrative Only.



SHOPFRONT

HEIGHT		S-MS-3	S-MS-5
A	Stories (max)	3	5
A	Feet (min/max)	na/45'	24'/70'
SITING		S-MS-3	S-MS-5
ZONE LOT			
	Use Restrictions	Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles	
REQUIRED BUILD TO			
B	Primary Street (min % within min/max)	75% 0'/5'	75% 0'/5'
C	Side Street (min % within min/max)	25% 0'/5'	25% 0'/5'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side interior, adjacent to Protected District (min)	10'	10'
G	Rear, (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed	
	Vehicle Access	Access determined at Site Development Plan Review	
	Surface Parking Screening	See Article 10, Division 10.5	
DESIGN ELEMENTS		S-MS-3	S-MS-5
BUILDING CONFIGURATION			
H	Upper Story Setback above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'
I	Upper story setback above 51' adjacent to Protected District: Rear, alley/no alley and Side Interior (min)	na	35'/40'
GROUND STORY ACTIVATION			
J	Transparency, Primary Street (min)	60%	60%
K	Transparency, Side Street (min)	25%	25%
L	Pedestrian Access, Primary Street	Entrance	

SECTION 3.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

3.3.4.1 **Applicability**

~~All detached accessory structures in all the Suburban Neighborhood Context Zone Districts~~

3.3.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 3.3.4, and the permitted building form standards of the particular Zone District in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

The following detached accessory structures are specifically allowed: ~~subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

~~Sheds, utility buildings,~~ playhouses, ~~Patios,~~ cabanas, pool houses, ~~Porches,~~ and guard houses

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

a. Carports ~~and off-street parking areas~~

b. Decks, gazebos, ~~arbor/trellis,~~ ~~Gates,~~ swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas

c. Radio and Television Receiving Antennas and Support Structures

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

d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject Zone District.~~

4. **Fences, Walls and Retaining Walls**

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

5. **Detached Accessory Structures Not Specifically Listed ~~as Allowed~~**

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

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

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 3.3.4.

3.3.4.3 **Supplemental Standards**

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

1. **Gross Floor Area**

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

2. **Building Coverage**

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

3. **Permitted Number**

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 3.3.4.4.A and B above.~~ (moved)

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

1. **Required Building Materials**

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

2. **Access and Contiguity**

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

3.3.4.4 **District Specific Standards Summary**

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

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

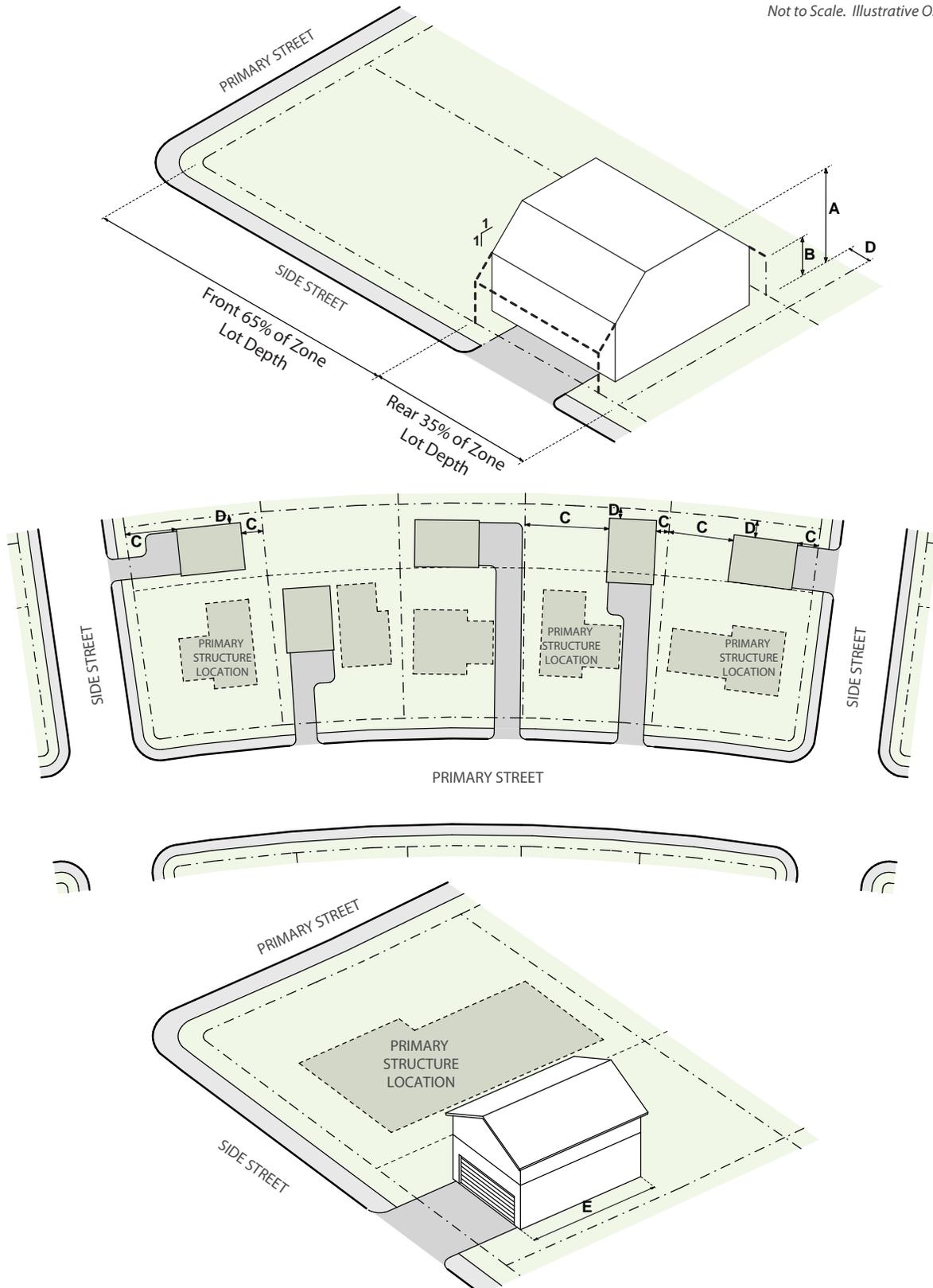
■ = Allowed □ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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3.3.4.5 District Specific Standards

A. Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



DETACHED ACCESSORY DWELLING UNIT

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

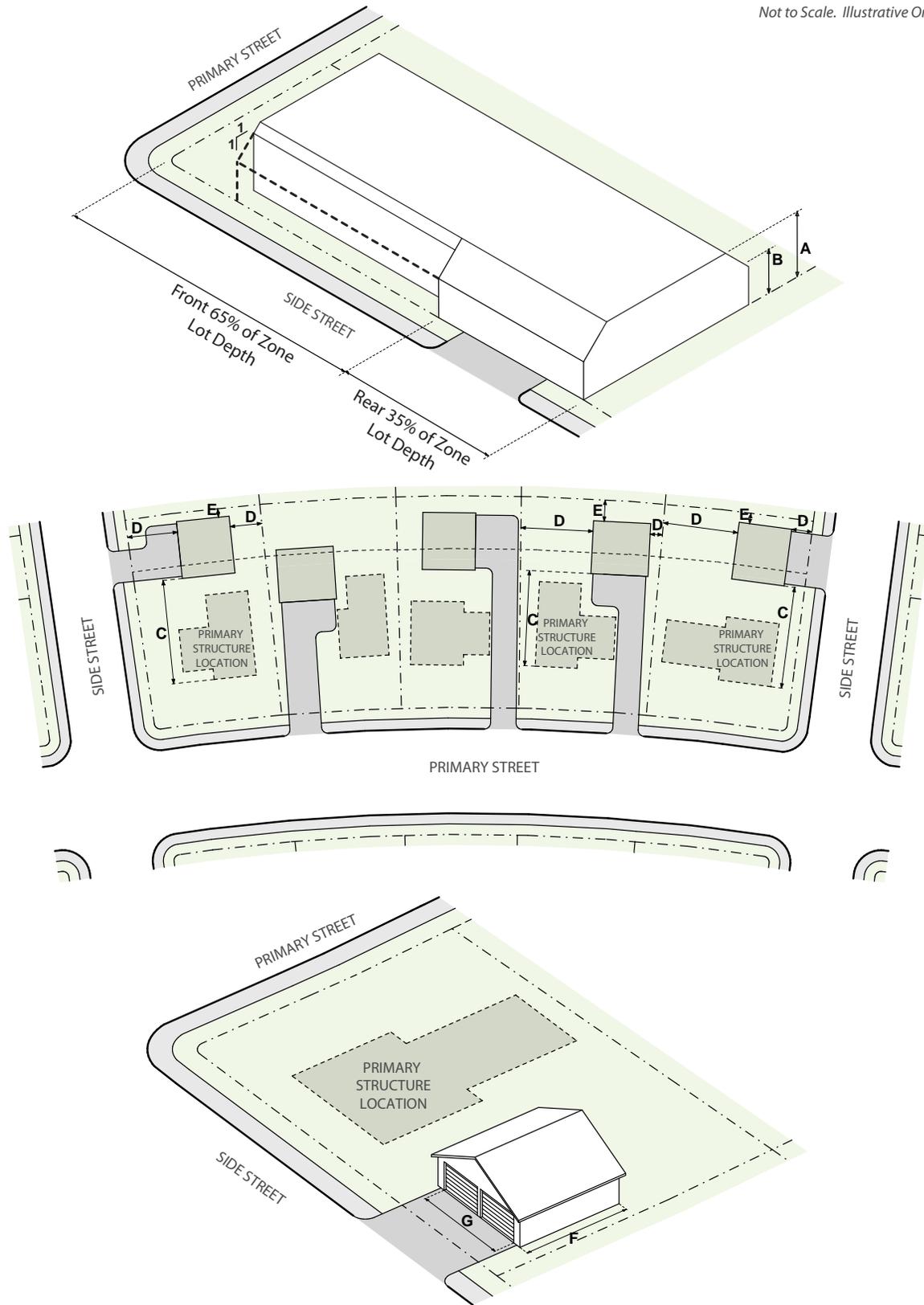
SITING		S-SU-F1	S-TH-2.5	S-MU-3, -5, -8, -12, -20
USE RESTRICTION		Accessory Uses Only, including accessory dwelling unit where permitted. See Division 3.4 for permitted Accessory Uses		
ZONE LOT				
	Zone Lot Size (min)	8,500 ft ²	6,000 ft ²	6,000 ft ²
	Zone Lot Depth (min)	150'	na	na
	Allowed Number of Dwelling Units (min/max)	0/1	0/1	0/1
	Additional Standards	See Sections 3.3.4.3, 3.3.4.4 and 3.3.4.5		
SETBACKS				
	Location	Located in the rear 35% of the zone lot depth		
C	Side Interior and Side Street (min)	5'	5'	5'
D	Rear (min)	5'	5'	5'
PARKING				
	Vehicles Access	From alley; or Street access allowed when no alley present see Sec. 3.3.7.6 for exceptions		

		S-SU-F1 Only			S-TH-2.5, S-MU-3, -5, -8, -12, -20
		By Zone Lot Size			
		6,000 ft ² or Less	6,001 ft ² to 7,000 ft ²	7,001 ft ² or Greater	
DESIGN ELEMENTS					
BUILDING CONFIGURATION					
	Building Footprint (max)	650 ft ²	864 ft ²	1,000 ft ²	1,000 ft ²
	Habitable Space (max)	650 ft ²	864 ft ²	1,000 ft ²	na
E	Horizontal Dimension (max)	36'	36'	36'	36'

[See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

B. Detached Garage

Not to Scale. Illustrative Only.



DETACHED GARAGE

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

		S-SU-F					S-MU-3, 5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	
SITING							
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 3.4 for permitted Accessory Uses					
ZONE LOT							
	Allowed Number of Dwelling Units (min/max)	0/0	0/0	0/0	0/0	0/0	0/0
	Additional Standards	See Sections 3.3.4.3, 3.3.4.4 and 3.3.4.5					
SETBACKS							
<u>Front Setback (min), from primary structure façade</u>							
C	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'	5'
D	Side Interior (min), for structure entirely in rear 35% of zone lot**	0'	0'	0'	0'	0'	0'
	Side Interior (min), for structure not entirely in rear 35% of zone lot	5'	5'	5'	5'	5'	5'
E	<u>Rear, no alley (min)</u>	5'	5'	5'	5'	5'	5'
	Rear, <u>alley</u> , where garage doors face alley (min)	5'	5'	5'	5'	5'	5'
	Rear, <u>alley</u> , where garage doors do not face alley (min)	0'	0'	0'	0'	0'	0'

		S-SU-F					S-MU-3, 5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	
DESIGN ELEMENTS							
BUILDING CONFIGURATION							
	Building Footprint (max)	1,000 ft ²	1,000 ft ²	1,000 ft ²	1,000 ft ²	432 ft ² per unit*	864 ft ² per unit*
F	Horizontal Dimension (max)	36'	36'	36'	36'	no max	no max
	Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	3	3	3	3	no max	no max
G	Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	28'	28'	28'	28'	no max	no max

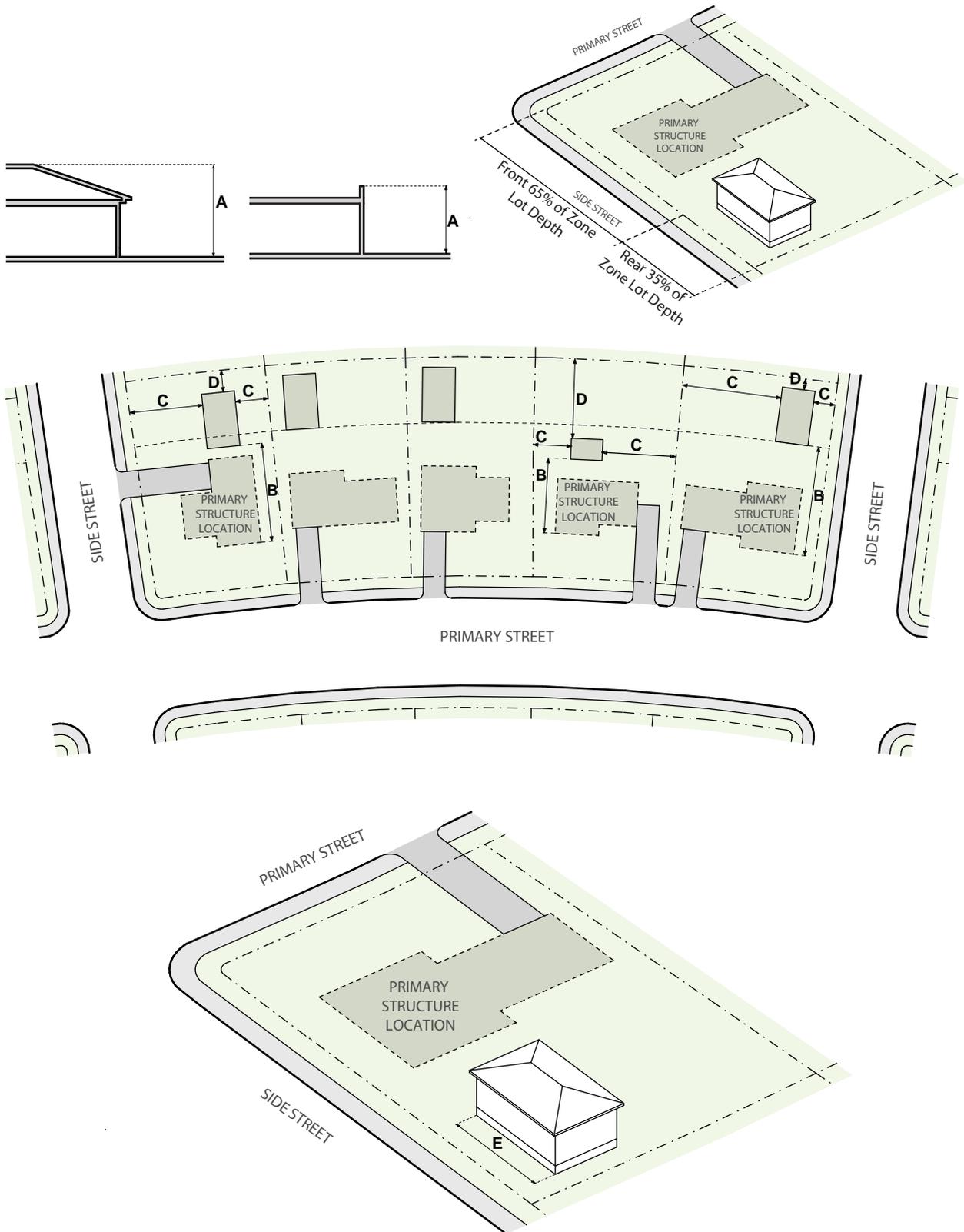
[See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

*When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 ft²

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

C. Detached Utility Building Other Detached Accessory Structures

Not to Scale. Illustrative Only.



OTHER DETACHED ACCESSORY STRUCTURES UTILITY BUILDING

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

		S-SU-F					S-MU-3, 5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	
SITING							
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 3.4 for permitted Accessory Uses					
ZONE LOT							
	Allowed Number of Dwelling Units (min/max)	0/0	0/0	0/0	0/0	0/0	0/0
	Additional Standards	See Sections 3.3.4, 3.3.4.34 and 3.3.4.5					

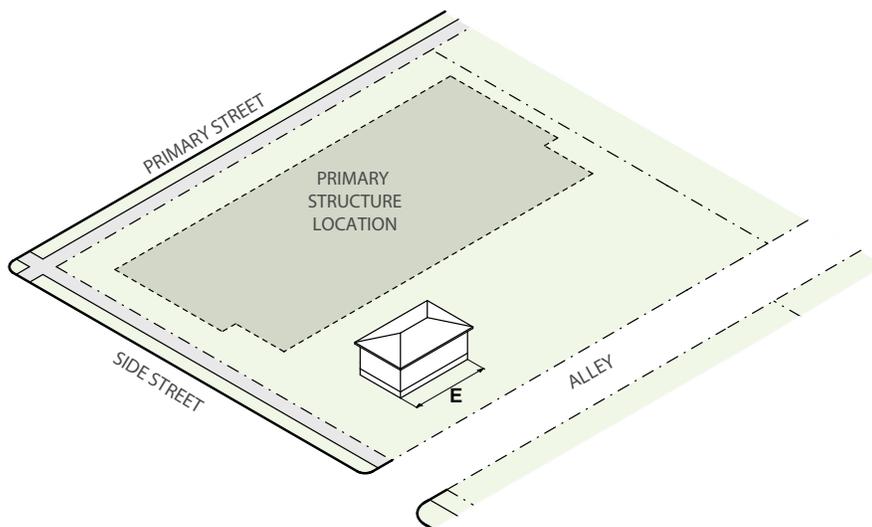
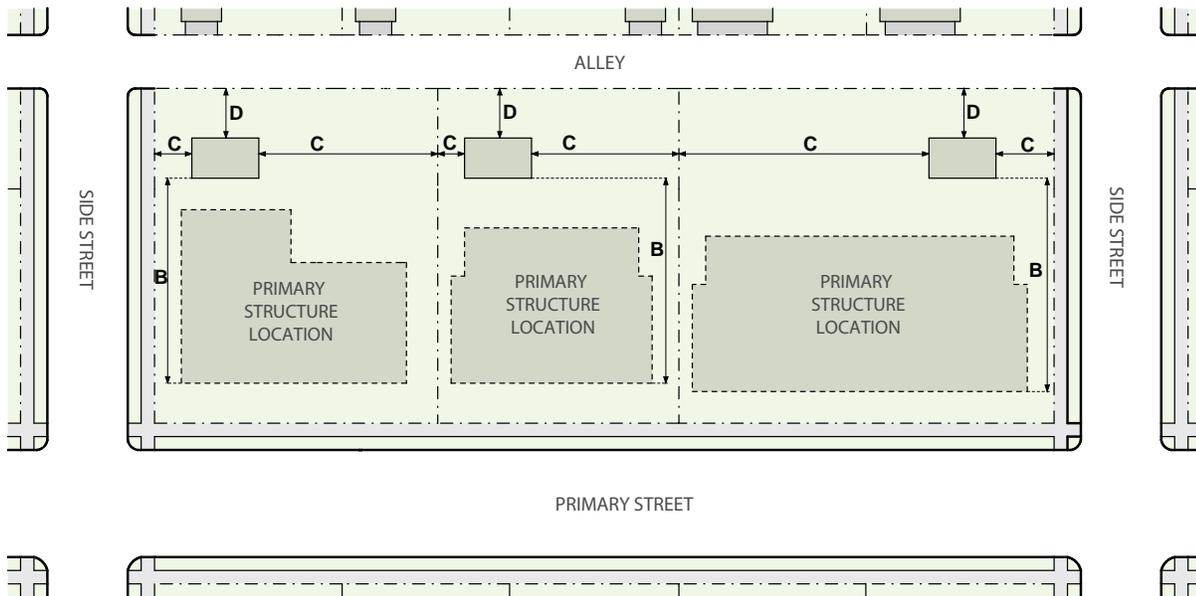
SETBACKS		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	S-MU-3, 5, -8, -12, -20
Front Setback (min), from primary structure front façade							
B	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'
C	<u>Side Interior and Side Street (min)</u>	5'	5'	5'	5'	5'	5'
C	<u>Side Interior, for structure entirely in rear 35% of zone lot (min)</u>	0'	0'	0'	0'	0'	0'
	<u>Side Interior, for structure not entirely in rear 35% of zone lot (min)</u>	5'	5'	5'	5'	5'	5'
D	<u>Rear, no alley (min)</u>	5'	5'	5'	5'	5'	5'
	<u>Rear, alley, where doors face alley (min)</u>	5'	5'	5'	5'	5'	5'
	<u>Rear, alley, where doors do not face alley (min)</u>	0'	0'	0'	0'	0'	0'

		S-SU-F					S-MU-3, 5, -8, -12, -20
		S-SU-A	S-SU-D	S-SU-Fx S-SU-F1	S-SU-I S-SU-Ix	S-TH-2.5	
DESIGN ELEMENTS							
BUILDING CONFIGURATION							
	Building Footprint (max)	1,000 ft ²					
E	Horizontal Dimension (max)	36'	36'	36'	36'	36'	36'

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

D. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

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

SITING		All S-CC,-MX, -MS
ZONE LOT		
	Permitted Uses	Accessory Uses Only
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 3.3.4.34 and 3.3.4.5
SETBACKS		
	Front Setback (min), from primary structure front	
B	façade Setback from Primary Street Facing Facade of Primary Structure (min)	10'
C	Side Interior and Side Street (min)	5'
D	Rear (min)	5'
	Rear, when garage doors face alley	5'

DESIGN ELEMENTS		All S-CC,-MX, -MS
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
	See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions	

SECTION 3.3.5 SUPPLEMENTAL DESIGN STANDARDS

3.3.5.1 Rooftop and/or Second Story Decks

A. Intent

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

B. Applicability

All S-SU and S-TH Zone Districts

C. Supplemental Design Standard

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

3.3.5.2 Pedestrian Access

A. Entrance

Where required in Suburban Neighborhood Context Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

1. Door - An entrance on the same plane as the building facade.
2. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
3. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

B. Entry Feature

Where required in Suburban Neighborhood Context Zone Districts, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. An entry feature shall be one of the following:

1. Door
2. Gates
3. Front Porch
4. Front Stoop
5. Front Terrace
6. Canopy
7. Arcade

C. Pedestrian Connection

Where required in the Suburban Neighborhood Context Zone Districts, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. The Pedestrian Connection shall comply with the following:

1. Fully paved and maintained surface not less than 5' in width.
2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. The portions of pedestrian connection that cross drive lanes within parking areas shall not exceed 25' in length.

SECTION 3.3.6 DESIGN STANDARD ALTERNATIVES

3.3.6.1 Required Build-To Alternative

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Outdoor Patio Seating

In all S-MX Zone Districts, the Required Build-To Range may be increased from 80' to 90' when Outdoor Patio Seating is provided between the building and the Primary Street. Ground Story Activation requirements shall still apply.

B. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - a. Decorative and/or structural piers may exceed the allowable height range
 - b. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division
 - c. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"
2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Article 10.

C. Pergola

In all Suburban Neighborhood Context Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

1. Pergola structure shall be no less than 24" deep as measured perpendicular to the property line.
2. Pergola structure shall maintain at least 8' clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6" vertical dimension.

4. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15' on center.
5. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42" and 84" above grade.
6. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports.

D. Arcades

In all Suburban Neighborhood Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than 2 stories in height,
2. The exterior face of the arcade column line is within the build-to zone,
3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

3.3.6.2 Ground Story Activation

A. Transparency Alternatives

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. If used in combination, in the S-MU, S-CC, and S-MX Zone Districts, the alternatives may count toward no more than 80% of the transparency requirement. In the S-CC and S-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the wall design elements are applied to the entirety (100%) of the length and height of the ground story wall. In the S-MS Zone Districts, if used in combination the alternatives may count toward no more than 50% of the Primary and/or Side Street transparency requirement.

1. Windows Outside the Zone of Transparency

Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features, when located within the required zone of transparency, may count toward a maximum of 40% of the total transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines.

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward 50% of Primary Street and 50% of Side Street transparency requirements if they provide a minimum of 3 of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"

- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls
- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Eating/Serving Areas

Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward 60% of the transparency requirement. Outdoor Dining/Seating located between the building and Side Street zone lot line may count toward 80% of the transparency requirement.

5. Permanent Art

Non-commercial art or graphic design may count toward a maximum of 40% of the transparency requirement, provided such art or design complies with all of the following standards:

- a. Of sufficient scale and orientation to be perceived from the public right of way;
- b. Rendered in materials or media appropriate to an exterior, urban environment; and
- c. Permanently integrated into the building wall.

SECTION 3.3.7 DESIGN STANDARD EXCEPTIONS

3.3.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- D. Flush-mounted solar panels, as defined in ~~this~~ Article 13, may exceed the maximum permitted height of a building.

3.3.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

3.3.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

3.3.7.4 Building Coverage Exception

- A. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
- B. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

3.3.7.5 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwallied porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	Not allowed	Not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	Not allowed	Not allowed	Not allowed
Access ramps for the hand-capped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	Not allowed	Not allowed	Not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.5 (Site Grading Standards) and Section 10.4.5.2 (Retaining Walls General Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line		Any distance for any width, provided the provisions of Division 10.5 (Site Grading Standards) and Section 10.4.5.2 (Retaining Walls General Requirements) are met
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	Not allowed	3'	3'	Not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	Not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance
Surface Parking for the Town House and Apartment building forms	All S-TH and S-MU districts	Not allowed	Not allowed	Not allowed	any distance

3.3.7.6 Vehicle Access

A. Applicability

1. This Section's alley access requirements shall apply only to suburban house, duplex house, tandem house, town house, or row house building forms developed in a Suburban (S-) context Zone District.

2. For all other building form development allowed in a Suburban (S-) context Zone District, vehicle access shall be determined as part of site development plan review.

B. Vehicle Access From Alley Required - Exceptions

Where applicable, any newly constructed driveway, driving aisle, garage, carport, or other parking facility shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

1. The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The alley is less than 12 feet in width;
3. At least 60 percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a primary street; or
4. The Department of Public Works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely or operationally accommodate additional vehicular traffic.

SECTION 3.3.8 REFERENCE TO OTHER DESIGN STANDARDS

3.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Screening, Fences and Walls: Division 10.5
- C. Site Grading: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

DIVISION 3.4 USES AND REQUIRED MINIMUM PARKING

SECTION 3.4.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

- 3.4.1.1 ~~This Division 3.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Suburban Neighborhood Context Zone Districts.~~
- 3.4.1.2 ~~Unlisted Uses~~–Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- 3.4.1.3 ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Suburban Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 3.4.2 ORGANIZATION ~~–SUMMARY USE AND PARKING TABLE~~

3.4.2.1 Organized by Primary, Accessory and Temporary Uses

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

3.4.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

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

SECTION 3.4.3 EXPLANATION OF TABLE ABBREVIATIONS

3.4.3.1 General Explanation of Table Cell Entries

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

3.4.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”): ~~Applicable Use Limitations. The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

3.4.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE” for a use. This

means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 3.4.4 DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS

KEY: 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 * = Need Not be Enclosed

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 AND STANDARDS										
		S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-Ix	S-SU-D S-SU-F1 S-SU-I	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5		
RESIDENTIAL PRIMARY USE CLASSIFICATION												
Household Living	Dwelling, Single Unit •No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Two Unit •Vehicle: 1.25/unit •MS only: 1/unit	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.2.1
	Dwelling, Multi-Unit •Vehicle - MS only: 1/unit •Vehicle: 1.25/unit •Bicycle: 1/ 5 units (80/20)	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.2.2
	Dwelling, Mixed Use •Vehicle - MS only: 1/unit •Vehicle: 1.25/unit •Bicycle: 1/ 5 units (80/20)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Live / Work •Vehicle - MS only: 1/unit •Vehicle: 1.25/unit •Bicycle: 1/ 5 units (80/20)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.2.3
Group Living	Assisted Living Facility •Vehicle: .75/unit •Bicycle: No requirement	NP	NP	P-ZPIN	P-ZPIN	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Community Correctional Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Nursing Home, Hospice •Vehicle: .75/unit •Bicycle: No requirement	NP	NP	NP	P-ZPIN	P-ZP	P-ZP	P-ZPIN	P-ZP	P-ZP	P-ZP	
	Residence for Older Adults •Vehicle: .75/unit •Bicycle: No requirement	L -ZP	L -ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.2.4
	Residential Care Use, Small or Large •Vehicle: .25/unit •Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.2.45
	Shelter for the Homeless •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	NP	NP	NP	L-ZPIN	L-ZPIN	L-ZPIN	NP	L-ZPIN	L-ZPIN	L-ZPIN	§11.2.56
	Student Housing •Vehicle - MS only: 1/unit •Vehicle: 1.25/unit •Bicycle: 1/ 5 units (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION												
Basic Utilities	Utility, Major Impact* •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.3.2

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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 AND STANDARDS	
		S-SU-Fx S-SU-Ix	S-SU-A S-SU-D S-SU-F1 S-SU-I	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5		
Community/ Public Services	Community Center •Vehicle: .5 / 1,000 ft ² GFA •Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.3.3
	Day Care Center •Vehicle: 1 / 1,000 ft ² GFA •Bicycle: 1 / 10,000 ft ² GFA (0/100)	L-ZPIN	L-ZPIN	P-ZPIN	P-ZP	P-ZP	P-ZP	P-ZPIN	P-ZP	P-ZP	P-ZP	P-ZP	§11.3.4
	Postal Facility, Neighborhood •Vehicle - MS only: 2/1,000 ft ² GFA •Vehicle: 2.5/ 1,000 ft ² GFA •Bicycle: 1/ 20,000 ft ² GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center •Vehicle: 1 / 1,000 ft ² GFA •Bicycle: 1 / 20,000 ft ² GFA (20/80)	NP	NP	NP	NP	P-ZP	P-ZP	NP	NP	P-ZP	NP		
	Public Safety Facility •Vehicle: 1 / 1,000 ft ² GFA •Bicycle: 1 / 10,000 ft ² GFA (0/100)	L-P-ZP	L-P-ZP	L-P-ZP	L-P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.3.5
	Hospital	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Cultural/Special Purpose/ Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Library •Vehicle: 1 / 1,000 ft ² GFA •Bicycle: 1 / 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
	Museum •Vehicle: 1 / 1,000 ft ² GFA •Bicycle: 1 / 10,000 ft ² GFA (0/100)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
	City Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Open Space - Recreation •Vehicle: .5 / 1,000 ft ² GFA •Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation •No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School •Vehicle- Elementary: 1/1,000 ft ² GFA •Bicycle-Elementary: 1/ 10,000 ft ² GFA (0/100) •Vehicle- Secondary: 2/1,000 ft ² GFA •Bicycle: 1/ 20,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.3.6	

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		S-SU-Fx S-SU-lx	S-SU-F1 S-SU-l	S-SU-A S-SU-D S-SU-F	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5	
Education	University or College • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	NP	NP	L-ZP	L-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	§11.3.6; §11.3.7
	Vocational or Professional School • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	NP	NP	NP	L-ZP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§11.3.6
Public and Religious Assembly	All Types • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.8
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION												
Adult Business	All Types	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	P-ZP	P-ZP	L-ZPIN	L-ZP	P-ZP	L-ZP	
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZPSE	L-ZP	NP	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	Not Applicable					§11.4.3	
Parking of Vehicles	Parking, Garage • No Parking Requirements	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	NP	NP	L-ZP	L-ZP	P-ZP	P-ZP	NP	NP	NP	NP	§ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 5/ 1,000 ft ² GFA • Bicycle: 1/5,000 ft ² GFA (0/100)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZPSE	L-ZP	L-ZP	L-ZP	§ 11.4.6
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 1/guest room or unit • Bicycle: 1/5 guest room or unit (80/20)	NP	NP	NP	NP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	

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		S-SU-Fx S-SU-Ix	S-SU-F1 S-SU-I	S-TH-2.5	S-SU-A S-SU-D S-SU-F	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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5	
Lodging Accommodations	Lodging Accommodations, All Others • Vehicle: 1/guest room or unit • Bicycle: 1/5 guest rooms or units (80/20)	NP	NP	NP	NP	P-ZP	P-ZP	NP	NP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (60/40)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.7
	Office, All Others • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (60/40)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	§11.4.8; §11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Body Art Establishment • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	§11.4.8 §11.4.10
	Food Sales or Market • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	P-ZP	P-ZP	L-ZP	L-ZP	P-ZP	P-ZP	§11.4.8 §11.4.11
	Liquor Store, Including Drugstores Licensed to Sell Liquor • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	§11.4.8 §11.4.12
	Pawn Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	§11.4.8 §11.4.13
	Retail Sales, Service & Repair -- Outdoor* • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	L-ZP	L-ZPIN	L-ZPIN	NP	NP	§11.4.8 §11.4.14

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		S-SU-Fx S-SU-lx	S-SU-F1 S-SU-l	S-SU-A S-SU-D S-SU-F	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12		S-MS-3 S-MS-5
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Retail Sales, Service & Repair - Firearms Sales • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	NP	P-ZP	NP	NP	NP	P-ZP	
	Retail Sales, Service & Repair, All Others • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	P-ZP	P-ZP	L-ZP	L-ZP	P-ZP	P-ZP	\$11.4.8
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	NP	L-ZP	P-ZP	P-ZP	\$11.4.15
	Automobile Services, Light • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	L-ZP	NP	L-ZPSE	L-ZP	L-ZP	\$11.4.16; \$11.4.17
	Automobile Services, Heavy • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	L-ZP	NP	NP	NP	L-ZP	\$11.4.16; \$11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals, & Service* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	P-ZPSE	NP	NP	NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION													
Communications and Information	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZPSE	L-ZPSE	NP	L-ZPSE	L-ZPSE	L-ZPSE	\$11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	\$11.5.2
Communications and Information	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.5.2
	Telecommunication Facilities - All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	

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		S-SU-Fx S-SU-Ix	S-SU-F1 S-SU-I1	S-TH-2.5	S-SU-A S-SU-D S-SU-F	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-3 S-MX-5 S-MX-8 S-MX-12		S-MS-3 S-MS-5
Industrial Services	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	P-ZPIN	P-ZPIN	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.5.4	
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.5.5	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZPIN	NP	NP	NP	NP	\$11.5.6; §11.5.7	
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Sand or Gravel Quarry*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Wind Energy Conversion Systems* • No Parking Requirements	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	\$11.5.8	
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Helipad, Helistop, Heliport* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZP	L-ZP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.5.9	
	Railroad Facilities*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	\$11.5.10	
Terminal, Freight, Air Courier Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP			
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Junkyard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Recycling Center	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Recycling Collection Station	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP			
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Mini-storage Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	NP	L-ZP	NP	\$11.5.11	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility / % Required Spaces in Fixed Facility)	APPLICABLE ZONING DISTRICTS										APPLICABLE USE LIMITATIONS AND STANDARDS	
		S-SU-Fx S-SU-lx	S-SU-F1 S-SU-l	S-SU-A S-SU-D S-SU-F	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5		
Wholesale, Storage, Warehouse & Distribution	Vehicle Storage, Commercial* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	P-ZPIN	NP	NP	NP	NP	
	Wholesale Trade or Storage, General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	P-ZPIN	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP/ ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	NP	NP	L-ZP/ ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	\$11.5.13
AGRICULTURE PRIMARY USE CLASSIFICATION													
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Garden, Urban* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.6.1
	Greenhouse • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Nursery, Plant*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION													
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts										\$11.7; \$11.8.1	
	Accessory Dwelling Unit	NP	S-SU-F1 only: L-ZP; All other: NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.8.2
	Domestic Employee	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.8.3
	Garden	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.8.4
	Greenhouse	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.8.5
	Keeping of Household Animals	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	\$11.7; \$11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$10.9
	Kennel or Exercise Run	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$10.9
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$11.8.9
	Vehicle Storage, Repair and Maintenance	L	L	L	L	NP	NP	NP	NP	NP	NP	NP	\$11.7; \$10.9
Yard or Garage Sales	L	L	L	L	L	L	L	L	L	L	L	\$11.7; \$11.8.10	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)											APPLICABLE USE LIMITATIONS AND STANDARDS	
		S-SU-Fx S-SU-Ix	S-SU-A S-SU-D S-SU-F S-SU-F1 S-SU-I	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5			
HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USE CLASSIFICATION													
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Adult Care Home, Small (Less than 7 clients)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.1</u> 10.2.A
	Animal Care Services	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.2</u> 10.2.B
	Artist Studio	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.3</u> 10.2.C
	Beauty Shop or Salon	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.4</u> 10.2.D
	Child Care Home, Small	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.5</u> 10.2.E
	Child Care Home, Large (7-12)	NPL-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.9. 10.1 ; §11.9. <u>3.6</u> 10.2.F
	Clock and Watch Repair	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.7</u> 10.2.G
	Craft Work	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.8</u> 10.2.H
	Custom Dress-making, Millinery, Tailoring, Sewing	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.9</u> 10.2.I
	Foster Family Care	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.10</u> 10.2.J
	Laundering and Pressing	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.11</u> 10.2.K
	Office, Non-Medial, Non-Dental	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.12</u> 10.2.L
	Professional Studio	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.13</u> 10.2.M
	Rooming and/or Boarding	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.14</u> 10.2.N
	Tutoring Services	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.9. 10.1 ; §11.9. <u>3.15</u> 10.2.O
Unlisted Home Occupations; All Others Not Specifically Listed	NP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.9. 10.1 ; §11.9. <u>10.34</u>	

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		S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-Ix	S-SU-F1 S-SU-I	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5	

ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION

Accessory to Primary Nonresidential Uses	Unlisted Accessory Uses	L - Applicable to all Zone Districts										§11.7; §11.10.1
		NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	
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	L	NP	NP	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	NP	NP	NP	NP	NP	NP	§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		NP	NP	NP	L	L	L	NP	NP	NP	NP	§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	NP	L-ZP	L-ZP	§11.7; §11.10.8
Garden		L	L	L	L	L	L	L	L	L	L	§11.7; §11.10.9
Greenhouse		L	L	L	L	L	L	L	L	L	L	§11.7; §11.10.9
<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>		L	L	L	L	Not Applicable					§11.7; §11.4.3	
Occasional Sales, Services Accessory to Places of Religious Assembly*		L	L	L	L	L	L	L	L	L	L	§11.7; §11.10.10
Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.11
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; §11.10.12
Outdoor Retail Sale and Display*		NP	NP	NP	NP	L-ZP	L-ZP	NP	NP	L-ZP	L-ZP	§11.7; §10.8
Outdoor Storage*		NP	NP	NP	NP	L-ZP	L-ZP	NP	NP	L-ZP	NP	§11.7; §10.8
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; §11.10.13

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		S-SU-A S-SU-D S-SU-F S-SU-Fx S-SU-lx	S-SU-F1 S-SU-I	S-TH-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-3 S-MX-5 S-MX-8 S-MX-12	S-MS-3 S-MS-5	

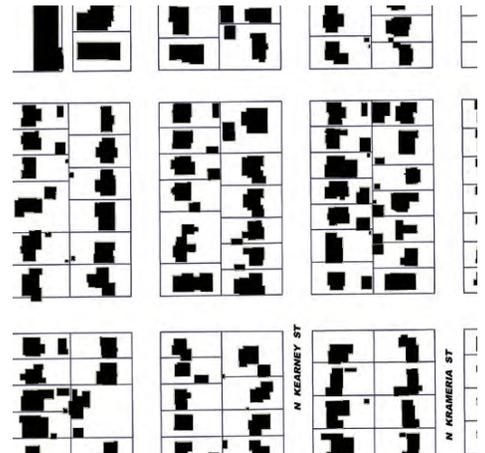
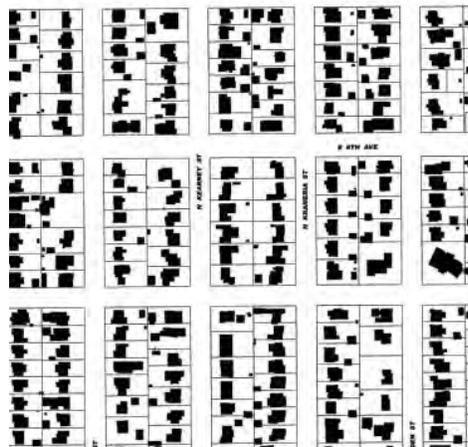
TEMPORARY USE CLASSIFICATION

Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)	L - Applicable to all Zone Districts											§11.11.1
	NP	NP	NP	L-ZP	NP	NP	NP	NP	NP	NP	NP	
Unlisted Temporary Uses	L - Applicable to all Zone Districts											§11.11.1
Ambulance Service - Temporary	NP	NP	NP	L-ZP	NP	NP	NP	NP	NP	NP	NP	
Amusement / Entertainment - Temporary*	NP	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	L-ZP	§11.11.4
Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.5
Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.6
Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.7
Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.11.8
Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.9
Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Outdoor Retail Sales*	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.11.11
Outdoor Sales, Seasonal*	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP/ ZPIN	L-ZP/ ZPIN	L-ZP	L-ZP	NP/L-ZP	§11.11.12
Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.13
Retail Food Establishment, Mobile*	NP	NP	NP	NP	L-ZP	L-ZP	NP	L-ZP	L-ZP	L-ZP	NP	§11.11.14
Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.15
Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.16
Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	

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ARTICLE 4. URBAN EDGE (E-) NEIGHBORHOOD CONTEXT



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DIVISION 4.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 4.1.1 GENERAL CHARACTER

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

SECTION 4.1.2 STREET, BLOCK AND ACCESS PATTERNS

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

SECTION 4.1.3 BUILDING PLACEMENT AND LOCATION

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

SECTION 4.1.4 BUILDING HEIGHT

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

SECTION 4.1.5 MOBILITY

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

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

SECTION 4.2.1 DISTRICTS ESTABLISHED

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

Urban Edge Neighborhood Context

E-SU-A	Single Unit A
E-SU-B	Single Unit B
E-SU-D	Single Unit D
E-SU-D1	Single Unit D1
E-SU-Dx	Single Unit Dx
E-SU-D1x	Single Unit D1x
E-SU-G	Single Unit G
E-SU-G1	Single Unit G1
E-TU-B	Two Unit B
E-TU-C	Two Unit C
E-TH-2.5	Town House 2.5
E-MU-2.5	Multi Unit 2.5
E-CC-3	Commercial Corridor 3
E-CC-3x	Commercial Corridor 3x
E-MX-2	Mixed Use 2
E-MX-2A	Mixed Use 2A
E-MX-2x	Mixed Use 2x
E-MX-3	Mixed Use 3
E-MX-3A	Mixed Use 3A
E-RX-5	Residential Mixed Use 5
E-MS-2	Main Street 2
E-MS-2x	Main Street 2x
E-MS-3	Main Street 3
E-MS-5	Main Street 5

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

4.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Edge Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.
- B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the varied pattern of suburban and urban house forms. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the two unit and town house districts promote existing and future patterns of lower scale multi unit building forms that typically address the street in the same manner as an urban house building form.
- C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.

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

4.2.2.2 Specific Intent

A. Single Unit A (E-SU-A)

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

B. Single Unit B (E-SU-B)

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

C. Single Unit D (E-SU-D)

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

D. Single Unit Dx (E-SU-Dx)

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

E. Single Unit D1 (E-SU-D1)

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

F. Single Unit D1x (E-SU-D1x)

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

G. Single Unit G (E-SU-G)

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

H. Single Unit G1 (E-SU-G1)

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

I. Two Unit B (E-TU-B)

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

J. Two Unit C (E-TU-C)

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

K. Town House 2.5 (E-TH-2.5)

E-TH-2.5 is a multi unit district and allows suburban house, urban house, detached accessory dwelling unit, duplex, tandem house and town house building forms up to two stories in height.

L. Multi Unit 2.5 (E-MU-2.5)

E-MU-2.5 is a multi unit district and allows urban house, detached accessory dwelling unit, duplex, tandem house, town house, garden court and apartment building forms up to two stories in height.

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

4.2.3.1 General Purpose

- A. The Commercial Corridor Zone Districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.
- B. Commercial Corridor Zone Districts address development opportunities adjacent to the city's most auto-dominated corridors.
- C. Commercial Corridor buildings generally have a deep build-to requirement to allow for some measure of parking between the building and the street. Predictable flexibility is provided for building and parking location for larger scale buildings.
- D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

4.2.3.2 Specific Intent

A. Commercial Corridor – 3 (E-CC-3)

E-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

B. Commercial Corridor – 3x (E-CC-3x)

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

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

- A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city's neighborhoods.
- B. There is a diverse menu of Mixed Use Zone Districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods.
- C. The Mixed Use districts are appropriate along corridors, embedded in neighborhoods and on large sites.
- D. The building form standards of the Mixed Use Zone Districts balance the importance of street presence and provision of parking through build-to requirements, ground story activation and parking lot screening along the right-of-way. Predictable flexibility in building form options recognizes the varied development pattern of Urban Edge Neighborhoods.
- E. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.

4.2.4.1 Specific Intent

A. Mixed Use – 2 (E-MX-2)

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

B. Mixed Use- 2A (E-MX-2A)

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

C. Mixed Use - 2x (E-MX-2x)

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

D. Mixed Use – 3 (E-MX-3)

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

E. Mixed Use - 3A (E-MX-3A)

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

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

4.2.5.1 General Purpose

- A. The Residential Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.
- C. The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. The Residential Mixed Use districts are primarily intended to accommodate residential uses. Buildings in a Residential Mixed Use district can have ground floor retail but upper stories are reserved exclusively for housing. A building can be all residential.
- E. In the Urban Edge Neighborhood Context, the Residential Mixed Use Zone Districts promote a pedestrian-active street front. Buildings have a required build-to and limitations on parking location.

4.2.5.2 Specific Intent

A. Residential Mixed Use – 5 (E-RX-5)

E-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

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

4.2.6.1 General Purpose

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

- B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
- C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.
- E. In all cases, the Main Street Zone Districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.
- F. In the Urban Edge Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.
- G. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and building coverage is significant.

4.2.6.2 Specific Intent

A. Main Street 2 (E-MS-2)

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

B. Main Street 2x (E-MS-2x)

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

C. Main Street 3 (E-MS-3)

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

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

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

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DIVISION 4.3 DESIGN STANDARDS

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

SECTION 4.3.1 GENERAL INTENT

4.3.1.1 Urban Design and Building Form Standards

The Intent of Urban Design and Building Form Standards in all Districts are to:

- A. Implement the Denver Comprehensive Plan.
- B. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
- C. Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
- D. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- E. Give prominence to pedestrian realm as a defining element of neighborhood character.
- F. Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- G. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

4.3.1.2 Transit Oriented Development

The Intent of Transit Oriented Development Design Standards in all Districts are to:

- A. Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- B. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
- C. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
- D. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 4.3.2 BUILDING FORM INTENT

4.3.2.1 Height

- A. Encourage buildings whose forms are responsive to evolving nodes of mixed-use, pedestrian and transit activity as well as the surrounding context.
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

4.3.2.2 Siting

A. Required Build-To

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

2. Provide additional spatial definition to streets to promote pedestrian activity and sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

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

C. Parking Location

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

4.3.2.3 Design Elements

A. Configuration

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

B. Transparency

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

C. Entrances

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

SECTION 4.3.3 PRIMARY BUILDING FORM STANDARDS

4.3.3.1 **Applicability**

All development in all the Urban Edge Neighborhood Context Zone Districts

4.3.3.2 **Generally Applicable Standards**

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

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

4.3.3.3 **District Specific Standards Summary**

~~The districts allow a variety of building forms appropriate for the Urban Edge Neighborhood Context, as set out. The maximum number of structures per zone lot and building forms allowed by zone district is summarized below.:~~

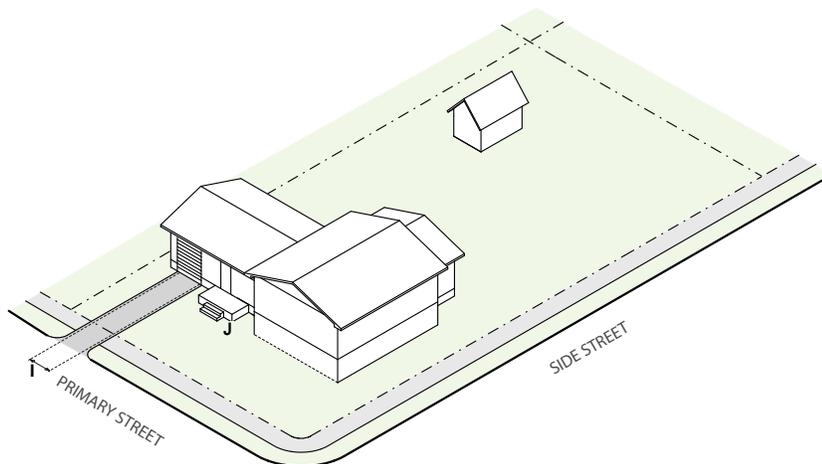
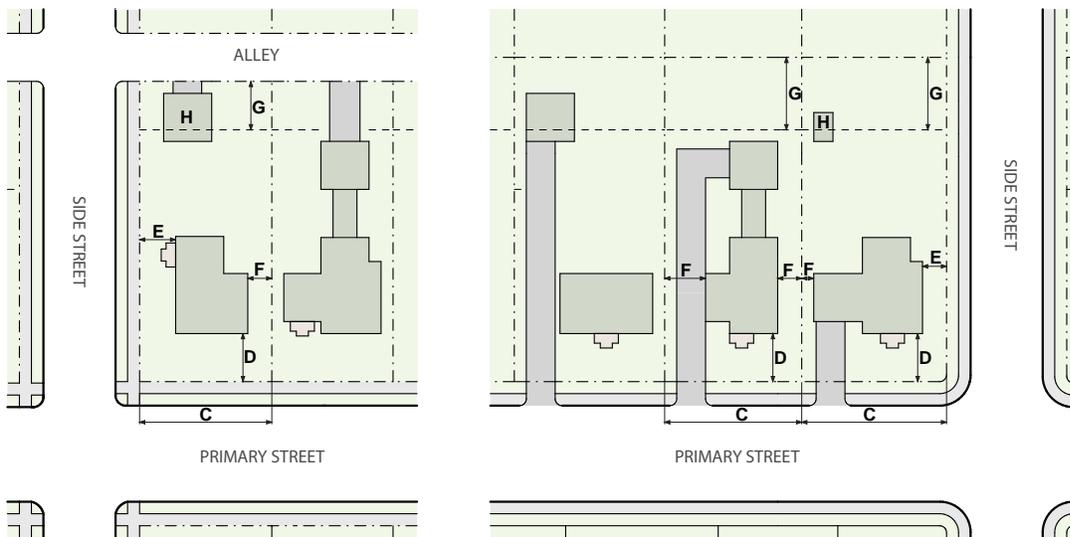
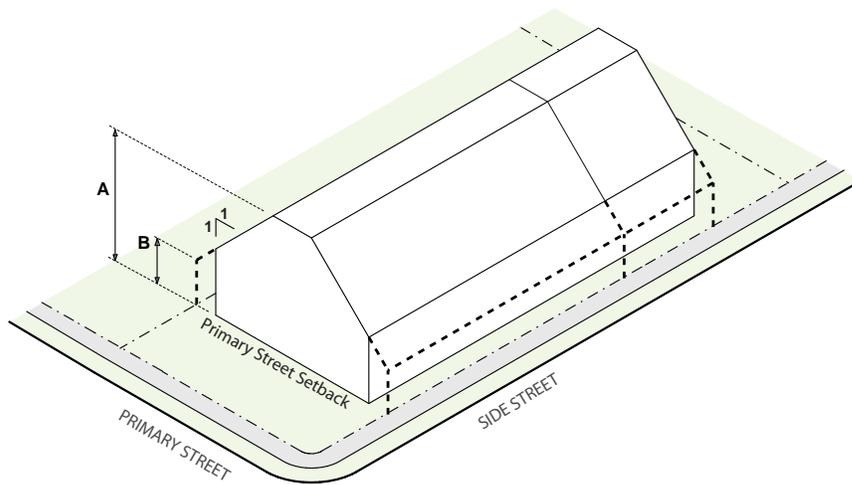
Urban Edge (E-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
<u>Single Unit (SU)</u>	E-SU-A, -B, -D, -G	1*		■												
	E-SU-D1, -G1	1*		■	■											
	E-SU-Dx	1*	■	■												
	E-SU-D1x	1*	■	■	■											
<u>Two Unit (TU)</u>	E-TU-B, -C	1*		■	■	■	■	■								
<u>Town House (TH)</u>	E-TH-2.5	no max	■	■	■	■	■	■								
<u>Multi Unit (MU)</u>	E-MU-2.5	no max	■	■	■	■	■	■			■					
<u>Residential Mixed Use (RX)</u>	E-RX-5	no max								■	■	■				■
<u>Commercial Corridor (CC)</u>	E-CC-3, -3x	no max						■			■	■	■	■	■	
<u>Mixed Use (MX)</u>	E-MX-2x	no max								■	■	■			■	
	E-MX-2, -2A, 3, 3A	no max								■	■	■	■	■	■	
<u>Main Street (MS)</u>	E-MS-2x	no max								■						■
	E-MS-2, -3, -5	no max								■		■	■	■		■

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

4.3.3.4 District Specific Standards

A. Suburban House

Not to Scale. Illustrative Only.



SUBURBAN HOUSE

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

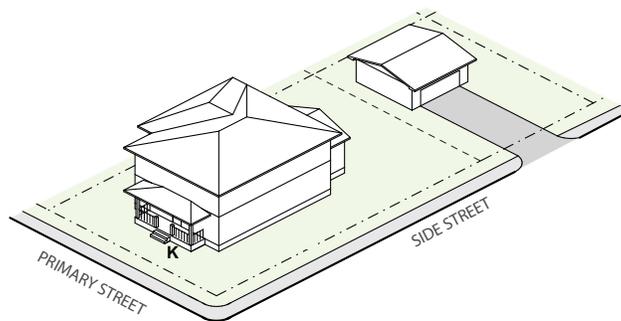
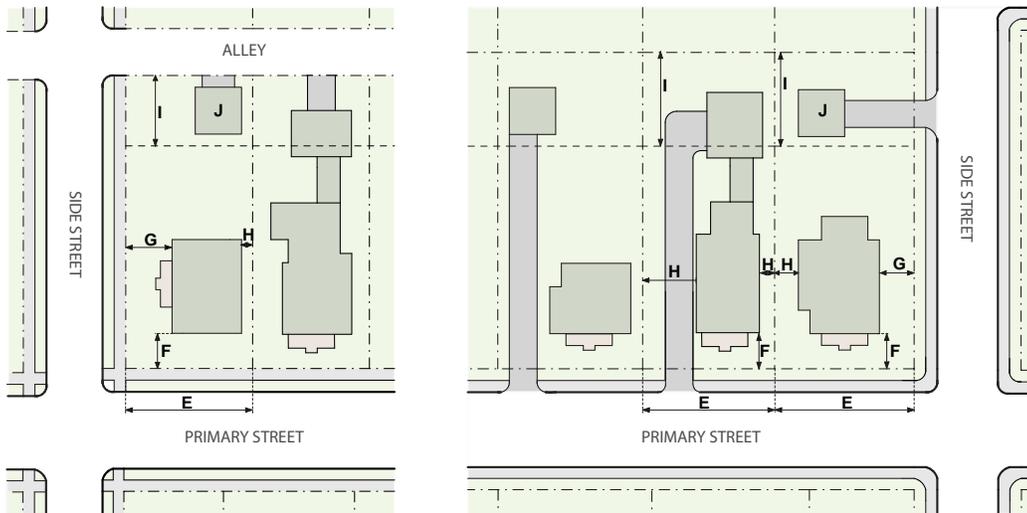
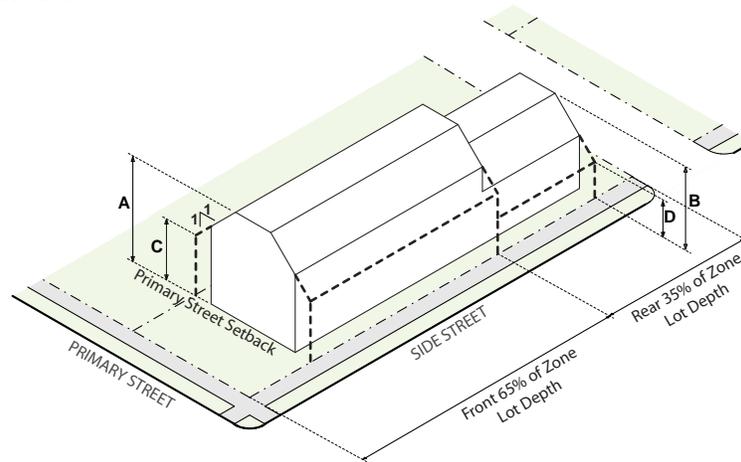
		E-SU-Dx E-SU-D1x	E-SU-G E-SU-G1	E-TH-2.5 E-MU-2.5
SITING				
ZONE LOT				
	Zone Lot Size (min)	6,000 ft ²	9,000 ft ²	6,000 ft ²
C	Zone Lot Width (min)	50'	62.5'	50'
	Dwelling Units per Primary <u>Residential</u> Structure (max)	1	1	1

		All E-SU, -TH, -MU Districts	
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		61' or Less	62' or Greater
D	Primary Street, block sensitive setback required (see Sec. 13.1.2.2)	yes	yes
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'
E	Side Street (min)	5'	5'
F	Side Interior (min)	5'	7.5'
G	Rear, alley/no alley (min)	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	37.5%	37.5%
PARKING BY ZONE LOT WIDTH		61' or Less	62' or Greater
	Parking and Drive Lot Coverage in Primary Street Setback (max)	33%	33%
	Vehicle Access	From alley; or Street access allowed when no alley present. See Sec. 4.3.7.6	
ACCESSORY STRUCTURES			
H	Detached Accessory Structures Allowed	(see Sec. 4.3.4)	

		All E-SU, -TH, -MU Districts
DESIGN ELEMENTS		
BUILDING CONFIGURATION		
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) May <u>follow the Detached Garage Building Form for Side Street, Side Interior and Rear setbacks, encroach into the Rear Setback, provided it comply with the Detached Garage building form standards</u>
I	Primary Street-Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater
GROUND STORY ACTIVATION		
J	Pedestrian Access, Primary Street	Entry Feature
<u>See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

B. Urban House

Not to Scale. Illustrative Only.



URBAN HOUSE

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

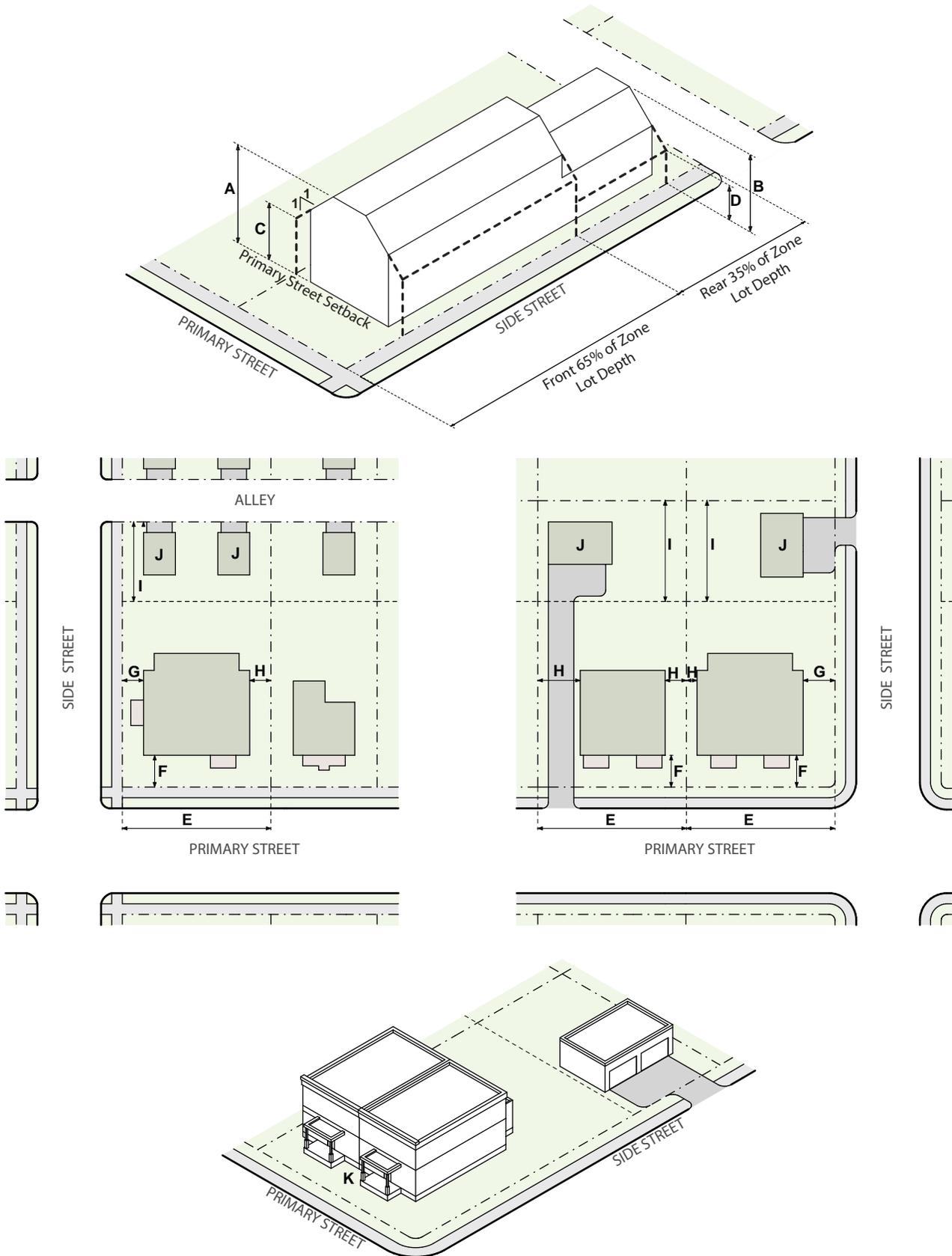
SITING		E-SU-A	E-SU-B	E-SU-D E-SU-D1	E-SU-Dx E-SU-D1x	E-SU-G E-SU-G1	E-TU-B	E-TU-C	E-TH-2.5 E-MU-2.5
ZONE LOT									
	Zone Lot Size (min)	3,000 ft ²	4,500 ft ²	6,000 ft ²	6,000 ft ²	9,000 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²
E	Zone Lot Width (min)	25'	35'	50'	50'	62.5'	35'	50'	35'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/1	1/1	1/1	1/1	1/1	1/2	1/2	1/2

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All E-SU, TU, TH, MU Districts			
		30' or less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.2)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	7.5'
H	Side Interior (min)	3'	3' min one side/ 10' min combined	5'	10'
I	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%
PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 ft ²	2 Spaces and 320 ft ²	33%	33%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 4.3.7.6			
ACCESSORY STRUCTURES					
J	Detached Accessory Structures Allowed	(see Sec. 4.3.4)			

DESIGN ELEMENTS		E-SU-A	E-SU-B	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-TH-2.5 E-MU-2.5
BUILDING CONFIGURATION									
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with <u>May follow</u> the Detached Garage building form <u>standards for Side Street, Side Interior and Rear setbacks</u>							
	Primary Street-Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing</u> facade of the <u>dwelling primary structure</u> or 16', whichever is greater							
GROUND STORY ACTIVATION									
K	Pedestrian Access, Primary Street	Entry Feature							
		<u>See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>							

C. Duplex

Not to Scale. Illustrative Only.



DUPLEX

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

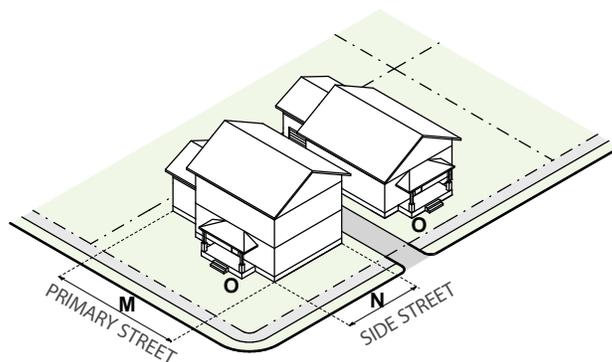
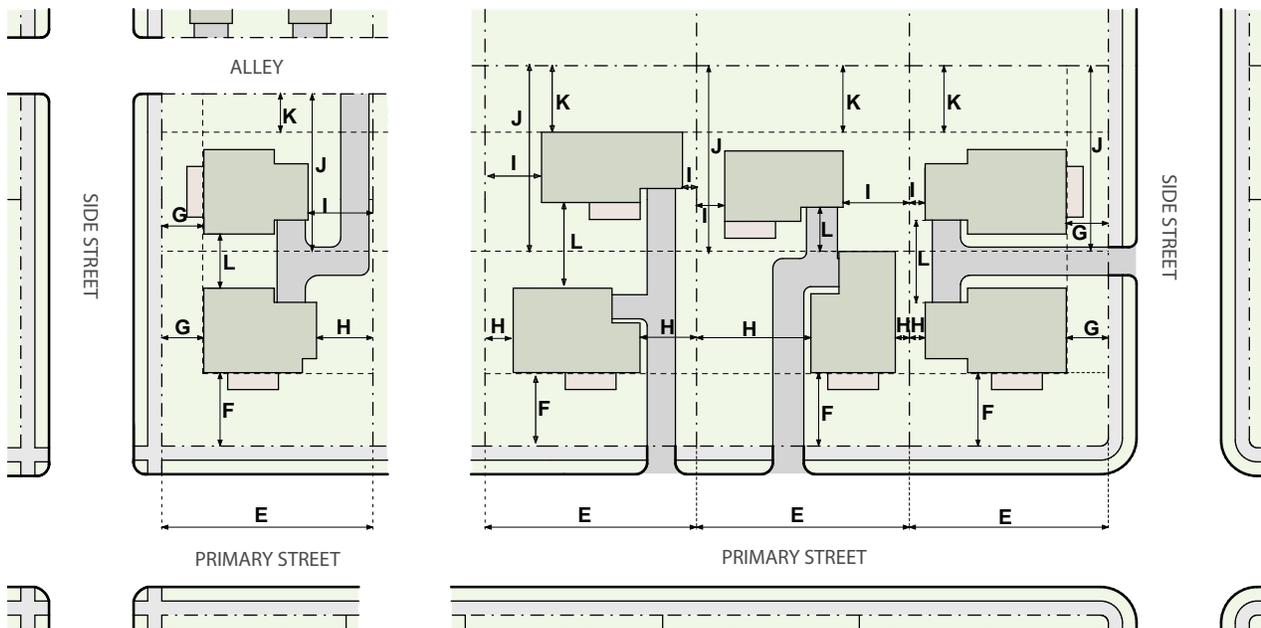
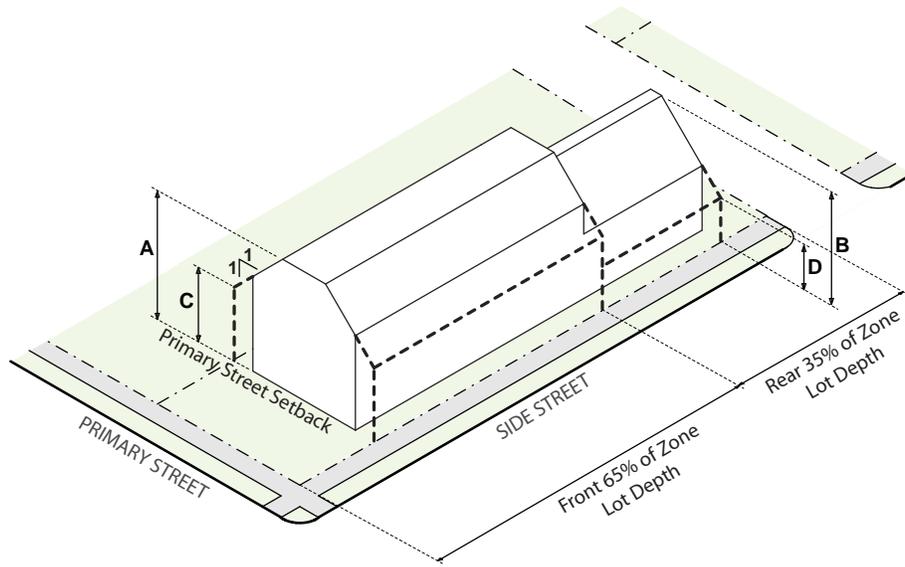
SITING		E-TU-B	E-TU-C	E-TH-2.5; E-MU-2.5
ZONE LOT				
	Zone Lot Size (min)	4,500 ft ²	5,500 ft ²	4,500 ft ²
E	Zone Lot Width (min)	35'	50'	35'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	2/2	2/2	2/2

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All E-TU, TH, MU Districts			
		30' or less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.2)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	7.5'
H	Side Interior (min)	3'	3' min one side/ 10' min combined	5'	10'
I	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%
PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	50%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present (See Sec 4.3.7.6)			
ACCESSORY STRUCTURES					
J	Detached Accessory Structures Allowed	(see Sec. 4.3.4)			

DESIGN ELEMENTS		E-TU-B	E-TU-C	E-TH-2; E-MU-2.5
BUILDING CONFIGURATION				
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) <u>If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with May follow the Detached Garage building form standards for Side Street, Side Interior and Rear setbacks</u>		
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater		
GROUND STORY ACTIVATION				
K	Pedestrian Access, Primary Street	Entry Feature		
<u>See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>				

D. Tandem House

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TANDEM HOUSE

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

SITING		E-TU-B	E-TU-C	E-TH-2.5; E-MU-2.5
ZONE LOT				
	Zone Lot Size (min)	4,500 ft ²	5,500 ft ²	4,500 ft ²
E	Zone Lot Width (min)	35'	50'	35'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/1	1/1	1/2

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All E-TU, TH, MU Districts			
		30' or less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.2)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	7.5'
H	Side Interior, for Primary Structure #1 (min one side/min combined)	3'/6'	3'/10'	5'/10'	10'/20'
I	Side Interior, for Primary Structure #2 (min one side/min combined)*	3'/6'	3'/10'	5'/10'	10'/20'
J	Rear, for Primary Structure #1, as a % of lot depth (min)	50%	50%	50%	50%
K	Rear, for Primary Structure #2 (min)	5'	5'	5'	5'
L	Required Separation Between Primary Structures (min)	6'	6'	6'	6'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%
PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	50%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present (See Sec 4.3.7.6)			
ACCESSORY STRUCTURES					
	Detached Accessory Structures Allowed	(see Sec. 4.3.4)			

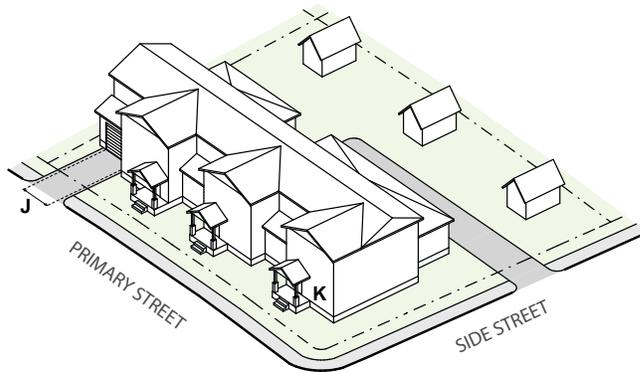
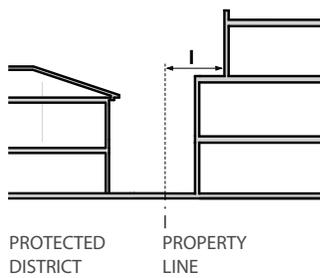
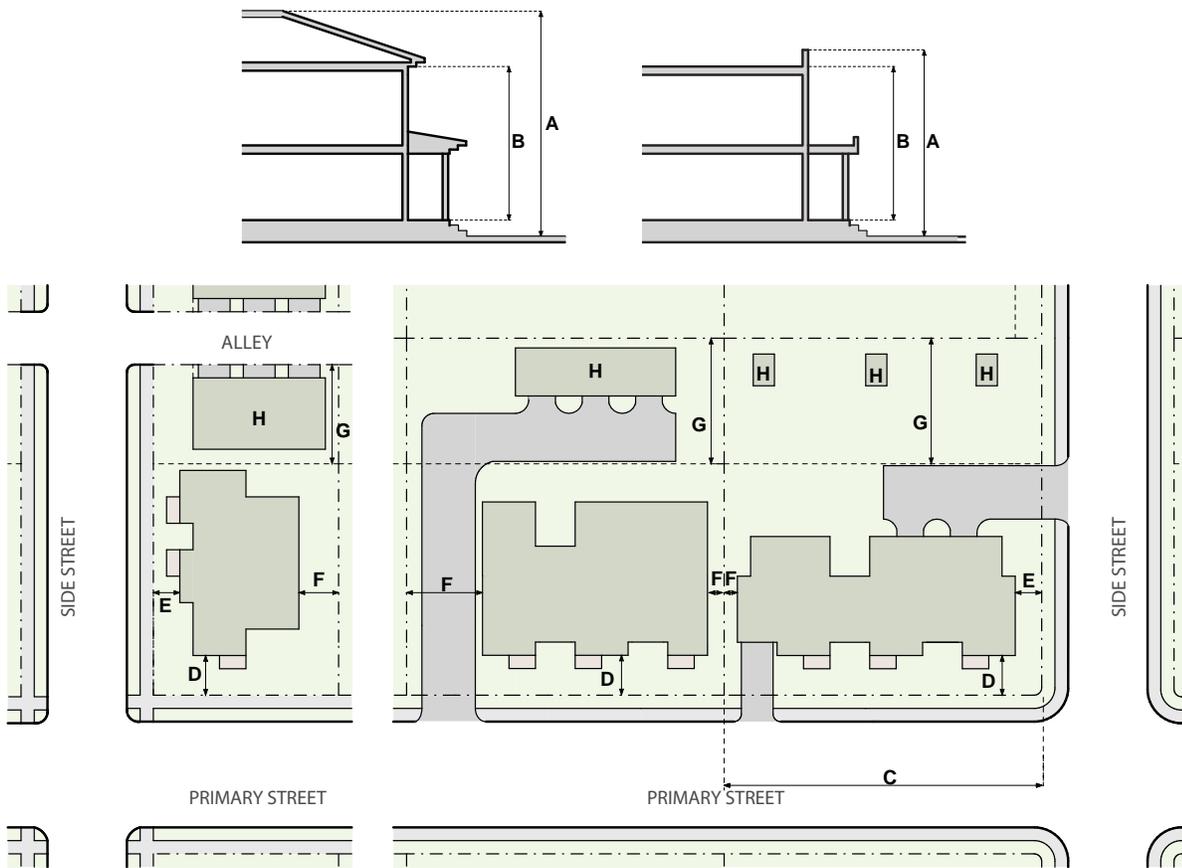
DESIGN ELEMENTS		E-TU-B	E-TU-C	E-TH-2; E-MU-2.5
BUILDING CONFIGURATION				
M	Overall Structure Width (max)	36'	36'	36'
N	Overall Structure Length (max)	42'	42'	42'
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) <u>If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with <u>May follow</u> the Detached Garage building form <u>standards for Side Street, Side Interior and Rear setbacks</u></u>		
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater		
GROUND STORY ACTIVATION				
O	Pedestrian Access, Primary Street*	Primary Structure #1: Entry Feature Primary Structure #2: No Requirement		

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

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

E. Town House

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TOWN HOUSE

HEIGHT		E-TH-2.5	E-MU-2.5	E-CC-3, -3x
A	Stories (max)	see below	see below	3
A	Feet (max)	see below	see below	45'
A	Stories, front 65% / rear 35% of zone lot depth (max)	2.5/1	2.5/1	na
A	Feet, front 65% / rear 35% of zone lot depth (max)	30' / 19'	30' / 19'	na
	Feet, front 65% of zone lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'		na
B	Side Wall Height (max)	25'	25'	na

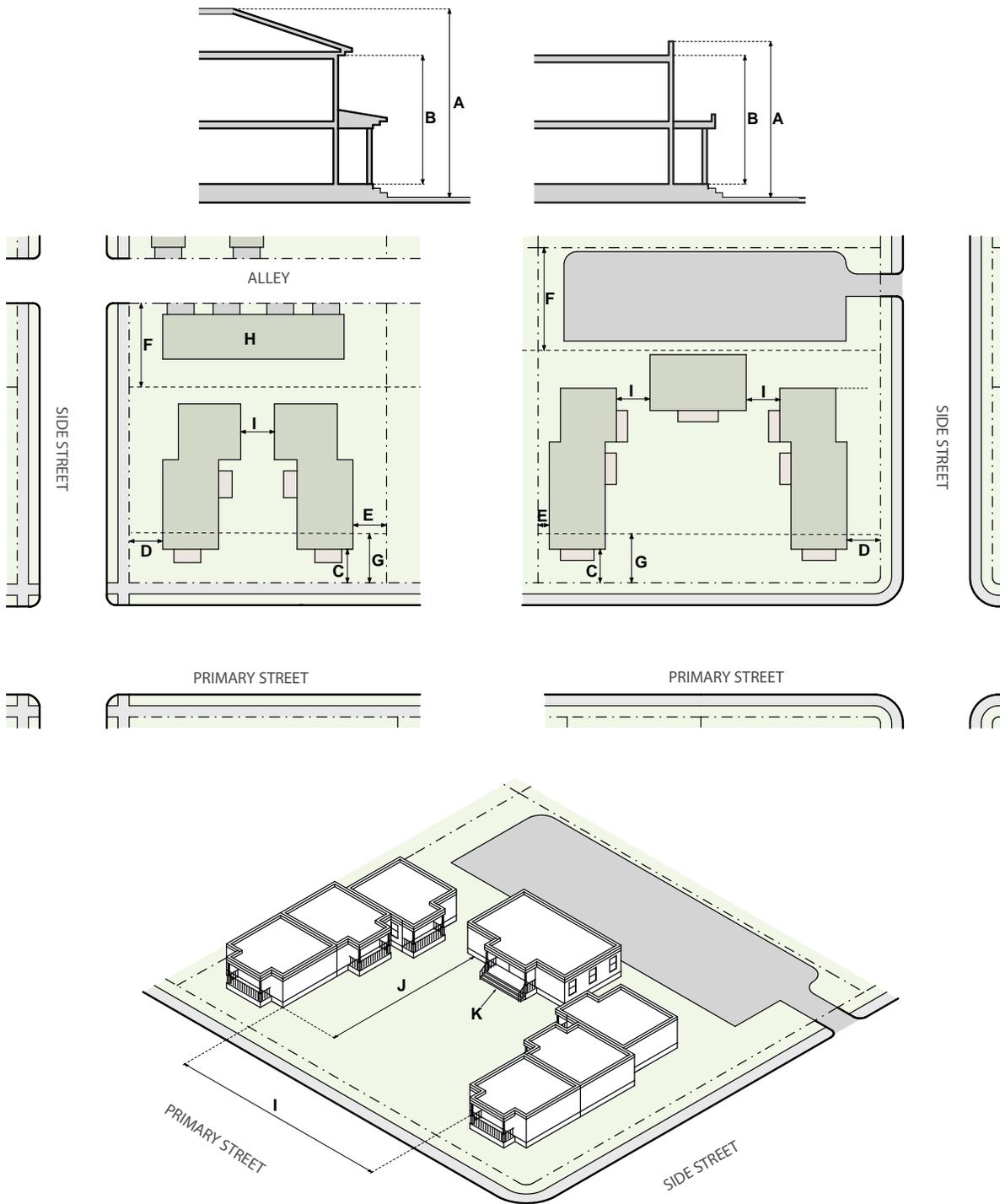
SITING		E-TH-2.5	E-MU-2.5	E-CC-3, -3x
ZONE LOT				
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	na
	Zone Lot Width (min)	50'	50'	na
	Dwelling Units per Primary Residential Structure (min/max)	3/10	3/10	na
REQUIRED BUILD-TO				
C	Primary Street (min % within min/max)	na	na	50% 0'/80'
SETBACKS				
	Primary Street, block sensitive setback required (see Sec. 13.1.2.2)	yes	yes	na
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'	0'
E	Side Street (min)	5'	5'	0'
F	Side Interior (min)	5'	5'	0'
	Side Interior, adjacent to Protected District (min)	na	na	10'
G	Rear, alley/no alley (min)	12' / 20'	12' / 20'	0' / 0'
	Rear, adjacent to Protected District, alley/no alley (min)	na	na	0' / 10'
PARKING				
	Surface Parking Setback	See Sec. 4.3.7.45	See Sec. 4.3.7.45	na
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	Not Allowed/Allowed	Allowed/Allowed
	Vehicle Access	From alley; or Street access allowed when no alley present (See Sec 4.3.7.6)		
ACCESSORY STRUCTURES				
H	Detached Accessory Structures Allowed	see Sec. 4.3.4		

DESIGN ELEMENTS		E-TH-2	E-MU-2.5	E-CC-3, -3x
BUILDING CONFIGURATION				
	Upper Story Stepback, for Flat Roof, Above 25', Primary Street, Side Street and Side Interior	10'	10'	na
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	na	na	15' / 25'
J	Primary Street- Facing Attached Garage Door Width (max per unit)	10'	10'	10'
GROUND STORY ACTIVATION				
	Transparency, Primary Street (min)	na	na	30%
	Transparency, Side Street (min)	na	na	25%
K	Pedestrian Access	Each unit shall have a street-facing Entrance		

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

F. Garden Court

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GARDEN COURT

HEIGHT		E-TH-2.5	E-MU-2.5
A	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2.5/ <u>1</u>	2.5/ <u>1</u>
A	Feet, front 65% / rear 35% of <u>zone</u> lot depth (max)	30'/19'	30'/19'
	Feet, front 65% of <u>zone</u> lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'	
B	Side Wall Plate Height (max)	25'	25'

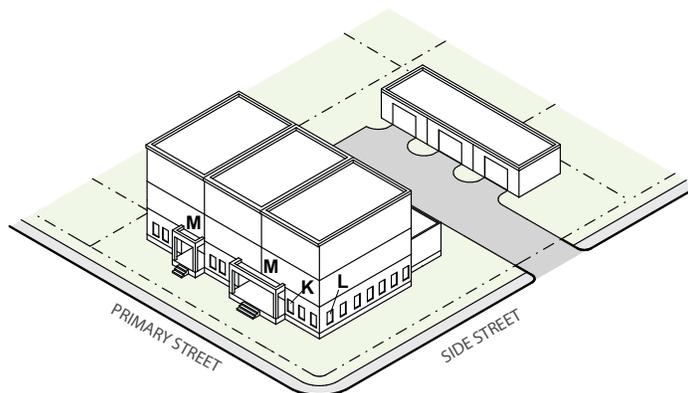
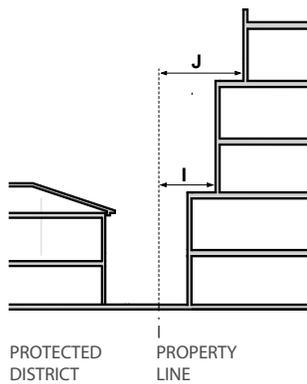
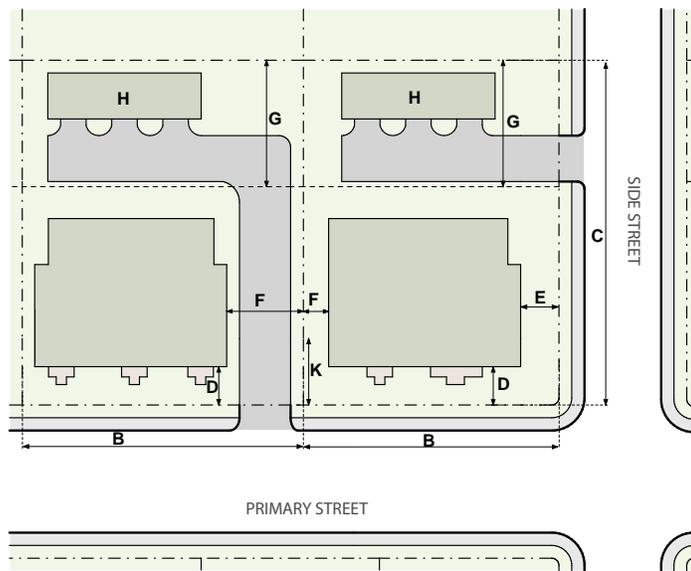
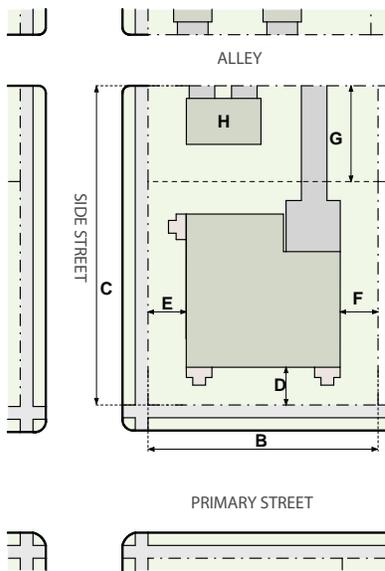
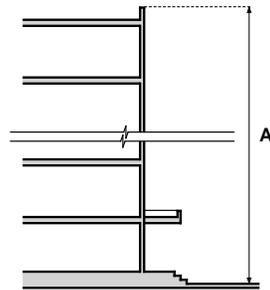
SITING		E-TH-2.5	E-MU-2.5
ZONE LOT			
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	3/10	3/10
SETBACKS			
C	Primary Street, block sensitive setback required (see Sec. 4.3.1.2.2)	yes	yes
C	Primary Street, where block sensitive setback does not apply (min)	20'	20'
D	Side Street (min)	5'	5'
E	Side Interior (min)	5'	5'
F	Rear, alley/no alley (min)	12'/20'	12'/20'
PARKING			
G	Surface Parking Setback	See Sec. 4.3.7. <u>45</u>	See Sec. 4.3.7. <u>45</u>
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	
	Surface Parking Screening	See Article 10, Division 10.5	
	Vehicle Access	From alley; or Street access allowed when no alley present (See Sec 4.3.7.6)	
ACCESSORY STRUCTURES			
H	Detached Accessory Structures Allowed	See Sec. 4.3.4	

DESIGN ELEMENTS		E-TH-2.5	E-MU-2.5
BUILDING CONFIGURATION			
	Upper Story Stepback, for Flat Roof, Above 25': Primary Street and Side, Interior (min)	10'	10'
I	Street-Facing Garden Court Width, (min)	15'	15'
J	Street-Facing Garden Court Depth (min)	30'	30'
	Garden Court Design Standards	See Sec. 4.3.5	
GROUND STORY ACTIVATION			
K	Pedestrian Access	Each dwelling unit shall have a ground story Entrance. At least two Entrances shall be facing Primary Street and all others shall face the interior courtyard.	

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

G. Row House

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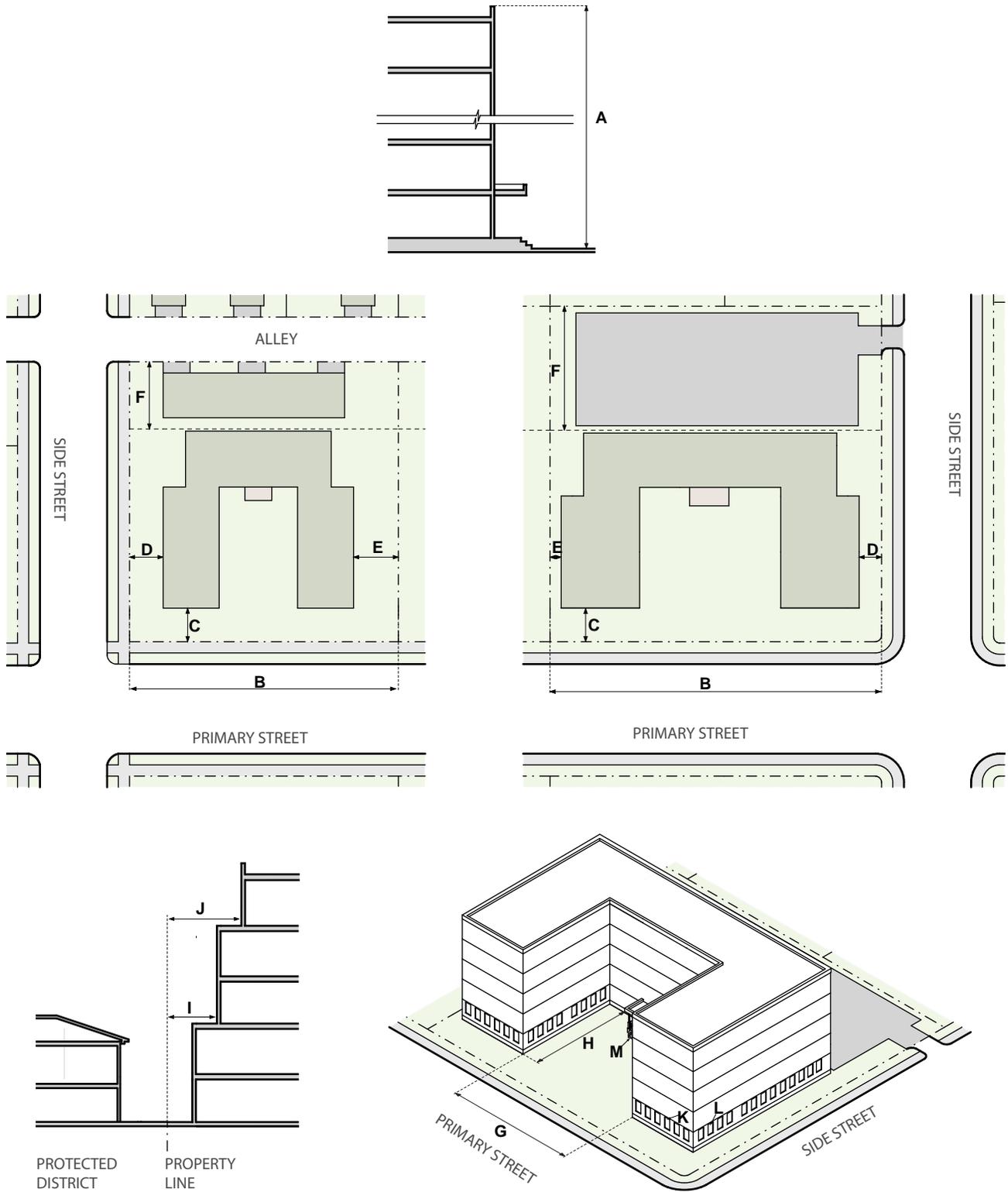
ROW HOUSE

		E-MX-2					
		E-MX-2A	E-MX-3	E-MS-2			
HEIGHT		E-MX-2x	E-MX-3A	E-RX-5	E-MS-2x	E-MS-3	E-MS-5
A	Stories (max)	2	3	5	2	3	5
A	Feet (min/max)	na/35'	na/45'	na/70'	na/35'	na/45'	24'/70'
		E-MX-2					
		E-MX-2A	E-MX-3	E-MS-2			
SITING		E-MX-2x	E-MX-3A	E-RX-5	E-MS-2x	E-MS-3	E-MS-5
ZONE LOT							
	Use Restrictions	na	na	Second Story and Above: Residential Only	Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles		
REQUIRED BUILD-TO							
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	70% 0'/15'	75% 0'/5'	If Residential Only: 75% 0'/10'	
C	Side Street (min % within min/max)	na	na	na	25% 0'/5'	If Residential Only: 25% 0'/10'	
SETBACKS							
D	Primary Street (min)	0'	0'	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0	0'	0'
F	Side Interior (min)	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	E-MX-2x: 5' 10'	10'	10'	E-MS2x: 5' 10'	10'	10'
G	Rear (min)	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING							
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed			MS: Not Allowed/Not Allowed		
	Screening	See Article 10					
	Vehicle Access	From alley; or Street access allowed when no alley present (See Sec. 4.3.7.56)					
ACCESSORY STRUCTURES							
H	Detached Accessory Structures Allowed	See Sec. 4.3.4					
		E-MX-2					
		E-MX-2A	E-MX-3	E-MS-2			
DESIGN ELEMENTS		E-MX-2x	E-MX-3A	E-RX-5	E-MS-2x	E-MS-3	E-MS-5
BUILDING CONFIGURATION							
I	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	na	15'/25'	20'/25'	na	15'/25'	20'/25'
J	Upper Story Setback Above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	na	na	35'/40'	na	na	35'/40'
GROUND STORY ACTIVATION							
K	Transparency, Primary Street (min)	40%	40%	40%	60% If Residential Only: 40%		
L	Transparency, Side Street (min)	25%	25%	25%	25%		
M	Pedestrian Access	Each unit shall have a street-facing Entrance					

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

H. Courtyard Apartment

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COURTYARD APARTMENT

		E-MX-2 E-MX-2A E-MX-3 E-MX-3A E-RX-5			
HEIGHT		E-CC-3, -3x	E-MX-2x	E-MX-3A	E-RX-5
A	Stories (max)	3	2	3	5
A	Feet (max)	45'	35'	45'	70'

		E-MX-2 E-MX-2A E-MX-2x E-MX-3 E-RX-5			
SITING		E-CC-3, -3x	E-MX-2x	E-MX-3	E-RX-5
REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)*	50% 0'/80'	70% 0'/15'	70% 0'/15'	70% 0'/15'
SETBACKS					
C	Primary Street (min)	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'
E	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	E-MX-2x: 5' 10'	10'	10'
F	Rear (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'

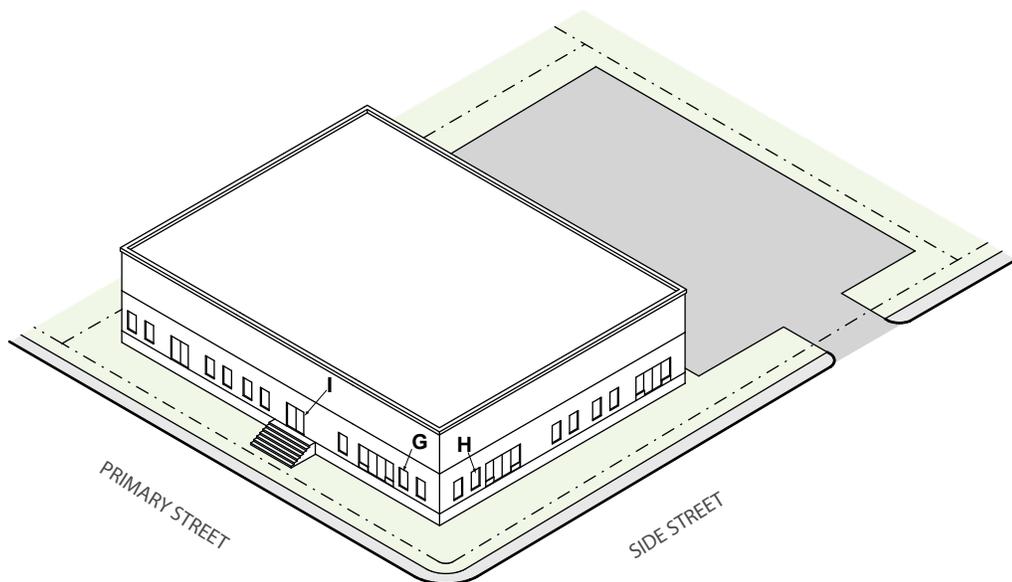
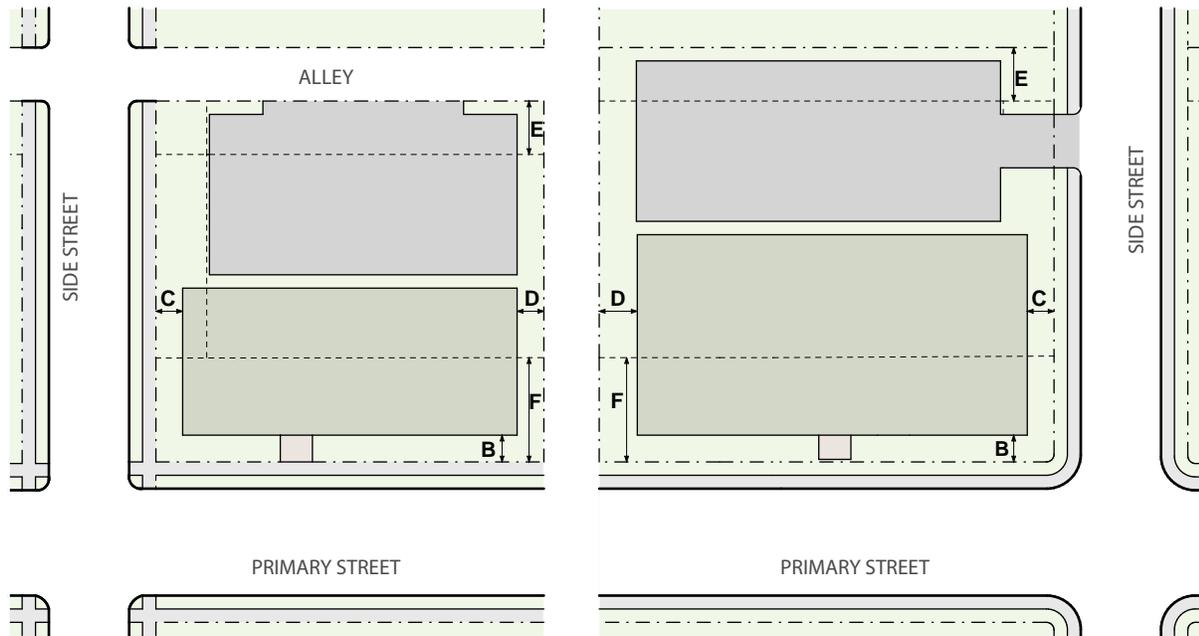
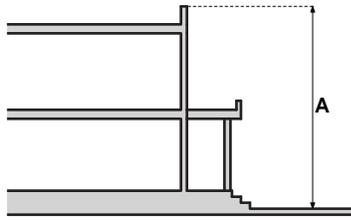
PARKING			
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed	Not Allowed/Allowed
	Surface Parking Screening	See Article 10, Division 10.5	
	Vehicle Access	Access Determined at Site Development Plan	

		E-MX-2 E-MX-2A E-MX-2x E-MX-3A E-RX-5			
DESIGN ELEMENTS		E-CC-3, -3x	E-MX-2x	E-MX-3A	E-RX-5
BUILDING CONFIGURATION					
G	Street-Facing Courtyard Width (min)*	15'	15'	15'	15'
H	Street-Facing Courtyard Depth (min)	30'	30'	30'	30'
	Courtyard Design Standards	See Sec. 4.3.5			
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	na	15'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	na	na	na	35'/40'
GROUND STORY ACTIVATION					
K	Transparency, Primary Street (min)	30%	30%	30%	30%
L	Transparency, Side Street (min)	25%	25%	25%	25%
M	Pedestrian Access, Primary Street	Pedestrian Connection	Entrance	Entrance	Entrance

*Courtyard Width counts toward the required Build-To

I. Apartment (1 of 2)

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APARTMENT (1 OF 2)

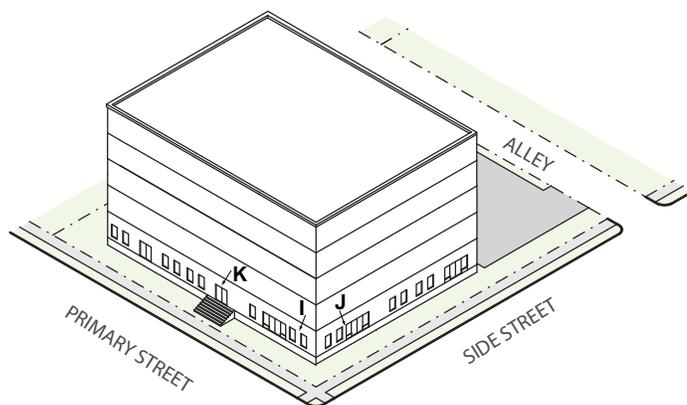
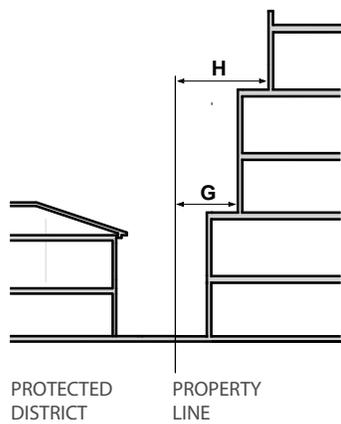
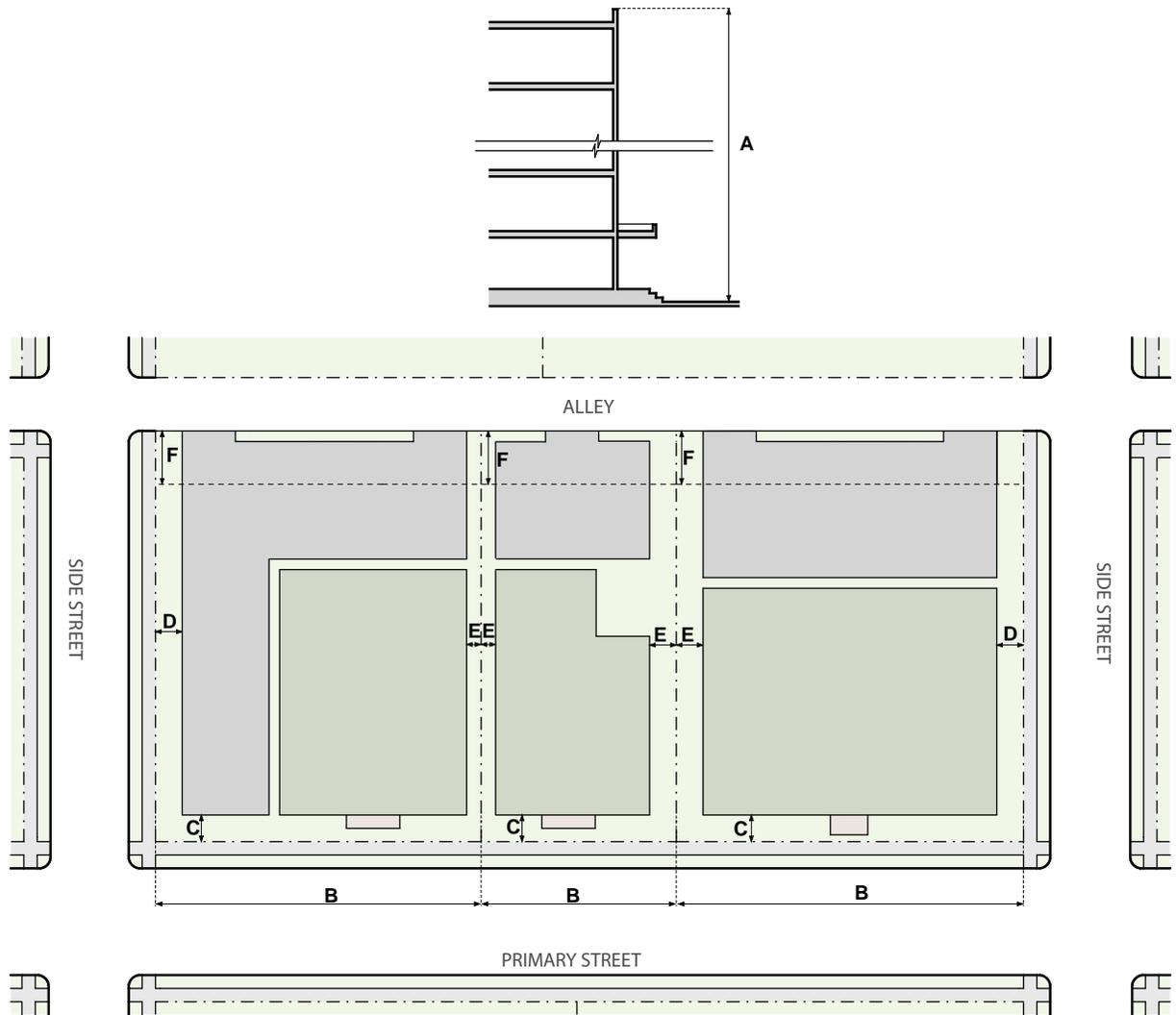
HEIGHT		E-MU-2.5
A	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2/1
A	Feet, front 65% / rear 35% of <u>zone</u> lot depth (max)	30'/19'
	Feet, front 65% of <u>zone</u> lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'
	Side Wall Plate Height (max)	25'

SITING		E-MU-2.5
ZONE LOT		
	Zone Lot Size (min)	6,000 ft ²
	Zone Lot Size (min)	50'
SETBACKS		
B	Primary Street, block sensitive setback required (see Sec. 13.1. 2 .3)	yes
B	Primary Street, where block sensitive setback does not apply (min)	20'
C	Side Street (min)	5'
D	Side Interior (min)	5'
E	Rear, alley/no alley (min)	12'/20'
PARKING		
F	Surface Parking Setback (min)	See Sec. 4.3.7. 4 5
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed
	Surface Parking Screening	See Article 10, Division 10.5
	Vehicle Access	Access determined at Site Development Plan

DESIGN ELEMENTS		E-MU-2.5
BUILDING CONFIGURATION		
	Street facing garage door width per Primary Structure (max)	20'
GROUND STORY ACTIVATION		
G	Transparency, Primary Street (min)	30%
H	Transparency, Side Street (min)	25%
I	Pedestrian Access, Primary Street	Entrance
<u>See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

J. Apartment (2 of 2)

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APARTMENT (2 OF 2)

		E-MX-2			
		E-MX-2A	E-MX-3		
HEIGHT		E-CC-3, -3x	E-MX-2x	E-MX-3A	E-RX-5
A	Stories (max)	3	2	3	5
A	Feet (max)	45'	35'	45'	70'

		E-MX-2			
		E-MX-2A	E-MX-3		
SITING		E-CC-3, -3x	E-MX-2x	E-MX-3A	E-RX-5
ZONE LOT					
Use Restrictions			Residential Only		
REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)	50% 0'/80'	70% 0'/15'	70% 0'/15'	70% 0'/15'
SETBACKS					
C	Primary Street (min)	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'
E	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	E-MX-2x: 5' 10'	10'	10'
F	Rear (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'
PARKING					
Surface Parking between building and Primary Street/Side Street		Allowed/Allowed	Not Allowed/Allowed		
Surface Parking Screening		See Article 10, Section 10.5.7 Division 10.5			
Vehicle Access		Access determined at Site Development Plan			

		E-MX-2			
		E-MX-2A	E-MX-3		
DESIGN ELEMENTS		E-CC-3, -3x	E-MX-2x	E-MX-3A	E-RX-5
BUILDING CONFIGURATION					
G	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)	15'/25'	na	15'/25'	20'/25'
H	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)	na	na	na	35'/40'
GROUND STORY ACTIVATION					
I	Transparency, Primary Street (min)	30%	30%	30%	30%
J	Transparency, Side Street (min)	25%	25%	25%	25%
K	Pedestrian Access, Primary Street	Pedestrian Connection	Entrance	Entrance	Entrance

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

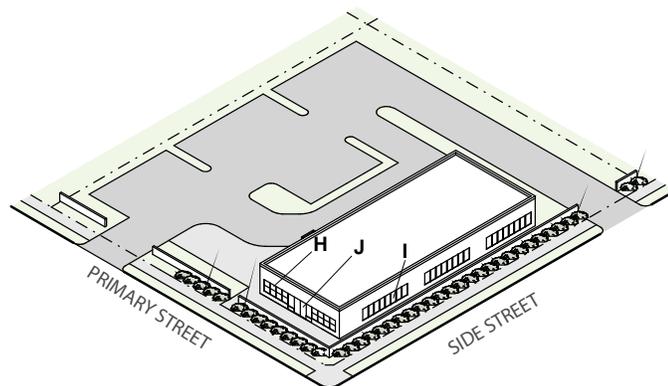
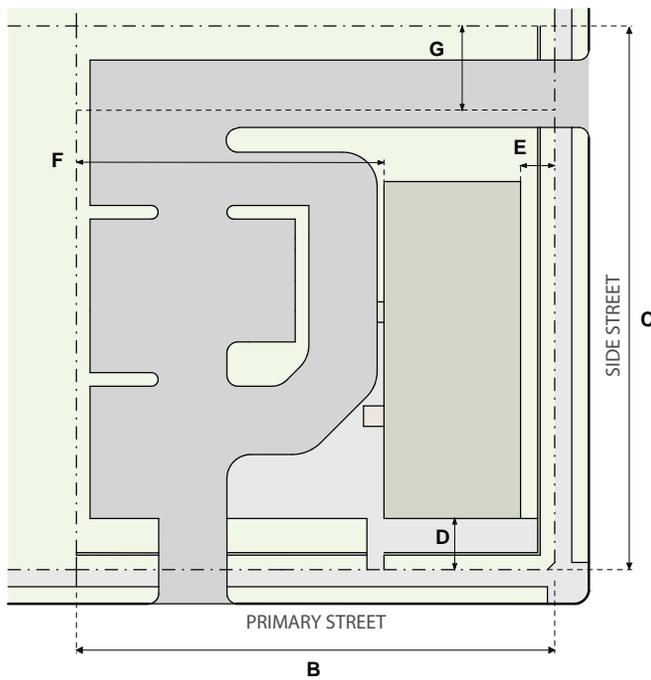
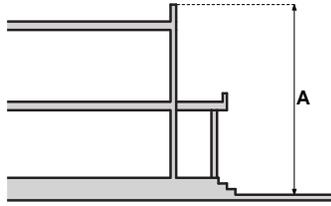
DRIVE THRU SERVICES

		E-CC-3, -3x	E-MX-2 -2A E-MS-2	E-MX-3, 3A E-MS-3, -5
HEIGHT				
A	Stories (max)	3	2	3
A	Feet (max)	45'	35'	45'
			E-MX-2 -2A, -3, -3A E-MS-2, -3, -5	E-MX-2, -3 E-MX-2A, 3A
SITING		E-CC-3, -3x	Option A	Option B
ZONE LOT				
Use Restrictions		Automobile Services, Light and/or Primary Use with Accessory Drive Thru Use, excluding Eating/Drinking Establishments Additionally, in E-MX-2A, 3A Option B is limited to Gasoline Service Station Use Only		
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)*	na	50% 0'/15'	na
C	Side Street (min % within min/max)*	na	50% 0'/15'	na
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
Surface Parking between building and Primary Street/Side Street		Allowed/Allowed	Not Allowed/Not Allowed	Allowed/Allowed
			E-MX-2 -2A, -3, -3A E-MS-2, -3, -5	E-MX-2, -3 E-MX-2A, 3A
DESIGN ELEMENTS		E-CC-3, -3x	Option A	Option B
BUILDING CONFIGURATION				
H	*Canopy	na	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To.	
I	Screening Required	See Article 10	Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0'/15'; following the standards of Article 10, Section 10.5.7 Section 10.5.4.3	
	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	15'/25'	15'/25'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	40%	40% E-MS: 60%	40%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Pedestrian Connection	Entrance	Pedestrian Connection

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

L. Drive Thru Restaurant (1 of 2)

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DRIVE THRU RESTAURANT (1 OF 2)

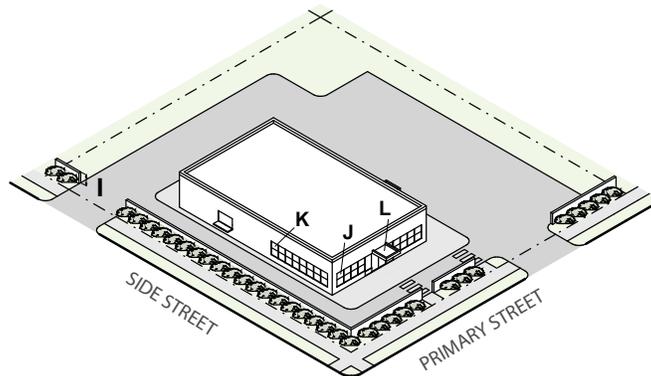
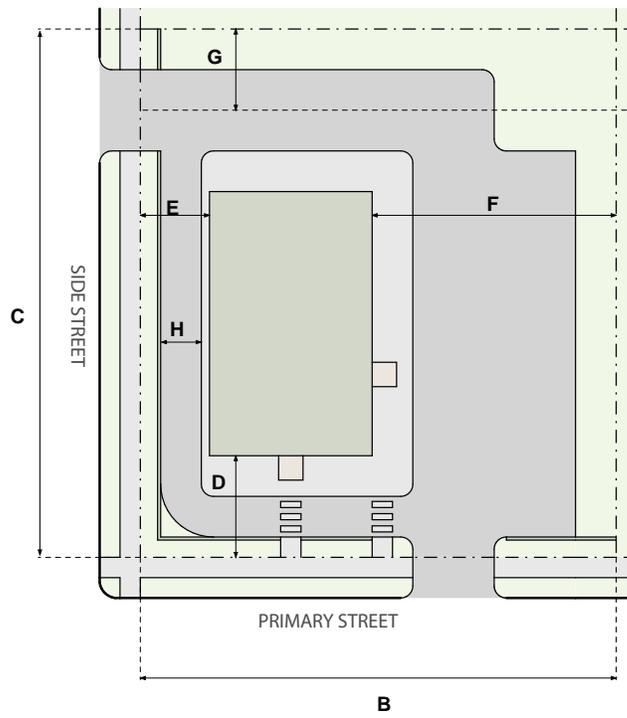
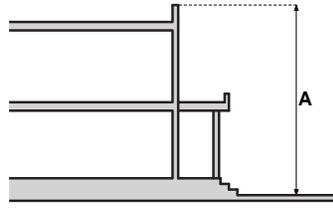
HEIGHT		E-MX-2, -2A E-MS-2	E-MX-3, -3A E-CC-3, -3x, E-MS-3, -5
A	Stories (max)	2	3
A	Feet (max)	35'	45'

SITING		E-CC-3, -3x, E-MX-2, -2A, -3, -3A E-MS-2, -3, -5 Option A	
ZONE LOT			
Use Restrictions		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/10' All other: 75% 0'/5'	
C	Side Street (min % within min/max)	50% 0'/10'	
SETBACKS			
D	Primary Street (min)	0'	
E	Side Street (min)	0'	
F	Side Interior (min)	0'	
	Side Interior, adjacent to Protected District (min)	10'	
G	Rear (min)	0'	
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	
PARKING			
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed	
Drive Thru Lane between building and Primary Street/Side Street		Not Allowed/Not Allowed	

DESIGN ELEMENTS		E-MX-2, -2A, E-MS-2	E-CC-3, -3x, E-MX-3, -3A E-MS-3, -5
BUILDING CONFIGURATION			
Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)		na	15'/25'
GROUND STORY ACTIVATION			
H	Transparency, Primary Street (min)	40% E-MS: 60%	40% E-MS: 60%
I	Transparency, Side Street (min)	25%	25%
J	Pedestrian Access, Primary Street	Entrance	Entrance

M. Drive Thru Restaurant (2 of 2)

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DRIVE THRU RESTAURANT (2 OF 2)

HEIGHT		E-CC-3, -3x	E-MX-2, -2A, E-MS-2	E-MX-3, -3A E-MS-3, -5
A	Stories (max)	3	2	3
A	Feet (max)	45'	35'	45'

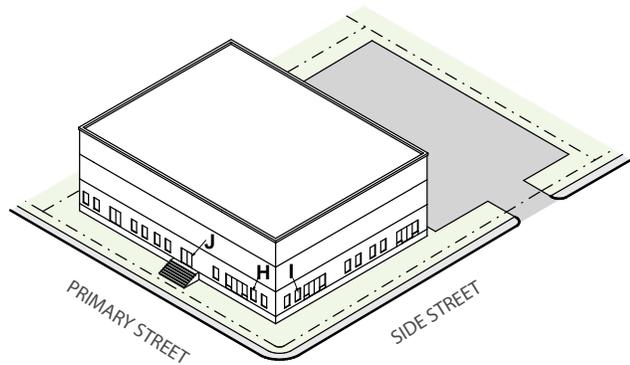
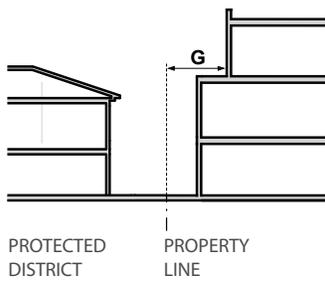
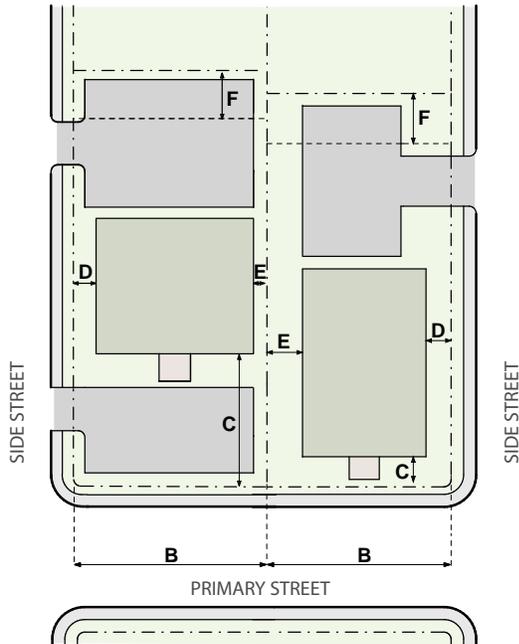
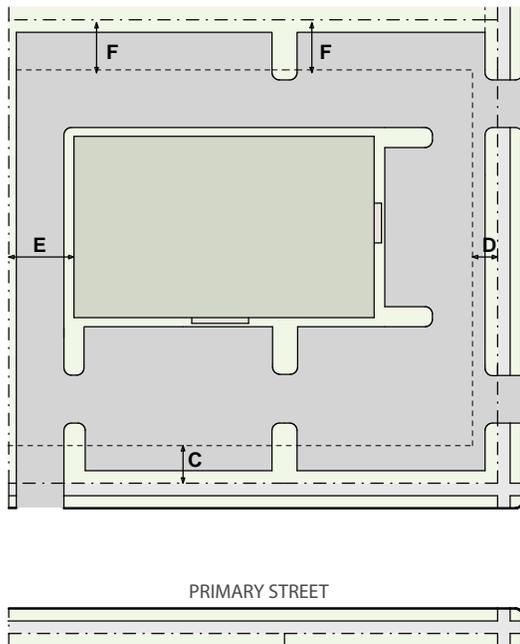
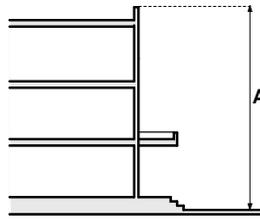
SITING		E-CC-3, -3x	E-MX-2 -2A, -3, -3A E-MS-2 -3, -5 Option B
ZONE LOT			
Use Restrictions		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	50% 0'/80'	50% 0'/35'
C	Side Street (min % within min/max)	na	50% 0'/18'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
G	Rear (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
	Surface Parking between building and Primary Street/Side Street	Allowed/Allowed	Not Allowed/Not Allowed
	Drive Thru Lane between building and Primary Street/Side Street	Allowed/Allowed	Allowed/Allowed
H	Drive Thru Lane Width (max)	na	12'
I	Drive Thru Screening	na	Garden Wall, following the standards of Article 10-Section 10.5.7D Section 10.5.4.3

DESIGN ELEMENTS		E-CC-3, -3x	E-MX-2, -2A, E-MS-2	E-MX-3, -3A E-MS-3, -5
BUILDING CONFIGURATION				
	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	na	15'/25'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	40%	40% E-MS: 60%	40% E-MS: 60%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Pedestrian Connection	Entrance and Pedestrian Connection	

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

N. General (1 of 2)

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GENERAL (1 OF 2)

HEIGHT		E-CC-3, -3x	
A	Stories (max)	3	
A	Feet (max)	45'	

SITING		E-CC-3, -3x Option A	E-CC-3, -3x Option B
RESTRICTION		na	Allowed only if Ground Story is greater than 20,000 square feet

REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	50% 0'/80'	na

SETBACKS			
C	Primary Street (min)	0'	0'
D	Side Street (min)	0'	0'
E	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
F	Rear (min)	0'	0'
	Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'

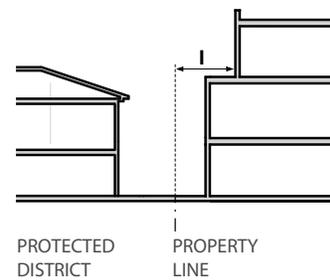
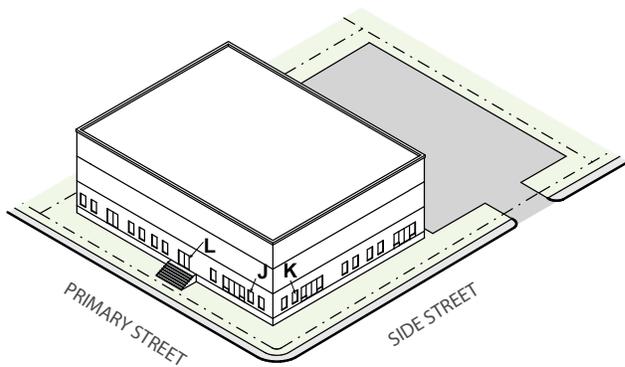
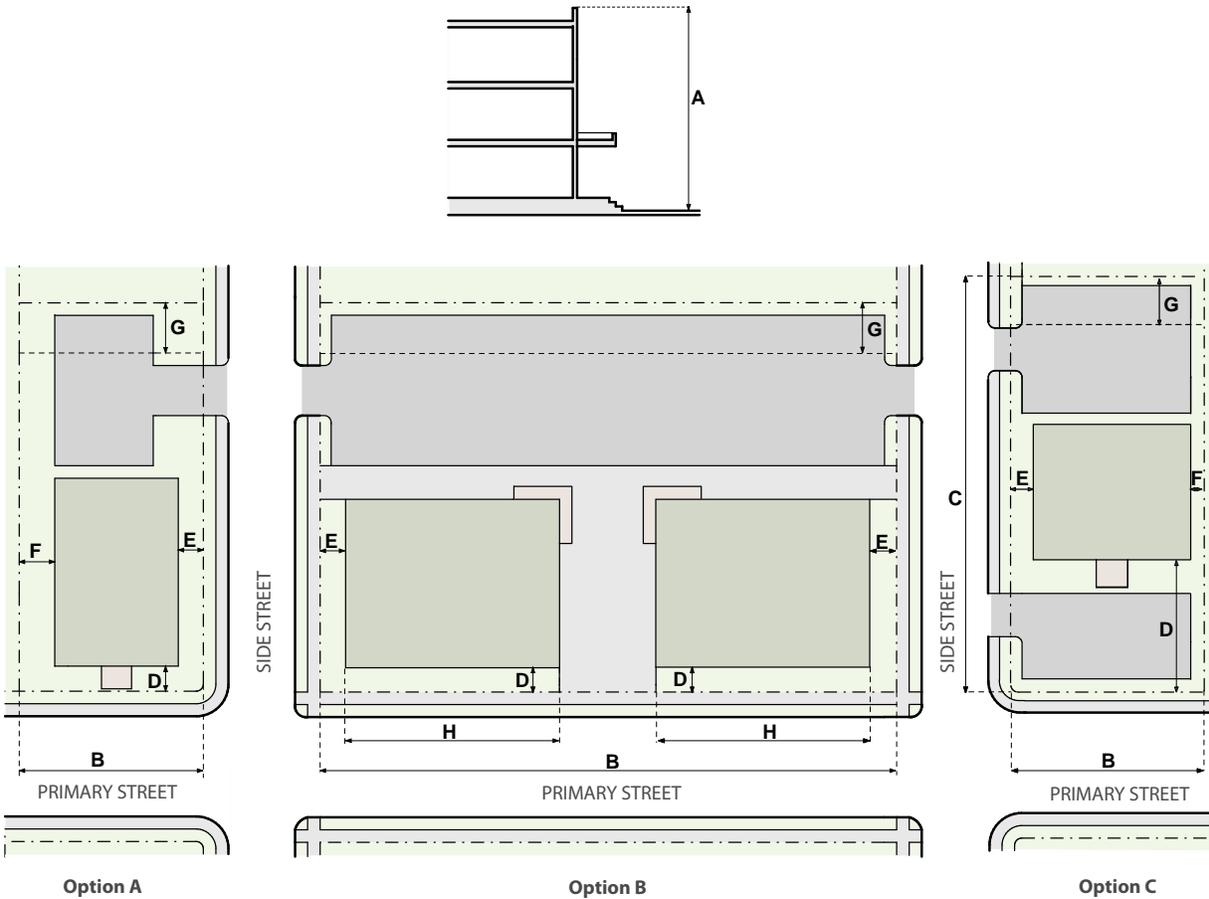
PARKING		Allowed/Allowed	
	Surface Parking between building and Primary Street/Side Street		
	Surface Parking Screening	See Article 10, Division 10.5	
	Vehicle Access	Access determined at Site Development Plan	

DESIGN ELEMENTS		E-CC-3, -3x Option A	E-CC-3, -3x Option B
BUILDING CONFIGURATION			
G	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
H	Transparency, Primary Street (min)	40%	40%*
I	Transparency, Side Street (min)	25%	25%*
J	Pedestrian Access, Primary Street	Pedestrian Connection	

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

O. General (2 of 2)

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GENERAL (2 OF 2)

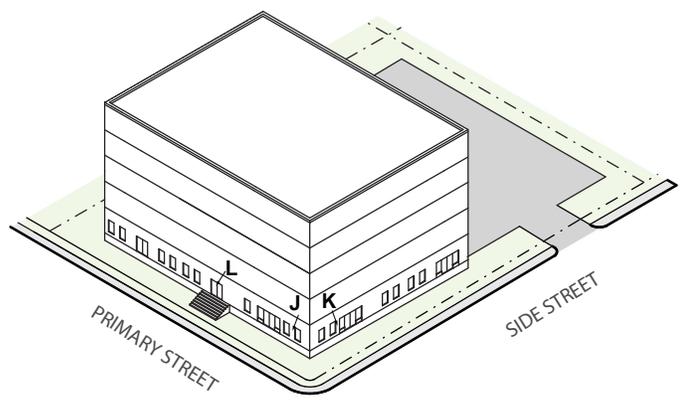
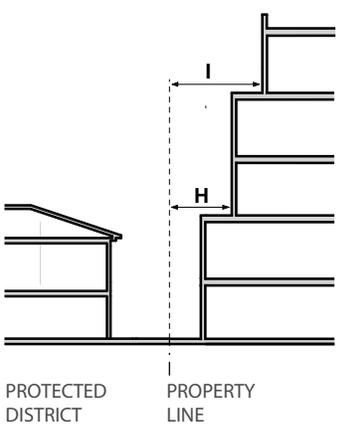
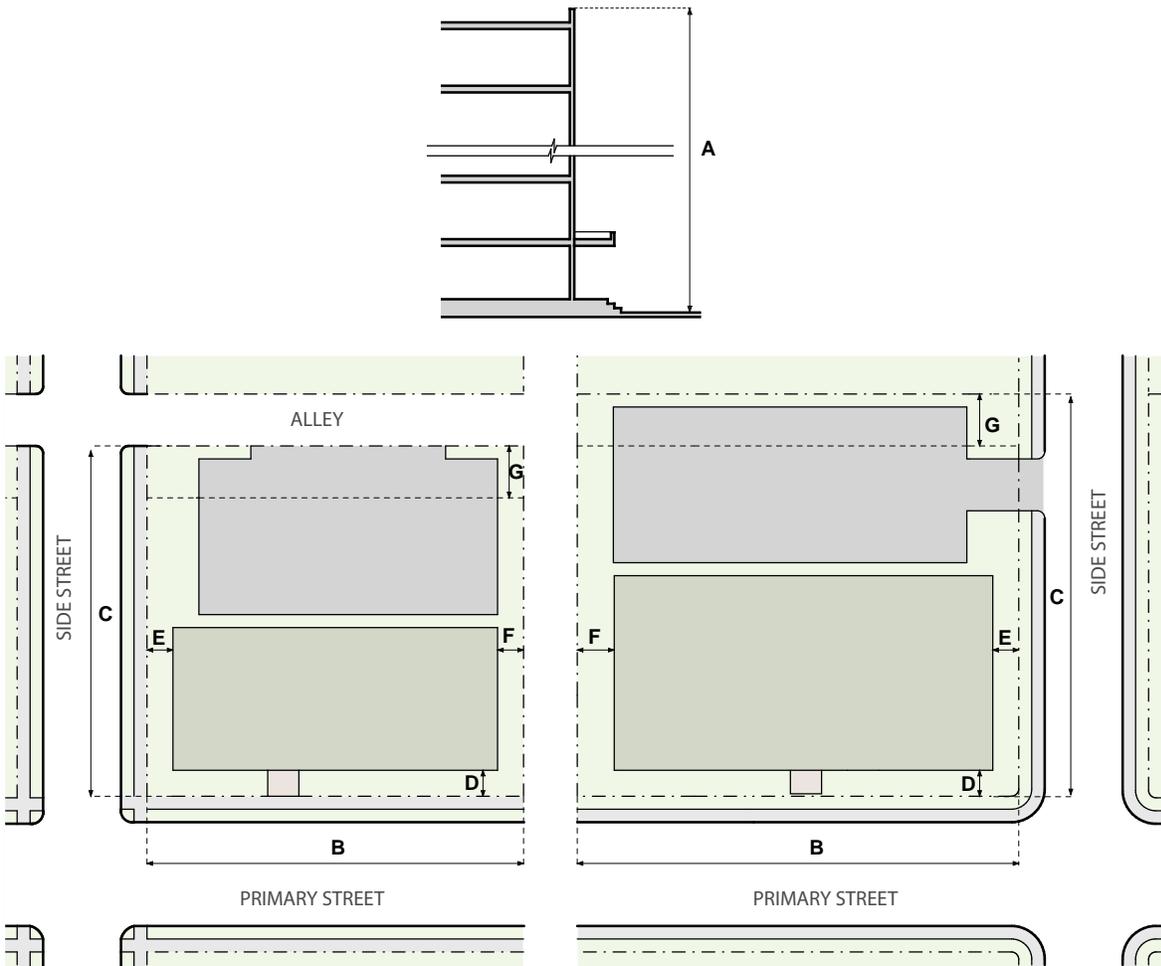
HEIGHT		E-MX-2, -2A, -2x	E-MX-3, -3A
A	Stories (max)	2	3
A	Feet (max)	35'	45'

SITING		E-MX-2, -2A, -2x E-MX-3, -3A Option A	E-MX-2, -2A, -2x E-MX-3, -3A Option B	E-MX-2, -2x -3 Option C
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	70% 0'/80'
C	Side Street (min % within min/max)	na	na	25% 0'/15'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	E-MX-2x: 5' 10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed		Allowed/ Not Allowed
	Surface Parking Screening	See Article 10, Division 10.5		
	Vehicle Access	Access determined at Site Development Plan		

DESIGN ELEMENTS		E-MX-2, -2A, -2x E-MX-3, -3A Option A	E-MX-2, -2A, -2x E-MX-3, -3A Option B	E-MX-2, -2x -3 Option C
BUILDING CONFIGURATION				
H	Overall Structure Length, Primary Street (max)	na	150'	na
I	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)	MX-3 Only: 15'/25'	MX-3 Only: 15'/25'	MX-3 Only: 15'/25'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	40%	40%	60%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance or Pedestrian Connection	Pedestrian Connection

P. Shopfront

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SHOPFRONT

HEIGHT		E-MS-2x			
		E-RX-5	E-MS-2	E-MS-3	E-MS-5
A	Stories (max)	5	2	3	5
A	Feet (min/max)	na/70'	na/35'	na/45'	24'/70'

SITING		E-MS-2x			
		E-RX-5	E-MS-2	E-MS-3	E-MS-5
ZONE LOT					
Use Restrictions		Second Story and Above: Residential Only	Ground Story within the build-to portion, must have at least one primary use, other than the parking of vehicles		

REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)	70% 0'/15'	75% 0'/5'	75% 0'/5'	75% 0'/5'
C	Side Street (min % within min/max)	na	25% 0'/5'	25% 0'/5'	25% 0'/5'

SETBACKS					
D	Primary Street (min)	0	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	E-MS-2x: 5' 10'	10'	10'
G	Rear, (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'

PARKING					
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed			
Surface Parking Screening		See Article 10, Division 10.5			
Vehicle Access		Access determined at Site Development Plan			

DESIGN ELEMENTS		E-MS-2x			
		E-RX-5	E-MS-2	E-MS-3	E-MS-5
BUILDING CONFIGURATION					
H	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)	20'/25'	na	15'/25'	20'/25'
I	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)	35'/40'	na	na	35'/40'
GROUND STORY ACTIVATION					
J	Transparency, Primary Street (min)	60%	60%	60%	60%
K	Transparency, Side Street (min)	25%	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance			

SECTION 4.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

4.3.4.1 **Applicability**

All detached accessory structures in all the Urban Edge Neighborhood Context Zone Districts

4.3.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 4.3.4, and the permitted building form standards of the particular zone district in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

The following detached accessory structures are specifically allowed: ~~subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

Sheds, utility buildings, playhouses, ~~Patios,~~ cabanas, pool houses, ~~Porches,~~ and guard houses

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

- a. Carports ~~and off-street parking areas~~
- b. Decks, gazebos, arbor/trellis, ~~Gates,~~ swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas
- c. Radio and Television Receiving Antennas and Support Structures
Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.
- d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject zone district.~~

4. **Fences, Walls and Retaining Walls**

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

5. **Detached Accessory Structures Not Specifically Listed ~~as Allowed~~**

- a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 4.3.4.
- b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific use by right, and if the struc-

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 4.3.4.

4.3.4.3 **Supplemental Standards**

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

1. Gross Floor Area

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

2. Building Coverage

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

3. Permitted Number

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 4.3.4.4.A and B above.~~ (moved)

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

1. Required Building Materials

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

2. Access and Contiguity

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

4.3.4.4 **District Specific Standards Summary**

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

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

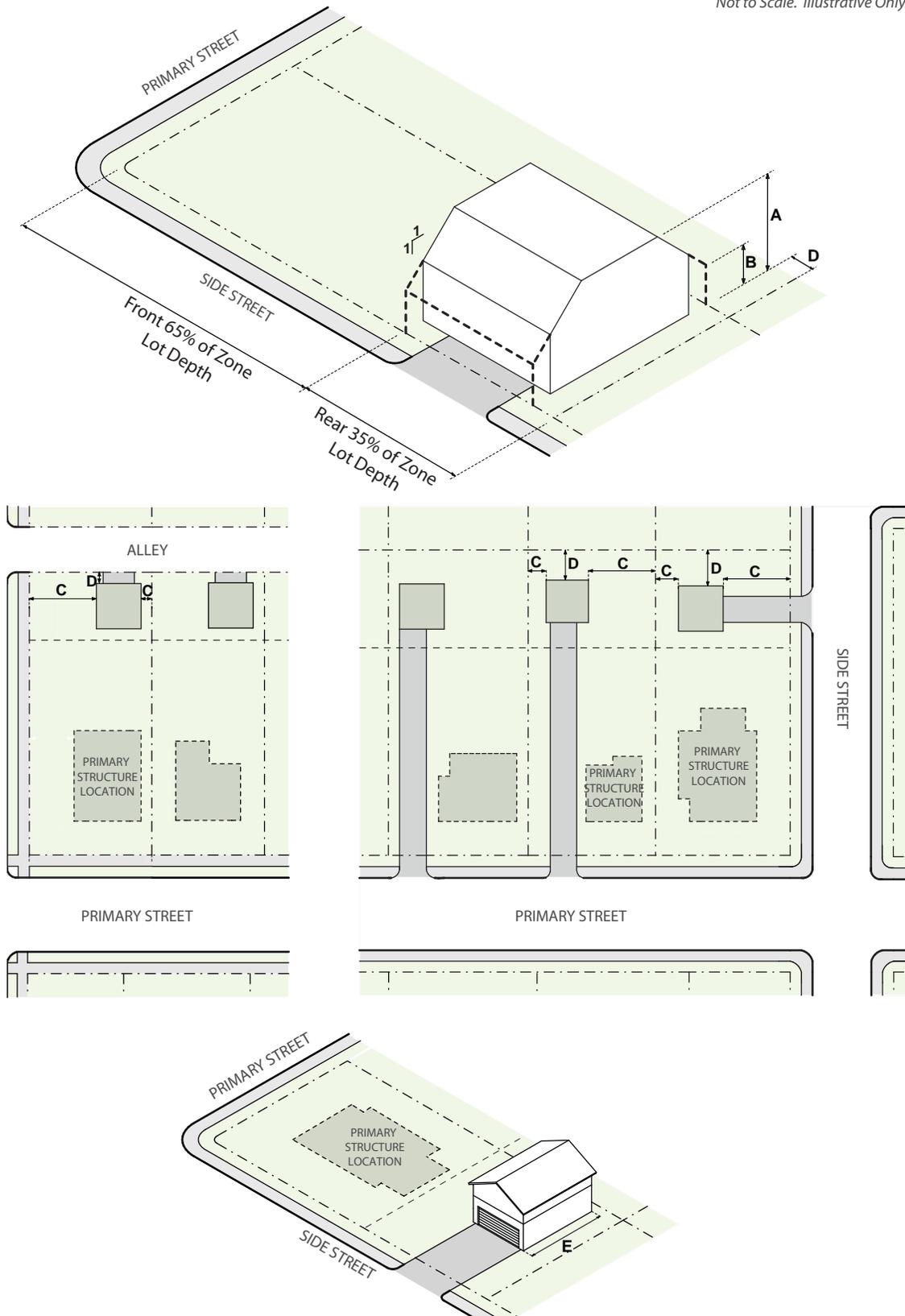
■ = Allowed □ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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4.3.4.5 District Specific Standards

A. Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



DETACHED ACCESSORY DWELLING UNIT

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

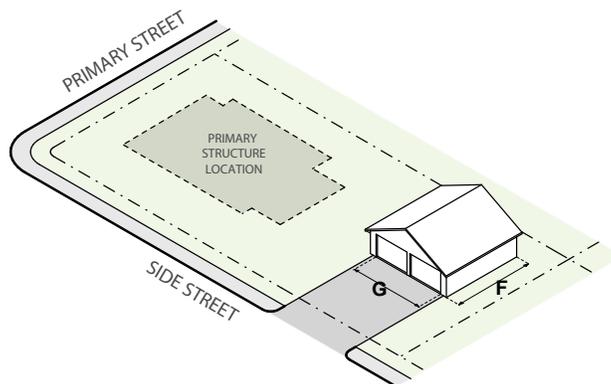
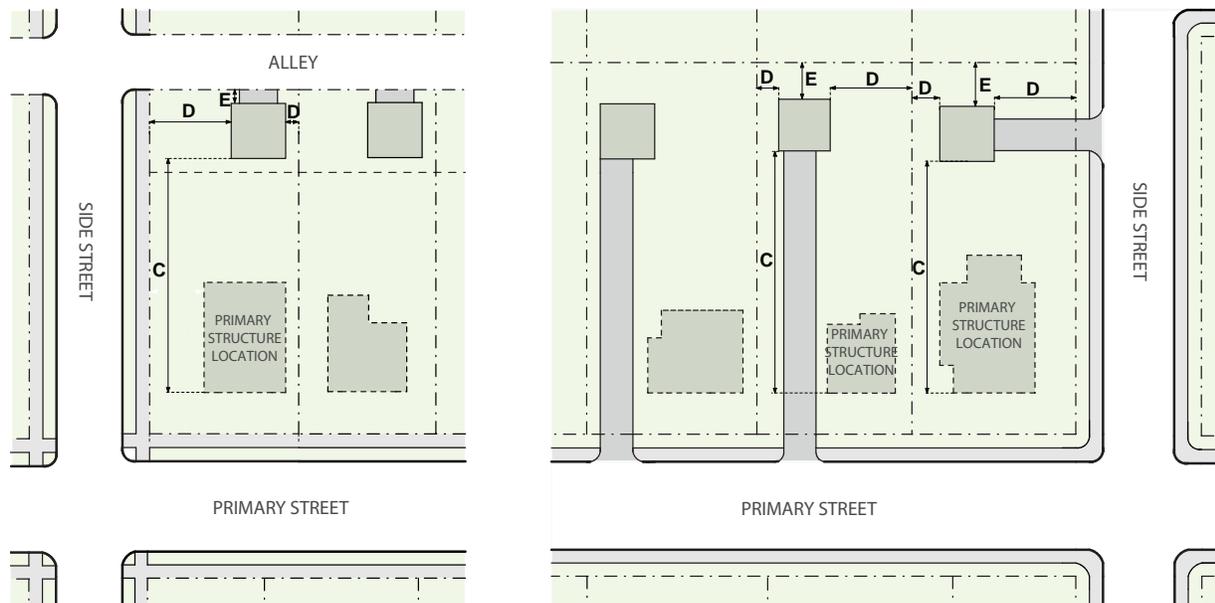
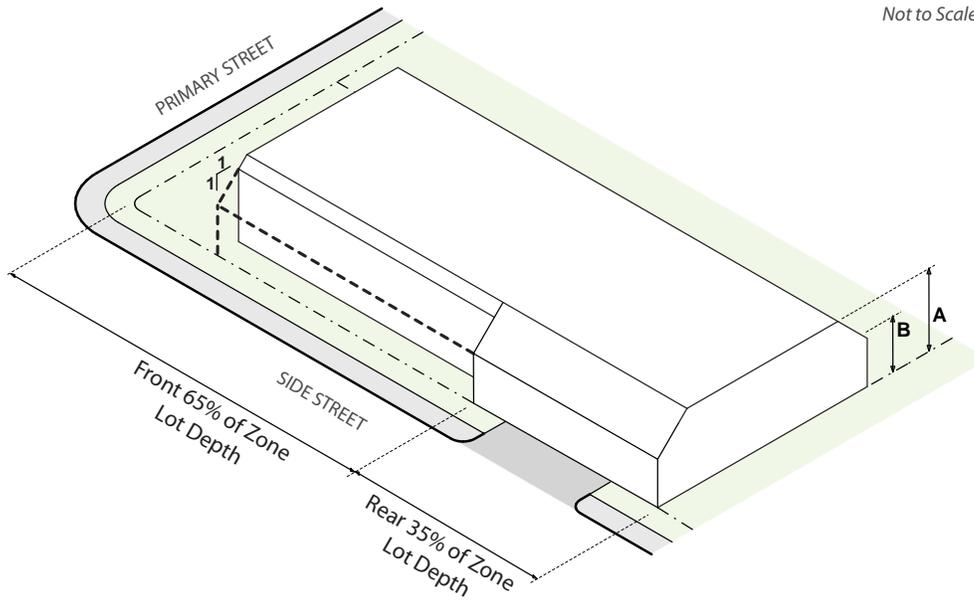
SITING		E-SU-D1	E-SU-D1x	E-SU-G1	E-TU-B	E-TU-C	E-TH-2.5 E-MU-2.5
USE RESTRICTION		Accessory Uses Only, including accessory dwelling unit where permitted. See Division 4.4 for permitted Accessory Uses					
ZONE LOT							
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	9,000 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²
	Exemption from Maximum Building Coverage (Lesser of)	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 ft ² . To qualify, the ADU form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the ADU form shall be used for vehicle parking.					
	Allowed Number of Dwelling Units (min/max)	0/1	0/1	0/1	0/1	0/1	0/1
Additional Standards		See Sections 4.3.4.4 and 4.3.4.5					
SETBACKS							
	Location	Located in the rear 35% of the zone lot depth					
C	Side Interior and Side Street (min)	5'	5'	5'	5'	5'	5'
		If exceeding one story or 17' must be located adjoining the southern most side setback line					
D	Rear (min)	5'	5'	5'	5'	5'	5'
PARKING							
	Vehicle Access	From alley; or Street access allowed when no alley present see Sec. 4.3.7.6 for exceptions					

DESIGN ELEMENTS		E-SU-D1, E-SU-D1x, E-SU-G1 By Zone Lot Size			E-TU-B, E-TU-C, E-TH-2.5, E-MU-2.5
BUILDING CONFIGURATION		6,000 ft ² or Less	6,001 ft ² to 7,000 ft ²	7,001 ft ² or Greater	
	Building Footprint (max)	650 ft ²	864 ft ²	1,000 ft ²	1,000 ft ²
	Habitable Space (max)	650 ft ²	864 ft ²	1,000 ft ²	na
E	Horizontal Dimension (max)	36'	36'	36'	36'

[See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

B. Detached Garage

Not to Scale. Illustrative Only.



DETACHED GARAGE

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

SITING		E-SU-A	E-SU-B	E-SU-D E-SU-D1	E-SU-Dx E-SU-D1x	E-SU-G E-SU-G1	E-TU-B	E-TU-C	E-TH-2.5 E-MU-2.5
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 4.4 for permitted Accessory Uses							
ZONE LOT									
Exemption from Maximum Building Coverage (Lesser of)		50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 ft ² . To qualify, the detached garage form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the garage form shall be used for vehicle parking.							
Allowed Number of Dwelling Units (min/max)		0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
Additional Standards		See Sections 4.3.4.4 and 4.3.4.5							
SETBACKS									
<u>Front Setback (min), from primary structure façade</u>									
C	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'	5'	5'	5'
D	Side Interior (min), for structure entirely in rear 35% of zone lot*	0'	0'	0'	0'	0'	0'	0'	0'
D	Side Interior (min), for structure not entirely in rear 35% of zone lot	5'	5'	5'	5'	5'	5'	5'	5'
E	<u>Rear, no alley (min)</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
E	Rear, where garage doors face alley (min)	5'	5'	5'	5'	5'	5'	5'	5'
E	Rear, where garage doors do not face alley (min)	0'	0'	0'	0'	0'	0'	0'	0'

DESIGN ELEMENTS		E-SU-A	E-SU-B	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-TH-2.5 E-MU-2.5
BUILDING CONFIGURATION									
Building Footprint (max)		1,000 ft ²	864 ft ² ** per unit	864 ft ² ** per unit	432 ft ² per unit				
F	Horizontal Dimension (max)	36'	36'	36'	36'	36'	36'	36'	no max
G	Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	3	3	3	3	3	3	3	3
G	Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	28'	28'	28'	28'	28'	28'	28'	no max

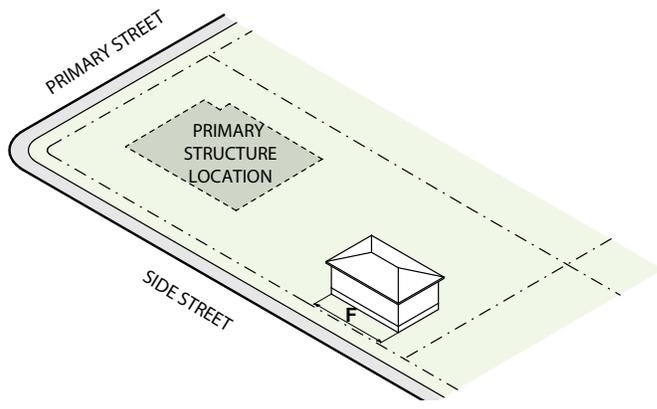
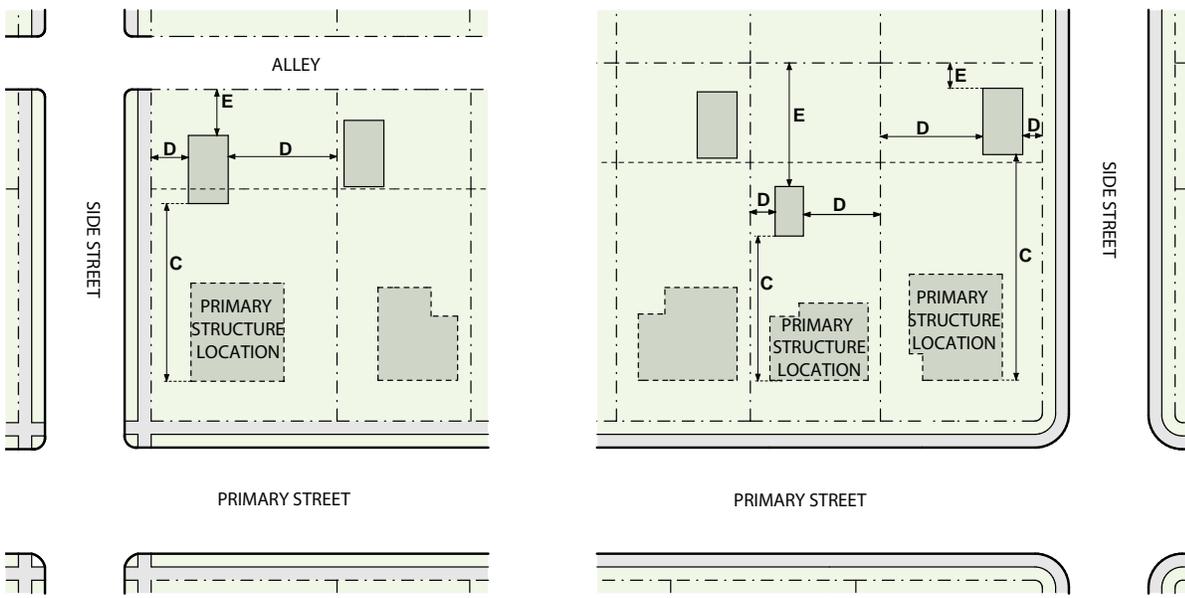
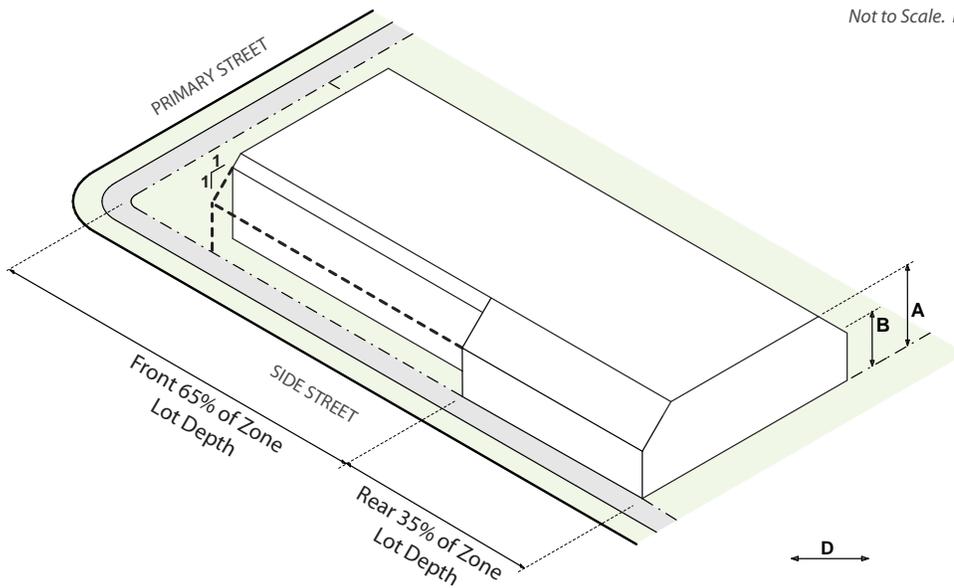
See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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

**When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 ft²

C. Detached Utility Building Other Detached Accessory Structures

Not to Scale. Illustrative Only.



OTHER DETACHED ACCESSORY STRUCTURES UTILITY BUILDING

HEIGHT		E-SU-A	E-SU-B	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-TH-2.5 E-MU-2.5
A	Stories (max)	1	1	1	1	1	1	1	1
A	Feet (max)	15'	15'	15'	15'	15'	15'	15'	15'
B	Bulk Plane Vertical Height at Side interior and side street zone lot line	10'	10'	10'	10'	10'	10'	10'	10'
	Bulk Plane Slope from Side interior and side street zone lot line	45°	45°	45°	45°	45°	45°	45°	45°

SITING		E-SU-A	E-SU-B	E-SU-D E-SU-D1	E-SU-Dx E-SU-D1x	E-SU-G E-SU-G1	E-TU-B	E-TU-C	E-TH-2.5 E-MU-2.5
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 4.4 for permitted Accessory Uses							
ZONE LOT									
	Allowed Number of Dwelling Units (min/max)	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
	Additional Standards	See Sections 4.3.4.4 and 4.3.4.5							

SETBACKS		E-SU-A	E-SU-B	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-TH-2.5 E-MU-2.5
<u>Front Setback (min), from primary structure façade</u>									
C	<u>Setback from Primary Street Facing Façade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'	5'	5'	5'
D	Side Interior (min), for structure entirely in rear 35% of zone lot <u>setback area*</u>	0'	0'	0'	0'	0'	0'	0'	0'
	<u>Side Street and Side Interior, for structure not entirely in the rear 35% of zone lot (min)</u>	5'	5'	5'	5'	5'	5'	5'	5'
E	Rear, <u>no alley</u> (min)	5'	5'	5'	5'	5'	5'	5'	5'
	Rear, <u>alley, where doors face alley</u> (min)	5'	5'	5'	5'	5'	5'	5'	5'
	<u>Rear, alley, where doors do not face alley (min)</u>	0'	0'	0'	0'	0'	0'	0'	0'

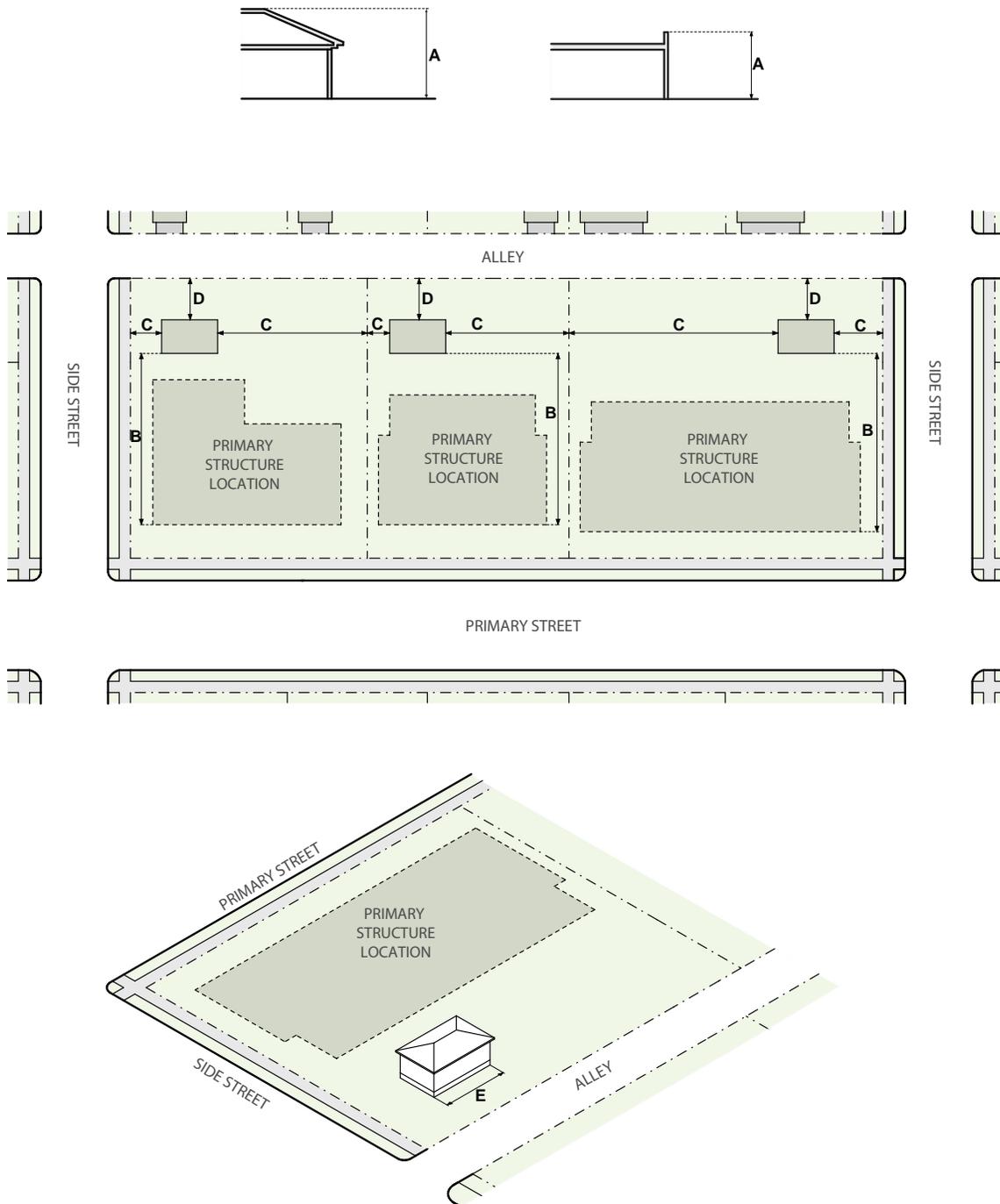
DESIGN ELEMENTS		E-SU-A	E-SU-B	S-SU-D E-SU-D1	E-SU-Dx E-SU-D1x	E-SU-G E-SU-G1	E-TU-B	E-TU-C	E-TH-2 E-MU-2.5
BUILDING CONFIGURATION									
	Building Footprint (max)	1,000 ft ²							
F	Horizontal Dimension (max)	36'	36'	36'	36'	36'	36'	36'	36'

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

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

D. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

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

SITING		All E-CC, -MX, -RX, -MS
ZONE LOT		
	Use Restrictions	Accessory Uses Only
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 4.3.4.4 and 4.3.4.5
SETBACKS		
	Front Setback (min), from primary structure façade	
B	Setback from Primary Street Facing Facade of Primary Structure (min)	10'
C	Side Interior and Side Street (min)	5'
D	Rear (min)	5'
	Rear, when garage doors face alley (min)	5'

DESIGN ELEMENTS		All E-CC, -MX, -RX, -MS
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
	<u>See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>	

SECTION 4.3.5 SUPPLEMENTAL DESIGN STANDARDS

4.3.5.1 Rooftop and/or Second Story Decks

A. Intent

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

B. Applicability

All the E-SU, E-TU, E-TH, and E-MU-2.5 Zone Districts

C. Supplemental Design Standard

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

4.3.5.2 Garden Court

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

1. Located at natural grade;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. Open to the sky; and
4. Bounded on not less than 3 sides with related building facades on the same parcel.

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

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

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

4.3.5.3 Courtyard

A. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:

1. No more than one-half story above or below grade at the zone lot line adjoining the primary street; may be on the structure;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. Open to the sky; and
4. Bounded on not less than 3 sides with connected building facades.

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

1. Single or multiple entries to uses within the building;
2. Public or private landscaped area;
3. Outdoor seating area; or

4. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, or integrally colored concrete with a module of not more than 4 feet.

4.3.5.4 Pedestrian Access

A. Entrance

Where required in Urban Edge Neighborhood Context Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

1. Door - An entrance on the same plane as the building facade.
2. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
3. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

B. Entry Feature

Where required in Urban Edge Neighborhood Context Zone Districts, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. An entry feature shall be one of the following:

1. Door
2. Gates
3. Front Porch
4. Front Stoop
5. Front Terrace
6. Canopy
7. Arcade

C. Pedestrian Connection

Where required in the Urban Edge Neighborhood Context Zone Districts, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. The Pedestrian Connection shall comply with the following:

1. Fully paved and maintained surface not less than 5' in width.
2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. The portions of pedestrian connection that cross drive lanes within parking areas shall not exceed 25' in length.

SECTION 4.3.6 DESIGN STANDARD ALTERNATIVES

4.3.6.1 Required Build-To Alternative

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Outdoor Patio Seating

In the E-CC-3;x, -3, E-MX-2x, -2, -3 Zone Districts, the Required Build-To Range may be increased from 80' to 90' when Outdoor Patio Seating is provided between the building and the Primary Street. Ground Story Activation requirements shall still apply.

B. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - a. Decorative and/or structural piers may exceed the allowable height range
 - b. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division
 - c. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"
2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Article 10.

C. Pergola

In all Urban Edge Neighborhood Context Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

1. Pergola structure shall be no less than 24" deep as measured perpendicular to the property line.
2. Pergola structure shall maintain at least 8' clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6" vertical dimension.
4. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15' on center.
5. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42" and 84" above grade.
6. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports.

D. Arcades

In all Urban Edge Neighborhood Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than two stories in height,
2. The exterior face of the arcade column line is within the build-to zone,
3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

4.3.6.2 Ground Story Activation Alternatives

A. Transparency Alternatives

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. If used in combination, in the E-MU-2.5, E-CC, E-MX and E-RX Zone Districts, the alternatives may count toward no more than 80% of the transparency requirement. In the E-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the entirety (100%) of the length and height of the wall is considered. In the E-MS Zone Districts, if used in combination the alternatives may count toward no more than 50% of the Primary and/or Side Street transparency requirement.

1. Windows Outside the Zone of Transparency

Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features, when located within the required zone of transparency, may count toward a maximum of 40% of the total transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines.

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward 50% of Primary Street and 50% of Side Street transparency requirements if they provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"
- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls

- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Eating/Serving Areas

Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward 60% of the transparency requirement. Accessory outdoor eating/serving areas located between the building and Side Street zone lot line may count toward 80% of the transparency requirement.

5. Permanent Art

Non-commercial art or graphic design may count toward a maximum of 40% of the transparency requirement, provided such art or design complies with all of the following standards:

- a. Of sufficient scale and orientation to be perceived from the public right of way;
- b. Rendered in materials or media appropriate to an exterior, urban environment; and
- c. Permanently integrated into the building wall.

B. Entrance Alternatives

In E-MX and E-RX Zone Districts, excluding the Row House building form, an alternative to an Entrance is permitted. The Entrance Alternative shall provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building. An Entrance Alternative shall be one of the following:

- 1. Courtyard or Plaza
 - a. Shall be accessible to public during business hours
 - b. Shall be within 2' of grade at edge of public right-of-way
 - c. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.
 - d. Maximum dimension shall not exceed 3 times the minimum dimension
 - e. Required public Entrance shall be visible from the public right-of-way.
 - f. Perimeter walls of court or plaza shall meet primary facade transparency standards.
- 2. Covered Walkway in the form of an Arcade or Pergola that meets the following:
 - a. Shall be accessible to public during business hours
 - b. Shall provide continuous covered access to required Entrance from the public right-of-way
 - c. Required public Entrance shall be visible from the public right-of-way

SECTION 4.3.7 DESIGN STANDARD EXCEPTIONS

4.3.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of

12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.

- D. Flush-mounted solar panels, as defined in **this** Article 13, may exceed the maximum permitted height of a building.

4.3.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

4.3.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

4.3.7.4 Building Coverage Exception

- A. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
- B. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

4.3.7.5 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwall porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Access ramps for the handi-capped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line		Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Surface Parking for the Townhouse, Garden Court, and Apartment building forms	All E-TH and E-MU districts	not allowed	not allowed	not allowed	any distance

4.3.7.6 Vehicle Access

A. Applicability

1. This Section’s alley access requirements shall apply only to suburban house, urban house, duplex house, tandem house, town house, garden court, or row house building forms developed in an Urban Edge (E-) context Zone District.
2. For all the building forms allowed in an Urban Edge (E-) context Zone District, vehicle access shall be determined as part of site development plan review.

B. Vehicle Access From Alley Required - Exceptions

Where applicable, any newly constructed driveway, driving aisle, garage, carport, or other parking facility shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

1. The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The alley is less than 12 feet in width;
3. At least 60 percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a primary street; or
4. The Department of Public Works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely or operationally accommodate additional vehicular traffic.

SECTION 4.3.8 REFERENCE TO OTHER DESIGN STANDARDS

4.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Screening, Fences and Walls: Division 10.5
- C. Site Grading: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

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DIVISION 4.4 USES AND REQUIRED MINIMUM PARKING

SECTION 4.4.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

- 4.4.1.1 ~~This Division 4.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Urban Edge Neighborhood Context Zone Districts.~~
- 4.4.1.2 ~~Unlisted Uses~~—Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- 4.4.1.3 ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Suburban Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking and Loading, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 4.4.2 ~~ORGANIZATION – SUMMARY USE AND PARKING TABLE~~

4.4.2.1 Organized by Primary, Accessory and Temporary Uses

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

4.4.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

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

SECTION 4.4.3 EXPLANATION OF TABLE ABBREVIATIONS

4.4.3.1 General Explanation of Table Cell Entries

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

4.4.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations or standards.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

Applicable Use Limitations

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

4.4.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure

applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE” for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 4.4.4 ~~DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS~~

KEY: 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 * = Need Not be Enclosed

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 AND STANDARDS										
		E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5	E-RX-5	E-CC-3x E-CC-3	E-MX-2x E-MS-2x	E-MX-2 E-MX-2A E-MS-2	E-MX-3 E-MX-3A	E-MS-3 E-MS-5		
RESIDENTIAL PRIMARY USE CLASSIFICATION												
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Two Unit • Vehicle: 1/unit	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.2.1
	Dwelling, Multi-Unit • Vehicle: 1/unit • Bicycle: 1/ 5 units (80/20)	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.2.2
	Dwelling, Mixed Use • Vehicle: 1/unit • Bicycle: 1/ 5 units (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Live / Work • Vehicle: 1/unit • Bicycle: 1/ 5 units (80/20)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.2.3
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: No requirement	NP	NP	PIN	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Community Correctional Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: .75/unit • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: No requirement	<u>L</u> P-ZP	<u>L</u> P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.2.4
	Residential Care Use, Small or Large • Vehicle: .25/unit • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.4 5
	Shelter for the Homeless • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZPIN	L-ZPIN	L-ZPIN	NP	NP	L-ZPIN	L-ZPIN	§ 11.2.5 6
	Student Housing • Vehicle: 1/unit • Bicycle: 1/ 5 units (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION												
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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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)	E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5 E-RX-5 E-CC-3x E-CC-3 E-MX-2x E-MS-2x E-MX-2 E-MX-2A E-MS-2 E-MX-3 E-MX-3A E-MS-3 E-MS-5										APPLICABLE USE LIMITATIONS AND STANDARDS	
Community/ Public Services	Community Center • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	L-ZP IN	L-ZP IN	P-ZP IN	P-ZP IN	P-ZP	P-ZP	P-ZP	P-ZPIN	P-ZP	P-ZP	P-ZP	§ 11.3.4
	Postal Facility, Neighborhood • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5 / 1,000 ft ² GFA • Bicycle: 1 / 20,000 ft ² GFA (60/40)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 20,000 ft ² GFA (60/40)	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	NP	P-ZP	P-ZP		
	Public Safety Facility • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L -ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.5
	Hospital	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Library • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
	Museum • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	NP	P-ZP		
	City Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		
	Open Space - Recreation • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP		
Open Space - Conservation • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP			
Education	Elementary or Secondary School • Vehicle- Elementary: 1/1,000 ft ² GFA • Bicycle-Elementary: 1/ 10,000 ft ² GFA (0/100) • Vehicle- Secondary: 2/1,000 ft ² GFA • Bicycle: 1 / 20,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.3.6	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5 E-RX-5 E-CC-3x E-CC-3 E-MX-2x E-MS-2x E-MX-2A E-MS-2 E-MX-3A E-MS-3 E-MS-5										APPLICABLE USE LIMITATIONS AND STANDARDS
Education	University or College • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	NP	NP	P-ZP	L-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	\$11.3.6
	Vocational or Professional School • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	NP	NP	P-ZP	L-ZP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	\$11.3.6
Public and Religious Assembly	All Types • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L -ZP	P-ZP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	\$ 11.3.8
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION												
Adult Business	All Types	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	P-ZP	P-ZP	P-ZP	L-ZPIN	L-ZP	P-ZP	P-ZP	\$ 11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZPSE	L-ZP	NP	L-ZPSE	L-ZPSE	L-ZPSE	\$ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		L-ZPIN	L-ZPIN	L-ZPIN	Not Applicable						\$11.4.3	
Parking of Vehicles	Parking, Garage • No Parking Requirements	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	NP	L-ZP	L-ZP	NP	P-ZP	P-ZP	NP	NP	NP	NP	\$ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/5,000 ft ² GFA (0/100)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZPSE	L-ZP	L-ZP	L-ZP	\$ 11.4.6
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 1/guest room or unit • Bicycle: 1/5 guest room or unit (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5 E-RX-5 E-CC-3x E-CC-3 E-MX-2x E-MS-2x E-MX-2 E-MX-2A E-MX-3 E-MX-3A E-MS-3 E-MS-5										APPLICABLE USE LIMITATIONS AND STANDARDS
Lodging Accommodations	Lodging Accommodations, All Others • Vehicle: 1/ guest room or unit • Bicycle: 1/5 guest rooms or units (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	NP	NP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.7
	Office, All Others • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	§11.4.8; §11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Body Art Establishment • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	NP	L-ZP	NP	NP	L-ZP	L-ZP	§11.4.8; §11.4.10
	Food Sales or Market • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	P-ZP	P-ZP	L -ZP	L-ZP	P-ZP	P-ZP	§11.4.8; §11.4.11
	Liquor Store, Including Drug-stores Licensed to Sell Liquor • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L -ZPIN	L-ZP	L-ZP	L-ZP	§11.4.8; §11.4.12
	Pawn Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Retail Sales, Service & Repair -- Outdoor*	• Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	P-ZPIN	NP	L-ZP	P-ZPIN	P-ZPIN	P-ZPIN	NP	§11.4.8; §11.4.13 4

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5 E-RX-5 E-CC-3x E-CC-3 E-MX-2x E-MS-2x E-MX-2A E-MS-2 E-MX-3 E-MX-3A E-MS-3 E-MS-5										APPLICABLE USE LIMITATIONS AND STANDARDS
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Retail Sales, Service & Repair - Firearms Sales • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	P-ZP	NP	NP	NP	P-ZP	
	Retail Sales, Service & Repair, All Others • Vehicle - MS only: 2/1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/20,000 ft ² GFA (20/80)	NP	NP	NP	Pt-ZP	Pt-ZP	Pt-ZP	L-ZP	L-ZP	Pt-ZP	Pt-ZP	\$11.4.8
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	NP	L-ZP	L-ZP	P-ZP	\$ 11.4.15
	Automobile Services, Light • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	L-ZP	NP	L-ZPSE	L-ZP	L-ZP	\$11.4.16; \$11.4.17
	Automobile Services, Heavy • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	NP	NP	NP	L-ZP	\$11.4.16; \$11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$ 11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals, & Service* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZPSE	NP	NP	NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION												
Communications and Information	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZPSE	L-ZPSE	L-ZPSE	NP	L-ZPSE	L-ZPSE	E-MS-3 only: L-ZPSE; E-MS-5 only: L-ZP	\$ 11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	\$ 11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$ 11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$ 11.5.2

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USE CATEGORY	SPECIFIC USE TYPE • 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)	E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5 E-RX-5 E-CC-3x E-CC-3 E-MX-2x E-MS-2x E-MX-2A E-MS-2 E-MX-3 E-MX-3A E-MS-3 E-MS-5										APPLICABLE USE LIMITATIONS AND STANDARDS
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	L-ZP	NP	NP	L-ZP	L-ZP	§ 11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZPIN	P-ZPIN	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	NP	NP	NP	NP	§ 11.5.4
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	L-ZP	NP	NP	L-ZP	L-ZP	§ 11.5.5
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	P-ZP							
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZPIN	NP	L-ZPIN	NP	NP	L-ZPIN	NP	§ 11.5.6; § 11.5.7
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Sand or Gravel Quarry*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Wind Energy Conversion Systems* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.5.8
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Helipad, Heliport, Heliport* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZP	L-ZP	NP	NP	L-ZPIN	L-ZPNP	§ 11.5.9
	Railroad Facilities*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.5.10
	Terminal, Freight, Air Courier Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Recycling Collection Station	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	

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		E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5	E-RX-5	E-CC-3x E-CC-3	E-CC-3	E-MX-2x E-MS-2x	E-MX-2A E-MS-2	E-MX-3 E-MX-3A	E-MS-3 E-MS-5	
Waste Related Services	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Mini-storage Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	P-ZP	P-ZP	NP	NP	L-ZP	NP	§ 11.5.11
	Vehicle Storage, Commercial* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZPIN	NP	NP	NP	NP	
	Wholesale Trade or Storage, General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZPIN	NP	NP	NP	NP	
Wholesale Trade or Storage, Light • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP-L ZPSE	L-ZP/ ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	NP	NP	L-ZP/ ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	§ 11.5.13	
AGRICULTURE PRIMARY USE CLASSIFICATION												
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Garden, Urban*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.6.1
	Greenhouse	NP	NP	NP	P-ZP	P-ZP	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
	Nursery, Plant*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION												
(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts										§ 11.7; § 11.8.1
	Accessory Dwelling Unit	E-SU-D1, -D1x, -G1 only: L-ZP All other: NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7, § 11.8.2
	Domestic Employee	L	L	L	L	L	L	L	L	L	L	§11.7; §11.8.3
	Garden	L	L	L	L	L	L	L	L	L	L	§ 11.7, § 11.8.4
	Greenhouse	NP	NP	NP	NP	L	L	L	L	L	L	§ 11.7, § 11.8.5
	Keeping of Household Animals	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	L/ZPIN	§ 11.7; § 11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 10.9
	Kennel or Exercise Run	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.7
Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.8	

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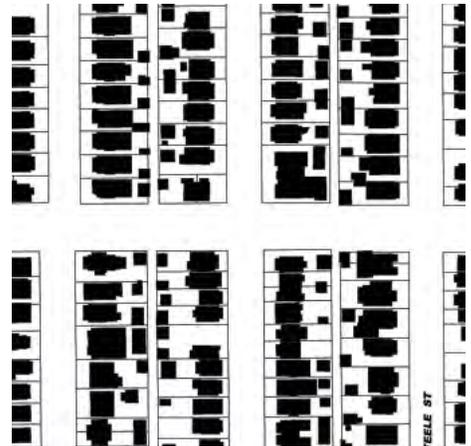
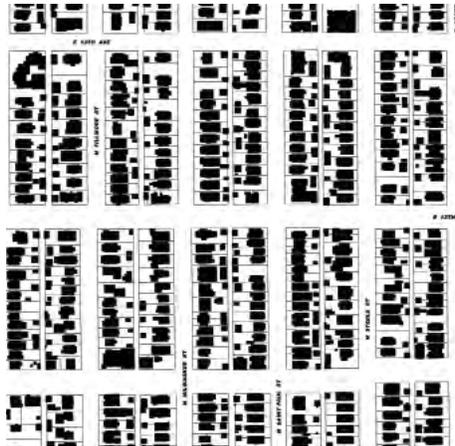
USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)											APPLICABLE USE LIMITATIONS AND STANDARDS	
		E-SU-A E-SU-B E-SU-D E-SU-D1 E-SU-Dx E-SU-D1x E-SU-G E-SU-G1	E-TU-B E-TU-C	E-TH-2.5 E-MU-2.5	E-RX-5	E-CC-3x E-CC-3	E-MX-2x E-MS-2x	E-MX-2 E-MX-2A E-MS-2	E-MX-3 E-MX-3A	E-MS-3 E-MS-5			
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	L	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 10.9
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	NP	NP	§ 11.7; § 11.8.9
	Vehicle Storage, Repair and Maintenance	L	L	L	NP	NP	L	L	L	L	NP	NP	§ 11.7; § 10.8.9
	Yard or Garage Sales	L	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.10
HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USE CLASSIFICATION													
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.9; § 11.9.3
	Home Occupations; All Other Types	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.9; § 11.9.4
	Unlisted Home Occupation Uses	<u>L-ZPIN - Applicable to all Zone Districts</u>										§ 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 to all Zone Districts										§ 11.7; § 11.10.1	
	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses	NP	NP	NP	L	L	NP	NP	NP	NP	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	NP	NP	NP	NP	NP	NP	NP	NP	§ 11.7; § 11.10.4
	Car Wash Bay Accessory to Automobile Services	NP	NP	NP	L-ZP	L-ZP	NP	NP	NP	NP	L-ZP	NP	§ 11.7; § 11.10.5
	College accessory to a Place for Religious Assembly	NP	NP	NP	NP	L	L	NP	NP	NP	NP	NP	§ 11.7; § 11.10.6
	Conference Facilities Accessory to Hotel Use	NP	NP	NP	L	L	NP	NP	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	L-ZP	§ 11.7; § 11.10.8
	Garden	L	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 11.10.9
Greenhouse	L	L	L	L	L	L	L	L	L	L	L	§ 11.7; § 11.10.9	

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		E-SU-A E-SU-B 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-TH-2.5 E-MU-2.5	E-RX-5 3x	E-CC-3x E-CC-3	E-MX-2x E-MS-2x	E-MX-2 E-MX-2A E-MS-2	E-MX-3 E-MX-3A	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)	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	L	L	L	Not Applicable						\$ 11.4.3		
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	L	L	\$ 11.7; § 11.10.10	
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$ 11.7; § 11.10.11	
	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; § 11.10.12	
	Outdoor Retail Sale and Display*	NP	NP	NP	L-ZP	L-ZP	L-ZP	NP	NP	L-ZP	L-ZP	\$ 11.7; § 10.8	
	Outdoor Storage*	NP	NP	NP	L-ZP	L-ZP	L-ZP	NP	NP	L-ZP	L-ZP	\$ 11.7; § 10.8	
	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; § 11.10.13	
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 Amusement / Entertainment - Temporary*	NP	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	NP	L-ZP	L-ZP	\$ 11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.7
	Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	\$ 11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	\$ 11.11.10
	Outdoor Retail Sales*	NP	NP	NP	L-ZP	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-ZPIN	NP	\$ 11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.13
	Retail Food Establishment, Mobile*	NP	NP	NP	L-ZP	L-ZP	L-ZP	NP	L-ZP	L-ZP	NP	NP	\$ 11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.15
Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$ 11.11.16	
	Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP		



ARTICLE 5. URBAN (U-) NEIGHBORHOOD CONTEXT



SCALE 50'

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DIVISION 5.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 5.1.1 GENERAL CHARACTER

The Urban Neighborhood Context is primarily characterized by single-unit and two-unit residential uses. Small-scale multi-unit residential uses and commercial areas are typically embedded in residential areas. Single-unit residential structures are typically Urban House forms. Multi-unit building forms are typically Row House forms embedded with other residential building forms. Commercial buildings are typically Shop front and General forms that may contain a mixture of uses within the same building. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are located along local streets, residential and mixed use arterials, and main streets. Commercial uses are primarily located along mixed-use arterial or main streets but may be located at or between intersections of local streets.

SECTION 5.1.2 STREET, BLOCK AND ACCESS PATTERNS

The Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and primarily include detached sidewalks (though attached sidewalks are also found), tree lawns where provided for by detached sidewalks, street and surface parking, and landscaping in the front setback.

SECTION 5.1.3 BUILDING PLACEMENT AND LOCATION

Residential buildings typically have consistent, moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 5.1.4 BUILDING HEIGHT

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

SECTION 5.1.5 MOBILITY

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

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DIVISION 5.2 DISTRICTS (U-SU-, U-TU-, U-RH-, U-MX-, U-RX-, U-MS)

SECTION 5.2.1 DISTRICTS ESTABLISHED

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

Urban Neighborhood Context

U-SU-A	Single Unit A
U-SU-A1	Single Unit A1
U-SU-A2	Single Unit A2
U-SU-B	Single Unit B
U-SU-B1	Single Unit B1
U-SU-B2	Single Unit B2
U-SU-C	Single Unit C
U-SU-C1	Single Unit C1
U-SU-C2	Single Unit C2
U-SU-E	Single Unit E
U-SU-E1	Single Unit E1
U-SU-H	Single Unit H
U-SU-H1	Single Unit H1
U-TU-B	Two Unit B
U-TU-B2	Two Unit B2
U-TU-C	Two Unit C
U-RH-2.5	Row House 2.5
U-RH-3A	Row House 3A
U-MX-2	Mixed Use 2
U-MX-2x	Mixed Use 2x
U-MX-3	Mixed Use 3
U-RX-5	Residential Mixed Use 5
U-MS-2	Main Street 2
U-MS-2x	Main Street 2x
U-MS-3	Main Street 3
U-MS-5	Main Street 5

SECTION 5.2.2 RESIDENTIAL DISTRICTS (U-SU-A, -A1, -A2, -B, -B1, -B2, -C, -C1, -C2, -E, -E1, -H, -H1, U-TU-B, -B2, -C, U-RH-2.5, -3A)

5.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Urban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.
- B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts accommodate the pattern of one to two and a half story urban house forms where the narrow part of the building orients to the street and access is from alley loaded garages. Lot sizes are consistent within an area and lot coverage is typically medium to high accommodating a consistent front and side yard. There are single unit districts that allow detached accessory dwelling units in the rear yard, maintaining the single unit character at the street. The standards of the two unit and row house districts

promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as an urban house building form.

- C. These standards recognize common residential characteristics within the Urban Neighborhood Context but accommodate variation by providing eleven Residential Zone Districts.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating reinvestment.

5.2.2.2 Specific Intent

A. Single Unit A (U-SU-A)

U-SU-A is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context.

B. Single Unit A1 (U-SU-A1)

U-SU-A1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.

C. Single Unit A2 (U-SU-A2)

U-SU-A2 is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots only. Blocks typically have a pattern of 25 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A.

D. Single Unit B (U-SU-B)

U-SU-B is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots.

E. Single Unit B1 (U-SU-B1)

U-SU-B1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.

F. Single Unit B2 (U-SU-B2)

U-SU-B2 is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B.

G. Single Unit C (U-SU-C)

U-SU-C is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots.

H. Single Unit C1 (U-SU-C1)

U-SU-C1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard.

- I. Single Unit C2 (U-SU-C2)**
U-SU-C2 is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C.
- J. Single Unit E (U-SU-E)**
U-SU-E is a single unit district allowing urban houses with a minimum zone lot area of 7,000 square feet.
- K. Single Unit E1 (U-SU-E1)**
U-SU-E1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 7,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-E but allowing a detached accessory dwelling unit building form in the rear yard.
- L. Single Unit H (U-SU-H)**
U-SU-H is a single unit district allowing urban houses with a minimum zone lot area of 10,000 square feet. This district requires the largest setbacks and lowest building coverage (more unobstructed open space) in the Urban Neighborhood Context.
- M. Single Unit H1 (U-SU-H1)**
U-SU-H1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 10,000 square feet. Setbacks and building coverage standards accommodate front and side yards similar to U-SU-H but allowing a detached accessory dwelling unit building form in the rear yard.
- N. Two Unit B (U-TU-B)**
U-TU-B allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.
- O. Two Unit B2 (U-TU-B2)**
U-TU-B2 allows up to two units on a minimum zone lot area of 4,500 square feet with additional units allowed on corner lots subject to location restrictions. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms. Rowhouses are also allowed on certain corner lots.
- P. Two Unit C (U-TU-C)**
U-TU-C allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.
- Q. Row House 2.5 (U-RH-2.5)**
U-RH-2.5 is a multi unit district that allows up to a two and a half story rowhouse building form. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.
- R. Row House 3A (U-RH-3A)**
U-RH-3A is a multi unit district that allows up to a two and a half story rowhouse building form with a maximum overall structure width along the street. Apartments are allowed up to three stories, on certain corner lots. It also allows the urban house, detached accessory dwelling unit, duplex, and tandem house building forms.

SECTION 5.2.3 MIXED USE DISTRICTS (U-MX-2, -2X, -3)

5.2.3.1 General Purpose

- A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and general building forms that clearly define and activate the public street edge.
- B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- C. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.
- E. In the Urban Neighborhood Context, the Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less than the percentage for the Main Street districts.

5.2.3.2 Specific Intent

- A. Mixed Use – 2 (U-MX-2)**
U-MX-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired.
- B. Mixed Use - 2x (U-MX-2x)**
U-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.
- C. Mixed Use – 3 (U-MX-3)**
U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

SECTION 5.2.4 RESIDENTIAL MIXED USE DISTRICTS (U-RX-5)

5.2.4.1 General Purpose

- A. The Residential Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.
- C. The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Buildings in a Residential Mixed Use district can have ground

floor retail but when there are upper stories they shall be residential. A building can be all residential.

- E. In the Urban Neighborhood Context, the Residential Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; The front setback range is the same as the front setback range for the Mixed Use districts. The required percentage of building facade that must be located in the front setback area is the same as the percentage for the Mixed Use districts. The maximum building coverage is also the same as the maximum building coverage for the Mixed Use districts.

5.2.4.2 Specific Intent

A. Residential Mixed Use – 5 (U-RX-5)

U-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired.

SECTION 5.2.5 MAIN STREET DISTRICTS (U-MS-2, -2X, -3, -5)

5.2.5.1 General Purpose

- A. The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.
- B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
- C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.
- E. In all cases, the Main Street Zone Districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.
- F. In the Urban Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.
- G. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

5.2.5.2 Specific Intent

A. Main Street 2 (U-MS-2)

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

B. Main Street 2x (U-MS-2x)

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

C. Main Street 3 (U-MS-3)

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

D. Main Street 5 (U-MS-5)

U-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 1 to 5 stories is desired. A minimum building height of 24 feet applies.

DIVISION 5.3 DESIGN STANDARDS

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

SECTION 5.3.1 GENERAL INTENT

5.3.1.1 Urban Design and Building Form Standards

The Intent of Urban Design and Building Form Standards in all Districts are to:

- A. Implement the Denver Comprehensive Plan.
- B. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
- C. Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
- D. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- E. Give prominence to the pedestrian realm as a defining element of neighborhood character.
- F. Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- G. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

5.3.1.2 Transit Oriented Development

The Intent of Transit Oriented Development Design Standards are to:

- A. Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- B. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
- C. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
- D. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 5.3.2 BUILDING FORM INTENT

5.3.2.1 Height

- A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

5.3.2.2 Siting

A. Required Build-To

1. Provide a consistent street edge to enhance character of the urban context.
2. Define streets to promote pedestrian activity and sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with intended character and functional requirements of the urban context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize building siting to create positive transitions between districts.

C. Parking Location

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

5.3.2.3 Design Elements

A. Configuration

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Street and urban street corridors.
4. Arrange building heights, and architectural scaling devices to provide transitions to adjoining areas.

B. Transparency

1. Maximize transparency of windows at street level to activate the street.
2. Utilize doors and windows to establish scale, variation and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass. to avoid reflected glare onto neighboring streets and properties.

C. Entrances

1. Give prominence to the pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and pedestrian active uses from the street.
3. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
5. Create visually interesting and human-scaled facades

SECTION 5.3.3 PRIMARY BUILDING FORM STANDARDS

5.3.3.1 **Applicability**

All development in all the Urban Neighborhood Context Zone Districts

5.3.3.2 **Generally Applicable Standards**

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

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

5.3.3.3 **District Specific Standards Summary**

~~The districts allow a variety of building forms appropriate for the Urban Neighborhood Context, as set out. The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:~~

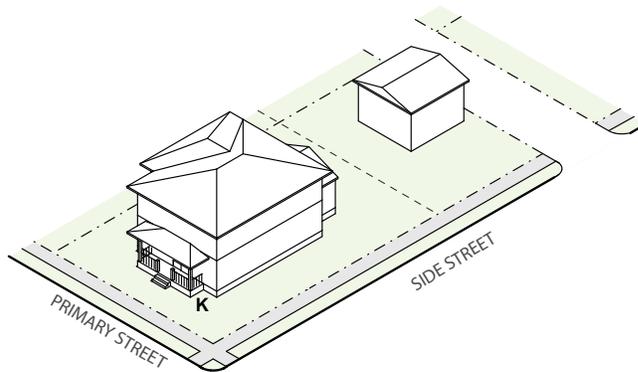
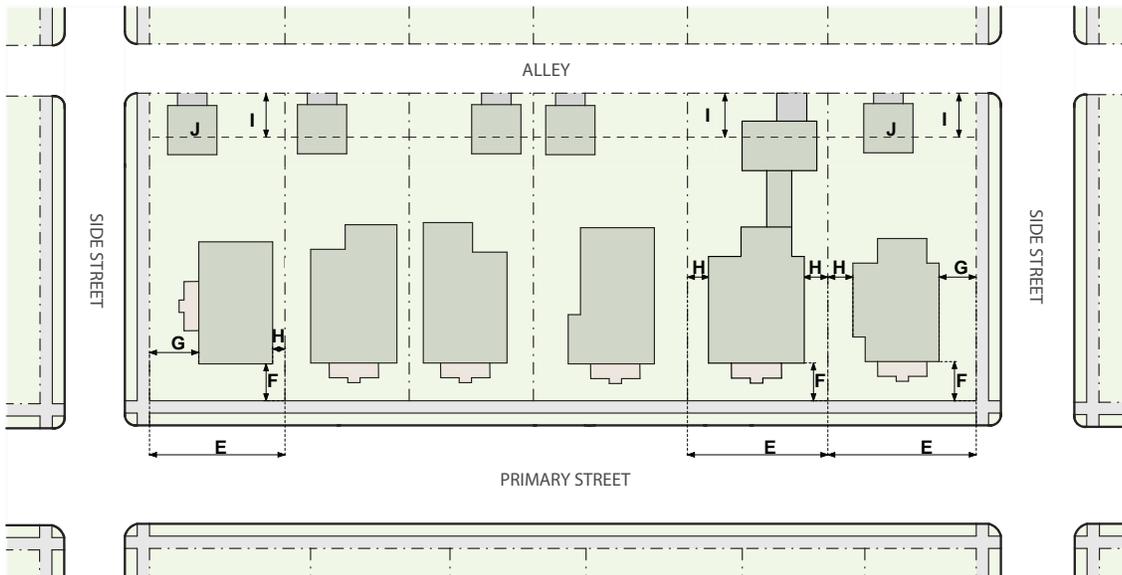
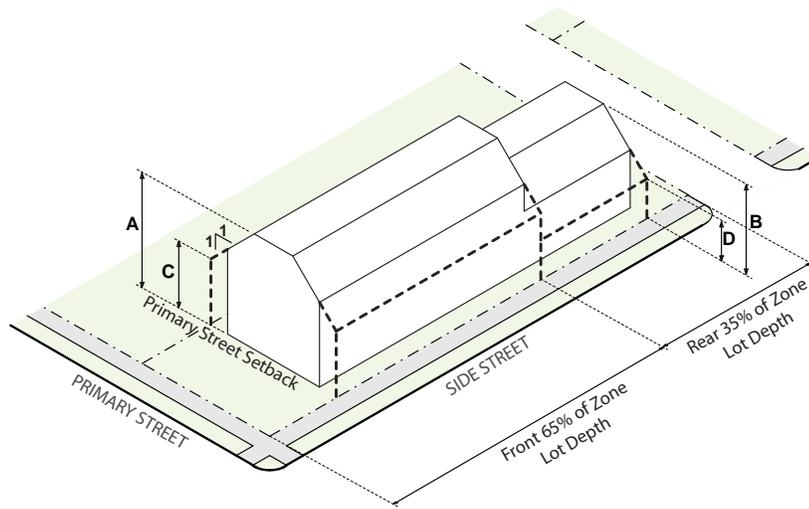
Urban (U-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
Single Unit (SU)	U-SU-A, -B, -C, -E, -H	1*		■												
	U-SU-A1, B1, C1, E1, H1	1*		■	■											
	U-SU-A2, -B2, -C2	1*		■	□	□	□									
Two Unit (TU)	U-TU-B, -C	1*		■	■	■	■									
	U-TU-B2	1*		■	■	■	■			□						
Rowhouse (RH)	U-RH-2.5	no max		■	■	■	■			■	■					
	U-RH-3A	no max		■	■	■	■			■	■	□				
Residential Mixed Use (RX)	U-RX-5	no max								■	■	■				■
Mixed Use (MX)	U-MX-2x	no max								■	■	■				■
	U-MX-2, -3	no max								■	■	■	■	■	■	■
Main Street (MS)	U-MS-2x	no max								■	■	■				■
	U-MS-2, -3, -5	no max								■	■	■	■	■	■	■

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

5.3.3.4 District Specific Standards

A. Urban House

Not to Scale. Illustrative Only.



URBAN HOUSE

		U-SU-A	U-SU-B	U-SU-C					
		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B	U-RH-2.5	
HEIGHT		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-3A
	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2.5/1	2.5/1	2.5/1	2.5/1	3/1	2.5/1	2.5/1	2.5/1
A/B	Feet, front 65% / rear 35% of <u>zone</u> lot depth (max)	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'
	Feet, front 65% of <u>zone</u> lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'							
	Feet, rear 35% of <u>zone</u> lot depth, allowable height increase	1' for every 3' increase in side setback up to a maximum height of 19'							
C/D	Bulk Plane Vertical Height at Side <u>i</u> nterior and Side <u>s</u> treet zone lot line in front 65% / rear 35% of <u>zone</u> lot	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'
	Bulk Plane Slope from Side <u>i</u> nterior and <u>s</u> ide <u>s</u> treet zone lot line	45°	45°	45°	45°	45°	45°	45°	45°

		U-SU-A, A1, A2	U-SU-B, B1, B2	U-SU-C, C1, C2	U-SU-E, E1	U-SU-H, H1	U-TU-B, B2	U-TU-C	U-RH-2.5
		U-TU-B, B2	U-TU-C					U-TU-C	U-RH-3A
SITING									
ZONE LOT									
	Zone Lot Size (min)	3,000 ft ²	4,500 ft ²	5,500 ft ²	7,000 ft ²	10,000 ft ²	4,500 ft ²	5,500 ft ²	3,000 ft ²
E	Zone Lot Width (min)	25'	35'	50'	50'	75'	35'	50'	25'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/1	1/1	1/1	1/1	1/1	1/2	1/2	1/2

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All U-SU, TU, RH Districts			
		30' or Less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.3)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	7.5'
H	Side Interior (min)	3'	3' min one side/10' min combined	5'	10'
I	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%

PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 ft ²	2 Spaces and 320 ft ²	33%	33%
	Vehicle Access	From alley; or Street access allowed when no alley present. See Sec. 5.3.7.6			

ACCESSORY STRUCTURES					
J	Detached Accessory Structures Allowed	see Sec. 5.3.4			

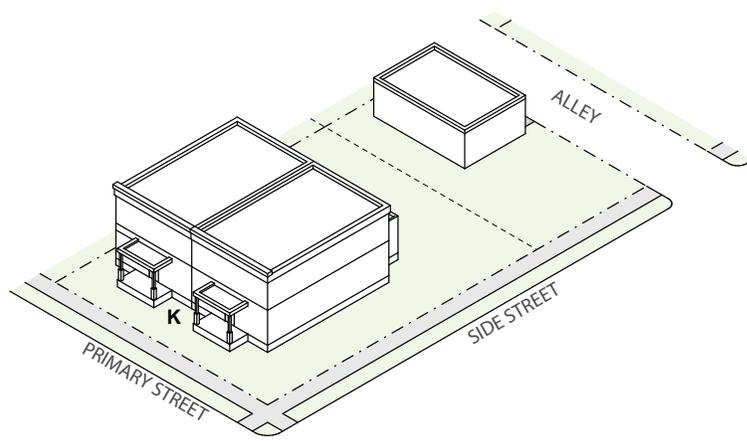
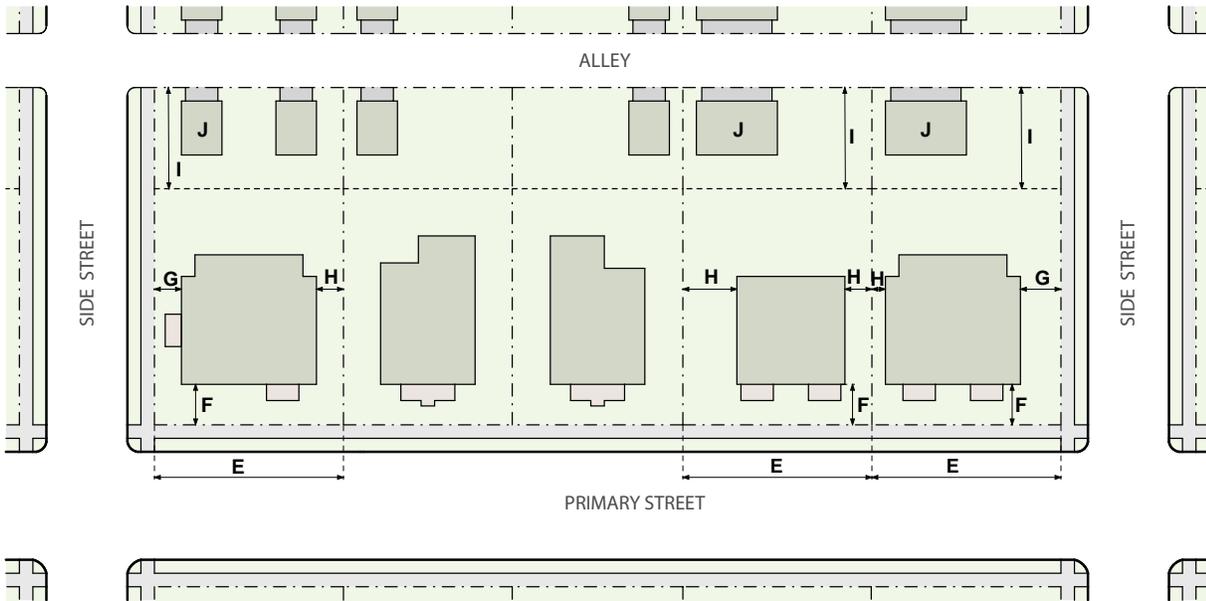
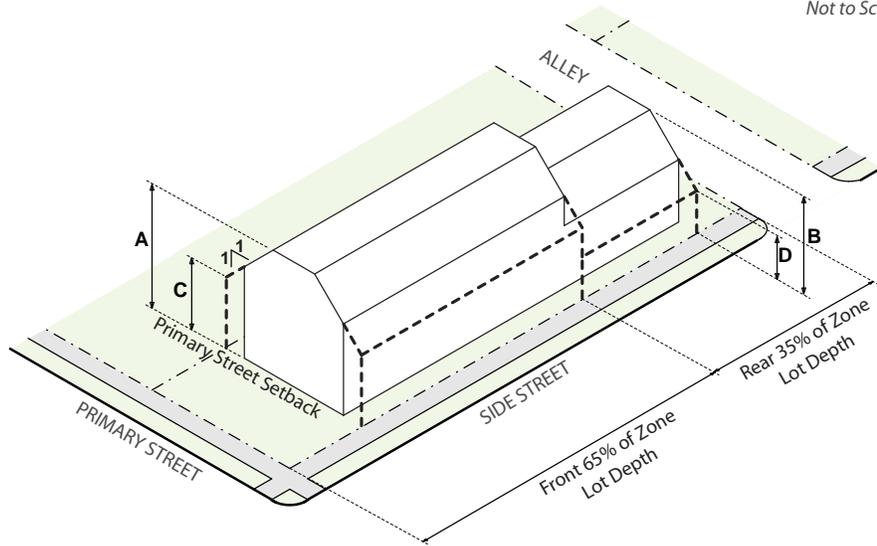
		U-SU-A	U-SU-B	U-SU-C					
		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B	U-RH-2.5	
DESIGN ELEMENTS		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-3A

BUILDING CONFIGURATION									
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) <u>If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with May follow the Detached Garage building form standards Side Street, Side Interior and Rear setbacks</u>							
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max)	35% of the entire width of the <u>Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater							

GROUND STORY ACTIVATION									
K	Pedestrian Access, Primary Street	Entry Feature							
	<u>See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>								

B. Duplex

Not to Scale. Illustrative Only.



DUPLEX

HEIGHT		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2.5/1	2.5/1	2.5/1	2.5/1	2.5/1	2.5/1
A/B	Feet, front 65% / rear 35% of lot depth (max)	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'	30'/17'
	Feet, front 65% of <u>zone</u> lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'					
	Feet, rear 35% of <u>zone</u> lot depth, allowable height increase	1' for every 3' increase in side setback up to a maximum height of 19'					
C/D	Bulk Plane Vertical Height at Side interior and Side street zone lot line in front 65% / rear 35% of <u>zone</u> lot <u>depth</u>	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'
	Bulk Plane Slope from Side interior and Side street zone lot line	45°	45°	45°	45°	45°	45°

SITING		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
ZONE LOT							
	Zone Lot Size (min)	3,000 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²
E	Zone Lot Width (min)	25'	35'	50'	35'	50'	35'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	2/2	2/2	2/2	2/2	2/2	2/2

		All U-SU, TU, RH Districts			
SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		30' or Less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.3)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	5'
H	Side Interior (min)	3'	3' min one side/10' min combined	5'	10'
I	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%
PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	33%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present. See Section 5.3.7.6			
ACCESSORY STRUCTURES					
J	Detached Accessory Structures Allowed	See Sec. 5.3.4			

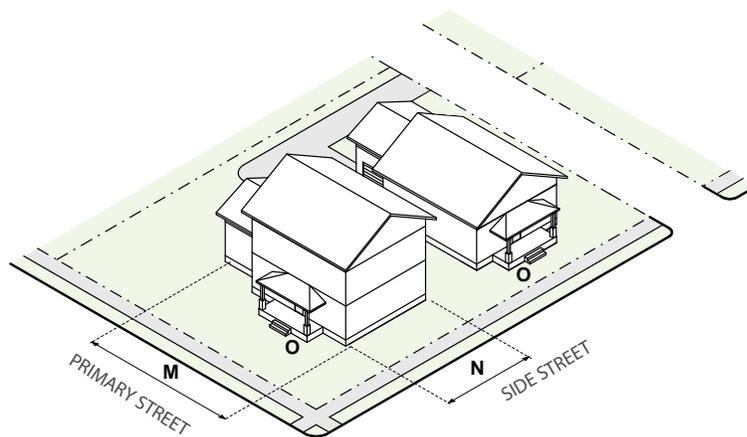
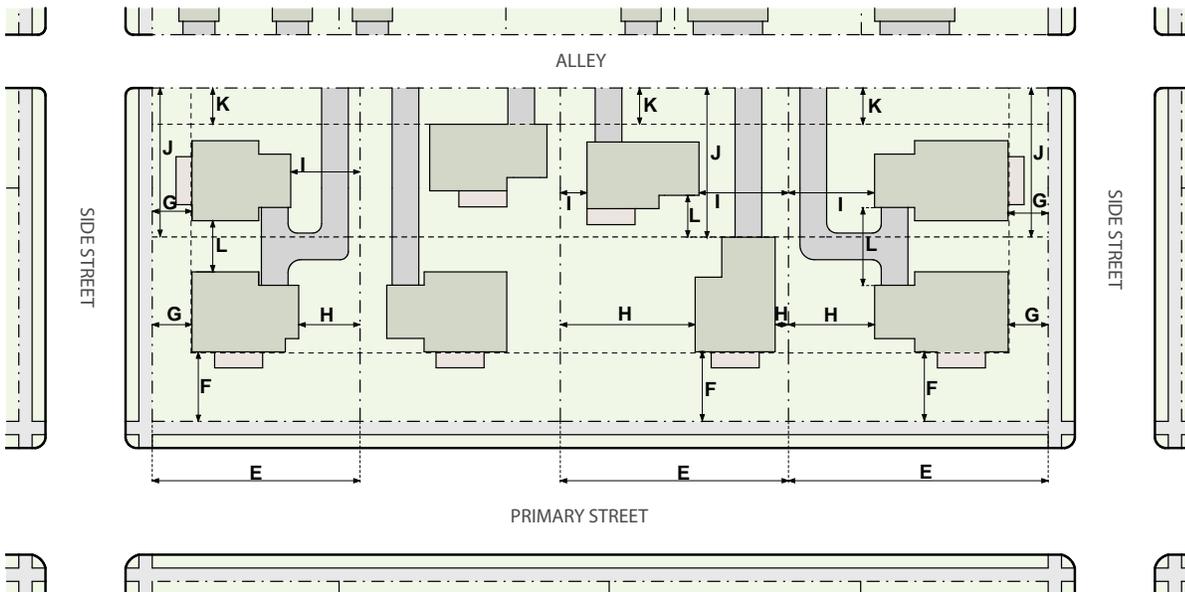
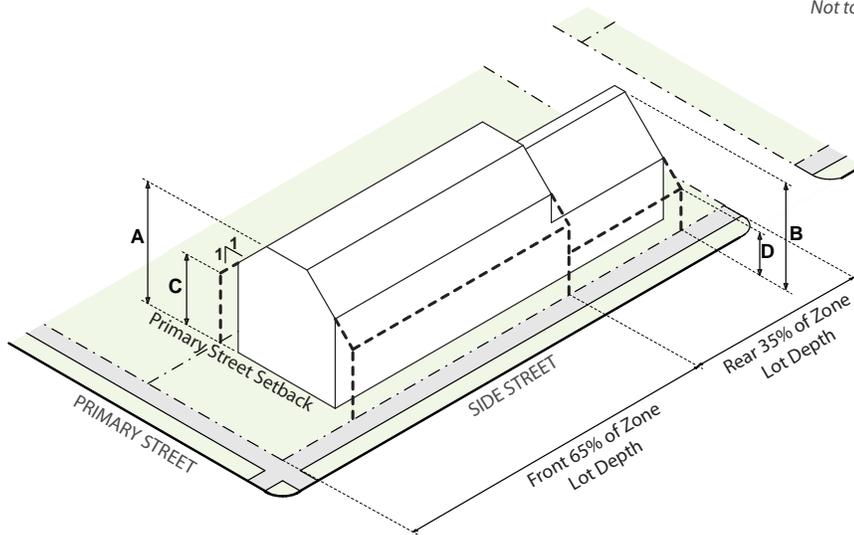
DESIGN ELEMENTS		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
BUILDING CONFIGURATION							
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) <u>If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with May follow the Detached Garage building form standards Side Street, Side Interior and Rear setbacks</u>					
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max)	35% of the entire width of the <u>Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater					
GROUND STORY ACTIVATION							
K	Pedestrian Access, Primary Street	Entry Feature					

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

C. Tandem House

Not to Scale. Illustrative Only.



TANDEM HOUSE

HEIGHT		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
	Stories (max)	2.5	2.5	2.5	2.5	2.5	2.5
A/B	Feet, front 65% / rear 35% of <u>zone</u> lot depth (max)	30'/24'	30'/24'	30'/24'	30'/24'	30'/24'	30'/24'
	Feet, front 65% of lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'					
C/D	Bulk Plane Vertical Height at Side interior and Side street zone lot line in front 65% of lot / rear 35% of <u>zone</u> lot <u>depth</u>	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'	17'/10'
	Bulk Plane Slope from Side interior and Side street zone lot line	45°	45°	45°	45°	45°	45°

SITING		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
ZONE LOT							
	Zone Lot Size (min)	3,000 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²	5,500 ft ²	4,500 ft ²
E	Zone Lot Width (min)	25'	35'	50'	35'	50'	35'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/1	1/1	1/1	1/1	1/1	1/1

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All U-SU, TU, RH Districts			
		30' or Less	31' to 40'	41' to 74'	75' or Greater
F	Primary Street, block sensitive setback required (see Sec. 13.1.2.3)	yes	yes	yes	yes
F	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
G	Side Street (min)	3'	5'	5'	5'
H	Side Interior, for Primary Structure #1 (min one side/min combined)	3'/6'	5'/10'	5'/10'	5'/15'
I	Side Interior, for Primary Structure #2 (min one side/min combined)**	3'/6'	5'/10'	5'/10'	5'/15'
J	Rear, for Primary Structure #1, as a % of lot depth (min)	50%	50%	50%	50%
K	Rear, for Primary Structure #2 (min)	5'	5'	5'	5'
L	Required Separation Between Primary Structures (min)	6'	6'	6'	6'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%	37.5%	37.5%	37.5%

PARKING BY ZONE LOT WIDTH		All U-SU, TU, RH Districts			
		30' or Less	31' to 40'	41' to 74'	75' or Greater
	Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	50%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present See Section 5.3.7.6			

ACCESSORY STRUCTURES		
	Detached Accessory Structures Allowed	See Sec. 5.3.4

DESIGN ELEMENTS		U-SU-A2*	U-SU-B2*	U-SU-C2*	U-TU-B U-TU-B2	U-TU-C	U-RH-2.5 U-RH-3A
BUILDING CONFIGURATION							
M	Overall Structure Width (max)	36'	36'	36'	36'	36'	36'
N	Overall Structure Length (max)	42'	42'	42'	42'	42'	42'
	Attached Garage Allowed	(1) Shall not project <u>forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling</u> (2) <u>If located entirely within the rear 35% of the zone lot depth, the attached garage shall comply with May follow the Detached Garage building form standards Side Street, Side Interior and Rear setbacks</u>					
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth (max)	35% of the entire width of the <u>Primary Street facing facade of the dwelling primary structure</u> or 16', whichever is greater					

GROUND STORY ACTIVATION		
O	Pedestrian Access, Primary Street	Primary Structure #1: Entry Feature Primary Structure #2: No Requirement

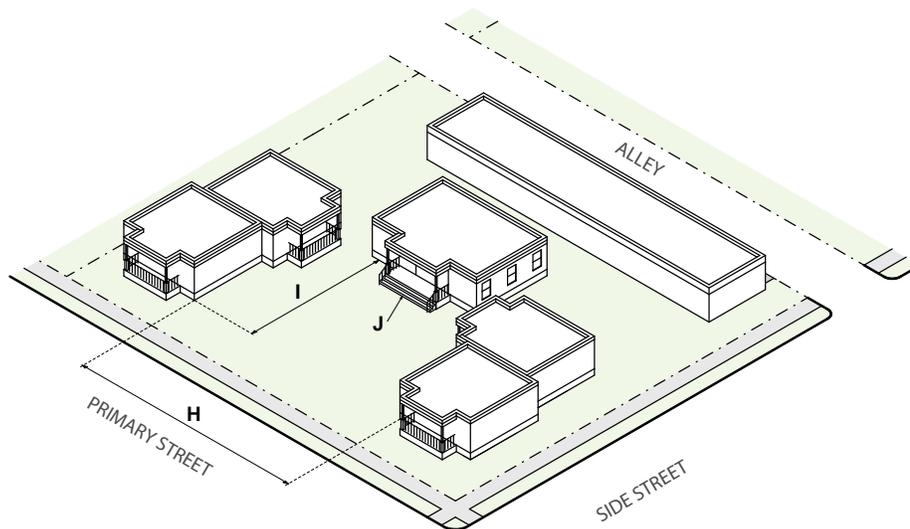
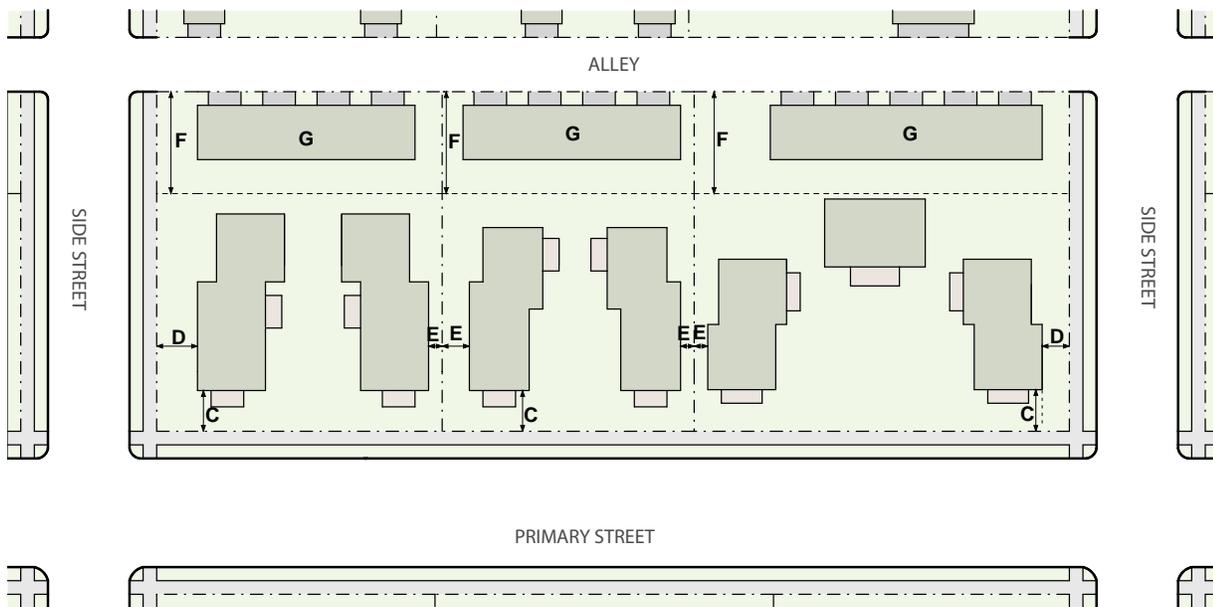
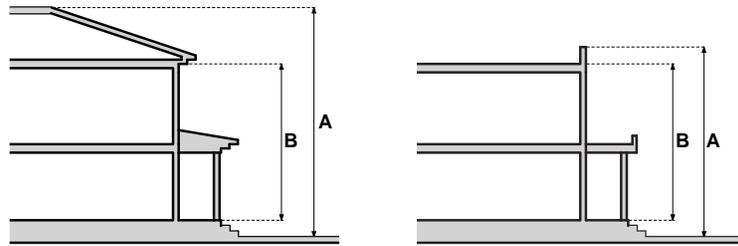
See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

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

D. Garden Court

Not to Scale. Illustrative Only.



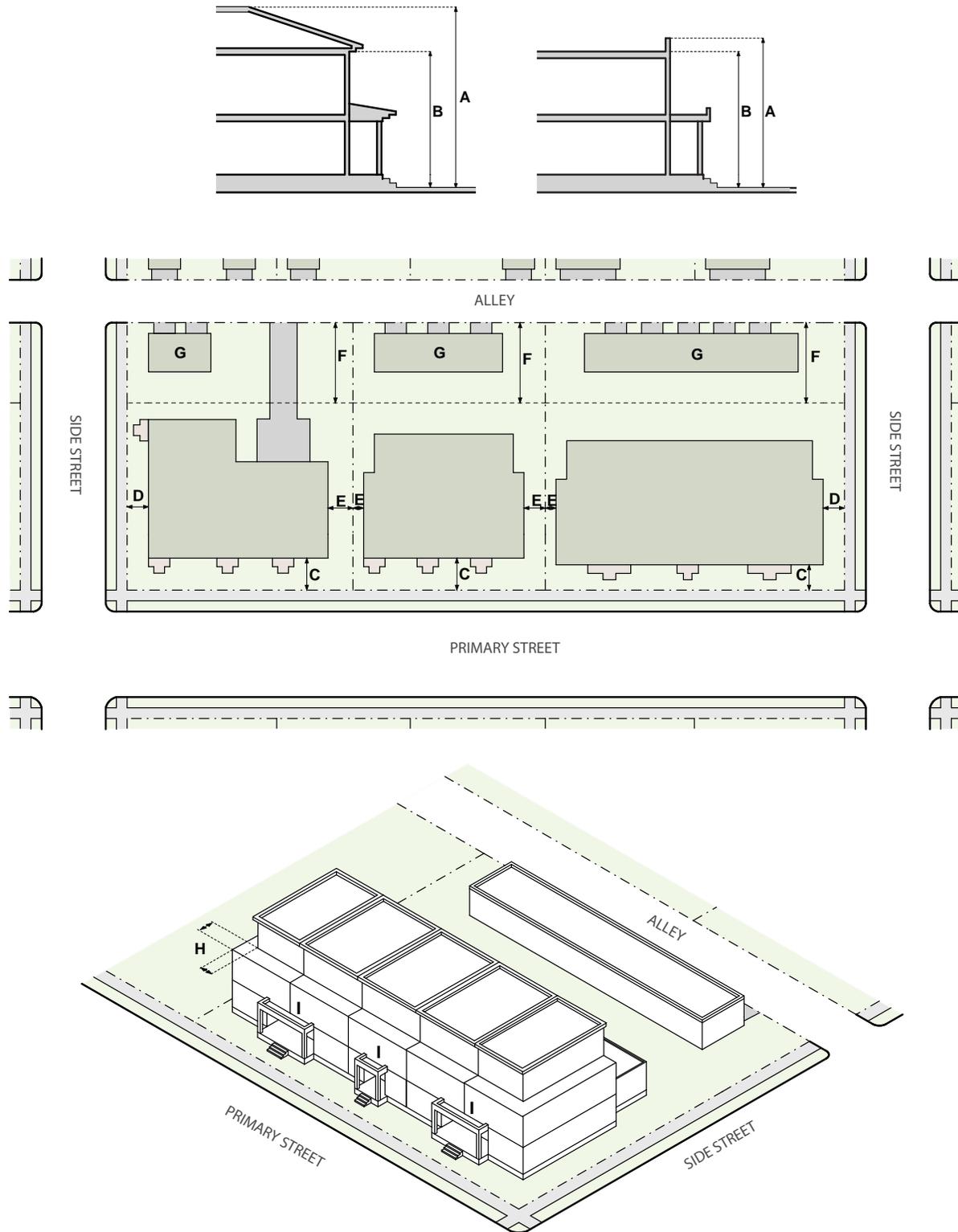
GARDEN COURT

HEIGHT		U-RH-2.5	U-RH-3A
A	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2.5/1	2.5/1
A	Feet, front 65% / rear 35% of lot (max)	30'/19'	30'/19'
	Feet, front 65% of lot depth, allowable height increase	1' for every 5' increase in lot width over 50' up to a maximum height of 35'	
B	Side Wall Plate Height (max)	25'	25'
SITING		U-RH-2.5	U-RH-3A
ZONE LOT			
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	3/10	3/10
SETBACKS			
C	Primary Street, block sensitive setback required (<u>see Sec. 13.1.2.3</u>)	yes	yes
C	Primary Street, where block sensitive setback does not apply (min)	20'	20'
D	Side Street (min)	5'	5'
E	Side Interior (min)	5'	5'
F	Rear, alley/no alley (min)	12'/20'	12'/20'
PARKING			
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	
	Vehicle Access	From alley; or From street when no alley present See Sec. 5.3.7.6	
ACCESSORY STRUCTURES			
G	Detached Accessory Structures Allowed	See Sec. 5.3.4	
DESIGN ELEMENTS		U-RH-2.5	U-RH-3A
BUILDING CONFIGURATION			
	Upper Story Stepback, for Flat Roof, Above 25': Primary Street and Side, Interior (min)	10'	10'
H	Street-Facing Courtyard Width (min)	15'	15'
I	Street-Facing Courtyard Depth (min)	30'	30'
	Garden Court Design Standards	See Sec. 5.3.5-†	
GROUND STORY ACTIVATION			
J	Pedestrian Access	Each dwelling unit shall have a ground story Entrance. At least two Entrances facing Primary Street and all others facing interior courtyard	

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

E. Row House (1 of 2)

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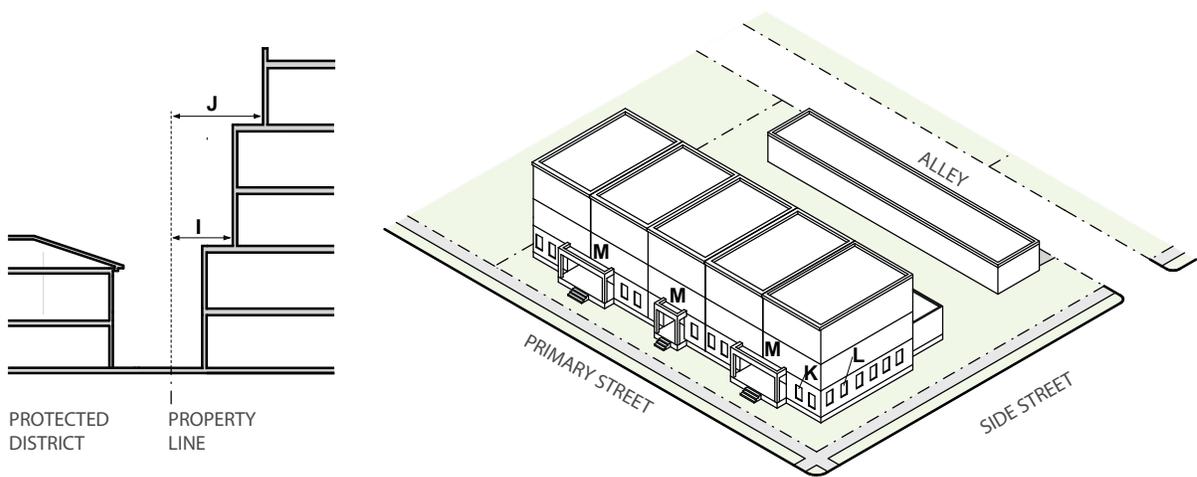
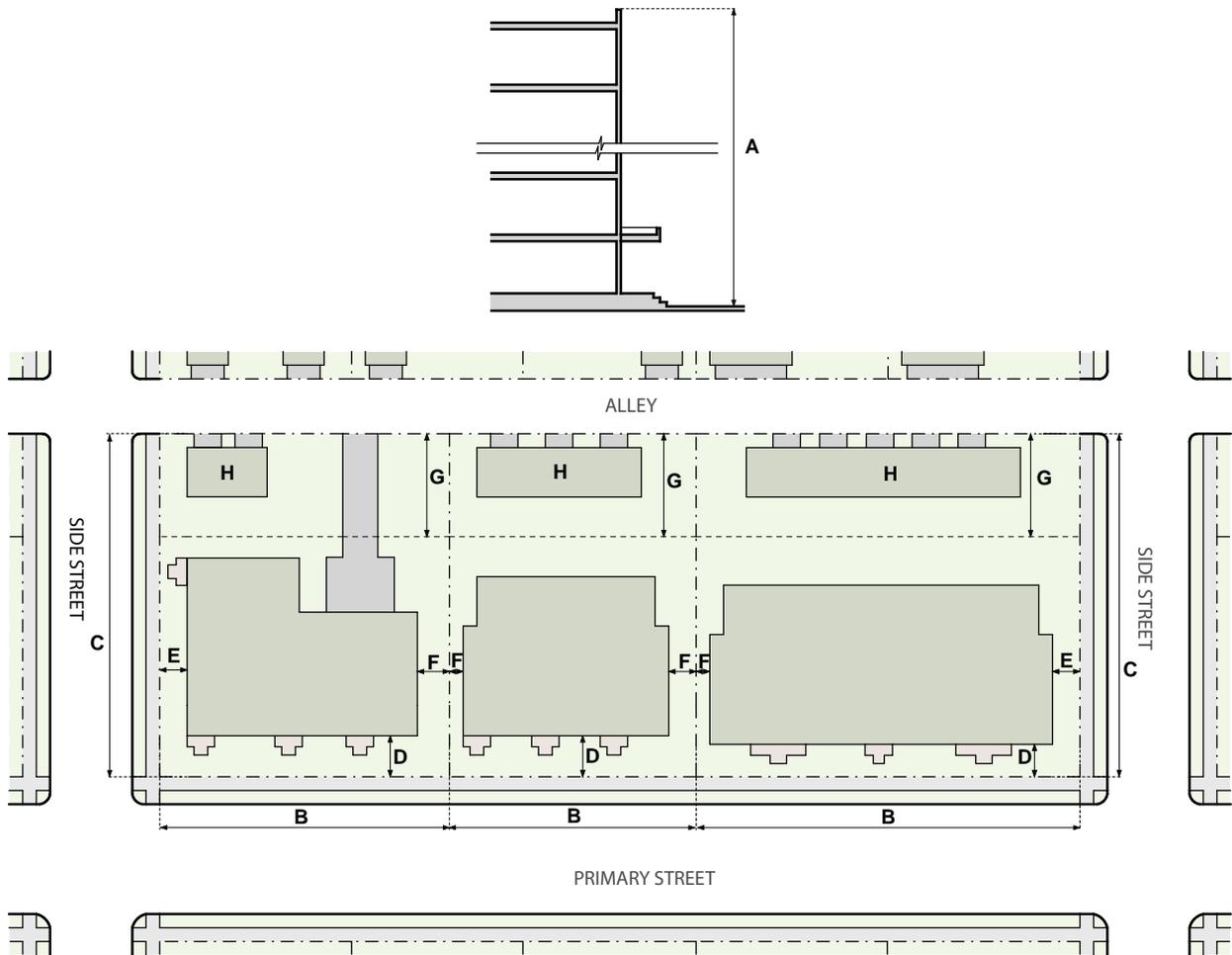


ROW HOUSE (1 OF 2)

HEIGHT		U-TU-B2*	U-RH-2.5	U-RH-3A
A	Stories, <u>front 65% / rear 35% of zone lot depth</u> (max)	2.5/2.5	2.5/ <u>1</u>	2.5/ <u>1</u>
A	Feet, front 65% / rear 35% of <u>zone</u> lot depth (max)	35'/35'	35'/19'	35'/19'
B	Side Wall Height (max)	25'	25'	25'
SITING		U-TU-B2*	U-RH-2.5	U-RH-3A
ZONE LOT				
	Zone Lot Size (min/max)	6,000 ft ² / 9,375 ft ²	6,000 ft ² / na	6,000 ft ² / na
	Zone Lot Width (min)	50'	50'	50'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	3/na	3/10	3/10
SETBACKS				
C	Primary Street, block sensitive setback required (see Sec. 13.1.2.3)	yes	yes	yes
C	Primary Street where block sensitive setback does not apply (min)	20'	20'	20'
D	Side Street (min)	5'	5'	5'
E	Side Interior (min)	5'	5'	5'
F	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed		
	Vehicle Access	From alley; or From street when no alley present See Sec. 5.3.7.6		
ACCESSORY STRUCTURES				
G	Detached Accessory Structures Allowed	See Sec. 5.3.4		
DESIGN ELEMENTS		U-TU-B2*	U-RH-2.5	U-RH-3A
BUILDING CONFIGURATION				
H	Upper Story Stepback, for Flat Roof, Above 25': Primary Street and Side Interior (min)	10'	10'	10'
	Street facing attached garage door width per Primary Structure	20'	20'	20'
GROUND STORY ACTIVATION				
I	Pedestrian Access	Each unit shall have a street-facing Entrance		
	<u>See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>			
	*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.			

F. Row House (2 of 2)

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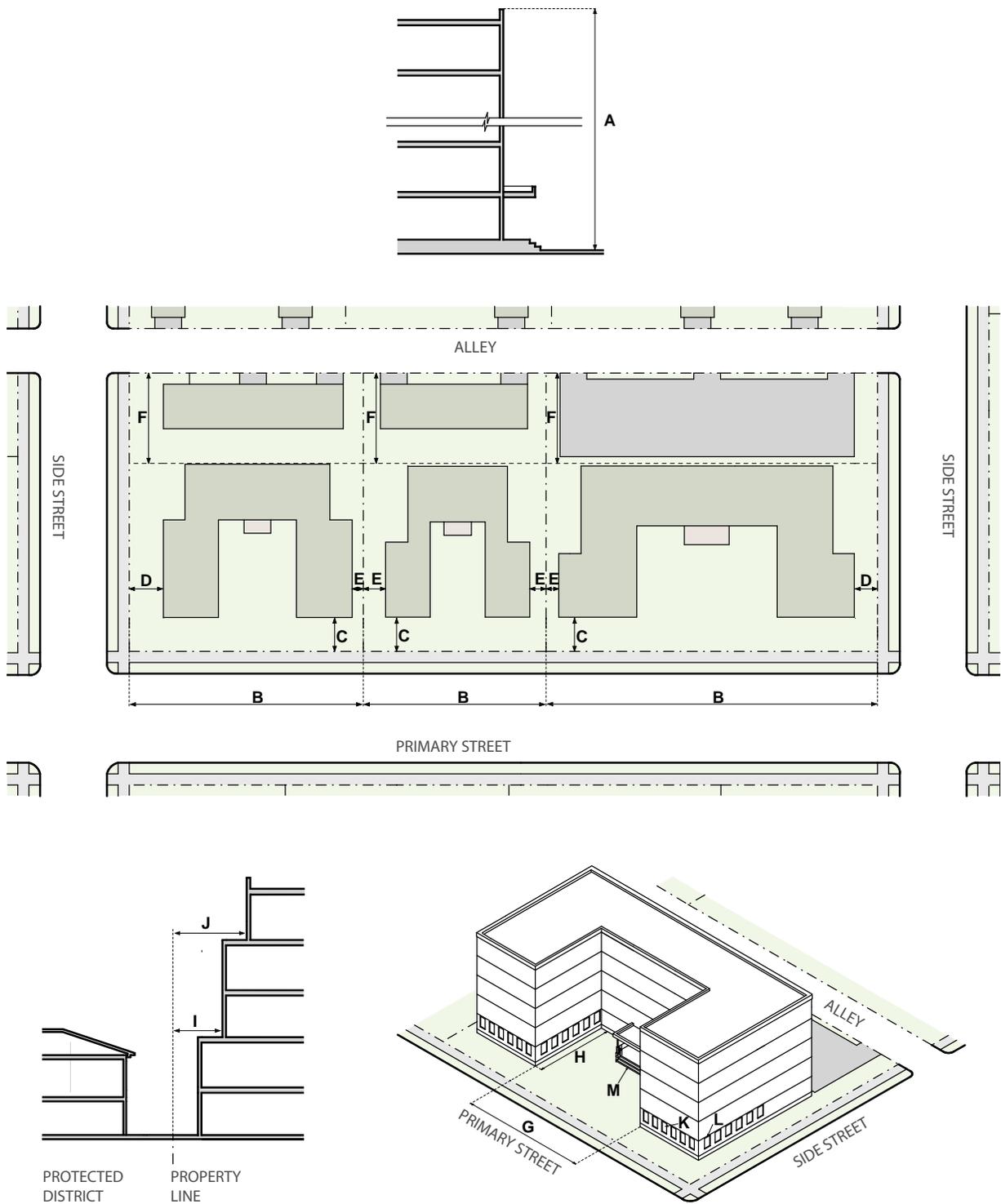
ROW HOUSE (2 OF 2)

		U-MX-2		U-MX-3	U-RX-5	U-MS-2	
HEIGHT		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5
A	Stories (max)	2	3	5	2	3	5
A	Feet (min/max)	na/32'	na/40'	na/70'	na/32'	na/40'	24'/70'
		U-MX-2		U-MX-3	U-RX-5	U-MS-2	
SITING		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5
ZONE LOT							
	Use Restrictions	na	na	Second Story and Above: Residential Only	Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles		
REQUIRED BUILD-TO							
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	70% 0'/15'	75% 0'/5' If Residential Only: 75% 0'/10'		
C	Side Street (min % within min/max)	na	na	na	25% 0'/5' If Residential Only: 25% 0'/10'		
SETBACKS							
D	Primary Street (min)	0'	0'	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	U-MX-2x: 5' 10'	10'	10'	U-MS-2x: 5' 10'	10'	10'
G	Rear, (min)	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING							
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed			Not Allowed/Not Allowed		
	Vehicle Access	From alley; or From street when no alley present; See Sec. 5.3.7.6					
ACCESSORY STRUCTURES							
H	Detached Accessory Structures Allowed	See Sec. 5.3.4					
		U-MX-2		U-MX-3	U-RX-5	U-MS-2	
DESIGN ELEMENTS		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5
BUILDING CONFIGURATION							
I	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	15'/25'	20'/25'	na	15'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	na	35'/40'	na	na	35'/40'
	Street facing garage door width per Primary Structure (max)	20'	20'	20'	20'	20'	20'
GROUND STORY FLOOR ACTIVATION							
K	Transparency, Primary Street (min)	30%	30%	30%	60%; If Residential Only: 40%		
L	Transparency, Side Street (min)	na	na	na	25%	25%	25%
M	Pedestrian Access	Each unit shall have a street-facing Entrance					

[See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

G. Courtyard Apartment

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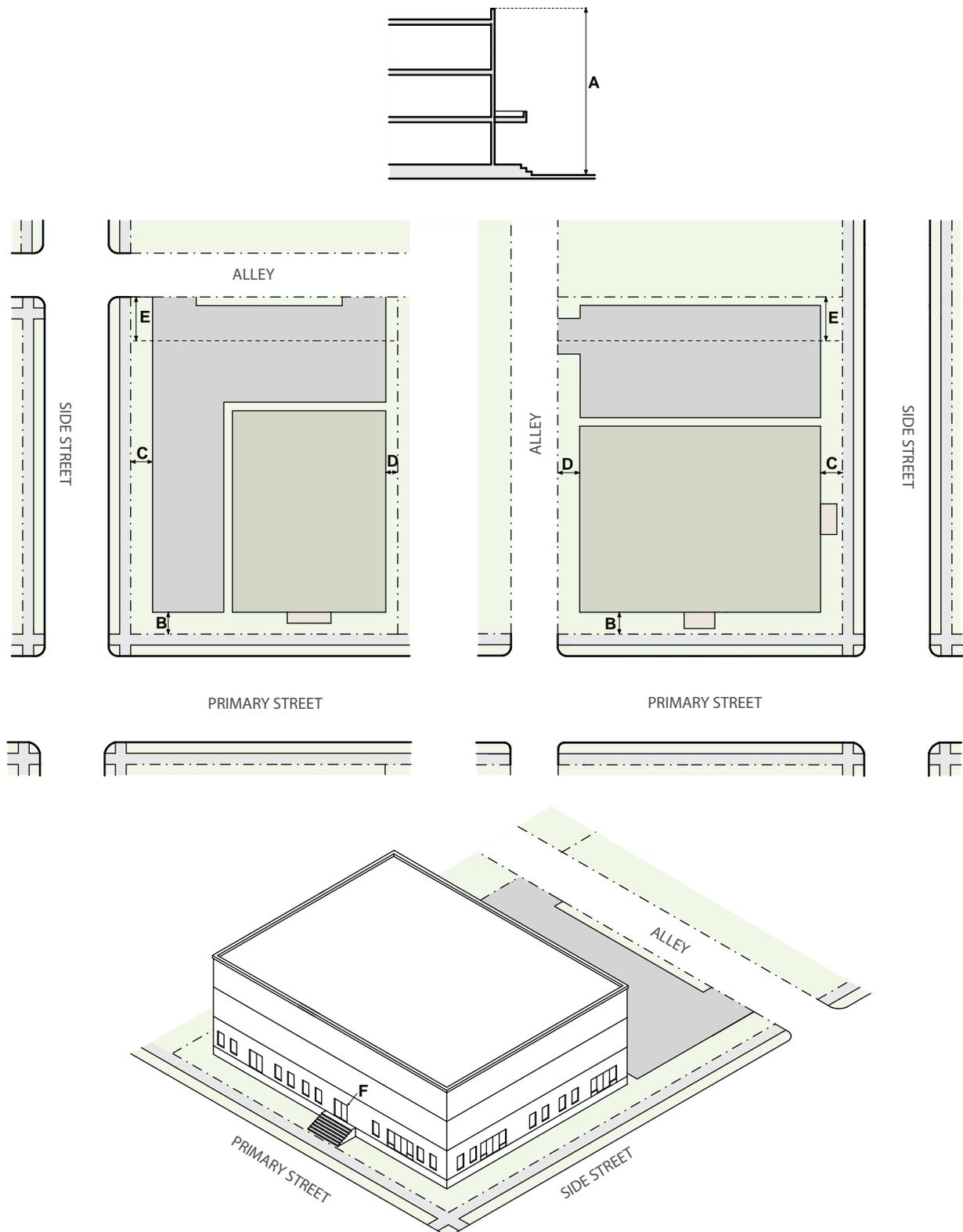
COURTYARD APARTMENT

		U-MX-2		
HEIGHT		U-MX-2x	U-MX-3	U-RX-5
A	Stories (max)	2	3	5
A	Feet (max)	35'	45'	70'
		U-MX-2		
SITING		U-MX-2x	U-MX-3	U-RX-5
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)*	70% 0'/15'	70% 0'/15'	70% 0'/15'
SETBACKS				
C	Primary Street (min)	0'	0'	0'
D	Side Street (min)	0'	0'	0'
E	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	U-MX-2x: 5' 10'	10'	10'
F	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed		
	Vehicle Access	Shall be determined as part of Site Development Plan Review		
		U-MX-2		
DESIGN ELEMENTS		U-MX-2x	U-MX-3	U-RX-5
BUILDING CONFIGURATION				
G	Street-Facing Courtyard Width (min)	15'	15'	15'
H	Street-Facing Courtyard Depth (min)	30'	30'	30'
	Courtyard Design Standards	See Sec. 5.3.5-2		
I	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	15'/25'	20'/25'
J	Upper Story Setback Above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	na	35'/40'
	Street facing garage door width per Primary Structure (max)	20'	20'	20'
GROUND STORY ACTIVATION				
K	Transparency, Primary Street (min)	30%	30%	30%
L	Transparency, Side Street (min)	25%	25%	25%
M	Pedestrian Access, Primary Street	Entrance	Entrance	Entrance
See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions				

*Courtyard Width counts toward the required Build-To

H. Apartment (1 of 2)

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APARTMENT (1 OF 2)

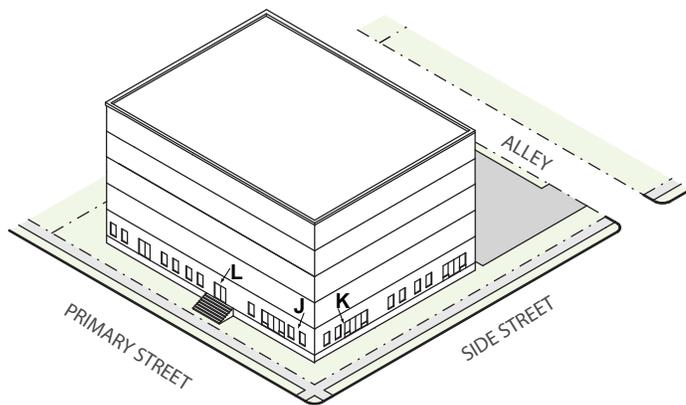
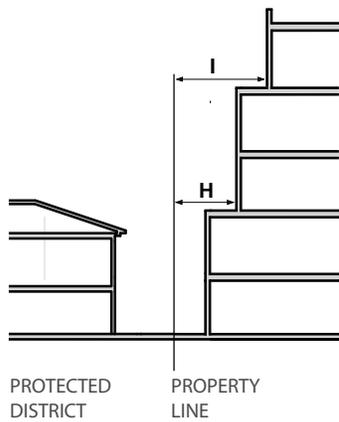
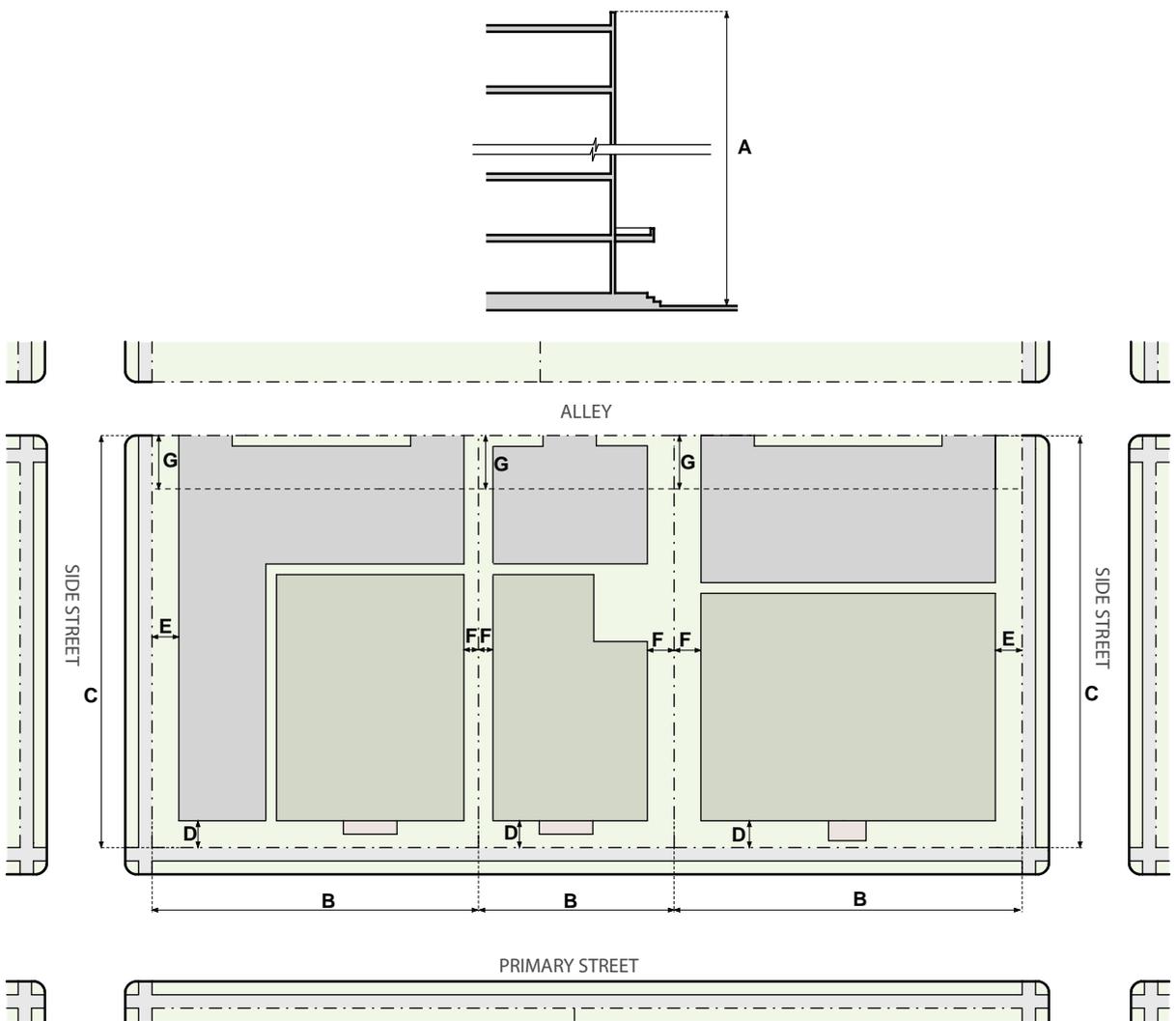
HEIGHT		U-RH-3A*
A	Stories (max)	3
A	Feet (max)	38'
SITING		U-RH-3A*
ZONE LOT		
	Zone Lot Size (min/max)	6,000 ft ² / 16,000 ft ²
	Zone Lot Width (min)	50'
	Dwelling Units per Primary Residential Structure (min)	3
SETBACKS		
B	Primary Street, block sensitive setback required (see Sec. 13.1.2.23)	yes
B	Primary Street, where block sensitive setback does not apply (min)	20'
C	Side Street (min)	10'
D	Side Interior (min)	5'
E	Rear, alley/no alley (min)	12'/20'
PARKING		
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed
	Vehicle Access	Shall be determined as part of Site Development Plan Review
DESIGN ELEMENTS		U-RH-3A*
BUILDING CONFIGURATION		
	Street facing garage door width per Primary Structure (max)	20'
GROUND STORY ACTIVATION		
F	Pedestrian Access, Primary Street or Side Street	Entrance

[See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

I. Apartment (2 of 2)

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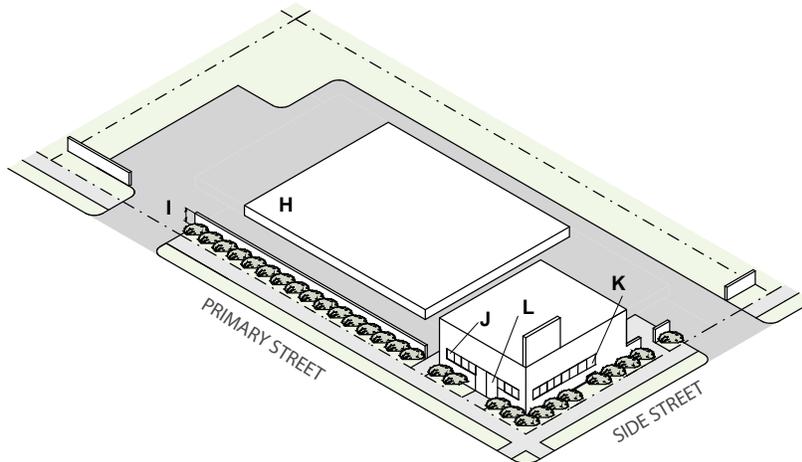
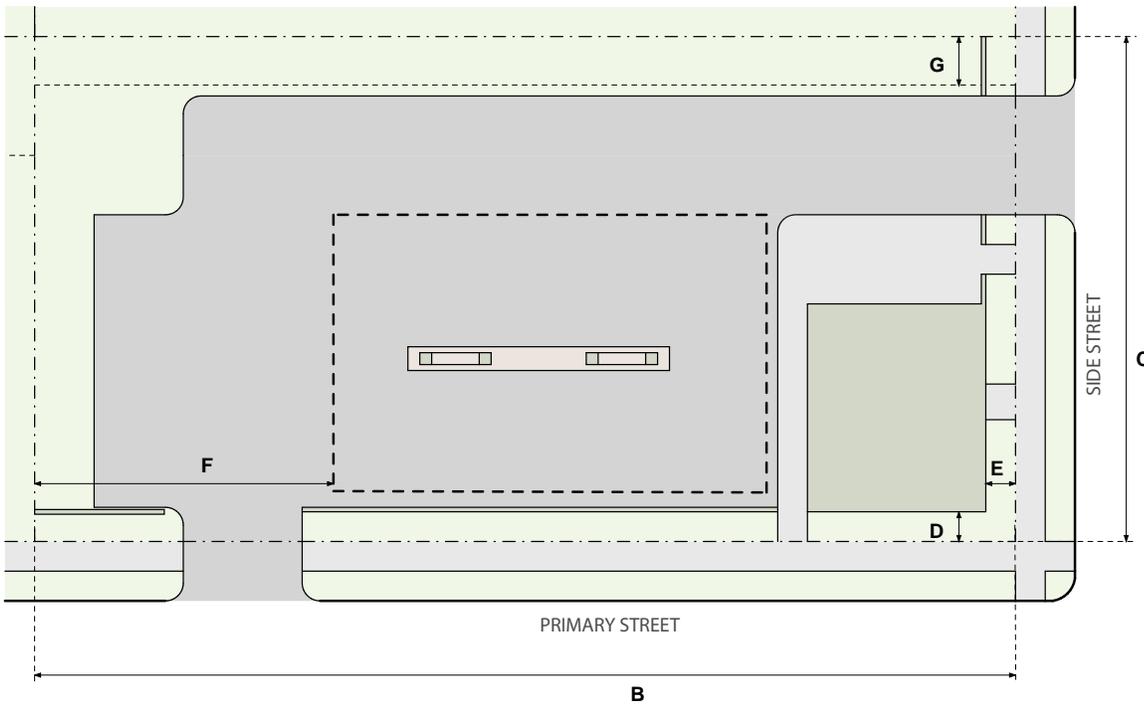
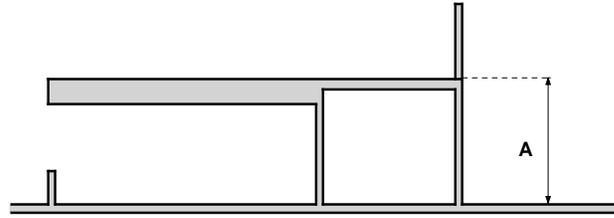


APARTMENT (2 OF 2)

		U-MX-2		U-MX-3		U-RX-5		U-MS-2		U-MS-3		U-MS-5	
HEIGHT		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5						
A	Stories (max)	2	3	5	2	3	5						
A	Feet (min/max)	na/32'	na/40'	na/65'	na/35'	na/40'	24'/70'						
		U-MX-2		U-MX-3		U-RX-5		U-MS-2		U-MS-3		U-MS-5	
SITING		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5						
ZONE LOT		Residential Only. MS: Ground Story within the required build-to portion must have at least one primary use, other than parking of vehicles											
REQUIRED BUILD-TO													
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	70% 0'/15'	75% 0'/10'	75% 0'/10'	75% 0'/10'						
C	Side Street (min % within min/max)	na	na	na	25% 0'/10'	25% 0'/10'	25% 0'/10'						
SETBACKS													
D	Primary Street (min)	0'	0'	0'	0'	0'	0'						
E	Side Street (min)	0'	0'	0'	0'	0'	0'						
F	Side Interior (min)	0'	0'	0'	0'	0'	0'						
	Side Interior, adjacent to Protected District (min)	U-MX-2x: 5' 10'	10'	10'	U-MS-2x: 5' 10'	10'	10'						
G	Rear, alley and no alley (min)	0'	0'	0'	0'	0'	0'						
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'						
PARKING													
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed					MS: Not Allowed/Not Allowed						
	Vehicle Access	Shall be determined as part of Site Development Plan Review											
		U-MX-2		U-MX-3		U-RX-5		U-MS-2		U-MS-3		U-MS-5	
DESIGN ELEMENTS		U-MX-2x	U-MX-3	U-RX-5	U-MS-2x	U-MS-3	U-MS-5						
BUILDING CONFIGURATION													
H	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	15'/25'	20'/25'	na	15'/25'	20'/25'						
I	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	na	35'/40'	na	na	35'/40'						
	Street facing garage door width per Primary Structure (max)	20'	20'	20'	20'	20'	20'						
GROUND STORY ACTIVATION													
J	Transparency, Primary Street (min)	30%	30%	30%	40%	40%	40%						
K	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%						
L	Pedestrian Access, Primary Street	Entrance											

J. Drive Thru Services

Not to Scale. Illustrative Only.

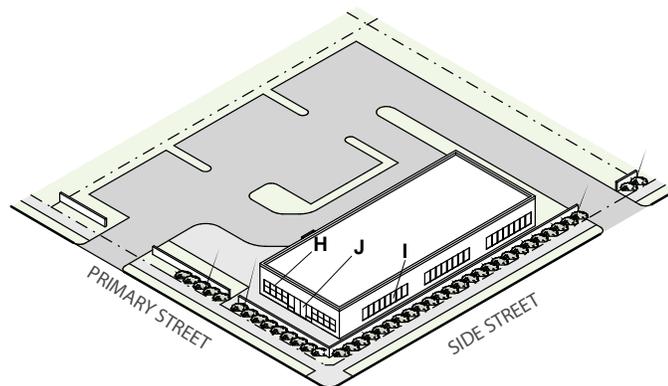
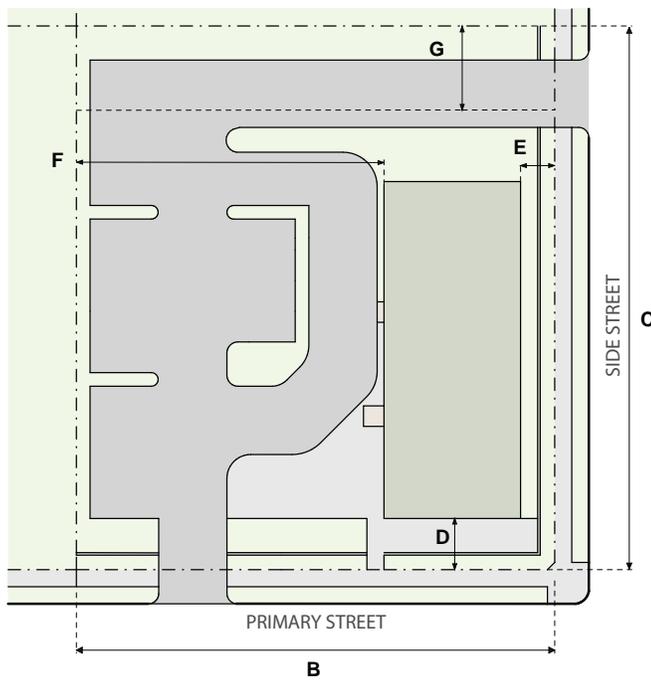
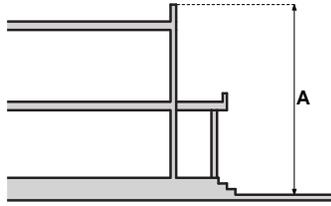


DRIVE THRU SERVICES

		U-MX-2	U-MX-3	
		U-MS -2	U-MS-3, -5	
HEIGHT				
A	Stories (max)	2	3	
A	Feet (max)	35'	45'	
SITING				
		U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A	U-MX-2, -3 Option B
ZONE LOT				
Use Restrictions		Automobile Services, Light and/or Primary Use with Accessory Drive Thru Use, excluding Eating/Drinking Establishments Additionally, in U-MX-2, 3 Option B is limited to Gasoline Service Station Use Only		
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)*	50% 0'/15'	50% 0'/15'	na
C	Side Street (min % within min/max)*	50% 0'/15'	50% 0'/15'	na
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear, alley and no alley (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed	Not Allowed/Allowed	Allowed/Allowed
Vehicle Access		Shall be determined as part of Site Development Plan Review		
DESIGN ELEMENTS				
		U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A	U-MX-2, -3 Option B
BUILDING CONFIGURATION				
H	*Canopy	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To	Building shall be used to meet a portion of the Primary or Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To	na
I	Screening Required	Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0'/15', following the standards of Article 10, Section 10.5.4.3		
	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	U-MS-3, -5 Only: 15'/25'	U-MX-3 Only: 15'/25'	U-MX-3 Only: 15'/25'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	60%	40%	40%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance	Pedestrian Connection

K. Drive Thru Restaurant (1 of 2)

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DRIVE THRU RESTAURANT (1 OF 2)

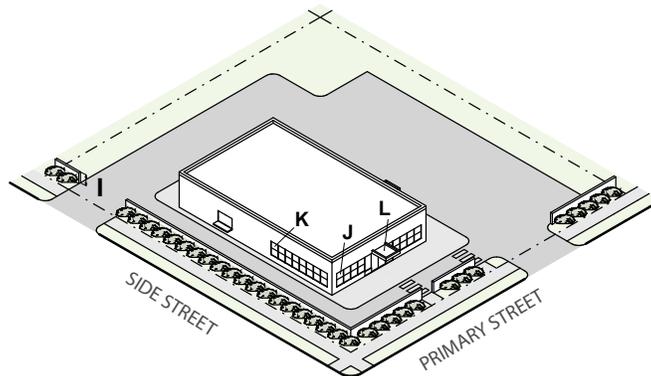
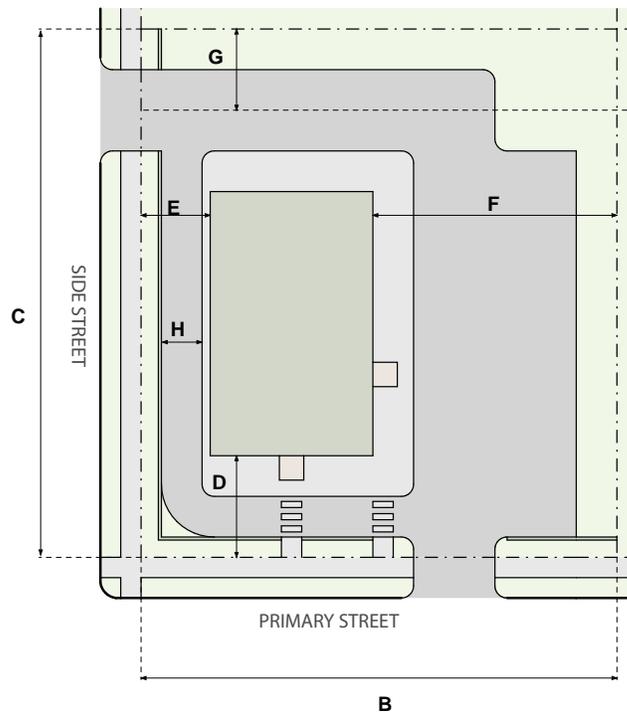
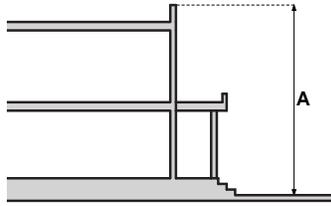
HEIGHT		U-MX-2 U-MS -2	U-MX-3 U-MS-3, -5
A	Stories (max)	2	3
A	Feet (max)	35'	45'

SITING		U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A
ZONE LOT			
Use Restrictions		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/5' All other: 75% 0'/5'	Corner Lots: 50% 0'/10' All other: 70% 0'/10'
C	Side Street (min % within min/max)	50% 0'/5'	50% 0'/10'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
G	Rear, alley and no alley (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed	
Drive Thru Lane between building and Primary Street/Side Street		Not Allowed/Not Allowed	
Vehicle Access		Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS		U-MS-2, -3, -5 Option A	U-MX-2, -3 Option A
BUILDING CONFIGURATION			
	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
H	Transparency, Primary Street (min)	60%	40%
I	Transparency, Side Street (min)	25%	25%
J	Pedestrian Access, Primary Street	Entrance	Entrance

L. Drive Thru Restaurant (2 of 2)

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DRIVE THRU RESTAURANT (2 OF 2)

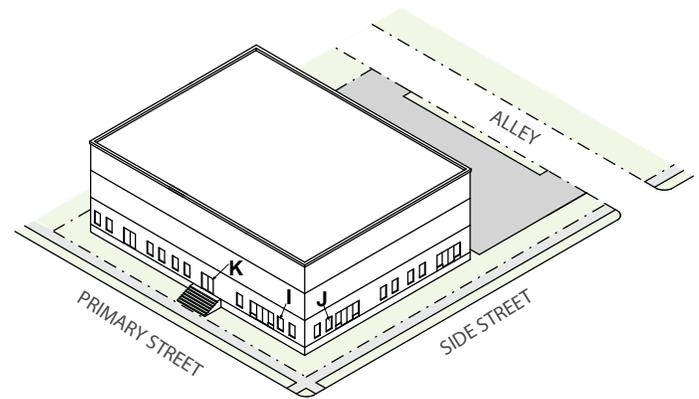
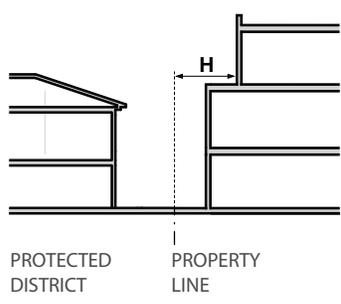
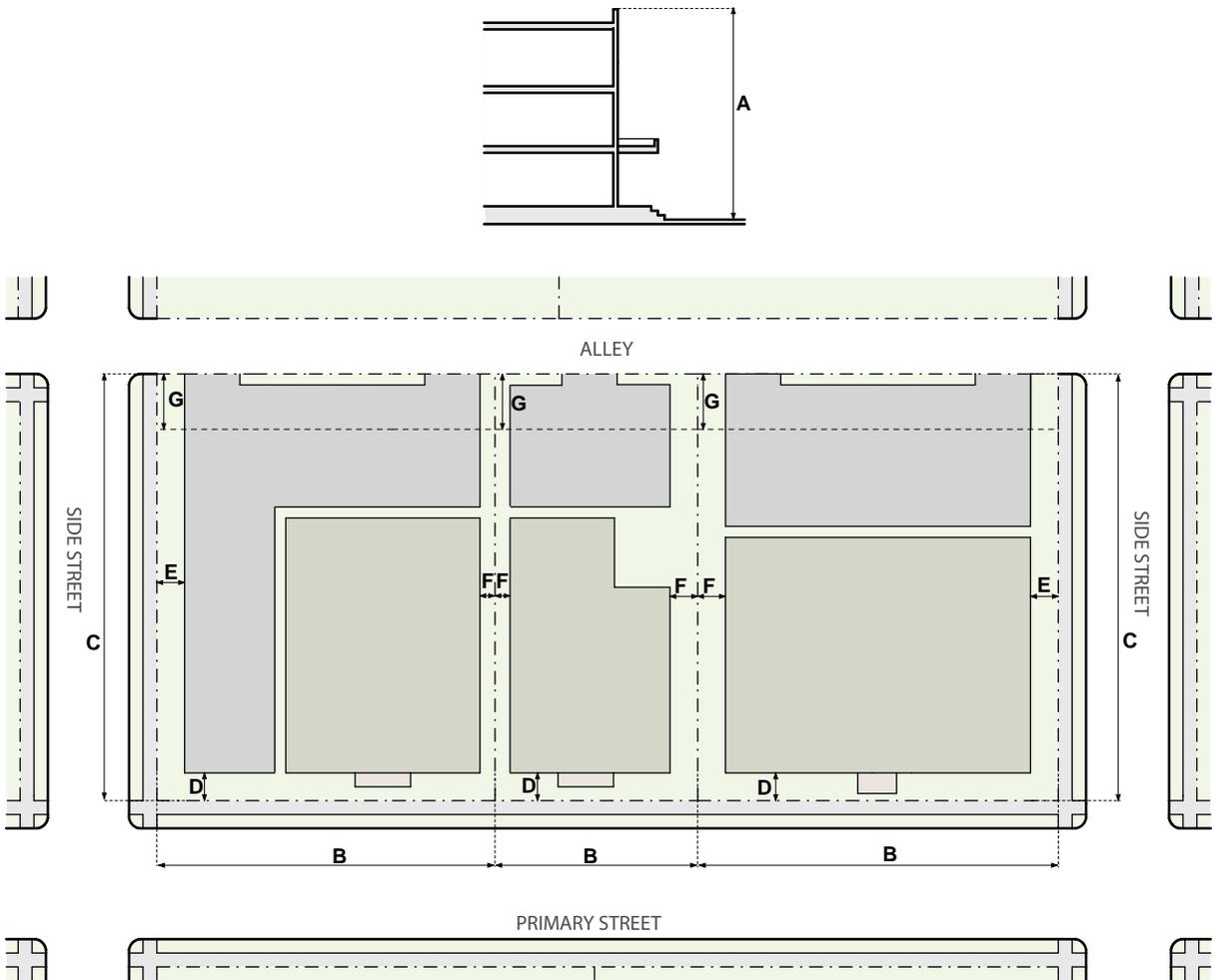
HEIGHT		U-MX-2	U-MX-3
A	Stories (max)	2	3
A	Feet (max)	35'	45'

SITING		U-MX-2, -3 Option B
ZONE LOT		
Use Restrictions		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only
REQUIRED BUILD-TO		
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/35' All other: 70% 0'/35'
C	Side Street (min % within min/max)	50% 0'/18'
SETBACKS		
D	Primary Street (min)	0'
E	Side Street (min)	0'
F	Side Interior (min)	0'
	Side Interior, adjacent to Protected District (min)	10'
G	Rear, alley and no alley (min)	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'
PARKING		
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed
Drive Thru Lane between building and Primary Street/Side Street		Allowed/Allowed
H	Drive Thru Lane Width (max)	12'
I	Drive Thru Lane Screening Required	Garden Wall, following the standards of Article 10, Section 10.5.4.3
	Vehicle Access	Shall be determined as part of Site Development Plan Review

DESIGN ELEMENTS		U-MX-2, -3 Option B
BUILDING CONFIGURATION		
	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'
GROUND STORY ACTIVATION		
J	Transparency, Primary Street (min)	40%
K	Transparency, Side Street (min)	25%
L	Pedestrian Access, Primary Street	Entrance and Pedestrian Connection

M. General

Not to Scale. Illustrative Only.



GENERAL

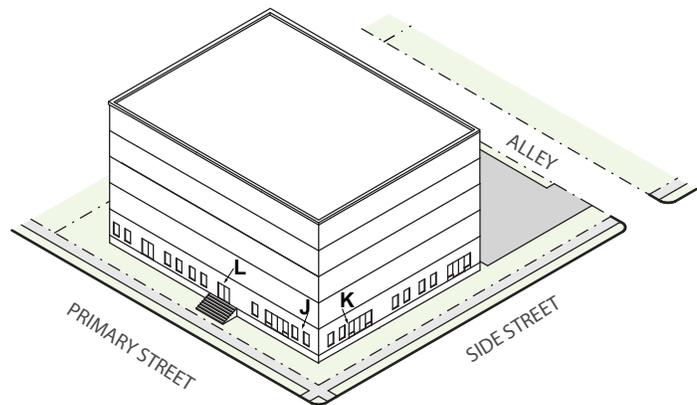
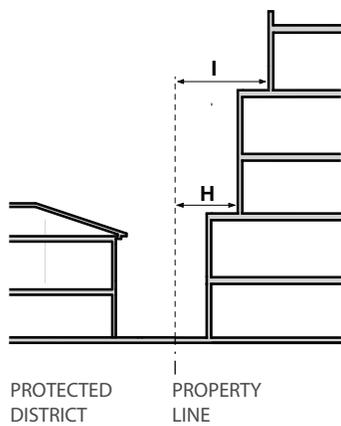
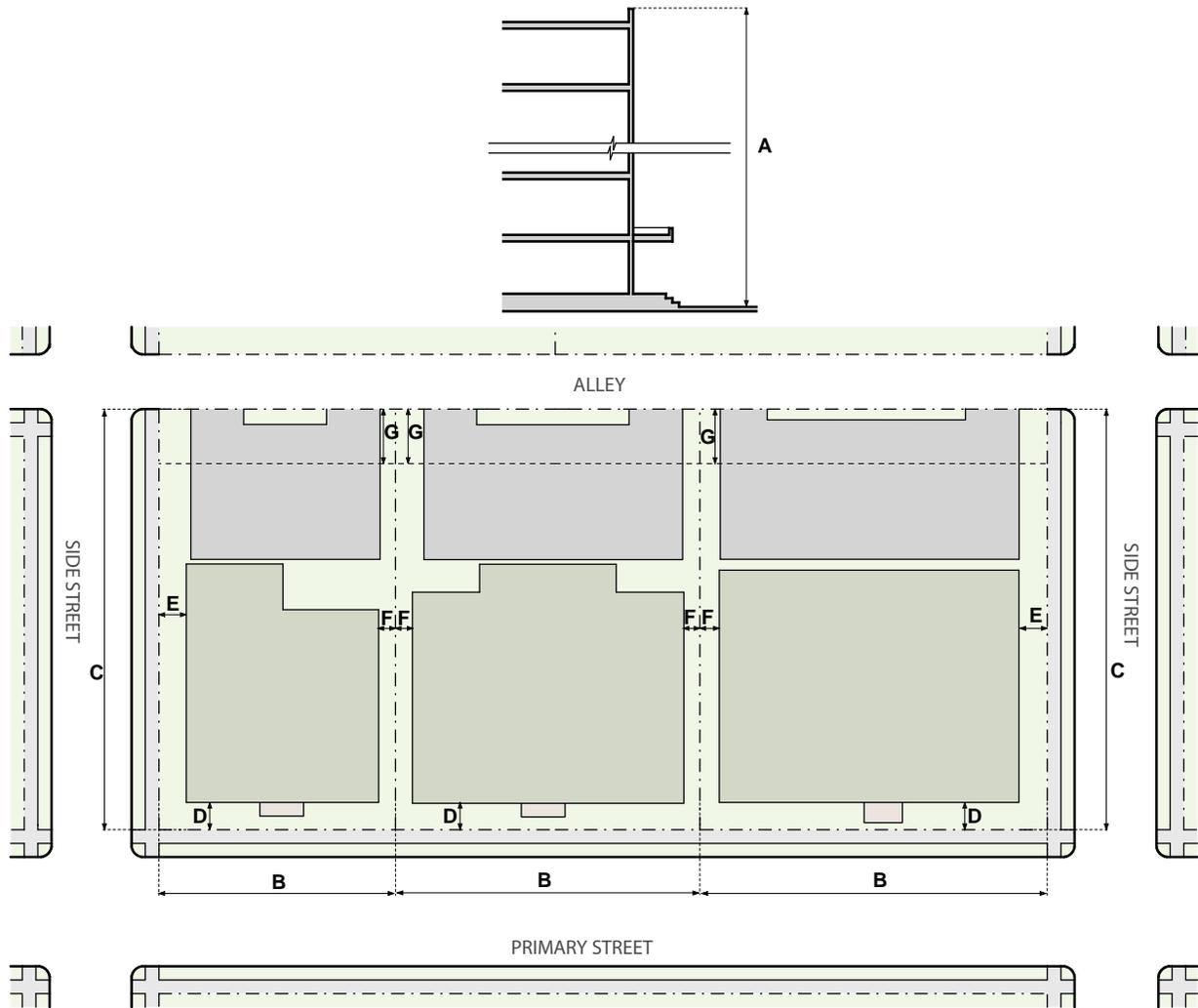
HEIGHT		U-MX-2, -2x	U-MX-3
A	Stories (max)	2	3
A	Feet (max)	35'	45'

SITING		U-MX-2, -2x	U-MX-3
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'
C	Side Street (min % within min/max)	na	na
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	U-MX-2x: 5' 10'	10'
G	Rear, alley and no alley (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	
	Vehicle Access	Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS		U-MX-2, -2x	U-MX-3
BUILDING CONFIGURATION			
H	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	15'/25'
GROUND STORY ACTIVATION			
I	Transparency, Primary Street (min)	40%	40%
J	Transparency, Side Street (min)	25%	25%
K	Pedestrian Access, Primary Street	Entrance	

N. Shopfront

Not to Scale. Illustrative Only.



SHOPFRONT

		U-MS-2			
HEIGHT		U-RX-5	U-MS-2x	U-MS-3	U-MS-5
A	Stories (max)	5	2	3	5
A	Feet (min/max)	na/70'	na/35'	na/45'	24'/70'

		U-MS-2			
SITING		U-RX-5	U-MS-2x	U-MS-3	U-MS-5
ZONE LOT					
Use Restrictions		Second Story and Above: Residential Only	Ground Story within the required build-to portion must have at least one primary use, other than parking of vehicles		
REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)	70% 0'/15'	75% 0'/5'	75% 0'/5'	75% 0'/5'
C	Side Street (min % within min/max)	na	25% 0'/5'	25% 0'/5'	25% 0'/5'
SETBACKS					
D	Primary Street (min)	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	U-MS-2x: 5' 10'	10'	10'
G	Rear, alley and no alley (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'
PARKING					
Surface Parking between building and Primary Street/Side Street		Not Allowed/Allowed	MS: Not Allowed/Not Allowed		
Vehicle Access		Shall be determined as part of Site Development Plan Review			

		U-MS-2			
DESIGN ELEMENTS		U-RX-5	U-MS-2x	U-MS-3	U-MS-5
BUILDING CONFIGURATION					
H	Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	20'/25'	na	15'/25'	20'/25'
I	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	35'/40'	na	na	35'/40'
GROUND STORY ACTIVATION					
J	Transparency, Primary Street (min)	60%	60%	60%	60%
K	Transparency, Side Street (min)	25%	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance			

SECTION 5.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

5.3.4.1 **Applicability**

~~All detached accessory structures in all the Urban Neighborhood Context Zone Districts~~

5.3.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 5.3.4, and the permitted building form standards of the particular zone district in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

The following detached accessory structures are specifically allowed: ~~subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

~~Sheds, utility buildings,~~ playhouses, ~~Patios,~~ cabanas, pool houses, ~~Porches,~~ and guard houses

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

a. Carports ~~and off-street parking areas~~

b. Decks, gazebos, ~~arbor/trellis,~~ ~~Gates,~~ swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas

c. Radio and Television Receiving Antennas and Support Structures

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

d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject zone district.~~

4. **Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, ~~instead of this Section 5.3.4.~~

5. **Accessory Structures Not Specifically Listed ~~as Allowed~~**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 5.3.4.

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 5.3.4.

5.3.4.3 **Supplemental Standards**

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

1. **Gross Floor Area**

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

2. **Building Coverage**

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

3. **Permitted Number**

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 5.3.4.4.A and B above.~~ (moved)

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

1. **Required Building Materials**

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

2. **Access and Contiguity**

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

5.3.4.4 **District Specific Standards Summary**

[The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:](#)

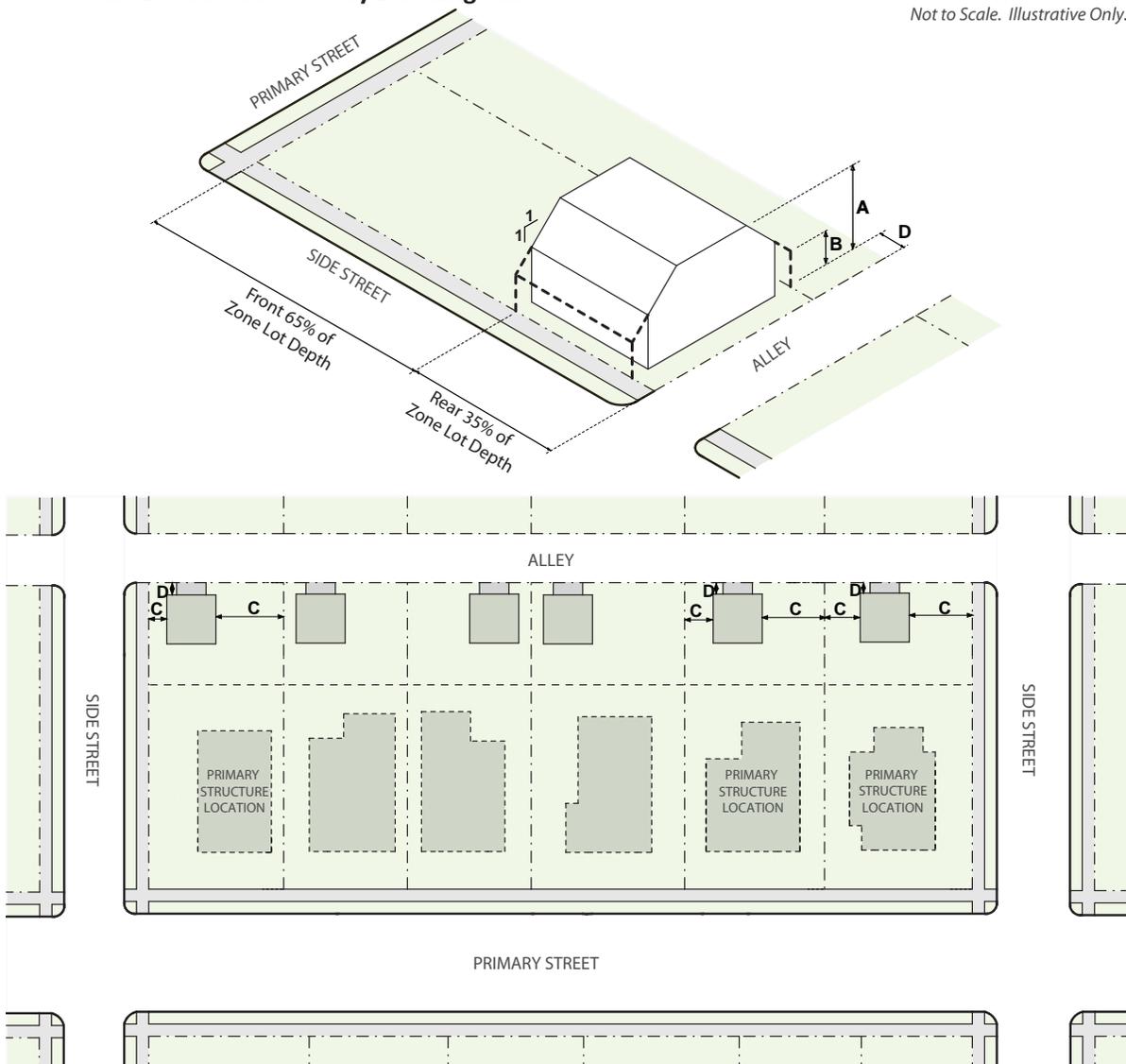
<u>Urban (U-) Neighborhood Context Zone Districts</u>		Max Number of Detached Accessory Structures per Zone Lot	<u>Building Forms</u>			
			Detached Accessory Dwelling Unit	Detached Garage	Other Detached Accessory Structures	Detached Accessory Structures
<u>Single Unit (SU)</u>	<u>U-SU-A, -B, -C, -E, -H</u>	no max*		■	■	
	<u>U-SU-A1, B1, C1, E1, H1</u>	no max*	■	■	■	
	<u>U-SU-A2, -B2, -C2</u>	no max*	□	■	■	
<u>Two Unit (TU)</u>	<u>U-TU-B, -C</u>	no max*	■	■	■	
	<u>U-TU-B2</u>	no max*	■	■	■	
<u>Rowhouse (RH)</u>	<u>U-RH-2,5</u>	no max*	■	■	■	
	<u>U-RH-3A</u>	no max*	■	■	■	
<u>Residential Mixed Use (RX)</u>	<u>U-RX-5</u>	no max				■
<u>Mixed Use (MX)</u>	<u>U-MX-2x</u>	no max				■
	<u>U-MX-2, -3</u>	no max				■
<u>Main Street (MS)</u>	<u>U-MS-2x</u>	no max				■
	<u>U-MS-2, -3, -5</u>	no max				■

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

5.3.4.5 District Specific Standards

A. Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



DETACHED ACCESSORY DWELLING UNIT

		U-SU-A1 U-SU-A2*	U-TU-B, U-TU-B2 U-SU-B1 U-SU-B2*	U-TU-C U-SU-C1 U-SU-C2*	U-SU-E1	U-SU-H1	U-RH-2.5 U-RH-3A
HEIGHT							
A	Stories (max)	1.5	1.5	1.5	1.5	1.5	1.5
A	Feet (max)	24'	24'	24'	24'	24'	24'
B	Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'	10'	10'	10'	10'	10'
	Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45°	45°	45°	45°	45°	45°

		U-SU-A1 U-SU-A2*	U-TU-B, U-TU-B2 U-SU-B1 U-SU-B2*	U-TU-C U-SU-C1 U-SU-C2*	U-SU-E1	U-SU-H1	U-RH-2.5 U-RH-3A
SITING							
USE RESTRICTION		Accessory Uses Only, including accessory dwelling unit where permitted. See Division 5.4 for permitted Accessory Uses					
ZONE LOT							
	Zone Lot Size (min)	3,000 ft ²	4,500 ft ²	5,500 ft ²	7,000 ft ²	10,000 ft ²	3,000 ft ²
	Exemption from Maximum Building Coverage (Lesser of)	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 ft ² . To qualify, the ADU form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the ADU form shall be used for vehicle parking.					
	Allowed Number of Dwelling Units (min/max)	0/1	0/1	0/1	0/1	0/1	0/1
	Additional Standards	See Sections 5.3.4.34 and 5.3.4.5					

		U-SU-A1, -B1, -C1, -E1, -H1, U-SU-A2*, -B2*, -C2*	U-TU-B, -B2, -C, U-RH-2.5 U-RH-3A			
SETBACKS						
Location		Located in the rear 35% of the zone lot depth				
C	Side Interior and Side Street (min)	5'	5'	5'	5'	5'
		If exceeding one story or 17' shall be located adjoining the southern most side setback line				
D	Rear (min)	5'	5'	5'	5'	5'
PARKING						
Parking Access (see Sec. 5.3.4 for exemptions)		From alley; or Street access allowed when no alley present				

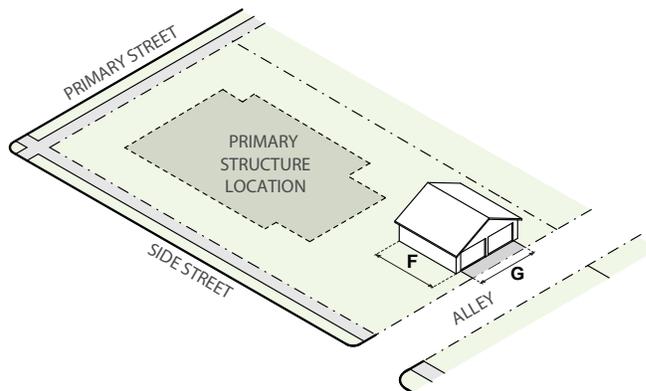
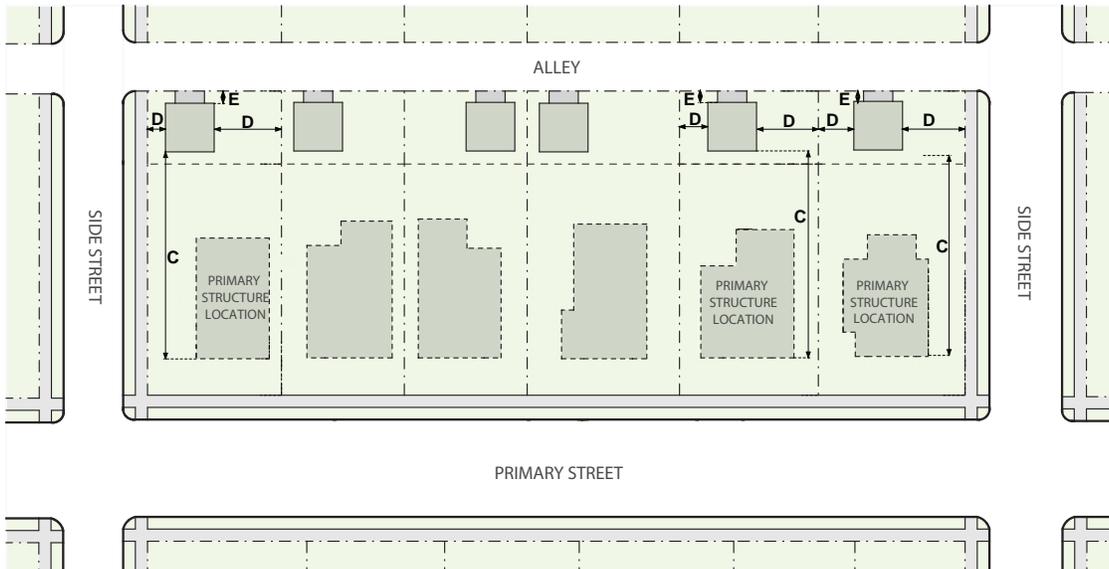
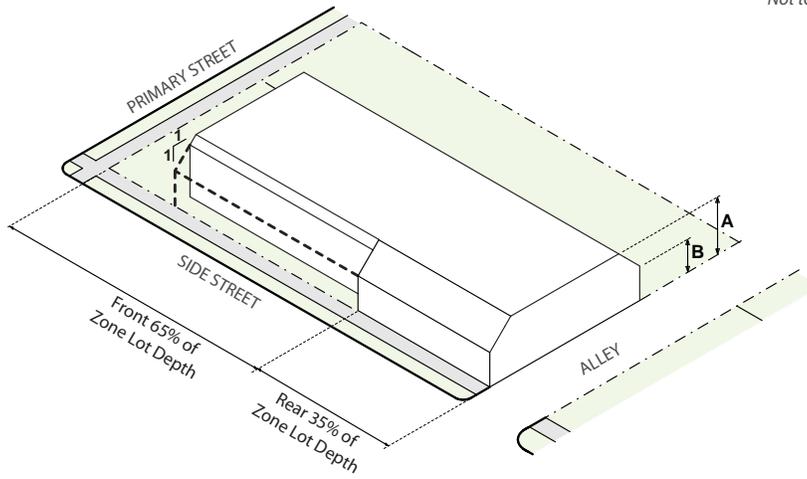
		U-SU-A1, -B1, -C1, -E1, -H1, U-SU-A2*, -B2*, -C2*			U-TU-B, -B2, -C, U-RH-2.5 U-RH-3A
		By Zone Lot Size			
DESIGN ELEMENTS		6,000 ft ² or Less	6,001 ft ² to 7,000 ft ²	7,001 ft ² or Greater	
BUILDING CONFIGURATION					
	Building Footprint (max)	650 ft ²	864 ft ²	1,000 ft ²	1,000 ft ²
	Habitable Space (max)	650 ft ²	864 ft ²	1,000 ft ²	na
E	Horizontal Dimension (max)	36'	36'	36'	36'

[See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

*Form is permitted ONLY on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

B. Detached Garage

Not to Scale. Illustrative Only.



DETACHED GARAGE

		U-SU-A	U-SU-B	U-SU-C					
HEIGHT		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B	U-RH-2.5	
		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-3A
A	Stories (max)	1	1	1	1	1	1	1	1
A	Feet (max)	17'	17'	17'	17'	17'	17'	17'	17'
B	Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'	10'	10'	10'	10'	10'	10'	10'
	Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45°	45°	45°	45°	45°	45°	45°	45°

		U-SU-A	U-SU-B	U-SU-C					
SITING		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B	U-RH-2.5	
		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-3A
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 5.4 for permitted Accessory Uses							

ZONE LOT									
Exemption from Maximum Building Coverage (Lesser of)		50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²	50%/500 ft ²
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 ft ² . To qualify, the detached garage form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the garage form shall be used for vehicle parking.							
Allowed Number of Dwelling Units (min/max)		0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
Additional Standards		See Sections 5.3.4.34 and 5.3.4.5							

SETBACKS									
<u>Front Setback (min), from primary structure façade</u>									
C	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'	5'	5'	5'
D	Side Interior (min), for structure entirely in rear 35% of zone lot *	0'	0'	0'	0'	0'	0'	0'	0'
	Side Interior (min), for structure not entirely in rear 35% of zone lot	5'	5'	5'	5'	5'	5'	5'	5'
E	<u>Rear, no alley (min)</u>	<u>5'</u>							
	Rear, <u>alley</u> , where garage doors face alley (min)	5'	5'	5'	5'	5'	5'	5'	5'
	Rear, <u>alley</u> , where garage doors do not face alley* (min)	0'	0'	0'	0'	0'	0'	0'	0'

		U-SU-A	U-SU-B	U-SU-C					
DESIGN ELEMENTS		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B	U-RH-2.5	
		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-3A
BUILDING CONFIGURATION									
Building Footprint (max)		1,000 ft ²	864 ft ² * per unit**	864 ft ² * per unit**	432 ft ² per unit**				
F	Horizontal Dimension (max)	36'	36'	36'	36'	36'	36'	36'	no max
	Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	3	3	3	3	3	3	3	3
G	Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	28'	28'	28'	28'	28'	28'	28'	no max

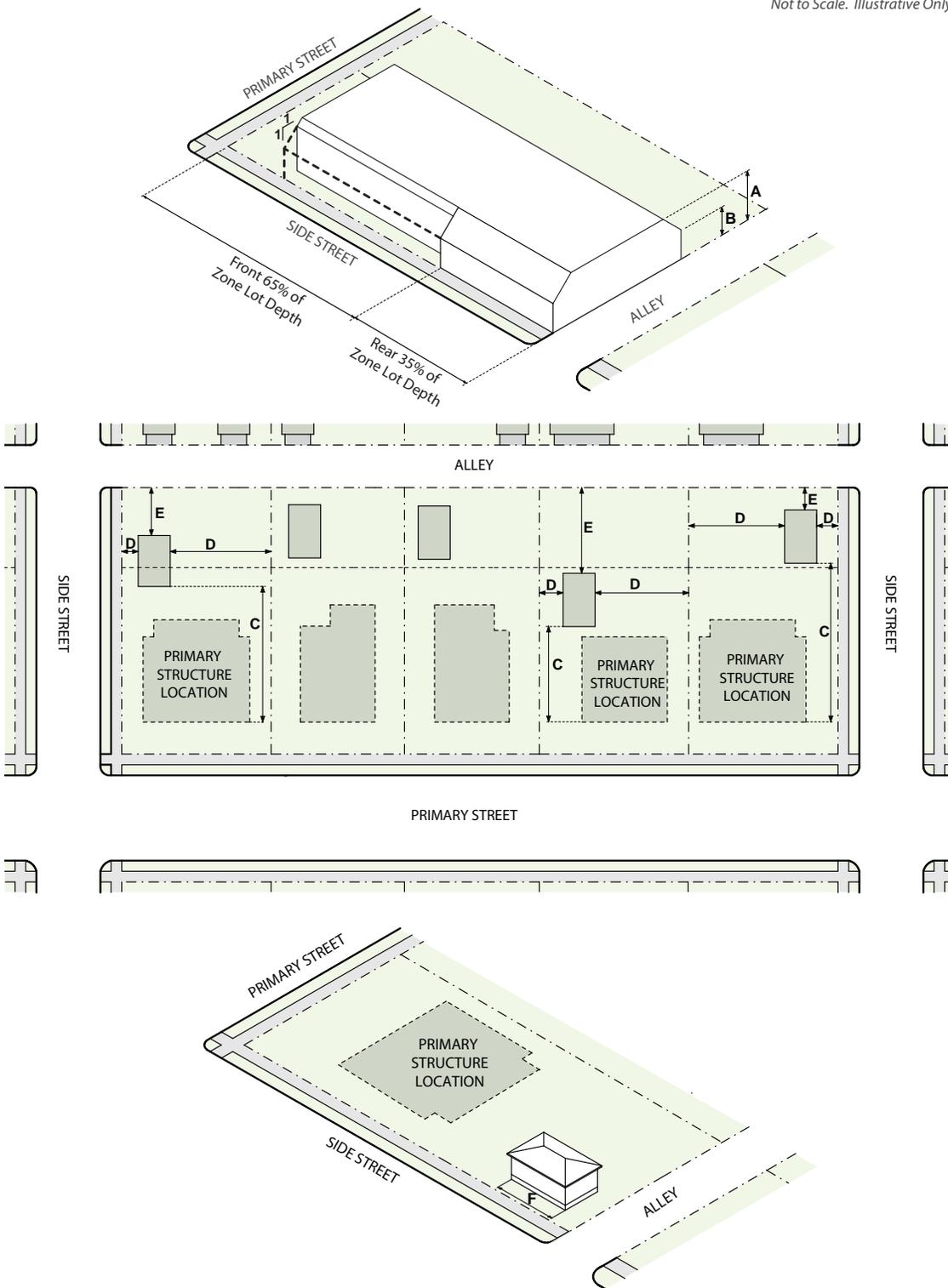
See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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

**When used with the Urban House building form, the permitted building footprint for a detached garage may be increased to 1,000 ft²

C. Detached Utility Building Other Detached Accessory Structures

Not to Scale. Illustrative Only.



OTHER DETACHED ACCESSORY STRUCTURES UTILITY BUILDING

		U-SU-A	U-SU-B	U-SU-C						
		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B			
HEIGHT		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-2.5	U-RH-3A
A	Stories (max)	1	1	1	1	1	1	1	1	1
A	Feet (max)	15'	15'	15'	15'	15'	15'	15'	15'	15'
B	Bulk Plane Vertical Height at Side Interior and Side Street Zone Lot Line	10'	10'	10'	10'	10'	10'	10'	10'	10'
	Bulk Plane Slope from Side Interior and Side Street Zone Lot Line	45°	45°	45°	45°	45°	45°	45°	45°	45°

		U-SU-A	U-SU-B	U-SU-C						
		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B			
SITING		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-2.5	U-RH-3A
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 3.4 for permitted Accessory Uses								
ZONE LOT										
	Allowed Number of Dwelling Units (min/max)	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
	Additional Standards	See Sections 5.3.4, 5.3.4.3 and 5.3.4.5								
SETBACKS										
	<u>Front Setback (min), from primary structure façade</u>	10'	10'	10'	10'	10'	10'	10'	10'	10'
C	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'	10'	10'	10'	10'	10'	10'	10'	10'
D	<u>Side Street and Side Interior (min)</u>	5'	5'	5'	5'	5'	5'	5'	5'	5'
D	<u>Side Street and Side Interior (min), for structure entirely in rear 35% of zone lot**</u>	0'	0'	0'	0'	0'	0'	0'	0'	0'
	<u>Side Interior, for structure not entirely in rear 35% of zone lot (min)</u>	5'	5'	5'	5'	5'	5'	5'	5'	5'
E	<u>Rear, no alley (min)</u>	5'	5'	5'	5'	5'	5'	5'	5'	5'
	<u>Rear, alley, where doors face alley (min)</u>	5'	5'	5'	5'	5'	5'	5'	5'	5'
	<u>Rear, alley, where doors do not face alley (min)*</u>	0'	0'	0'	0'	0'	0'	0'	0'	0'

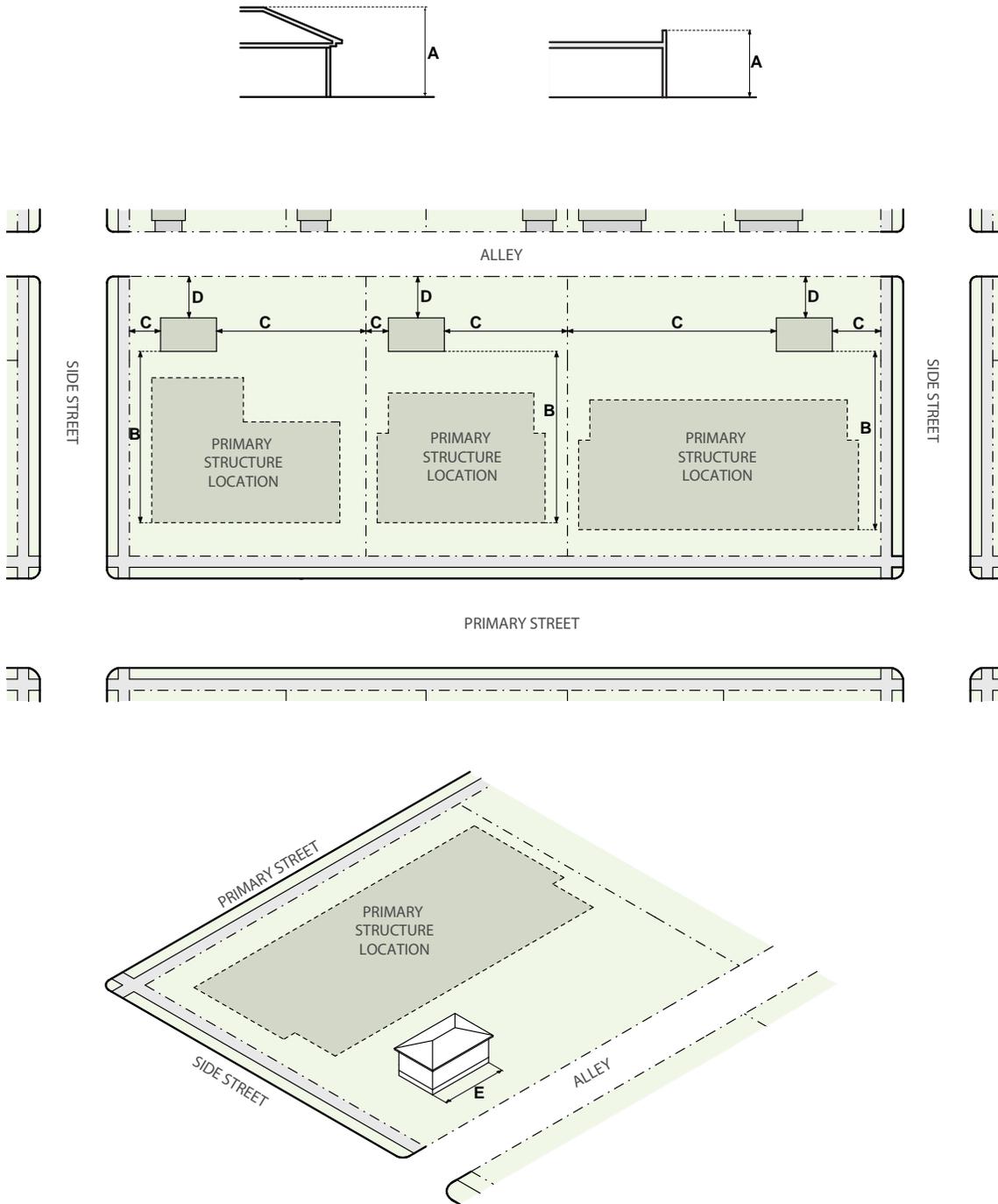
		U-SU-A	U-SU-B	U-SU-C						
		U-SU-A1	U-SU-B1	U-SU-C1	U-SU-E	U-SU-H	U-TU-B			
DESIGN ELEMENTS		U-SU-A2	U-SU-B2	U-SU-C2	U-SU-E1	U-SU-H1	U-TU-B2	U-TU-C	U-RH-2.5	U-RH-3A
BUILDING CONFIGURATION										
	Building Footprint (max)	1,000 ft ²								
	Horizontal Dimension (max)	36'	36'	36'	36'	36'	36'	36'	36'	36'

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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

D. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

HEIGHT		All U-MX, -RX, -MS
A	Stories (max)	1
A	Feet (max)	17'

SITING		All U-MX, -RX, -MS
ZONE LOT		
	Use Restrictions	Accessory Uses Only
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 5.3.4, 34 and 5.3.4.5

SETBACKS		
	Front Setback (min), from primary structure façade	
B	Setback from Primary Street Facing Facade of Primary Structure (min)	10'
C	Side Interior and Side Street (min)	5'
D	Rear (min)	5'
	Rear, when garage doors face alley (min)	5'

DESIGN ELEMENTS		All U-MX, -RX, -MS
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
<u>See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

SECTION 5.3.5 SUPPLEMENTAL DESIGN STANDARDS

5.3.5.1 Rooftop and/or Second Story Decks

A. Intent

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

B. Applicability

All the U-SU, U-TU, and U-RH Zone Districts

C. Supplemental Design Standard

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

5.3.5.2 Garden Court

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

1. Located at natural grade;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. Open to the sky; and
4. Bounded on not less than 3 sides with related building facades on the same parcel.

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

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

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

5.3.5.3 Courtyard

A. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:

1. No more than one-half story above or below grade at the zone lot line adjoining the primary street; may be on the structure;
2. Visually and physically accessible from the primary street; may be secured for private use;
3. Open to the sky; and
4. Bounded on not less than 3 sides with connected building facades.

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

1. Single or multiple entries to uses within the building;
2. Public or private landscaped area;
3. Outdoor seating area; or

4. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, or integrally colored concrete with a module of not more than 4 feet.

5.3.5.4 Pedestrian Access

A. Entrance

Where required in Urban Neighborhood Context Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

1. Door - An entrance on the same plane as the building facade.
2. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
3. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

B. Entry Feature

Where required in Urban Neighborhood Context Zone Districts, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. An entry feature shall be one of the following:

1. Door
2. Gates
3. Front Porch
4. Front Stoop
5. Front Terrace
6. Canopy
7. Arcade

C. Pedestrian Connection

Where required in the Urban Neighborhood Context Zone Districts, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. The Pedestrian Connection shall comply with the following:

1. Fully paved and maintained surface not less than 5' in width.
2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. The portions of pedestrian connection that cross drive lanes within parking areas shall not exceed 25' in length

SECTION 5.3.6 DESIGN STANDARD ALTERNATIVES

5.3.6.1 Required Build-To Alternative

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - a. Decorative and/or structural piers may exceed the allowable height range
 - b. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division
 - c. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"
2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Article 10.

B. Pergola

In all Urban Neighborhood Context Zone Districts, a pergola, consisting of an arbor or passage-way of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

1. Pergola structure shall be no less than 24" deep as measured perpendicular to the property line.
2. Pergola structure shall maintain at least 8' clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6" vertical dimension.
4. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15' on center.
5. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42" and 84" above grade.
6. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports.

C. Arcades

In all Urban Neighborhood Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than two stories in height,
2. The exterior face of the arcade column line is within the build-to zone,

3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

5.3.6.2 Ground Story Activation Alternatives

A. Transparency Alternatives

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. In the U-MX and U-RX Zone Districts, if used in combination, the alternatives may count toward no more than 80% of the transparency requirement; however, in the U-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the entirety (100%) of the length and height of the wall is considered. In the U-MS Zone Districts, if used in combination the alternatives may count toward no more than 50% of the Primary and/or Side Street transparency requirement.

1. Windows Outside the Zone of Transparency

Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features, when located within the required zone of transparency, may count toward 40% of the total transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines.

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward 50% of Primary Street and 50% of Side Street transparency requirements if they provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"
- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls
- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Eating/Serving Areas

Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward 60% of the transparency requirement. Accessory outdoor eating/serving areas located between the building and Side Street zone lot line may count toward 80% of the transparency requirement.

5. Permanent Art

Non-commercial art or graphic design may count toward a maximum of 40% of the transparency requirement, provided such art or design complies with all of the following standards:

- a. Of sufficient scale and orientation to be perceived from the public right of way;
- b. Rendered in materials or media appropriate to an exterior, urban environment; and
- c. Permanently integrated into the building wall.

B. Entrance Alternative

In U-MX and U-RX Zone Districts, excluding the Row House building form, an alternative to an Entrance is permitted. The Entrance Alternative shall provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building. An Entrance Alternative shall be one of the following:

1. Courtyard or Plaza
 - a. Shall be accessible to public during business hours
 - b. Shall be within 2' of grade at edge of public right-of-way
 - c. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.
 - d. Maximum dimension shall not exceed 3 times the minimum dimension
 - e. Required public Entrance shall be visible from the public right-of-way.
 - f. Perimeter walls of court or plaza shall meet primary facade transparency standards.
2. Covered Walkway
 - a. Arcades or Pergola/Trellis that meet the following:
 - ii. Shall be accessible to public during business hours
 - iii. Shall provide continuous covered access to required Entrance from the public right-of-way
 - iv. Required public Entrance shall be visible from the public right-of-way

SECTION 5.3.7 DESIGN STANDARD EXCEPTIONS

5.3.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- D. Flush-mounted solar panels, as defined in ~~this~~ Article 13, may exceed the maximum permitted height of a building.

5.3.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

5.3.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

5.3.7.4 Building Coverage Exception

- A. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
- B. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

5.3.7.5 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwallled porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Access ramps for the handi-capped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.56 (Site Grading Standards) and Section 10.4.5.2 5.6 (Retaining Walls General Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line	Any distance for any width, provided the provisions of Division 10.56 (Site Grading Standards) and Section 10.4.5.2 5.6 (Retaining Walls General Requirements) are met	
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Surface Parking for the Garden Court, Rowhouse, and Apartment building forms	All U-RH districts	not allowed	not allowed	not allowed	any distance

5.3.7.6 Vehicle Access

A. Applicability

1. This Section’s alley access requirements shall apply only to urban house, duplex house, tandem house, town house, garden court, or row house building forms developed in an Urban (U-) context Zone District.
2. For all other building form development allowed in an Urban (U-) context Zone District, vehicle access shall be determined as part of site development plan review.

B. Vehicle Access From Alley Required - Exceptions

Where applicable, any newly constructed driveway, driving aisle, garage, carport, or other parking facility shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

1. The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The alley is less than 12 feet in width;
3. At least 60 percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a primary street; or
4. The Department of Public Works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely or operationally accommodate additional vehicular traffic.

SECTION 5.3.8 REFERENCE TO OTHER DESIGN STANDARDS

5.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Fences, Walls and Screening: Division 10.5
- C. Site Grading Standards: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

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DIVISION 5.4 USES AND REQUIRED MINIMUM PARKING

SECTION 5.4.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

- 5.4.1.1 ~~This Division 5.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Urban Neighborhood Context Zone Districts.~~
- 5.4.1.2 ~~Unlisted Uses~~–Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- 5.4.1.3 ~~For number of primary and accessory uses allowed per zone lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Urban Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 5.4.2 ORGANIZATION ~~–SUMMARY USE AND PARKING TABLE~~

5.4.2.1 Organized by Primary, Accessory and Temporary Uses

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

5.4.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

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

SECTION 5.4.3 EXPLANATION OF TABLE ABBREVIATIONS

5.4.3.1 General Explanation of Table Cell Entries

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

5.4.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

Applicable Use Limitations

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

5.4.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure

applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE” for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 5.4.4 ~~DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS~~

KEY: 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 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE									APPLICABLE USE LIMITATIONS AND STANDARDS
	• 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)	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-5	U-MX-2x U-MX-2 U-MX-3	U-MX-2x U-MX-2	U-MS-3 U-MS-5		
RESIDENTIAL PRIMARY USE CLASSIFICATION										
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Two Unit • Vehicle: 1/unit	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.2.1
	Dwelling, Multi-Unit • Vehicle: 1/unit • Bicycle: 1/4 units (80/20)	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.2.2
	Dwelling, Mixed Use • Vehicle: 1/unit • Bicycle: 1/4 units (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Live / Work • Vehicle: 1/unit • Bicycle: 1/4 units (80/20)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.2.3

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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-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 AND STANDARDS
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: No requirement	NP	NP	P-ZPIN	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Community Correctional Facility	NP	NP	NP	NP	NP	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: .75/unit • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: No requirement	L -ZP	L -ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	<u>§ 11.2.4</u>
	Residential Care Use, Small or Large • Vehicle: .25/unit • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	<u>§ 11.2.45</u>
	Shelter for the Homeless • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZPIN	NP	NP	L-ZPIN	L-ZPIN	<u>§ 11.2.56</u>
	Student Housing • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION										
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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USE CATEGORY	SPECIFIC USE TYPE •Vehicle Parking Reqmt: # spaces per unit of measurement •Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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								APPLICABLE USE LIMITATIONS AND STANDARDS
		U-TU-B U-TU-B2 U-TU-C	U-RH-2.5 U-RH-3A	U-RX-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5		
Community/ Public Services	Community Center •Vehicle: .5 / 1,000 ft ² GFA •Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	L-ZP IN	L-ZP IN	P -ZPIN	P-ZP IN	P-ZP IN	P-ZP	P-ZP	P-ZP	§ 11.3.4
	Postal Facility, Neighborhood •Vehicle: 2.5/ 1,000 ft ² GFA •MS only: 2/1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (20/80)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (20/80)	NP	NP	NP	P-ZP	NP	NP	P-ZP	P-ZP	
	Public Safety Facility •Vehicle: 1/ 1,000 ft ² GFA •Bicycle: 1/ 10,000 ft ² GFA (0/100)	L P-ZP	L P-ZP	L P-ZP	L P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.5
	Hospital	NP	NP	NP	NP	NP	NP	NP	NP	
Correctional Institution	NP	NP	NP	NP	NP	NP	NP	NP		

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USE CATEGORY	SPECIFIC USE TYPE •Vehicle Parking Reqmt: # spaces per unit of mea- surement •Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)									APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	NP	NP	NP	
	Library •Vehicle: 1/ 1,000 ft² GFA •Bicycle: 1/ 10,000 ft² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum •Vehicle: 1/ 1,000 ft² GFA •Bicycle: 1/ 10,000 ft² GFA (0/100)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	City Park	NP	NP	NP	NP	NP	NP	NP	NP	
	Open Space - Recreation •Vehicle: .5/ 1,000 ft² GFA •Bicycle: No require- ment	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conserva- tion •No Parking Require- ments	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School •Vehicle- Elemen- tary: 1/1,000 ft² GFA •Bicycle-Elementary: 1/ 10,000 ft² GFA (0/100) •Vehicle- Secondary: 2/1,000 ft² GFA •Bicycle: 1/ 10,000 ft² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6
	University or College •Vehicle: 1/ 1,000 ft² GFA •Bicycle: 1/ 10,000 ft² GFA (0/100)	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Vocational or Profes- sional School •Vehicle: 1/ 1,000 ft² GFA •Bicycle: 1/ 10,000 ft² GFA (0/100)	NP	NP	NP	P-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.6
Public and Reli- gious Assembly	All Types •Vehicle: .5/ 1,000 ft² GFA •Bicycle: No require- ment	L-ZP	L-ZP	L-ZP	L P-ZP	L P-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.7 8

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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-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 AND STANDARDS
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION										
Adult Business	All Types	NP	NP	NP	NP	NP	NP	NP	NP	
Arts, Recreation and Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	§ 11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZPSE	NP	L-ZPSE	L-ZPSE	P-ZPSE	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		L-ZPIN	L-ZPIN	L-ZPIN	Not Applicable					§11.4.3
Parking of Vehicles	Parking, Garage • No Parking Requirements	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	NP	L-ZP	L-ZP	NP	NP	NP	NP	NP	§ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle: 4.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/5,000 ft ² GFA (0/100)	NP	NP	NP	L-ZP	L-ZPSE	L-ZP	L-ZP	L-ZP	§ 11.4.6

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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-TU-B U-TU-B2 U-TU-C	U-RH-2.5 U-RH-3A	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 AND STANDARDS
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 1/guest room or unit • Bicycle: 1/4 guest room or unit (80/20)	NP	NP	NP	P-ZP	NP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 1/ guest room or unit • Bicycle: 1/4 guest rooms or units (80/20)	NP	NP	NP	P-ZP	NP	NP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (60/40)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.4.7
	Office, All Others • Vehicle: 2/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (60/40)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS AND STANDARDS								
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	\$11.4.8; \$11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	NP	NP	NP	NP	
	Body Art Establishment • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.4.8; \$11.4.10
	Food Sales or Market • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA(20/80)	NP	NP	NP	L-P-ZP	L-ZP	L-ZP	P-ZP	P-ZP	\$11.4.8; \$11.4.11
	Liquor Store, Including Drugstores Licensed to Sell Liquor • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZP	L-ZPIN	L-ZP	L-ZP	L-ZP	\$11.4.8; \$11.4.12
	Pawn Shop • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA(20/80)	NP	NP	NP	NP	NP	NP	NP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS AND STANDARDS								
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Retail Sales, Service & Repair -- Outdoor* • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZP	\$11.4.8; \$11.4.14
	Retail Sales, Service & Repair - Firearms Sales	NP	NP	NP	NP	NP	NP	NP	P-ZP	
	Retail Sales, Service & Repair, All Others • Vehicle: 2.5/ 1,000 ft ² GFA • MS only: 2/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	Pt -ZP	L-ZP	L-ZP	Pt -ZP	Pt -ZP	\$11.4.8
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No require- ment	NP	NP	NP	NP	NP	L-ZPSE	P-ZP	P-ZP	\$11.4.15
	Automobile Services, Light • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No require- ment	NP	NP	NP	NP	NP	L-ZPSE	L-ZP	L-ZP	\$11.4.16; \$11.4.17
	Automobile Services, Heavy • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No require- ment	NP	NP	NP	NP	NP	NP	NP	L-ZP	\$11.4.16; \$11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No require- ment	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.4.19
	Heavy Vehicle/ Equip- ment Sales, Rentals. & Service*	NP	NP	NP	NP	NP	NP	NP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt: # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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-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 AND STANDARDS
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION										
Communications and Information	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZPSE	NP	NP	L-ZPSE	L-ZPSE	\$11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	\$11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	NP	NP	NP	NP	
	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZPIN	P-ZPIN	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services	NP	NP	NP	NP	NP	NP	NP	NP	
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.5.5

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)									APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	NP	NP	NP	
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	NP	NP	NP	NP	
	Sand or Gravel Quarry*	NP	NP	NP	NP	NP	NP	NP	NP	
	Wind Energy Conversion Systems* • No Parking Requirement	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.5.8
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN NP	L-ZPIN NP	L-ZPIN	L-ZPIN	\$11.5.9
	Railroad Facilities*	NP	NP	NP	NP	NP	NP	NP	NP	
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	\$11.5.10
	Terminal, Freight, Air Courier Services	NP	NP	NP	NP	NP	NP	NP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)	APPLICABLE USE LIMITATIONS AND STANDARDS								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	NP	NP	NP	NP	
	Recycling Collection Station	NP	NP	NP	NP	NP	NP	NP	NP	
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	NP	NP	NP	
	Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	NP	NP	NP	
	Mini-storage Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	L-ZP	NP	NP	L-ZP	NP	\$11.5.11
	Vehicle Storage, Commercial*	NP	NP	NP	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, General	NP	NP	NP	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP -ZPSE	NP	NP	L-ZP/ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	\$11.5.13
AGRICULTURE PRIMARY USE CLASSIFICATION										
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	NP	NP	NP	NP	
	Garden, Urban* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.6.1
	Greenhouse • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	NP	NP	NP	NP	
	Nursery, Plant*	NP	NP	NP	NP	NP	NP	NP	NP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	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-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 AND STANDARDS
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ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION

USE CATEGORY	SPECIFIC USE TYPE	L - Applicable to all Zone Districts								APPLICABLE USE LIMITATIONS AND STANDARDS
		U-SU-A1, -A2, -B1, -B2, -C1, -C2, -E1, -H1 only: L-ZP All others: NP	L-ZP							
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts								\$11.7; §11.8.1
	Accessory Dwelling Unit	U-SU-A1, -A2, -B1, -B2, -C1, -C2, -E1, -H1 only: L-ZP All others: NP	L-ZP	\$11.7; §11.8.2						
	Domestic Employee	L	L	L	L	L	L	L	L	\$11.7; §11.8.3
	Garden	L	L	L	L	L	L	L	L	\$11.7; §11.8.4
	Greenhouse	L	L	L	L	L	L	L	L	\$11.7; §11.8.5
	Keeping of Household Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	\$11.7; §11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	L	L	L	L	\$11.7; §10.9
	Kennel or Exercise Run	L	L	L	L	L	L	L	L	\$11.7; §11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; §11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	L	L	L	L	L	L	L	L	\$11.7; §10.9
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; §11.8.9
	Vehicle Storage, Repair and Maintenance	L	L	L	L	L	L	L	L	\$11.7; §10.9
Yard and/or Garage Sales	L	L	L	L	L	L	L	L	\$11.7; §11.8.10	

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HOME OCCUPATION CLASSIFICATION										
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	\$11.9; <u>\$11.9.3</u>
	Home Occupations, All Other Types	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.9; <u>\$11.9.4</u>
	Unlisted Home Occupations	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>\$11.9; \$11.9.5</u>
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	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	L	NP	NP	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; \$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	L	L	L	L	L	\$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

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)	SPECIFIC USE TYPE								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	U-MX-2x U-MS-2x	U-MX-2 U-MS-2	U-MX-3	U-MS-3 U-MS-5	
Accessory to Pri- mary Nonresiden- tial Uses (Parking is Not Re- quired for Acces- sory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Garden	L	L	L	L	L	L	L	L	\$11.7; §11.10.9
	Greenhouse	L	L	L	L	L	L	L	L	\$11.7; §11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>Not Applicable</u>					<u>\$11.7; §11.4.3</u>
	Occasional Sales, Ser- vices Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	L	\$11.7; §11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Estab- lishment Use*	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; §11.10.11
	Outdoor Entertainment Accessory to an Eating/ Drinking Establishment Use*	NP	NP	NP	L-ZPIN/ ZPSE	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; §11.10.12
	Outdoor Retail Sale and Display*	NP	NP	NP	L-ZP	NP	NP	L-ZP	L-ZP	\$11.7; §10.8
	Outdoor Storage*	NP	NP	NP	NP	NP	NP	NP	NP	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	NP	NP	L	L	L	L	L	\$11.7; §11.10.13	

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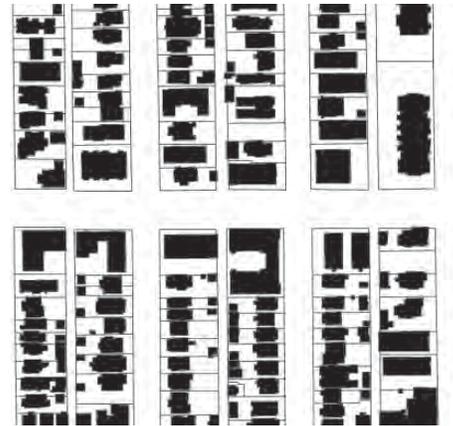
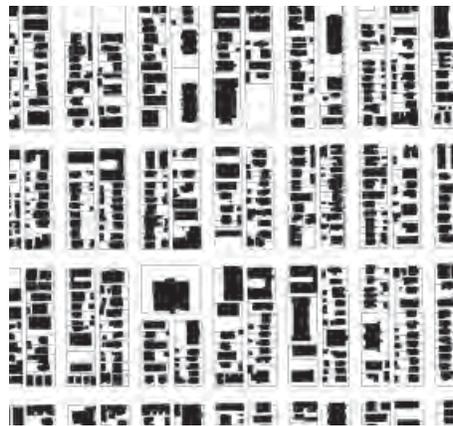
USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of mea- surement • Bicycle Park- ing Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facil- ity /% Required Spaces in Fixed Facility)	U-SU-A U-SU-A1 U-SU-A2 U-SU-B U-SU-B1 U-SU-B2 U-SU-C U-SU-C1 U-SU-C2 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-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 AND STANDARDS
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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	NP	NP	NP	NP	NP	NP
Amusement / Entertainment - Temporary*	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	§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	§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	§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	§11.11.7
Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	P-ZP	§11.11.8
Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.9
Outdoor Retail Sales - Pedestrian / Transit Mall*	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	§11.11.11
Outdoor Sales, Seasonal*	NP	NP	NP	L-ZP IN	NPL-ZP/ ZPIN	L-ZP/ ZPIN	L-ZP	L-ZP	L-ZP	§11.11.12
Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.13
Retail Food Establishment, Mobile*	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	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	§11.11.16
Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	



ARTICLE 6. GENERAL URBAN (G-) NEIGHBORHOOD CONTEXT



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DIVISION 6.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 6.1.1 GENERAL CHARACTER

The General Urban Neighborhood Context is characterized by multi-unit residential uses in a variety of building forms. Single-unit and two-unit residential uses are also found in a mix of residential forms. Low-scale commercial areas are embedded within residential areas. Commercial uses occur in a variety of building forms that may contain a mixture of uses within the same structure. Residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial and main streets but may be located at or between intersections of local streets.

SECTION 6.1.2 STREET, BLOCK AND ACCESS PATTERNS

The General Urban Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback.

SECTION 6.1.3 BUILDING PLACEMENT AND LOCATION

Residential buildings typically have consistent, shallow to moderate front setbacks, shallow side setbacks and consistent orientation. Commercial buildings typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 6.1.4 BUILDING HEIGHT

The General Urban Neighborhood Context is characterized by moderate to high residential buildings and low to moderate commercial and mixed use structures in appropriate locations to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

SECTION 6.1.5 MOBILITY

There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

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DIVISION 6.2 DISTRICTS (G-RH-, G-MU-, G-RO-, G-MX-, G-RX-, G-MS-)

SECTION 6.2.1 DISTRICTS ESTABLISHED

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

General Urban Neighborhood Context

G-RH-3	Row House 3
G-MU-3	Multi Unit 3
G-MU-5	Multi Unit 5
G-MU-8	Multi Unit 8
G-MU-12	Multi Unit 12
G-MU-20	Multi Unit 20
G-RO-3	Residential Office 3
G-RO-5	Residential Office 5
G-MX-3	Mixed Use 3
G-RX-5	Residential Mixed Use 5
G-MS-3	Main Street 3
G-MS-5	Main Street 5

SECTION 6.2.2 RESIDENTIAL DISTRICTS (G-RH-3, G-MU-3 TO -20, G-RO-3, G-RO-5)

6.2.2.1 General Purpose

- A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.
- B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, tandem house, row house, mansion apartment, garden court, courtyard apartment and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.
- C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.
- D. The regulations provide certainty to property owners, developers, and neighborhoods about the limits of what is allowed in a residentially-zoned area. These regulations reinforce desired patterns in existing neighborhoods and create standards for new neighborhoods.

6.2.2.2 Specific Intent

A. Row House 3 (G-RH-3)

G-RH-3 is a multi unit district allowing urban house, duplex, tandem house and row house building forms. Row houses are not taller than three stories.

B. Multi-Unit 3 (G-MU-3)

G-MU-3 is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of three stories.

C. Multi-Unit 5 (G-MU-5)

G-MU-5 is a multi unit district allowing urban house, duplex, tandem house, row house, garden court, courtyard apartment and apartment building forms. The tallest building form has a maximum height of five stories.

D. Multi-Unit 8 (G-MU-8)

G-MU-8 is a multi unit district allowing urban house, duplex, tandem house, row house, courtyard apartment and apartment building forms. The tallest building form has a maximum height of eight stories.

E. Multi-Unit 12 (G-MU-12)

G-MU-12 is a multi unit district allowing courtyard apartment and apartment building forms. The maximum height is twelve stories.

F. Multi-Unit 20 (G-MU-20)

G-MU-20 is a multi unit district allowing courtyard apartment and apartment building forms. The maximum height is twenty stories.

G. Residential Office 3 (G-RO-3)

G-RO-3 is a multi unit and office district allowing urban house, duplex, tandem house, row-house, courtyard apartment and apartment building forms. The tallest building form has a maximum height of three stories.

H. Residential Office - 5 (G-RO-5)

G-RO-5 is a multi unit and office district allowing urban house, duplex, tandem house, row-house, courtyard apartment and apartment building forms. The tallest building form has a maximum height of five stories.

SECTION 6.2.3 MIXED USE DISTRICTS (G-MX-3)

6.2.3.1 General Purpose

- A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- C. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.
- E. In the General Urban Neighborhood Context, the Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; however, the front setback range is slightly deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback area is less) than the percentage for the Main Street districts. The maximum building coverage is the same as the maximum building coverage for the Main Street districts.

6.2.3.2 Specific Intent

A. Mixed Use – 3 (G-MX-3)

G-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

SECTION 6.2.4 RESIDENTIAL MIXED USE DISTRICTS (G-RX-5)

6.2.4.1 General Purpose

- A. The Residential Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.
- C. The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Buildings in a Residential Mixed Use district can have ground floor retail but upper stories are reserved exclusively for housing. To avoid single use, single-story retail, all buildings in a Residential Mixed Use district must be at least two-stories high. A building can be all residential.
- E. In the General Urban Neighborhood Context, the Residential Mixed Use Zone Districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; The front setback range is the same as the front setback range for the Mixed Use districts. The required percentage of building facade that must be located in the front setback area is the same as the percentage for the Mixed Use districts. Maximum building coverage is also the same as the maximum building coverage for the Mixed Use districts.

6.2.4.2 Specific Intent

A. Residential Mixed Use 5 (G-RX-5)

G-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

SECTION 6.2.5 MAIN STREET DISTRICTS (G-MS-3, -5)

6.2.5.1 General Purpose

- A. The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.
- B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
- C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver)

or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

- E. In all cases, the Main Street Zone Districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use Zone District.
- F. In the General Urban Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.
- G. The Main Street Zone Districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

6.2.5.2 Specific Intent

A. Main Street 3 (G-MS-3)

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

B. Main Street 5 (G-MS-5)

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

DIVISION 6.3 DESIGN STANDARDS

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

SECTION 6.3.1 GENERAL INTENT

6.3.1.1 Urban Design and Building Form Standards – All Districts

The Intent of Urban Design and Building Form Standards in all Districts are to:

- A. Implement the Denver Comprehensive Plan.
- B. To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
- C. Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
- D. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- E. Give prominence to pedestrian realm as a defining element of neighborhood character.
- F. Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- G. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

6.3.1.2 Transit Oriented Development

The Intent of Transit Oriented Development Design Standards are to:

- A. Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- B. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
- C. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
- D. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 6.3.2 BUILDING FORM INTENT

The intent of the Building Form Design Standards are to:

6.3.2.1 Height

- A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

6.3.2.2 Siting

A. Required Build-To

- 1. Provide a consistent street edge to enhance character of the context.

2. Define streets to promote pedestrian activity and sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with the intended character and functional requirements of the urban context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize buildings to create positive transitions between districts.

C. Parking Location

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

6.3.2.3 Design Elements

A. Configuration

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Main Street setback: Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Streets and other urban street corridors..
4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

B. Transparency

1. Maximize transparency of windows at street level to activate the street.
2. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

C. Entrances

1. Give prominence to pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and pedestrian active uses from the street.
3. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
5. Create visually interesting and human-scaled facades.

SECTION 6.3.3 PRIMARY BUILDING FORM STANDARDS

6.3.3.1 **Applicability**

All development in all the General Urban Neighborhood Context Zone Districts

6.3.3.2 **Generally Applicable Standards**

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

~~In addition to the neighborhood context specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

6.3.3.3 **District Specific Standards Summary**

~~The districts allow a variety of building forms appropriate for the General Urban Neighborhood Context, as set out. The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:~~

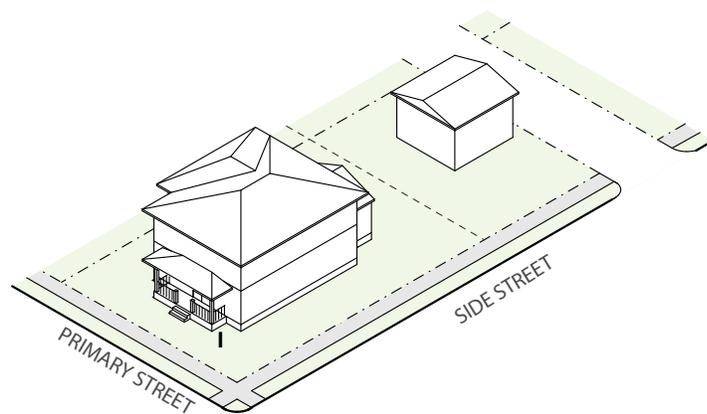
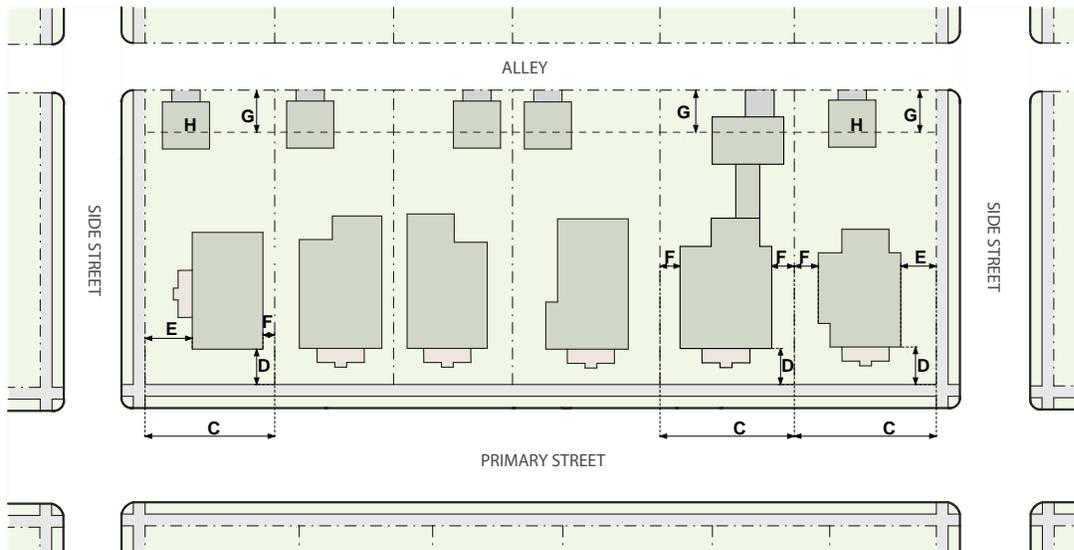
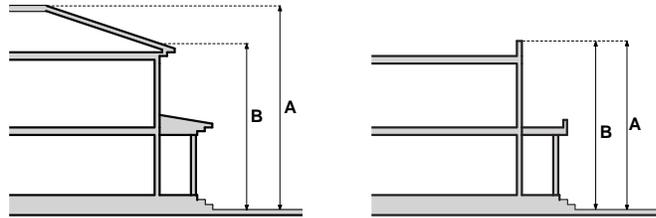
General Urban (G-) Neighborhood Context Zone Districts		Max Number of Primary Structures per Zone Lot	Building Forms													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
<u>Row House (RH)</u>	G-RH-3	<u>no max</u>		■	■	■			■	■						
<u>Multi Unit (MU)</u>	G-MU-3, -5	<u>no max</u>		■	■	■			■	■	■	■				
	G-MU-8, -12, -20	<u>no max</u>		■	■	■				■	■	■				
<u>Residential Office (RO)</u>	G-RO-3, -5	<u>no max</u>		■	■	■				■	■	■				
<u>Residential Mixed Use (RX)</u>	G-RX-5	<u>no max</u>								■	■	■				■
<u>Mixed Use (MX)</u>	G-MX-3	<u>no max</u>								■	■	■	■	■	■	
<u>Main Street (MS)</u>	G-MS-3, -5	<u>no max</u>								■		■	■	■		■

■ = Allowed □ = Allowed subject to limitations

6.3.3.4 District Specific Standards

A. Urban House

Not to Scale. Illustrative Only.



URBAN HOUSE

HEIGHT		G-RH-3	G-MU-3 G-RO-3	G-MU-5 G-RO-5	G-MU-8, -12, -20
A	Stories (max)	see below	3	3	3
A	Feet (max)	see below	30'	30'	30'
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na	na
	Feet, front 80% / rear 20% of zone lot depth (max)	30'*/19'	na	na	na
B	Side Wall Height (max)	25'	na	na	na

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

SITING		G-RH-3	G-MU-3 G-RO-3	G-MU-5 G-RO-5	G-MU-8, -12, -20
ZONE LOT					
	Zone Lot Size (min)	3,000 ft ²	3,000 ft ²	3,000 ft ²	3,000 ft ²
C	Zone Lot Width (min)	25'	25'	25'	25'
	Primary Street, block sensitive setback required (See Sec. 13.1.12.3)	yes	yes	na	na

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All G-RH, -MU, -RO			
		30' or Less	31' to 40'	41' to 74'	75' or Greater
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
E	Side Street (min)	3'	5'	5'	5'
F	Side Interior (min)	3'	3' min one side/10' min combined	5'	7.5'
G	Rear, alley/no alley	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage per Zone Lot , including all accessory structures (max)	50%	50%	50%	50%

PARKING BY ZONE LOT WIDTH		All G-RH, -MU, -RO			
	Parking and Drive Lot Coverage in Primary Street Setback/Overall (max)	2 Spaces and 320 ft ²	2 Spaces and 320 ft ²	33%	33%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec. 6.3.7.56 for exceptions			

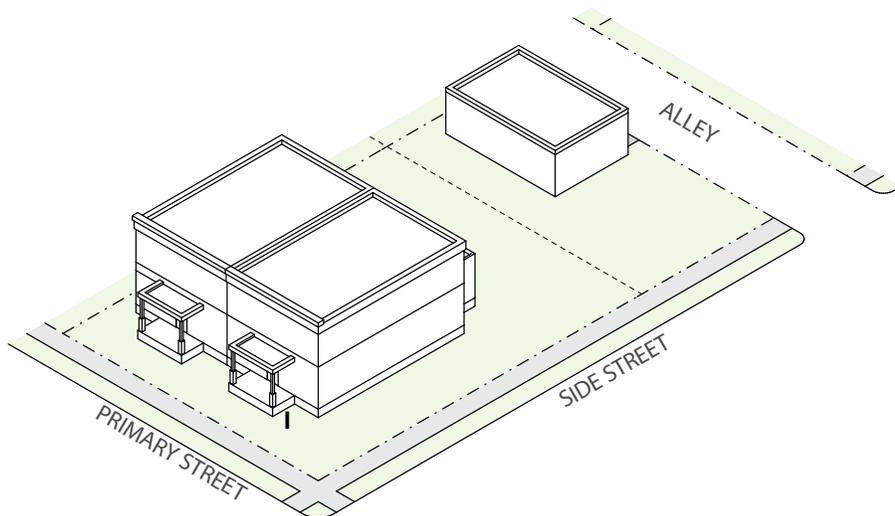
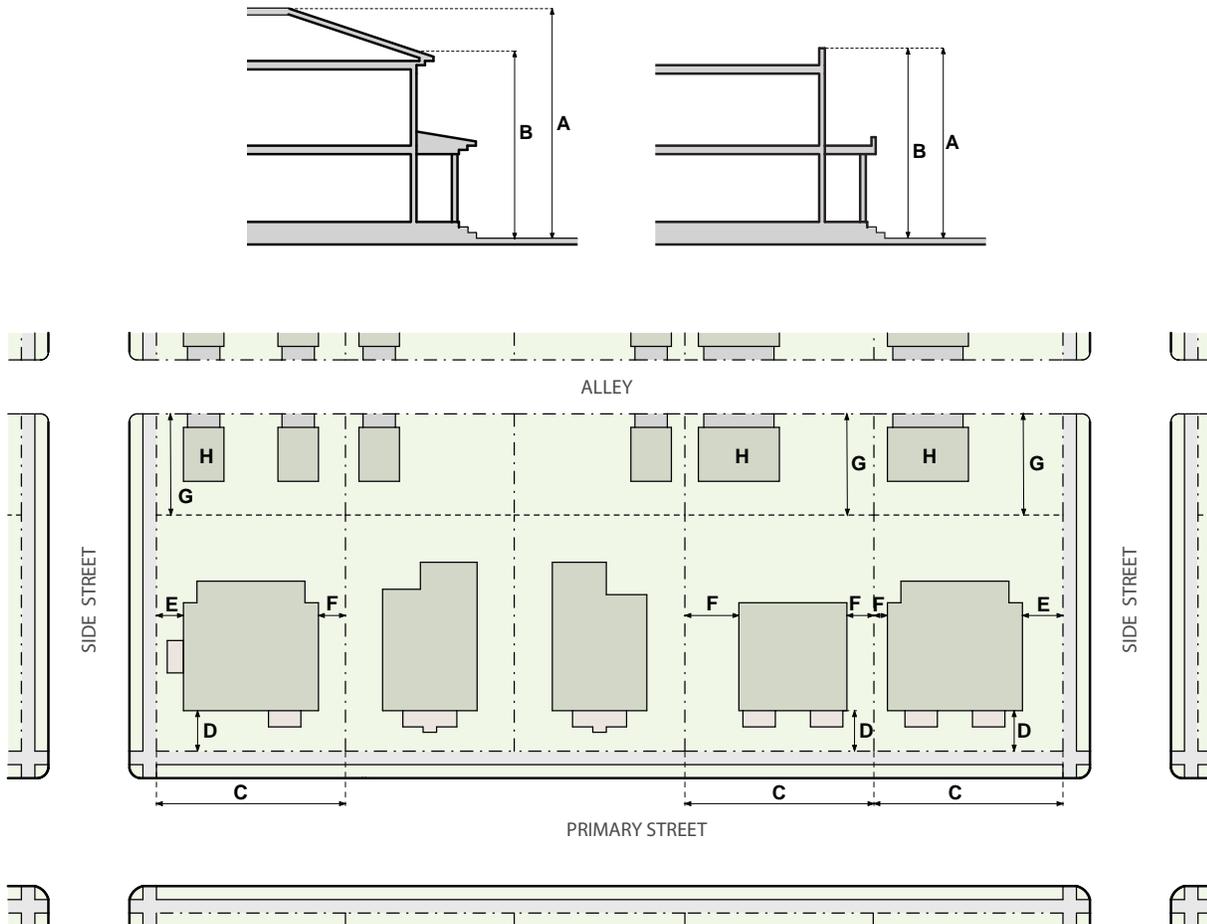
ACCESSORY STRUCTURES		All G-RH, -MU, -RO			
H	Detached Accessory Structures Allowed	See Sec. 6.3.4			

DESIGN ELEMENTS		All G-RH, -MU, -RO			
BUILDING CONFIGURATION					
	Attached Garage Allowed	Shall not project forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the front facade of the dwelling			
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the Primary Street facing facade of the dwelling primary structure or 16', whichever is greater			
GROUND STORY ACTIVATION					
I	Pedestrian Access, Primary Street	Entry Feature			

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

B. Duplex

Not to Scale. Illustrative Only.



DUPLEX

HEIGHT		G-RH-3	G-MU-3 G-RO-3	G-MU-5 G-RO-5	G-MU-8, -12, -20
A	Stories (max)	see below	3	3	3
A	Feet (max)	see below	30'*	30'*	30'*
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na	na
	Feet, front 80% / rear 20% of zone lot depth (max)	30*/19'	na	na	na
B	Side Wall Height	25'	na	na	na

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

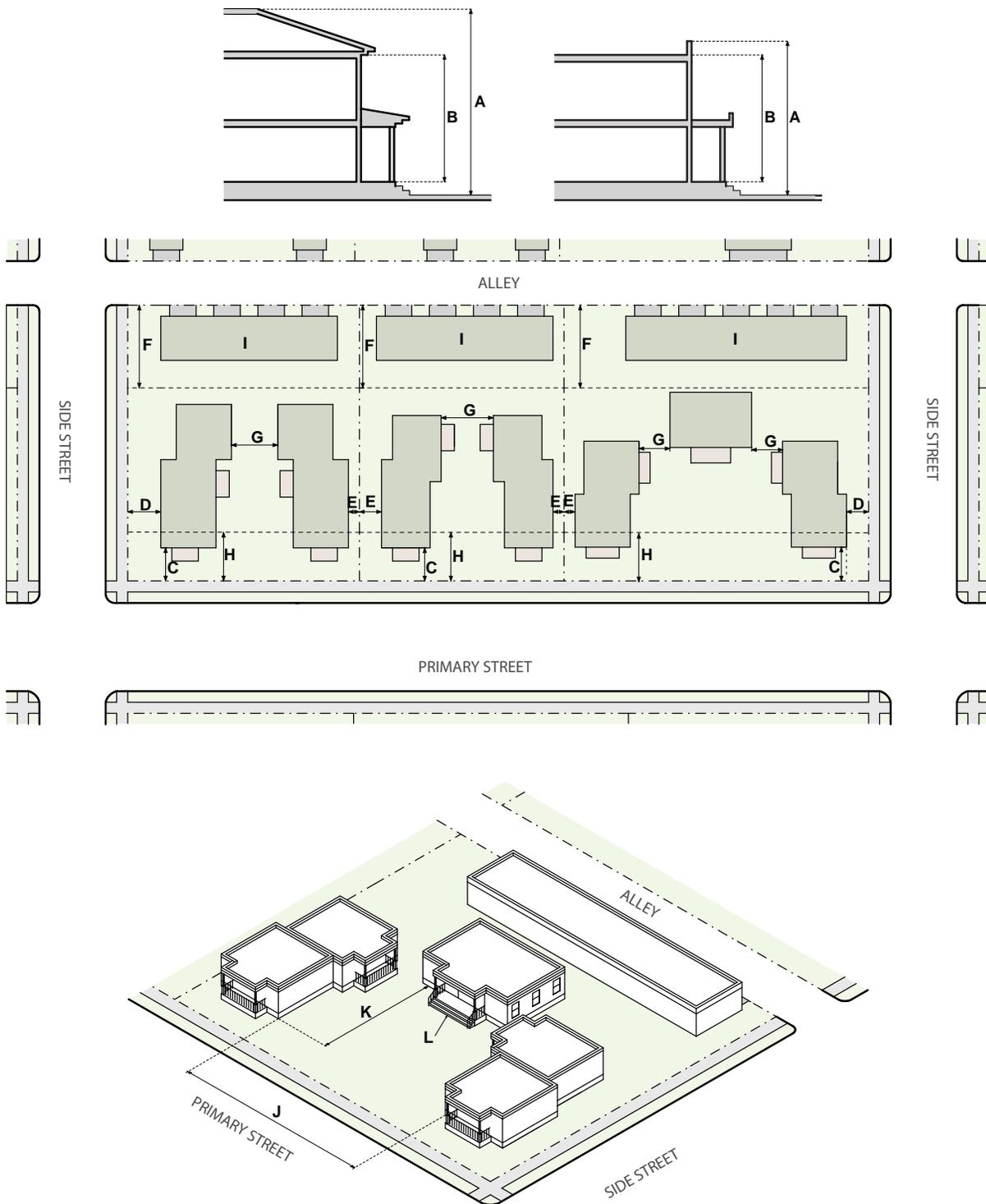
SITING		G-RH-3	G-MU-3 G-RO-3	G-MU-5 G-RO-5	G-MU-8, -12, -20
ZONE LOT					
	Zone Lot Size (min)	3,000 ft ²	3,000 ft ²	3,000 ft ²	3,000 ft ²
C	Zone Lot Width (min)	25'	25'	25'	25'
	Primary Street, block sensitive setback required (See Sec. 13.1.12.3)	yes	yes	yes	na

SETBACKS AND BUILDING COVERAGE BY ZONE LOT WIDTH		All G-RH, -MU, -RO			
		30' or Less	31' to 40'	41' to 74'	75' or Greater
D	Primary Street, where block sensitive setback does not apply (min)	20'	20'	20'	20'
E	Side Street (min)	3'	5'	5'	5'
F	Side Interior (min)	3'	3' min one side/10' min combined	5'	7.5'
G	Rear, alley/no alley (min)	12'/20'	12'/20'	12'/20'	12'/20'
	Building Coverage per Zone Lot , including all accessory structures (max)	50%	50%	50%	50%
PARKING BY ZONE LOT WIDTH					
	Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	50%	50%	50%
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec. 6.3.7.56 for exceptions			
ACCESSORY STRUCTURES					
H	Detached Accessory Structures Allowed	See Sec. 6.3.4			

DESIGN ELEMENTS		All G-RH, -MU, -RO Districts			
BUILDING CONFIGURATION					
	Attached Garage Allowed	Shall not project forward of any part of a Primary Street facing facade of a primary structure closer to the front line of the zone lot than does any other part of the Front Facade of the dwelling			
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the Primary Street facing facade of the dwelling primary structure or 16', whichever is greater			
GROUND STORY ACTIVATION					
I	Pedestrian Access, Primary Street	Entry Feature			
	See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions				

C. Garden Court

Not to Scale. Illustrative Only.



GARDEN COURT

HEIGHT		G-RH-3	G-MU-3	G-MU-5
A	Stories (max)	see below	3	3
A	Feet (max)	see below	30'	30'
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na
A	Feet, front 80% / rear 20% of zone lot depth (max)	30'*/19'	na	na
B	Side Wall Height (max)	25'	na	na

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

SITING		G-RH-3	G-MU-3	G-MU-5
ZONE LOT				
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'	50'
SETBACKS				
	Primary Street, block sensitive setback required (See Sec. 13.1.1.3)	yes	yes	na
C	Primary Street, where block sensitive setback does not apply (min)	20'	10'	10'
D	Side Street (min)	5'	5'	5'
E	Side Interior (min)	5'	7.5'	7.5'
F	Rear, alley/no alley (min)	12'/20'	10'/20'	10'/20'
G	Required Separation Between Primary Structures (min)	10'	10'	10'

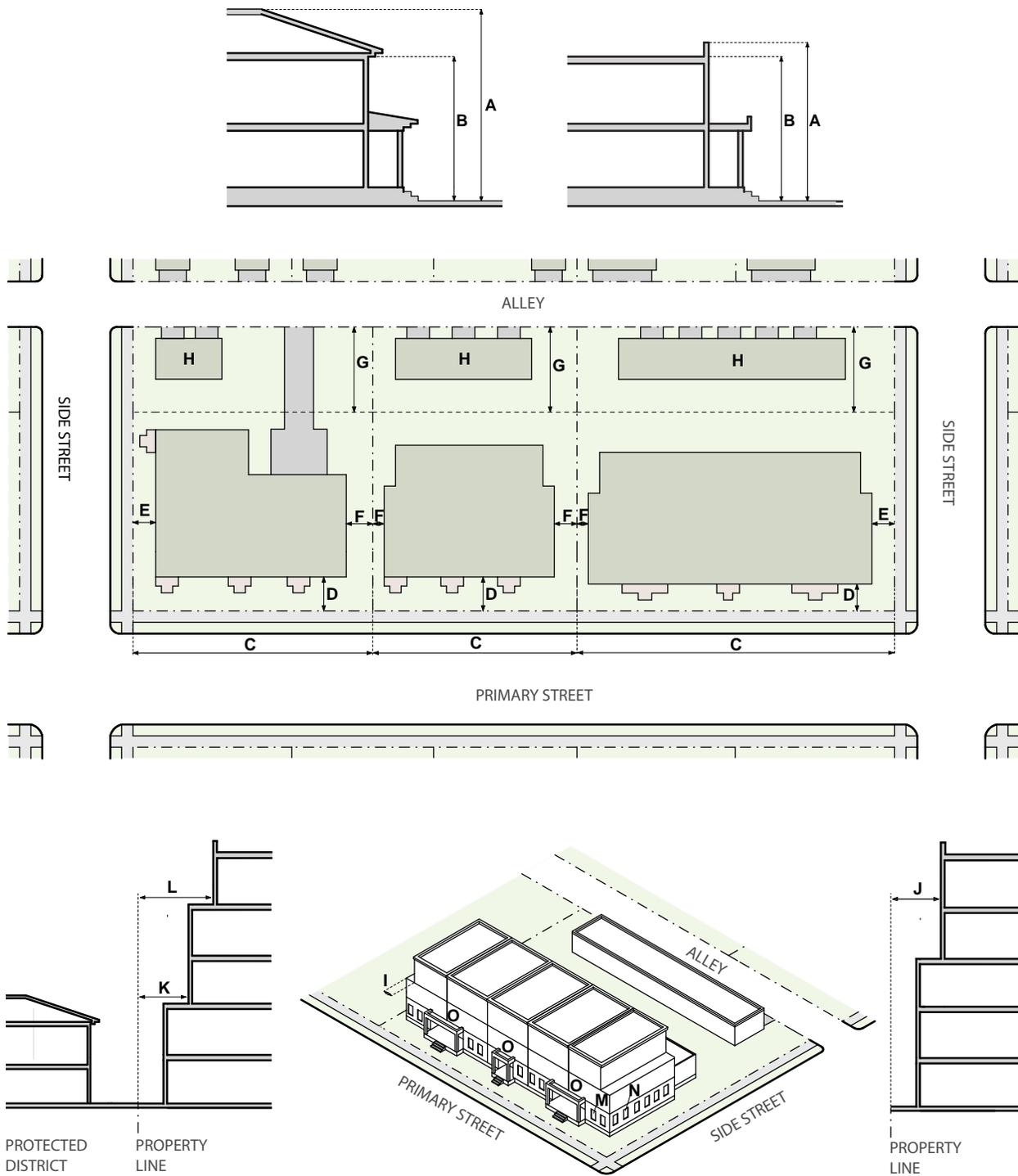
PARKING		G-RH-3	G-MU-3	G-MU-5
	Surface Parking between building and Primary Street/Side Street		Not Allowed/Allowed	
H	Surface Parking Setback		See Sec. 6.3.7. 45	
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec. 6.3.7. 56 for exceptions		
ACCESSORY STRUCTURES				
I	Detached Accessory Structures Allowed		See Sec. 6.3.4	

DESIGN ELEMENTS		G-RH-3	G-MU-3	G-MU-5
BUILDING CONFIGURATION				
	Upper Story Stepback, for flat roof, Above 25': Side Street and Side Interior (min)	10'	na	na
J	Street-Facing Courtyard Width (min)	15'	15'	15'
K	Street-Facing Courtyard Depth (min)	30'	30'	30'
	Garden Court Design Standards	See Sec. 6.3.5		
GROUND STORY ACTIVATION				
L	Pedestrian Access	Each dwelling unit shall have a ground story Entrance. At least two Entrances facing Primary Street and all others facing interior courtyard		

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

D. Row House (1 of 2)

Not to Scale. Illustrative Only.



ROW HOUSE (1 OF 2)

HEIGHT		G-RH-3	G-MU-3; G-RO-3	G-MU-5	G-RO-5	G-MU-8, -12, -20
A	Stories (max)	see below	3	5	5	5
A	Feet (max)	see below	40'	65'	65'	65'
	Stories, front 80% / rear 20% of zone lot depth (max)	3/1	na	na	na	na
A	Feet, front 80% / rear 20% of zone lot depth (max)*	30*/19'	na	na	na	na
B	Side Wall Height (max)	25'	na	na	na	na

*1' for every 5' increase in lot width over 50' up to a maximum height of 35'

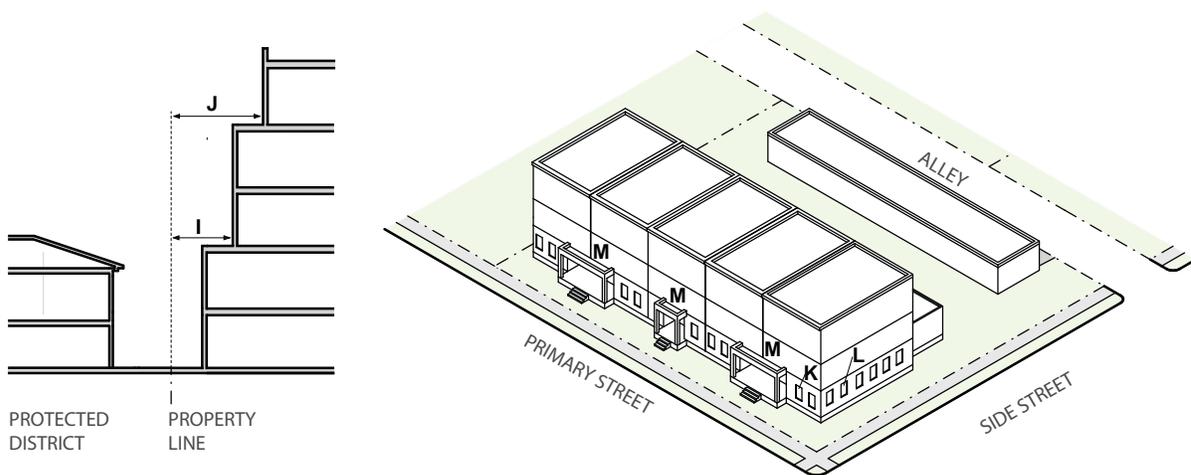
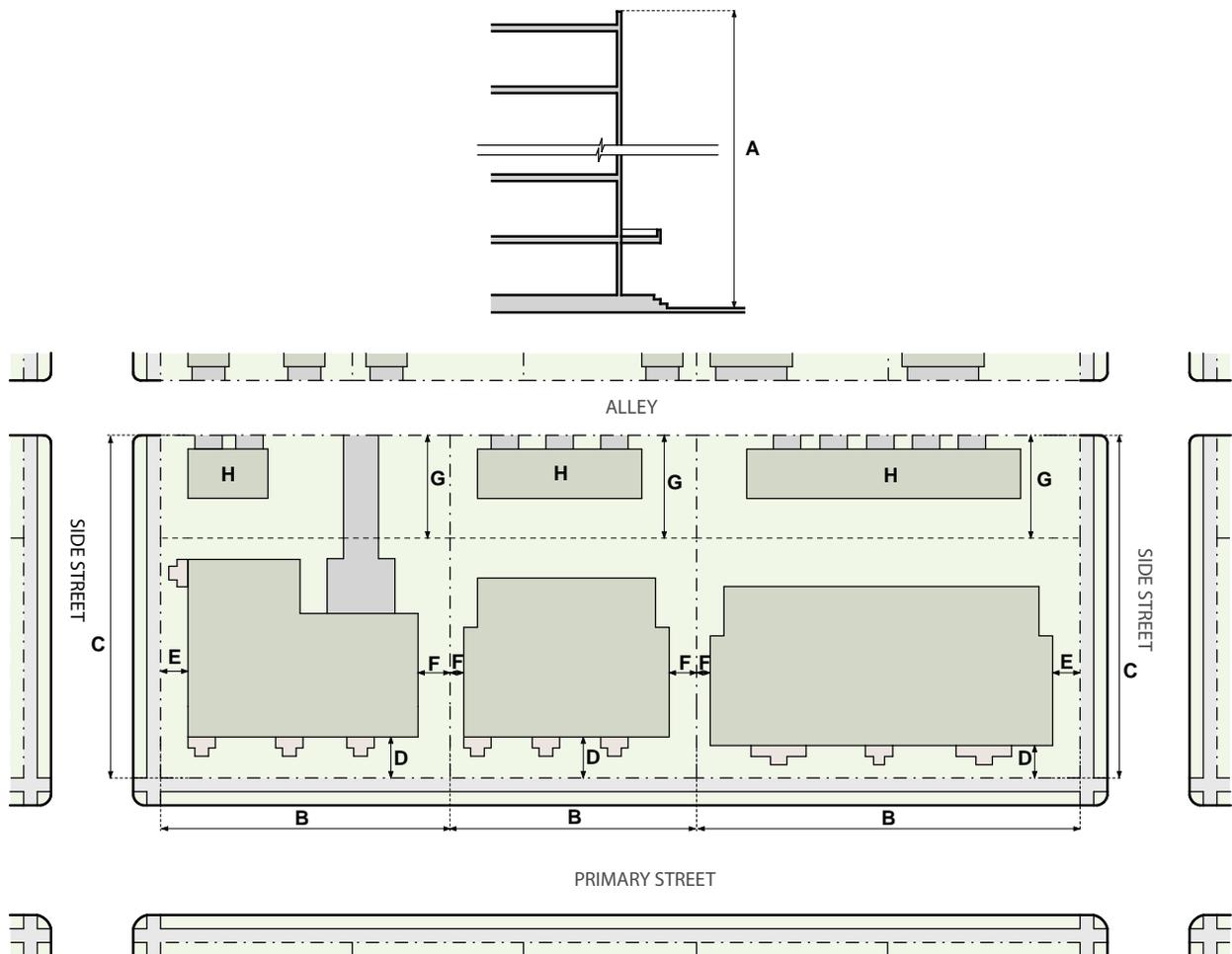
SITING		G-RH-3	G-MU-3; G-RO-3	G-MU-5	G-RO-5	G-MU-8, -12, -20
ZONE LOT						
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'	50'	50'	50'
	Dwelling Units per Primary Residential Structure (min)	3	3	na	na	na
REQUIRED BUILD-TO						
C	Primary Street (min % within min/max)	na	60% 10'/20'	60% 10'/20'	60% 10'/20'	60% 10'/20'
SETBACKS						
	Primary Street, block sensitive setback required	yes	yes	na	na	na
D	Primary Street, where block sensitive setback does not apply (min)	20'	10'	10'	10'	10'
E	Side Street (min)	5'	5'	5'	5'	5'
F	Side Interior (min)	5'	7.5'	7.5'	7.5'	7.5'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'
G	Rear, alley/no alley (min)	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
PARKING						
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed				
	Surface Parking Setback	See Sec. 6.3.7.45				
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec. 6.3.7.56 for exceptions				
ACCESSORY STRUCTURES						
H	Detached Accessory Structures	see Sec. 6.3.4				

DESIGN ELEMENTS		G-RH-3	G-MU-3; G-RO-3	G-MU-5	G-RO-5	G-MU-8, -12, -20
BUILDING CONFIGURATION						
I	Upper Story Stepback, for flat roof, Above 25'; Side Street and Side Interior	10'	na	na	na	na
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'	20'
J	Upper Story Setback Above 40', Side Interior (min)	na	na	15'	na	na
	Upper Story Setback Above 51'; Side Interior (min)	na	na	na	15'	15'
K	Upper Story Setback Above 27'; adjacent to Protected District: Side Interior (min)	na	25'	25'	25'	25'
L	Upper Story Setback Above 51'; adjacent to Protected District: Side Interior (min)	na	na	40'	40'	40'
	Upper Story Setback Above 40'; adjacent to Protected District: Rear, alley/Rear, no alley (min)	na	30'/40'	30'/40'	30'/40'	30'/40'
GROUND STORY ACTIVATION						
M	Transparency, Primary Street (min)	na	25%	25%	25%	25%
N	Transparency, Side Street (min)	na	25%	25%	25%	25%
O	Pedestrian Access	Each unit shall have a street-facing Entrance				

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

E. Row House (2 of 2)

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ROW HOUSE (2 OF 2)

HEIGHT		G-MX-3	G-RX-5	G-MS-3	G-MS-5
A	Stories (max)	3	5	3	5
A	Feet (min/max)	na/45'	na/70'	na/45'	24'/ 70'

SITING		G-MX-3	G-RX-5	G-MS-3	G-MS-5
ZONE LOT					
	Use Restrictions	na	Second Story and Above: Residential Only	Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles	

REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	75% 0'/5'	If Residential Only: 75% 0'/10'
C	Side Street (min % within min/max)	na	na	25% 0'/5'	If Residential Only: 25% 0'/10'

SETBACKS					
D	Primary Street (min)	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'
G	Rear, (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'

PARKING					
	Surface Parking between building and Primary Street/Side Street	Not Allowed/ Allowed	Not Allowed/ Not Allowed	Not Allowed/Not Allowed	
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec. 6.3.7.56 for exceptions			

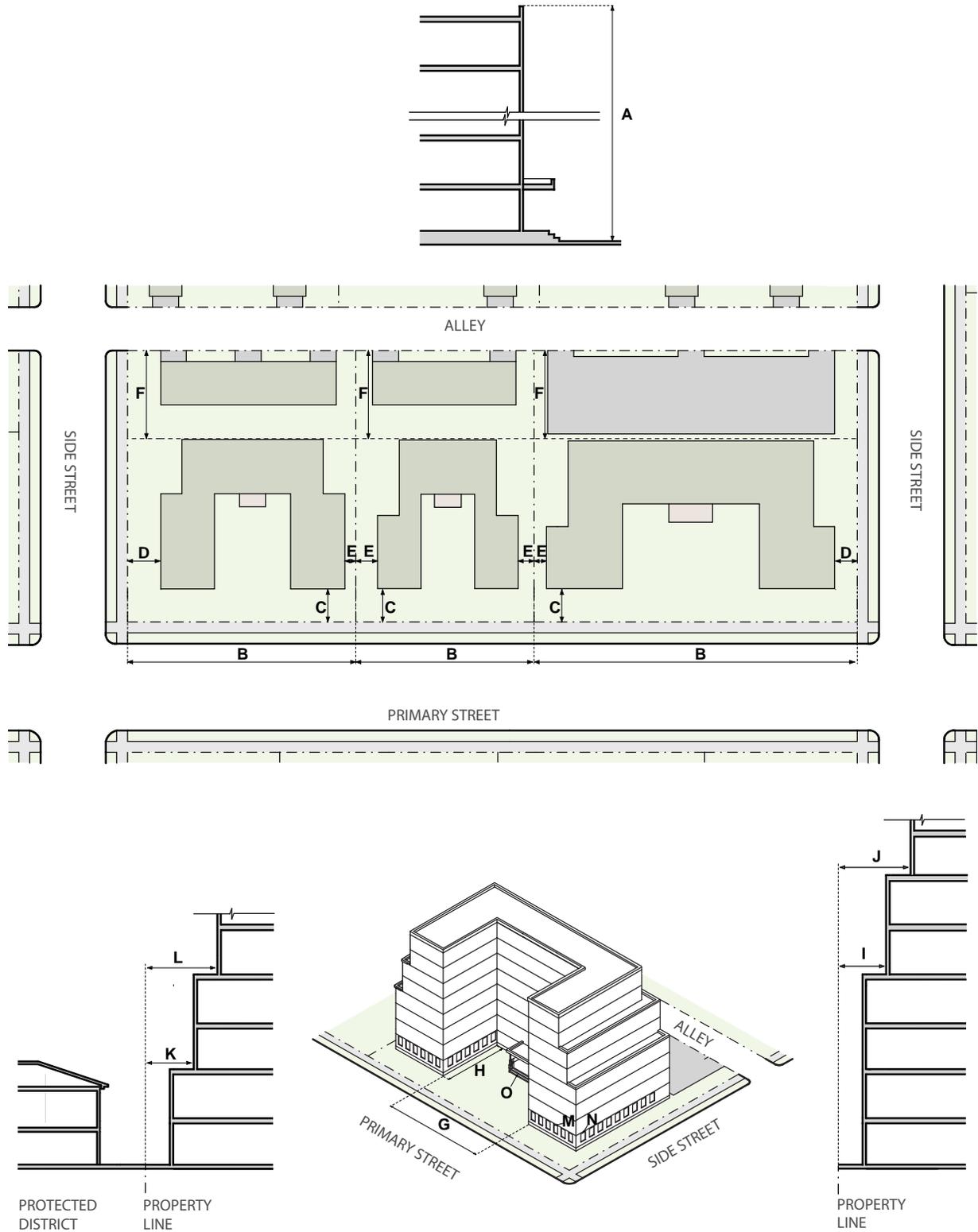
ACCESSORY STRUCTURES					
H	Detached Accessory Structures Allowed	see Sec. 6.3.4			

DESIGN ELEMENTS		G-MX-3	G-RX-5	G-MS-3	G-MS-5
BUILDING CONFIGURATION					
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	15'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	na	35'/40'
GROUND STORY ACTIVATION					
K	Transparency, Primary Street (min)	30%	30%	60%; If Residential Only: 40%	
L	Transparency, Side Street (min)	25%	25%	25%	25%
M	Pedestrian Access	Each unit shall have a street-facing Entrance			

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

F. Courtyard Apartment (1 of 2)

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COURTYARD APARTMENT (1 OF 2)

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

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
SITING						
ZONE LOT						
Zone Lot Size (min)	6,000 ft ²					
Zone Lot Width (min)	50'	50'	50'	50'	50'	50'

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
REQUIRED BUILD-TO						
B Primary Street (min % within min/max)*	60% 5'/20'	60% 5'/20'	60% 5'/20'	60% 5'/20'	60% 5'/20'	60% 5'/20'

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
SETBACKS						
Primary Street, block sensitive setback required	yes	na	na	na	na	na
C Primary Street, where block sensitive does not apply (min)	5'	5'	5'	5'	5'	5'
D Side Street (min)	5'	5'	5'	5'	5'	5'
E Side Interior (min)	7.5'	7.5'	7.5'	7.5'	7.5'	7.5'
Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
F Rear, alley/no alley (min)	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
PARKING						
Surface Parking between building and Primary Street/Side Street				Not Allowed/Allowed		
Surface Parking Setback				See Sec. 6.3.7.45		
Vehicle Access	Shall be determined as part of Site Development Plan Review					

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
DESIGN ELEMENTS						
BUILDING CONFIGURATION						
Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'	20'	20'

	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
G Street-Facing Courtyard Width (min)*	15'	15'	15'	15'	15'	15'
H Street-Facing Courtyard Depth (min)	30'	30'	30'	30'	30'	30'
Courtyard Design Standards	See Sec. 6.3.5					
I Upper Story Setback Above 40'; Side Interior (min)	na	15'	na	na	na	na
Upper Story Setback Above 51'; Side Interior (min)	na	na	15'	15'	15'	15'
J Upper Story Setback Above 75'; Rear, alley/Rear, no alley and Side Interior (min)	na	na	na	20'/30'	20'/30'	20'/30'
K Upper Story Setback Above 27'; adjacent to Protected District: Side Interior (min)	25'	25'	25'	25'	25'	25'
L Upper Story Setback Above 51'; adjacent to Protected District: Side Interior (min)	na	40'	40'	40'	40'	40'
Upper Story Setback Above 40'; adjacent to Protected District: Rear, alley/Rear, no alley (min)	na	30'/40'	30'/40'	30'/40'	30'/40'	30'/40'

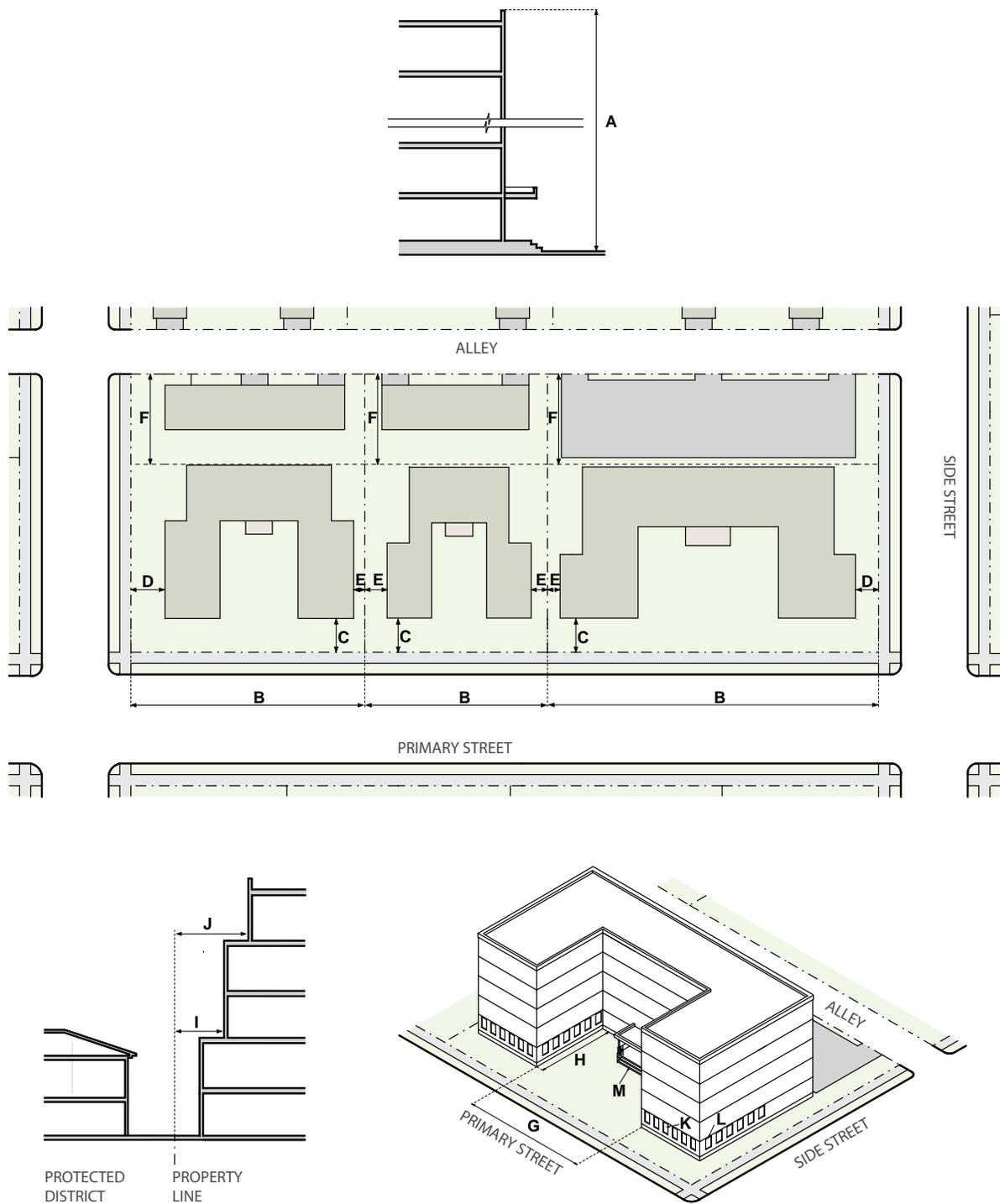
	G-MU-3					
	G-RO-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
GROUND STORY ACTIVATION						
M Transparency, Primary Street (min)	30%	30%	30%	30%	30%	30%
N Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%
O Pedestrian Access, Primary Street	Entrance					

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

*Courtyard Width counts toward the required Build-To

G. Courtyard Apartment (2 of 2)

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COURTYARD APARTMENT (2 OF 2)

HEIGHT		G-MX-3	G-RX-5
A	Stories (max)	3	5
A	Feet (max)	40'	70'

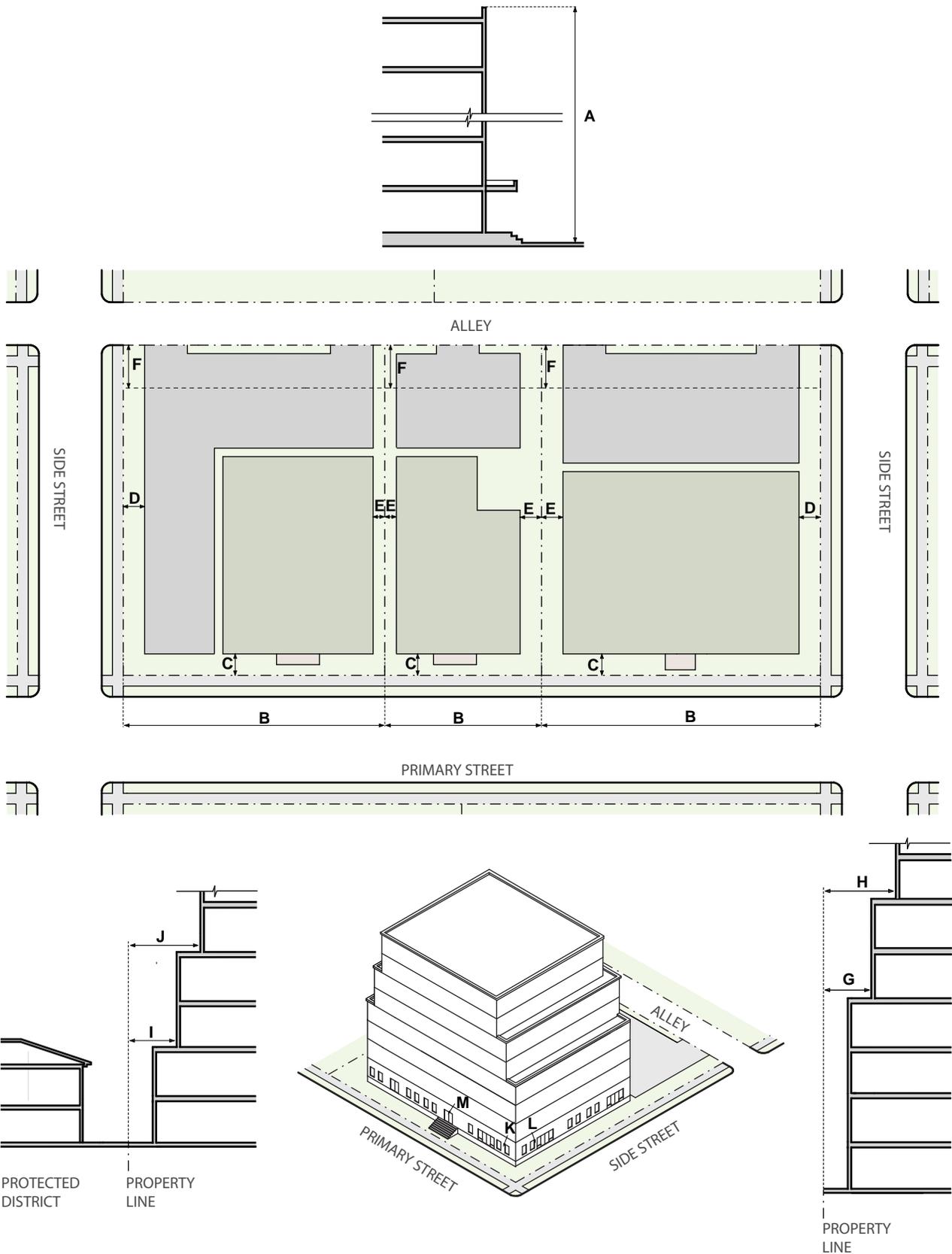
SITING		G-MX-3	G-RX-5
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)*	70% 0'/10'	70% 0'/10'
SETBACKS			
C	Primary Street (min)	0'	0'
D	Side Street (min)	0'	0'
E	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
F	Rear, alley/no alley (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	Not Allowed/Not Allowed
	Vehicle Access	Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS		G-MX-3	G-RX-5
BUILDING CONFIGURATION			
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'
G	Street-Facing Courtyard Width, (min)*	15'	15'
H	Street-Facing Courtyard Depth, (min)	30'	30'
	Courtyard Design Standards	See Sec. 6.3.5	
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'
GROUND STORY ACTIVATION			
K	Transparency, Primary Street (min)	40%	40%
		If Residential Only: 30%	If Residential Only: 30%
L	Transparency, Side Street (min)	25%	25%
M	Pedestrian Access, Primary Street	Entrance	

*Courtyard Width counts toward the required Build-To

H. Apartment (1 of 2)

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APARTMENT (1 OF 2)

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

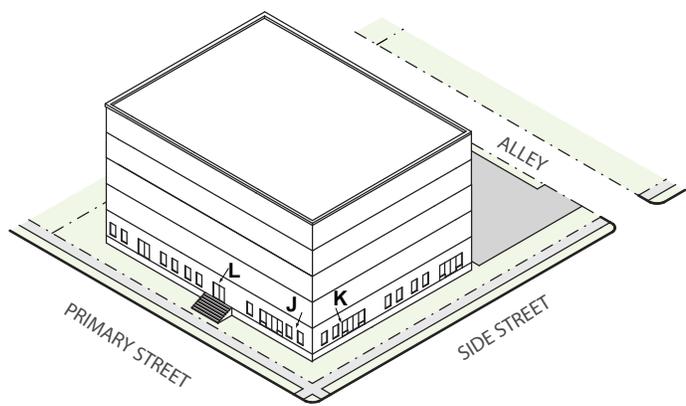
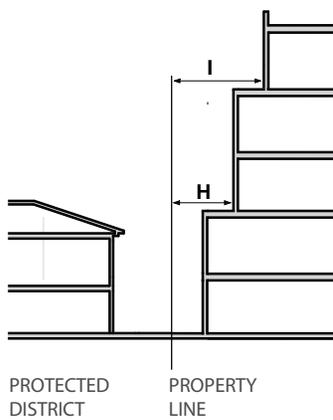
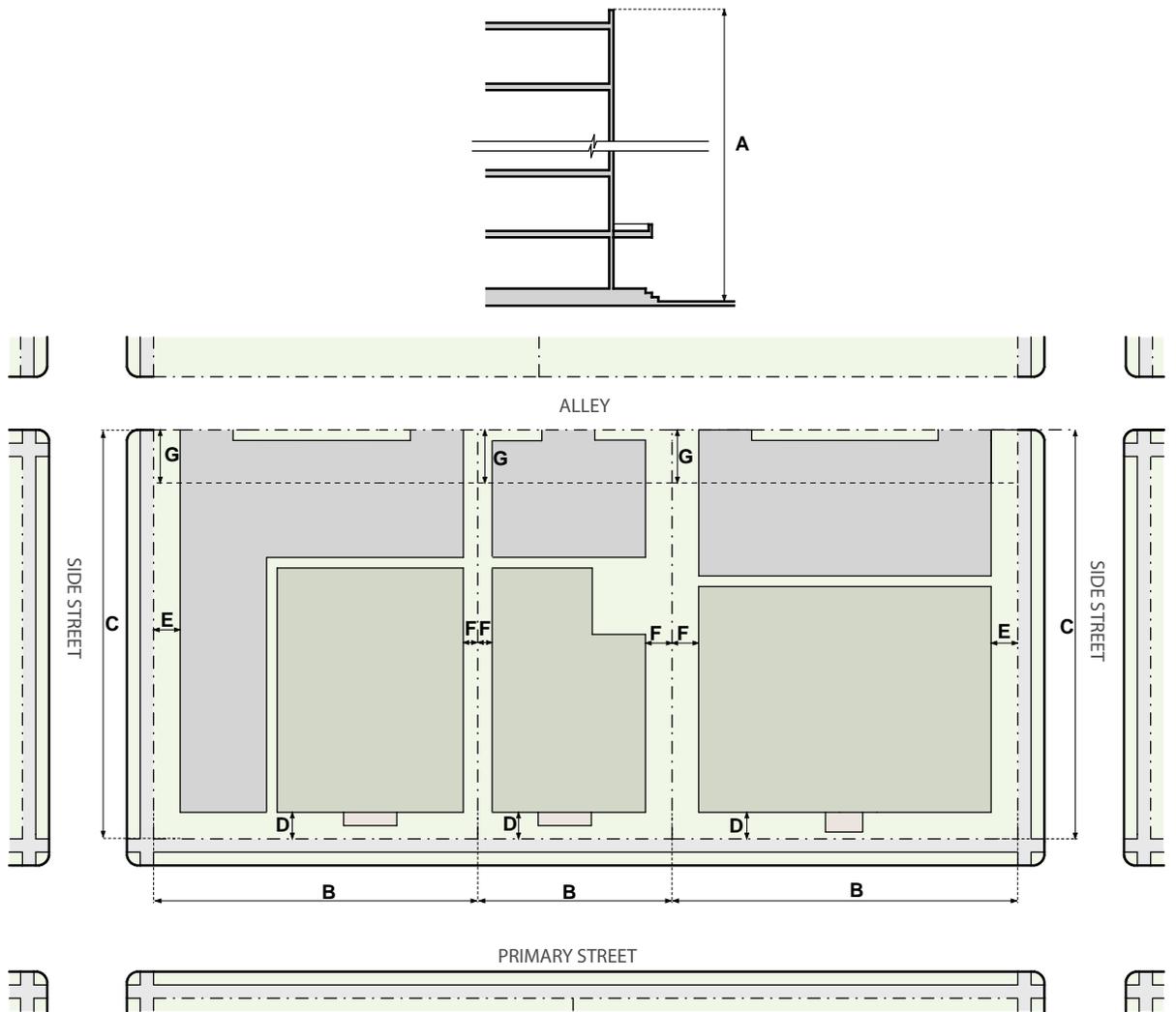
		G-RO-3					
		G-MU-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
SITING							
ZONE LOT							
	Zone Lot Size (min)	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²	6,000 ft ²
	Zone Lot Width (min)	50'	50'	50'	50'	50'	50'
REQUIRED BUILD-TO							
B	Primary Street (min % within min/max)	60% 10'/20'	60% 10'/20'	60% 10'/20'	60% 10'/20'	60% 10'/20'	60% 10'/20'
SETBACKS							
	Primary Street, block sensitive setback required (see Article 13)	yes	na	na	na	na	na
C	Primary Street, where block sensitive does not apply (min)	10'	10'	10'	10'	10'	10'
D	Side Street (min)	5'	5'	5'	5'	5'	5'
E	Side Interior (min)	7.5'	7.5'	7.5'	7.5'	7.5'	7.5'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
F	Rear, alley/no alley (min)	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'	10'/20'
PARKING							
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed					
	Surface Parking Setback	See Sec. 6.3.7.45					
	Vehicle Access	Shall be determined as part of Site Development Plan Review					

		G-RO-3					
		G-MU-3	G-MU-5	G-RO-5	G-MU-8	G-MU-12	G-MU-20
DESIGN ELEMENTS							
BUILDING CONFIGURATION							
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'	20'	20'
	Upper Story Setback Above 40', Side Interior (min)	na	15'	na	na	na	na
G	Upper Story Setback Above 51', Side Interior (min)	na	na	15'	15'	15'	15'
H	Upper Story Setback Above 75', Rear, alley/Rear, no alley and Side Interior (min)	na	na	na	20'/30'	20'/30'	20'/30'
I	Upper Story Setback Above 27', adjacent to Protected District: Side Interior (min)	25'	25'	25'	25'	25'	25'
J	Upper Story Setback Above 51', adjacent to Protected District: Side Interior (min)	na	40'	40'	40'	40'	40'
	Upper Story Setback Above 40', adjacent to Protected District: Rear, alley/Rear, no alley (min)	na	30'/40'	30'/40'	30'/40'	30'/40'	30'/40'
GROUND STORY ACTIVATION							
K	Transparency, Primary Street (min)	30%	30%	30%	30%	30%	30%
L	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%
M	Pedestrian Access, Primary Street	Entrance					

[See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

I. Apartment (2 of 2)

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APARTMENT (2 OF 2)

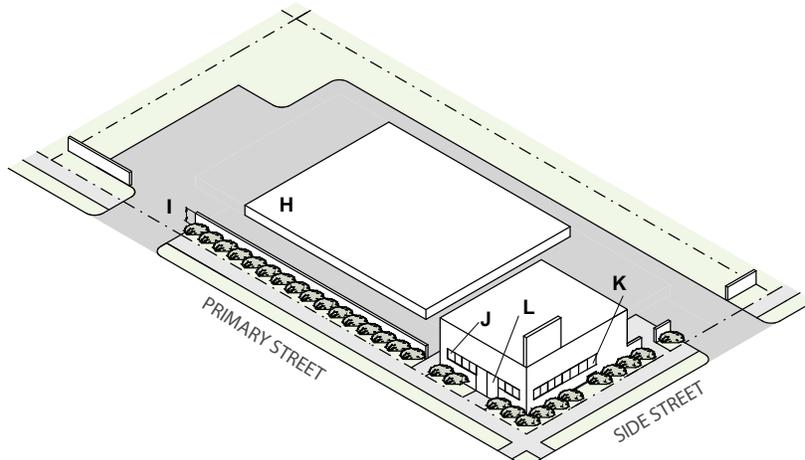
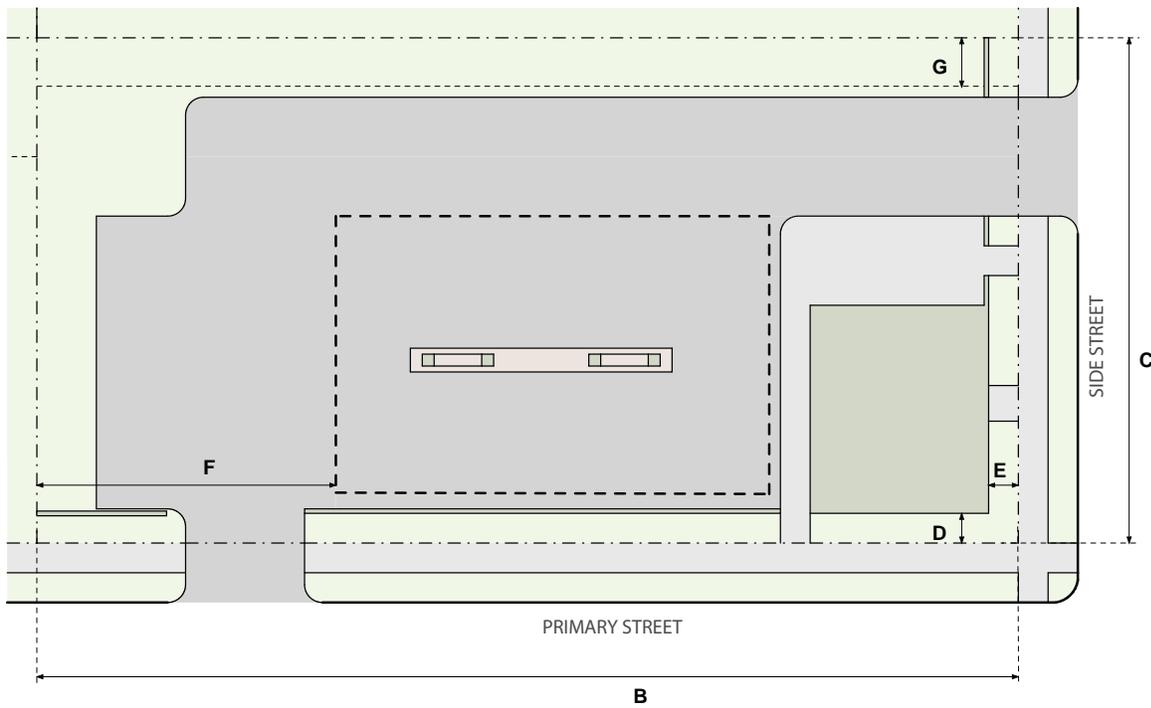
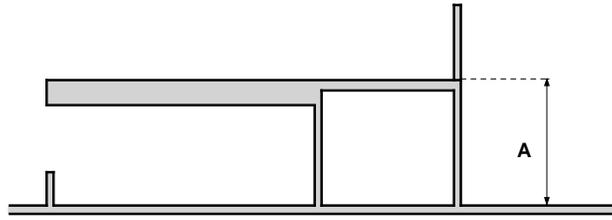
HEIGHT		G-MX-3	G-RX-5	G-MS-3	G-MS-5
A	Stories (max)	3	5	3	5
A	Feet (min/max)	na/45'	na/70'	na/45'	24'/70'

SITING		G-MX-3	G-RX-5	G-MS-3	G-MS-5
ZONE LOT					
Use Restrictions		Residential Only; G-MS: Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles			
REQUIRED BUILD-TO					
B	Primary Street (min % within min/max)	70% 0'/10'	70% 0'/10'	75% 0'/10'	75% 0'/10'
C	Side Street (min % within min/max)	na	na	25% 0'/10'	25% 0'/10'
SETBACKS					
D	Primary Street (min)	0'	0'	0'	0'
E	Side Street (min)	0'	0'	0'	0'
F	Side Interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'
G	Rear (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'
PARKING					
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed	Not Allowed/Not Allowed	MS: Not Allowed/Not Allowed	
	Vehicle Access	Shall be determined as part of Site Development Plan Review			

DESIGN ELEMENTS		G-MX-3	G-RX-5	G-MS-3	G-MS-5
BUILDING CONFIGURATION					
	Street-facing Garage Door Width per Primary Structure (max)	20'	20'	20'	20'
H	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	15'/25'	20'/25'
I	Upper Story Setback Above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	na	35'/40'
GROUND STORY ACTIVATION					
J	Transparency, Primary Street (min)	30%	30%	40%	40%
K	Transparency, Side Street (min)	25%	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance			

J. Drive Thru Services

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DRIVE THRU SERVICES

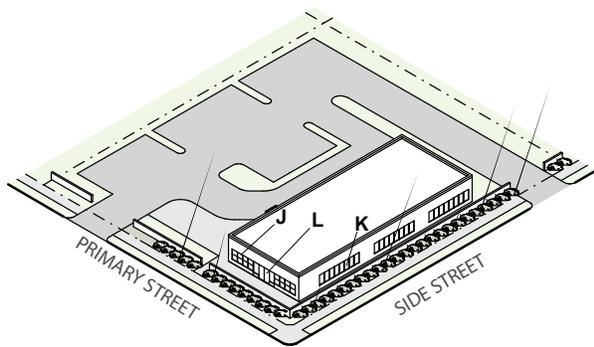
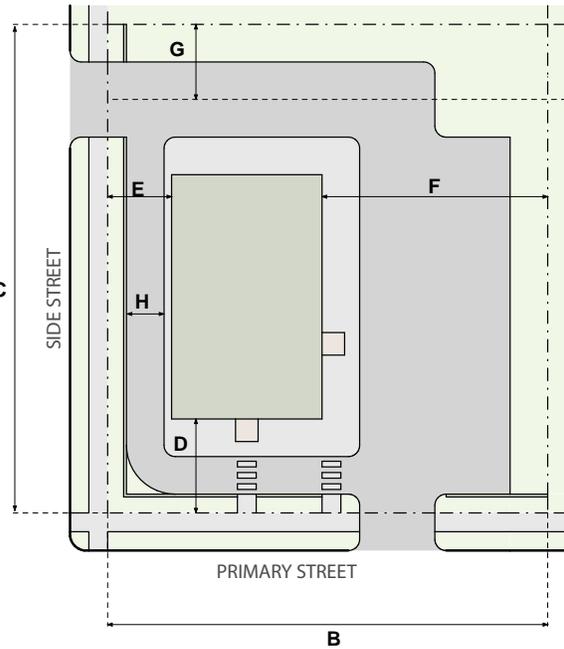
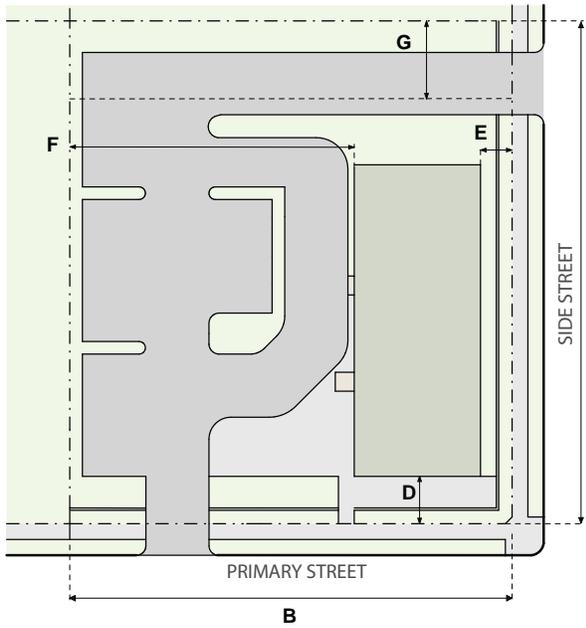
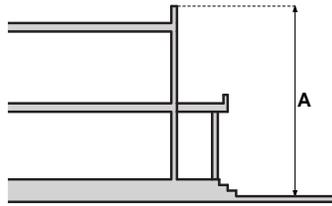
HEIGHT		G-MX-3	G-MS-3, -5
A	Stories (max)	3	3
A	Feet (max)	45'	45'

SITING		G-MX-3	G-MS-3, -5
ZONE LOT			
Use Restrictions		Automobile Services, Light and/or Primary Use with Accessory Drive Thru Uses, excluding Eating/Drinking Establishments	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)*	50% 0'/15'	50% 0'/15'
C	Side Street (min % within min/max)*	50% 0'/15'	50% 0'/15'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
G	Rear (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
Surface Parking between building and Primary Street/Side Street		Not Allowed/Allowed	Not Allowed/Not Allowed
Vehicle Access		Shall be determined as part of Site Development Plan Review	

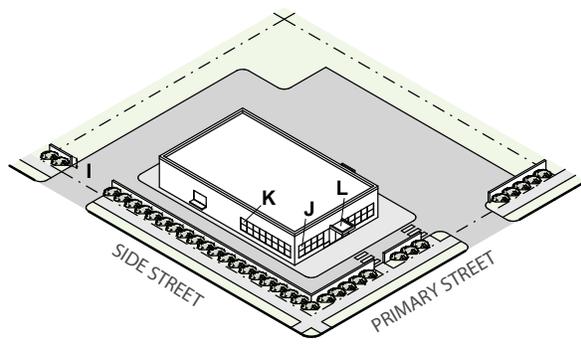
DESIGN ELEMENTS		G-MX-3	G-MS-3, -5
BUILDING CONFIGURATION			
H	*Canopy	Building shall be used to meet a portion of the Primary or Side Street Build-To. Canopy may be used to meet a portion of the Primary or Side Street Build-To	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To
I	Screening Required	Garden Wall required within 0'/15' for 100% of the Primary and Side Street frontage, excluding access points and portions of building within 0'/15'; following the standards of Article 10, Section 10.5.4.3	
	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
J	Transparency, Primary Street (min)	40%	60%
K	Transparency, Side Street (min)	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance

K. Drive Thru Restaurant

Not to Scale. Illustrative Only.



OPTION - A



OPTION - B

DRIVE THRU RESTAURANT

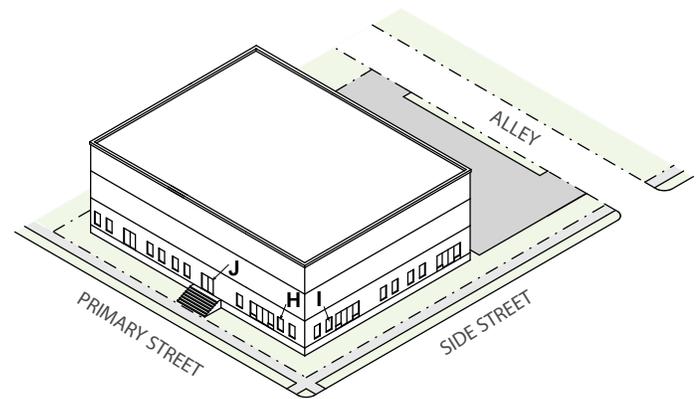
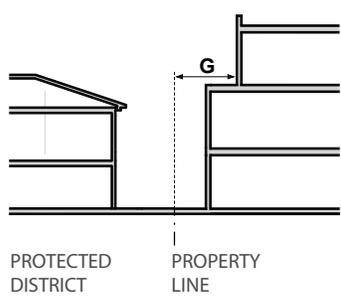
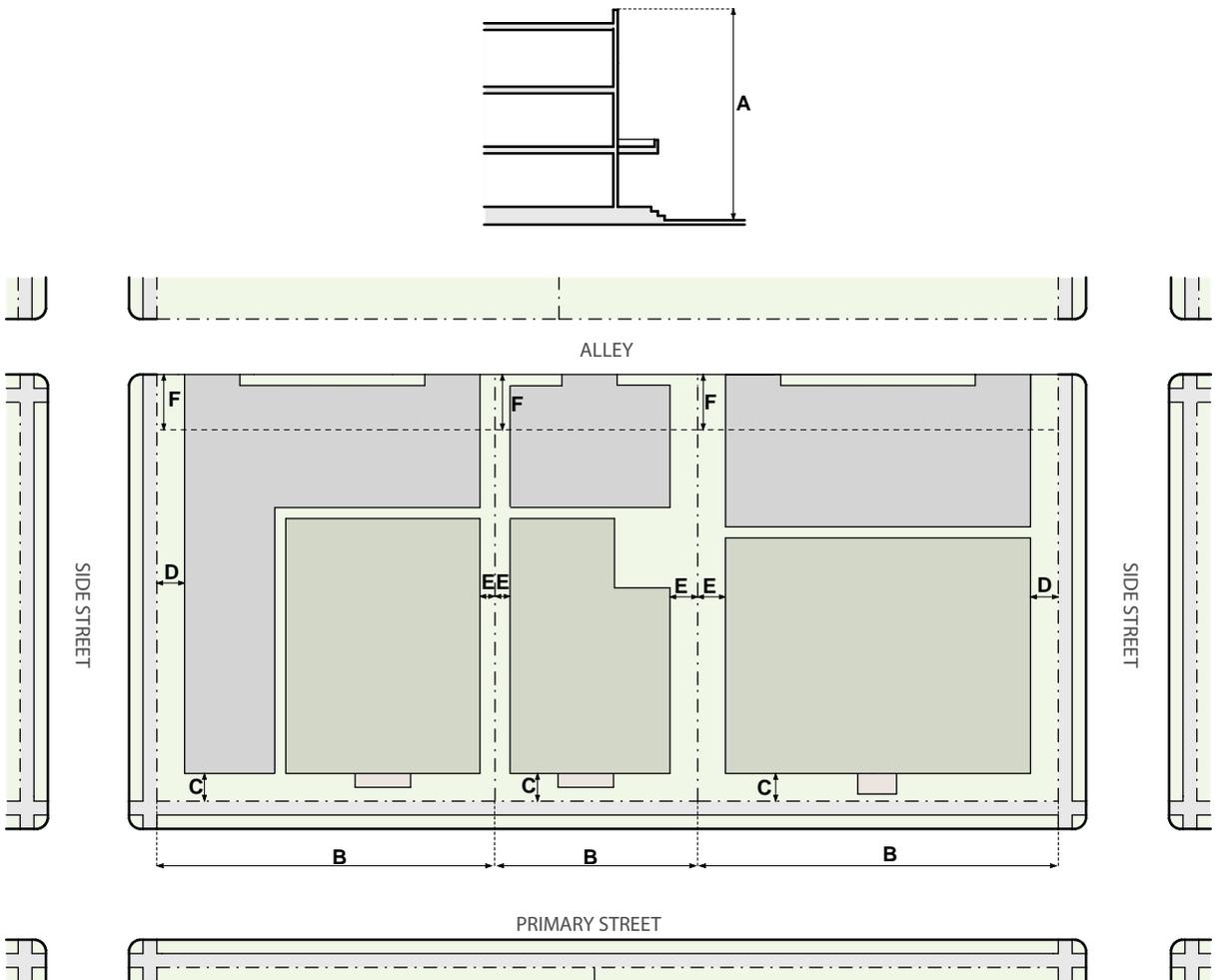
HEIGHT		All G-MX, G-MS		
A	Stories (max)	3		
A	Feet (min/max)	45'		

SITING		All G-MS Option A	All G-MX Option A	All G-MX Option B
ZONE LOT				
Use Restrictions		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only		
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/5' All other: 75% 0'/5'	Corner Lots: 50% 0'/10' All other: 70% 0'/10'	Corner Lots: 50% 0'/35' All other: 70% 0'/10'
C	Side Street (min % within min/max)	50% 0'/5'	50% 0'/10'	50% 0'/18'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed	Not Allowed/Not Allowed	Not Allowed/Not Allowed
	Drive Thru Lane between building and Primary Street/Side Street	Not Allowed/Not Allowed	Not Allowed/Not Allowed	Allowed/Allowed
H	Drive Thru Lane Width (max)	na	na	12'
I	Drive Thru Lane Screening Required	na	na	Garden Wall, following the standards of Article 10, Section 10.5.4.3
	Vehicle Access	Shall be determined as part of Site Development Plan Review		

DESIGN ELEMENTS		All G-MS	All G-MX Option A	All G-MX Option B
BUILDING CONFIGURATION				
	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	15'/25'	15'/25'
GROUND FLOOR ACTIVATION				
J	Transparency, Primary Street (min)	60%	40%	40%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance	Entrance and Pedestrian Connection

L. General

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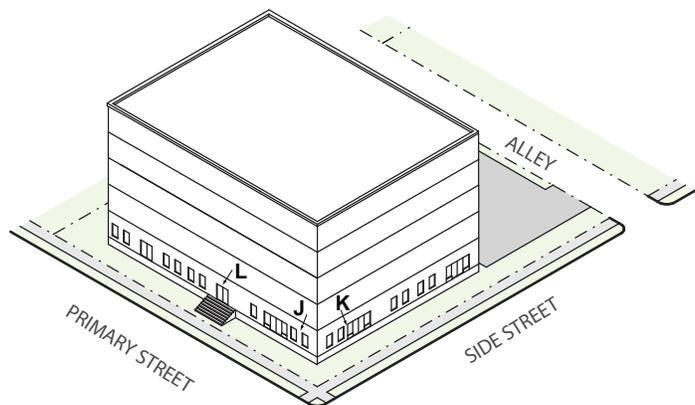
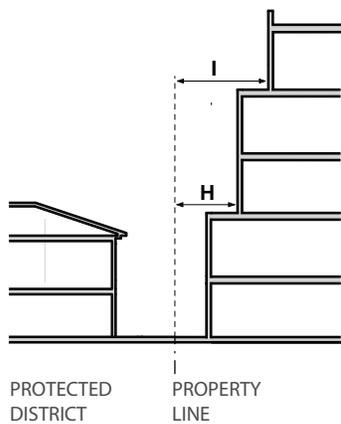
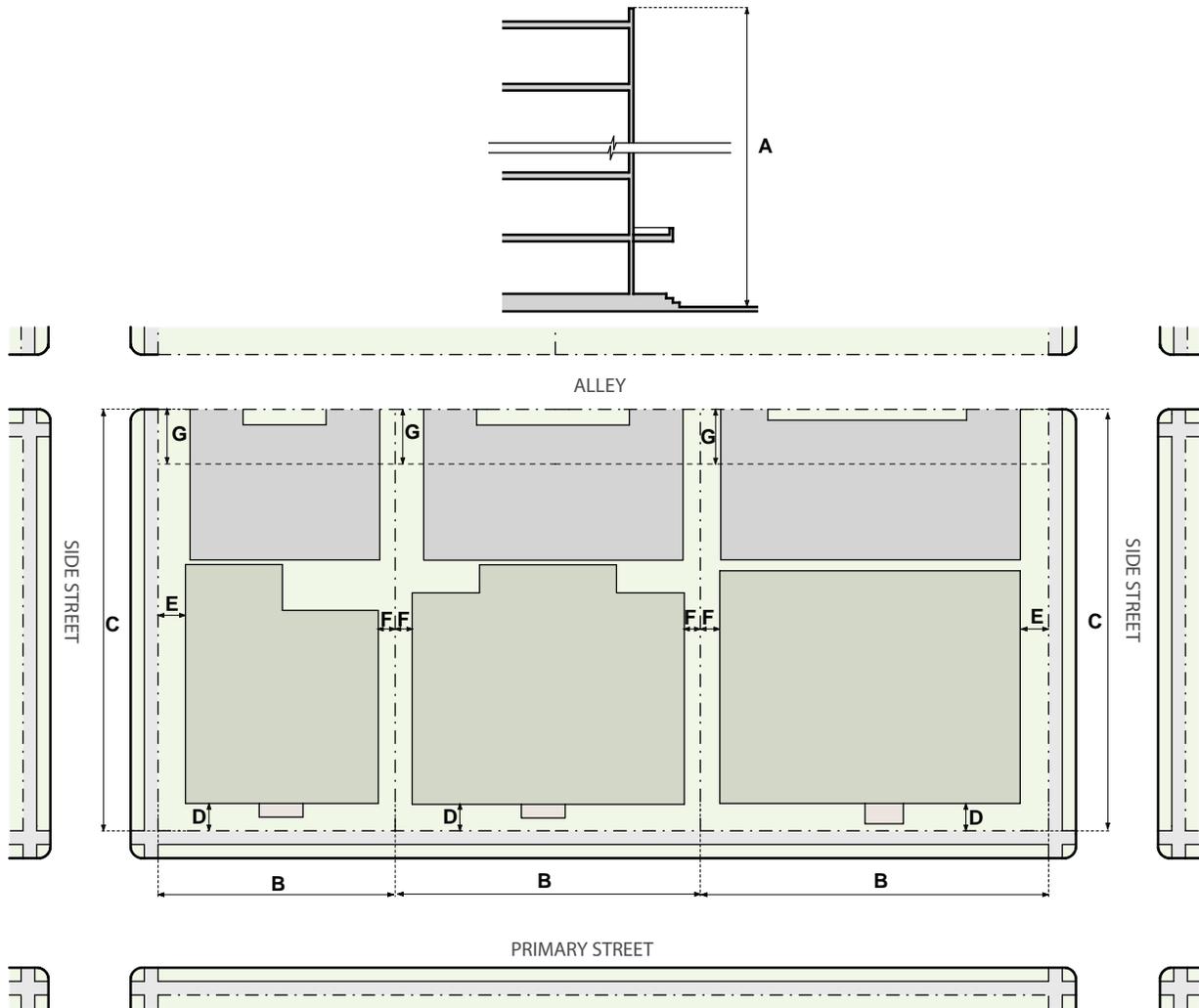


GENERAL

HEIGHT		G-MX-3
A	Stories (max)	3
A	Feet (max)	45'
SITING		G-MX-3
REQUIRED BUILD-TO		
B	Primary Street (min % within min/max)	70% 0'/10'
SETBACKS		
C	Primary Street (min)	0'
D	Side Street (min)	0'
E	Side Interior (min)	0'
	Side Interior, adjacent to Protected District (min)	10'
F	Rear, alley and no alley (min)	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'
PARKING		
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed
	Vehicle Access	Shall be determined as part of Site Development Plan Review
DESIGN ELEMENTS		G-MX-3
BUILDING CONFIGURATION		
G	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'
GROUND STORY ACTIVATION		
H	Transparency, Primary Street (min)	40%
I	Transparency, Side Street (min)	25%
J	Pedestrian Access, Primary Street	Entrance

M. Shopfront

Not to Scale. Illustrative Only.



SHOPFRONT

HEIGHT		G-RX-5	G-MS-3	G-MS-5
A	Stories (max)	5	3	5
A	Feet (min/max)	na/70'	na/45'	24'/70'

SITING		G-RX-5	G-MS-3	G-MS-5
ZONE LOT				
Use Restrictions		Second Story and Above: Residential Only	Ground Story within required build-to-portion must have at least one primary use, other than parking of vehicles	
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	75% 0'/10'	75% 0'/5'	75% 0'/5'
C	Side Street (min % within min/max)	na	25% 0'/5'	25% 0'/5'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed	Not Allowed/Not Allowed	
Vehicle Access		Shall be determined as part of Site Development Plan Review		

DESIGN ELEMENTS		G-RX-5	G-MS-3	G-MS-5
BUILDING CONFIGURATION				
H	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	20'/25'	15'/25'	20'/25'
I	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	35'/40'	na	35'/40'
GROUND STORY ACTIVATION				
J	Transparency, Primary Street (min)	60%	60%	60%
K	Transparency, Side Street (min)	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance	Entrance

SECTION 6.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

6.3.4.1 **Applicability**

~~All detached accessory structures in all the General Urban Neighborhood Context Zone Districts~~

6.3.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 6.3.4, and the permitted building form standards of the particular zone district in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

The following detached accessory structures are specifically allowed: ~~subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

~~Sheds, utility buildings,~~ playhouses, ~~Patios,~~ cabanas, pool houses, ~~Porches,~~ and guard houses

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

a. Carports ~~and off-street parking areas~~

b. Decks, gazebos, ~~arbor/trellis,~~ ~~Gates,~~ swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas

c. Radio and Television Receiving Antennas and Support Structures

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

d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject zone district.~~

4. **Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, ~~instead of this Section 6.3.4.~~

5. **Accessory Structures Not Specifically Listed ~~as Allowed~~**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 6.3.4.

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 6.3.4.

6.3.4.3 **Supplemental Standards**

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

1. **Gross Floor Area**

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

2. **Building Coverage**

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

3. **Permitted Number**

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 6.3.4.4.A and B above.~~ (moved)

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

1. **Required Building Materials**

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

2. **Access and Contiguity**

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

6.3.4.4 **District Specific Standards Summary**

[The maximum number of structures per zone lot and building forms allowed by zone district is summarized below:](#)

<u>General Urban (G-) Neighborhood Context Zone Districts</u>		<u>Max Number of Detached Accessory Structures per Zone Lot</u>	<u>Building Forms</u>			
			<u>Detached Accessory Dwelling Unit</u>	<u>Detached Garage</u>	<u>Other Detached Accessory Structures</u>	<u>Detached Accessory Structures</u>
<u>Row House (RH)</u>	<u>G-RH-3</u>	<u>no max</u>	■	■	■	
<u>Multi Unit (MU)</u>	<u>G-MU-3, -5</u>	<u>no max</u>	■	■	■	
	<u>G-MU-8, -12, -20</u>	<u>no max</u>	■	■	■	
<u>Residential Office (RO)</u>	<u>G-RO-3, -5</u>	<u>no max</u>	■	■	■	
<u>Residential Mixed Use (RX)</u>	<u>G-RX-5</u>	<u>no max</u>				■
<u>Mixed Use (MX)</u>	<u>G-MX-3</u>	<u>no max</u>				■
<u>Main Street (MS)</u>	<u>G-MS-3, -5</u>	<u>no max</u>				■

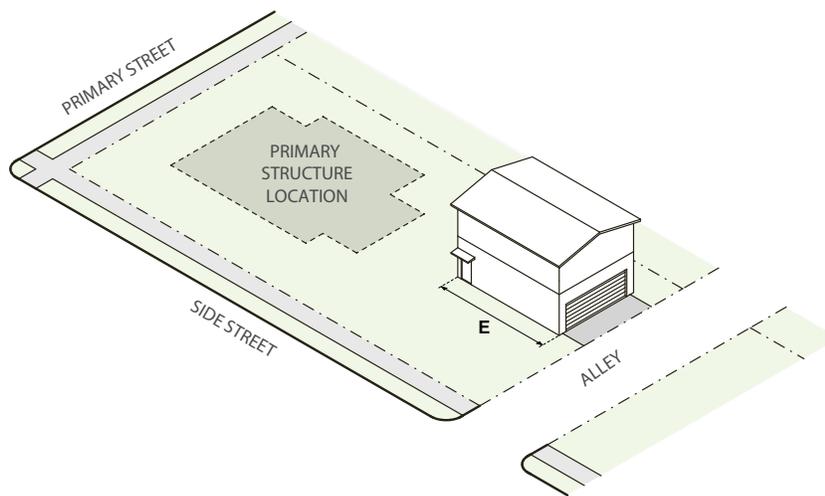
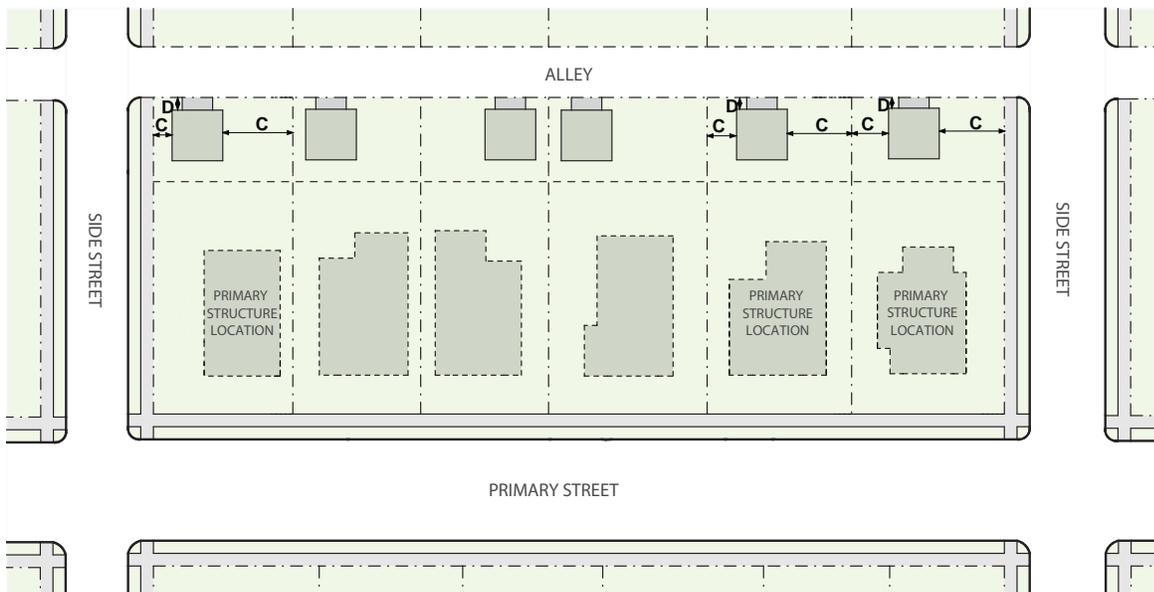
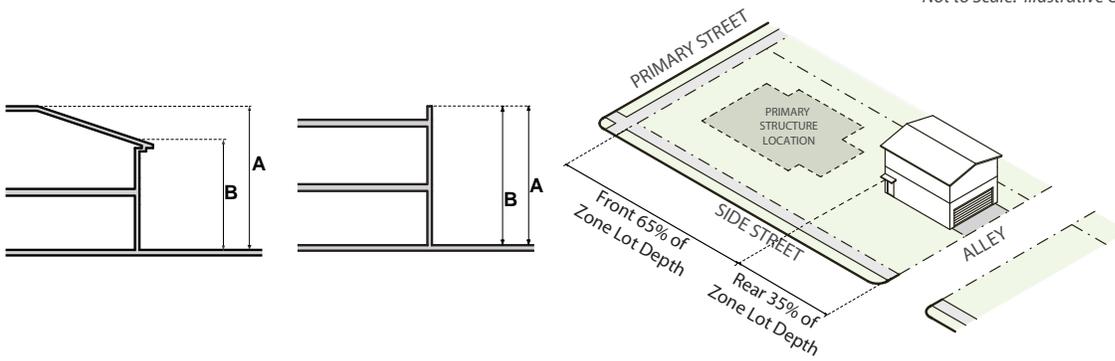
■ = Allowed □ = Allowed subject to limitations *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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6.3.4.5 District Specific Standards

A. Detached Accessory Dwelling Unit

Not to Scale. Illustrative Only.



DETACHED ACCESSORY DWELLING UNIT

HEIGHT		G-RH-3	All G-MU, -RO
A	Stories (max)	1.5	2
A	Feet (max)	24'	24'
B	Side Wall Height (max)	15'	na

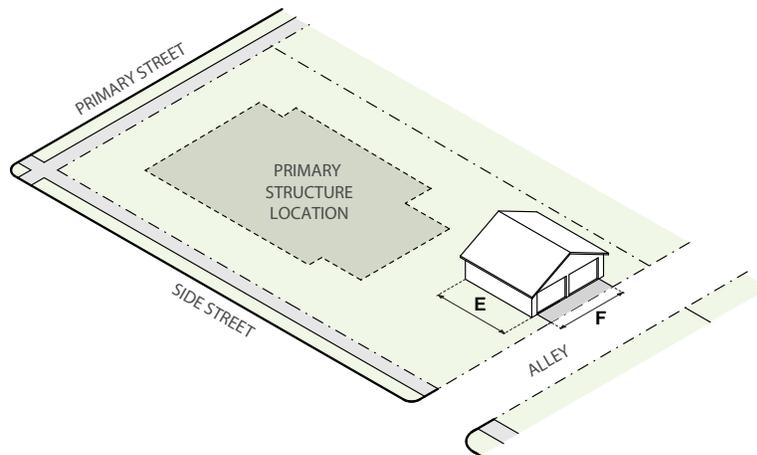
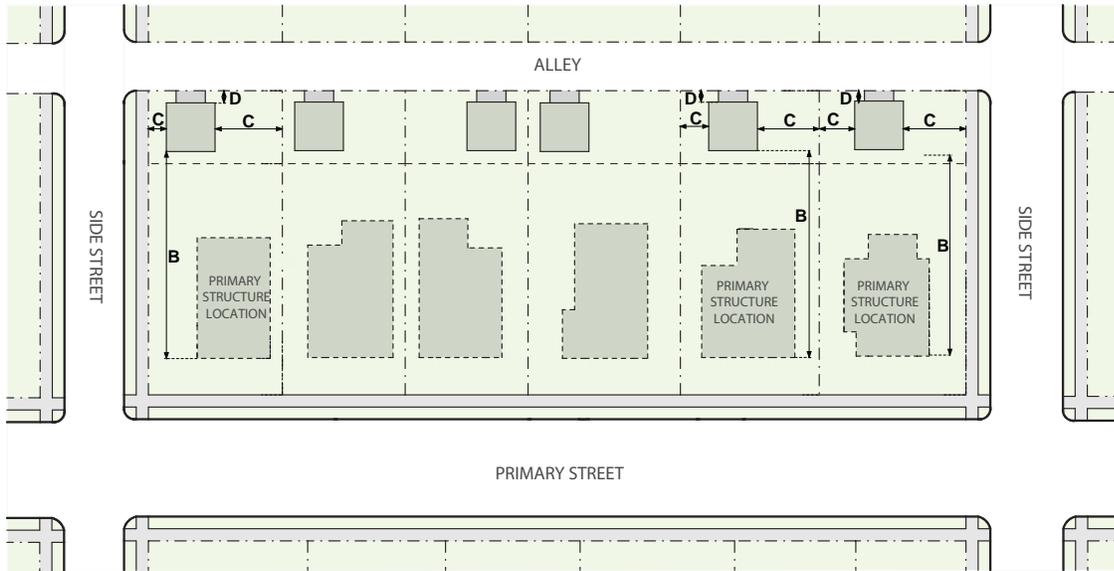
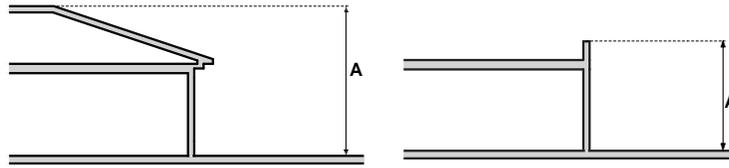
SITING		G-RH-3	All G-MU, -RO
USE RESTRICTION		Accessory Uses Only, including accessory dwelling unit where permitted. See Division 6.4 for permitted Accessory Uses	
ZONE LOT			
Exemption from Maximum Building Coverage (Lesser of)		50%/500 ft ²	
An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached ADU form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 ft ² . To qualify, the ADU form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the ADU form shall be used for vehicle parking.			
Zone Lot Size (min)		3,000 ft ²	3,000 ft ²
Allowed Number of Dwelling Units (min/max)		0/1	0/1
Additional Standards		See Sections 6.3.4.34 and 6.3.4.5	
SETBACKS			
Location		Located in the rear 35% of the zone lot depth	
C	Side Interior and Side Street (min)	5'	5'
If exceeding 17' in height must be located adjoining the southern most side setback line			
D	Rear (min)	5'	5'
PARKING			
Vehicle Access		From alley; or Street access allowed when no alley present see Sec. 6.3.7.56 for exceptions	

DESIGN ELEMENTS		G-RH-3	All G-MU, -RO
BUILDING CONFIGURATION			
Building Footprint (max)		1,000 ft ²	1,000 ft ²
E	Horizontal Dimension (max)	36'	36'

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

B. Detached Garage

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DETACHED GARAGE

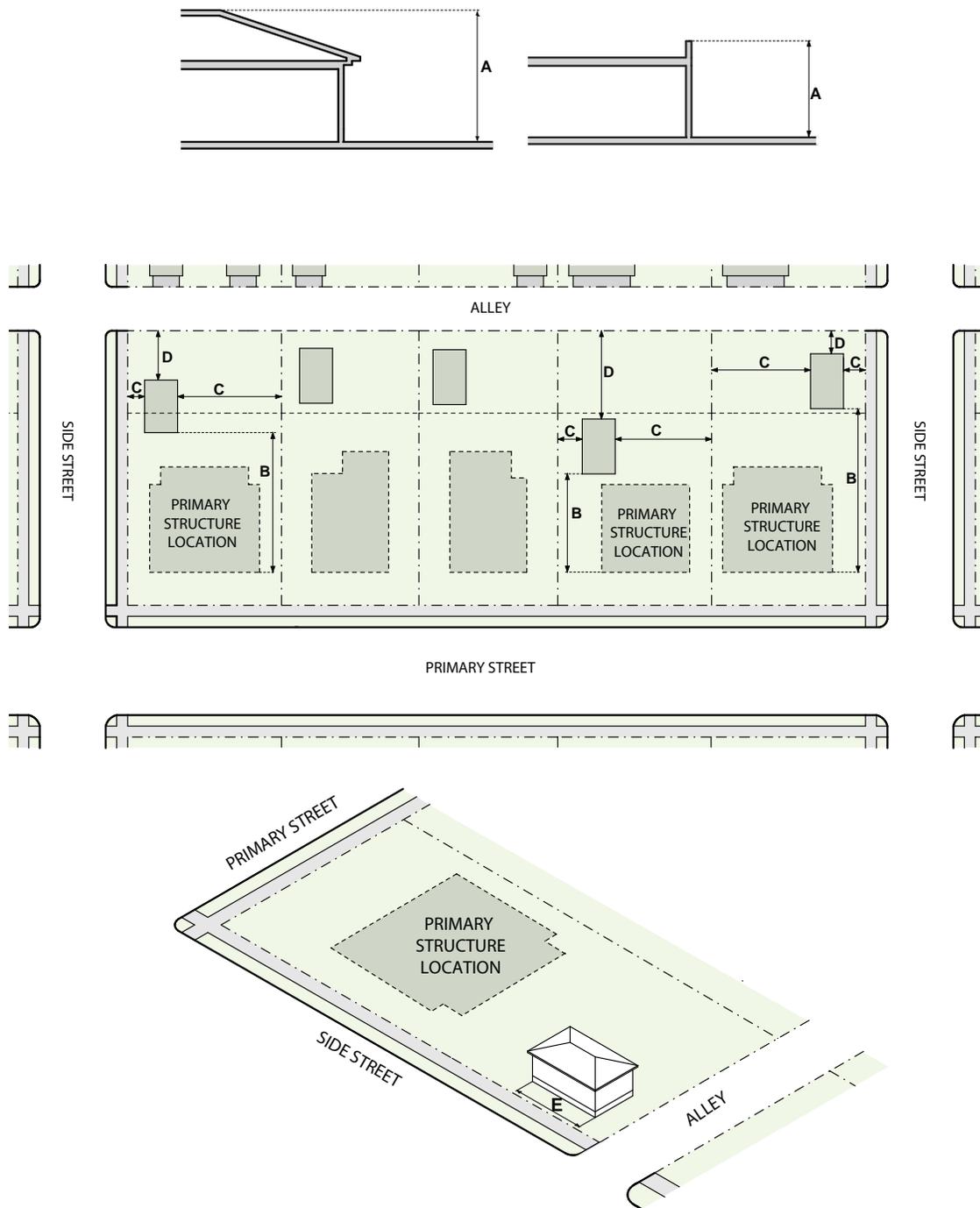
HEIGHT		All G-RH, -MU, -RO
A	Stories (max)	1
A	Feet (max)	17'
SITING		All G-RH, -MU, -RO
USE RESTRICTION		Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 6.4 for permitted Accessory Uses
ZONE LOT		50% / 500 ft ²
Exemption from Maximum Building Coverage (Lesser of)		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 ft ² . To qualify, the detached garage form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the garage form shall be used for vehicle parking.
Allowed Number of Dwelling Units (min/max)		0/0
Additional Standards		See Sections 6.3.4, 3.4 and 6.3.4.5
SETBACKS		
<u>Front Setback (min), from primary structure façade</u>		
B	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	0'
C	Side Street (min)	5'
C	Side Interior, for structure: entirely in rear <u>35% of zone lot depth setback area**</u> (min)	0'
	Side Interior, for structure: not entirely in rear <u>35% of zone lot depth setback area</u> (min)	5'
D	<u>Rear, no alley (min)</u>	<u>5'</u>
	Rear, <u>alley</u> , where garage doors face alley (min)	5'
	Rear, <u>alley</u> , where garage doors do not face alley** (min)	0'
DESIGN ELEMENTS		All G-RH, -MU, -RO
BUILDING CONFIGURATION		
Building Footprint (max)		864 ft ² per unit*
E	Horizontal Dimension (max)	36' per unit
F	Allowed Number of Vehicular Access Doors (max)	3 per unit
F	Cumulative Width of All Vehicular Access Doors (max)	28' per unit
<u>See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

*When used with a Primary Single Unit Dwelling Use, the permitted building footprint for a detached garage may be increased to 1,000 ft²

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

C. Detached Utility Building Other Detached Accessory Structures

Not to Scale. Illustrative Only.



OTHER DETACHED ACCESSORY STRUCTURES UTILITY BUILDING

HEIGHT		All G-RH, -MU, -RO
A	Stories (max)	1
A	Feet (max)	15'

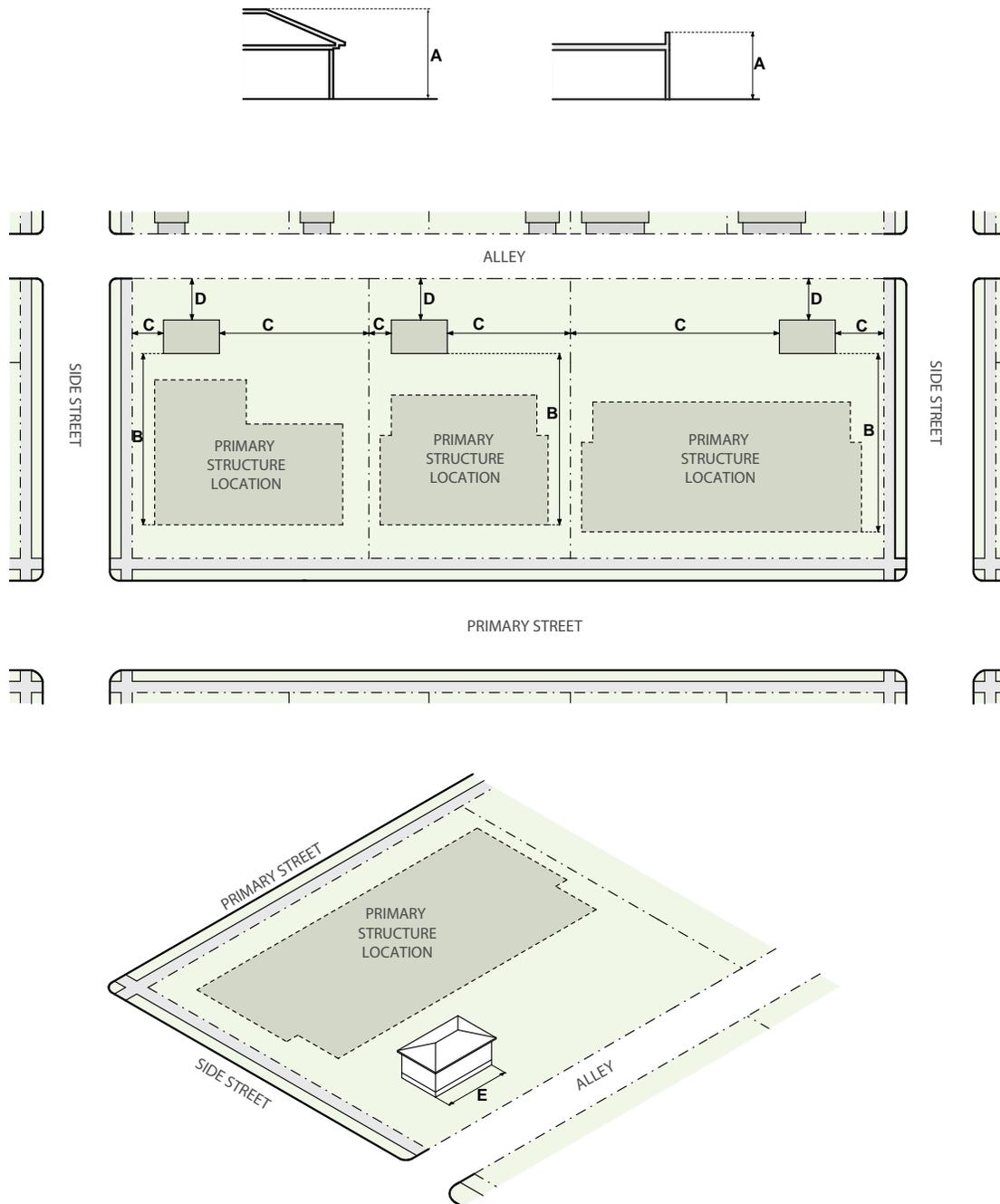
SITING		All G-RH, -MU, -RO
USE RESTRICTION	Accessory Uses Only, excluding accessory dwelling unit where permitted and parking of vehicles. See Division 6.4 for permitted Accessory Uses	
ZONE LOT		
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 6.3.4.34 and 6.3.4.5
SETBACKS		
	<u>Front Setback (min), from primary structure front façade</u>	
B	<u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'
C	<u>Side Street (min)</u>	5'
C	<u>Side Interior, for structure entirely in rear 35% of zone lot depth (min)*</u>	0'
	<u>Side Interior, for structure not entirely in rear 35% of zone lot depth (min)</u>	5'
D	<u>Rear, alley and no alley (min)</u>	5'
	<u>Rear, alley, where doors face alley (min)</u>	5'
	<u>Rear, alley, where doors do not face alley (min)*</u>	0'

DESIGN ELEMENTS		All G-RH, -MU, -RO
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
	<u>See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>	

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

D. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

HEIGHT		All G-MX, -RX, -MS
A	Stories (max)	1
A	Feet (max)	17'
SITING		All G-MX, -RX, -MS
ZONE LOT		
	Use Restrictions	Accessory Uses Only
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 6.3.4.34 and 6.3.4.5
SETBACKS		
B	<u>Front Setback (min), from primary structure front façade</u> <u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'
C	Side Interior and Side Street (min)	5'
D	Rear (min)	5'
	Rear, when garage doors face alley	5'
DESIGN ELEMENTS		All G-MX, -RX, -MS
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
<u>See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

SECTION 6.3.5 SUPPLEMENTAL DESIGN STANDARDS

6.3.5.1 Garden Court

- A. The Garden Court shall include all of the following characteristics:
 - 1. Located at natural grade;
 - 2. Visually and physically accessible from the primary street; may be secured for private use;
 - 3. Open to the sky; and
 - 4. Bounded on not less than 3 sides with related building facades on the same parcel.
- B. The Garden Court area may be used for any of the following:
 - 1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or
 - 2. Public or private landscaped area; may also include entries.
- C. Vehicular access is not permitted through the Garden Court area.

6.3.5.2 Courtyard

- A. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:
 - 1. No more than one-half story above or below grade at the zone lot line adjoining the primary street; may be on the structure;
 - 2. Visually and physically accessible from the primary street; may be secured for private use;
 - 3. Open to the sky; and
 - 4. Bounded on not less than 3 sides with connected building facades.
- B. The Courtyard area may be used for any of the following:
 - 1. Single or multiple entries to uses within the building;
 - 2. Public or private landscaped area;
 - 3. Outdoor seating area; or
 - 4. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, or integrally colored concrete with a module of not more than 4 feet.

6.3.5.3 Pedestrian Access

A. Entrance

Where required in General Urban Neighborhood Context Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

1. Door - An entrance on the same plane as the building facade.
2. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
3. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

B. Entry Feature

Where required in General Urban Neighborhood Context Zone Districts, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. An entry feature shall be one of the following:

1. Door
2. Gates
3. Front Porch
4. Front Stoop
5. Front Terrace
6. Canopy
7. Arcade

C. Pedestrian Connection

Where required in the General Urban Neighborhood Context Zone Districts, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. The Pedestrian Connection shall comply with the following:

1. Fully paved and maintained surface not less than 5' in width.
2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. The portions of pedestrian connection that cross drive lanes within parking areas shall not exceed 25' in length

SECTION 6.3.6 DESIGN STANDARD ALTERNATIVES

6.3.6.1 Required Build-To Alternatives

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - a. Decorative and/or structural piers may exceed the allowable height range
 - b. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division

- c. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"
2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Article 10.

B. Pergola

In all General Urban Neighborhood Context Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

1. Pergola structure shall be no less than 24" deep as measured perpendicular to the property line.
2. Pergola structure shall maintain at least 8' clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6" vertical dimension.
4. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15' on center.
5. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42" and 84" above grade.
6. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports.

C. Arcades

In all General Urban Neighborhood Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than two stories in height,
2. The exterior face of the arcade column line is within the build-to zone,
3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

6.3.6.2 Ground Story Activation Alternatives

A. Transparency Alternatives

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. If used in combination, in the G-RH, G-MU, G-RO, G-MX and G-RX Zone Districts the alternatives may count toward no more than 80% of the transparency requirement. In the

G-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the entirety (100%) of the length and height of the wall is considered. In the G-MS Zone Districts, if used in combination the alternatives may count toward no more than 50% of the Primary and/or Side Street transparency requirement.

1. Windows Outside the Zone of Transparency

Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features, when located within the required zone of transparency, may count toward a maximum of 40% of the total transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines.

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward 50% of Primary Street and 50% of Side Street transparency requirements if they provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"
- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls
- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Eating/Serving Areas

Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward 60% of the transparency requirement. Accessory outdoor eating/serving areas located between the building and Side Street zone lot line may count toward 80% of the transparency requirement.

5. Permanent Art

Non-commercial art or graphic design may count toward a maximum of 40% of the transparency requirement, provided such art or design complies with all of the following standards:

- a. Of sufficient scale and orientation to be perceived from the public right of way;
- b. Rendered in materials or media appropriate to an exterior, urban environment; and
- c. Permanently integrated into the building wall.

B. Entrance Alternative

In General Urban Neighborhood Context Zone Districts, excluding Main Street Zone Districts and the Row House building form, an alternative to an Entrance is permitted. The Entrance Alternative shall provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building. An Entrance Alternative shall be one of the following:

1. Courtyard or Plaza

- a. Shall be accessible to public during business hours
 - b. Shall be within 2' of grade at edge of public right-of-way
 - c. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.
 - d. Maximum dimension shall not exceed 3 times the minimum dimension
 - e. Required public Entrance shall be visible from the public right-of-way.
 - f. Perimeter walls of court or plaza shall meet primary facade transparency standards.
2. Covered Walkway
 - a. Arcades or Pergola/Trellis that meet the following:
 - i. Shall be accessible to public during business hours
 - ii. Shall provide continuous covered access to required Entrance from the public right-of-way
 - iii. Required public Entrance shall be visible from the public right-of-way

SECTION 6.3.7 DESIGN STANDARD EXCEPTIONS

6.3.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- D. Flush-mounted solar panels, as defined in [this](#) Article 13, may exceed the maximum permitted height of a building.

6.3.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

6.3.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

6.3.7.4 Building Coverage Exception

- A. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
- B. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-

half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this Subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

6.3.7.5 Setback Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwallled porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed
Access ramps for the handicapped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line		Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance
Surface Parking for the Garden Court, Rowhouse, Courtyard Apartment, and Apartment building forms	All G-MU and G-RO districts	not allowed	not allowed	not allowed	any distance

6.3.7.6 Vehicle Access

A. Applicability

1. This Section's alley access requirements shall apply only to urban house, duplex house, tandem house, town house, garden court, or row house building forms developed in an General Urban (G-) context Zone District.
2. For all other building form development allowed in an General Urban (G-) context Zone District, vehicle access shall be determined as part of site development plan review.

B. Vehicle Access From Alley Required - Exceptions

Where applicable, any newly constructed driveway, driving aisle, garage, carport, or other parking facility shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

1. The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The alley is less than 12 feet in width;

3. At least 60 percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a primary street; or
4. The Department of Public Works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely or operationally accommodate additional vehicular traffic.

SECTION 6.3.8 REFERENCE TO OTHER DESIGN STANDARDS

6.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Fences, Screening and Walls: Division 10.5
- C. Site Grading: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

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DIVISION 6.4 USES AND REQUIRED MINIMUM PARKING

SECTION 6.4.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

- 6.4.1.1 ~~This Division 6.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the General Urban Neighborhood Context Zone Districts.~~
- 6.4.1.2 ~~Unlisted Uses~~–Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- 6.4.1.3 ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the General Urban Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 6.4.2 ORGANIZATION - SUMMARY USE AND PARKING TABLE

6.4.2.1 Organized by Primary, Accessory and Temporary Uses

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

6.4.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

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

SECTION 6.4.3 EXPLANATION OF TABLE ABBREVIATIONS

6.4.3.1 General Explanation of Table Cell Entries

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

6.4.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

Applicable Use Limitations

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

6.4.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure

applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE” for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 6.4.4 ~~DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS~~

KEY: 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 * = Need Not be Enclosed

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-5	G-MX-3	G-MS-3 G-MS-5	APPLICABLE USE LIMITATIONS AND STANDARDS
RESIDENTIAL PRIMARY USE CLASSIFICATION									
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Two Unit • Vehicle: 1/unit	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Multi-Unit • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Mixed Use • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	
	Dwelling, Live / Work • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	NP	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.2.3
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: No requirement	P-ZPIN	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Community Correctional Facility	NP	NP	NP	NP	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: .75/unit • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Residential Care Use, Small or Large • Vehicle: .0125/unit • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.45
	Shelter for the Homeless • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.56
	Student Housing • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION									
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	G-MX-3	G-MS-3 G-MS-5	
Community/ Public Services	Community Center • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood • Vehicle: 1.875 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (20/80)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (20/80)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	
	Public Safety Facility • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	<u>L</u> P-ZP	<u>L</u> P-ZP	<u>L</u> P-ZP	<u>L</u> P-ZP	<u>L</u> P-ZP	P-ZP	P-ZP	<u>§ 11.3.5</u>
	Hospital	NP	NP	NP	NP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	NP	NP	NP	
Cultural/Special Purpose/ Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	NP	NP	
	Library • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum • Vehicle: 1 / 1,000 ft ² GFA • Bicycle: 1 / 10,000 ft ² GFA (0/100)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	
	City Park	NP	NP	NP	NP	NP	NP	NP	
	Open Space - Recreation • Vehicle: .375 / 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	G-MX-3	G-MS-3 G-MS-5	
Education	Elementary or Secondary School • Vehicle- Elementary: 1/1,000 ft ² GFA • Bicycle-Elementary: 1/10,000 ft ² GFA (0/100) • Vehicle- Secondary: 1/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.6
	University or College • Vehicle: 1/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (0/100)	NP	L-ZP	L-ZP	NP	P-ZP	P-ZP	P-ZP	§ 11.3.6; § 11.3.7
	Vocational or Professional School • Vehicle: 1/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (0/100)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	§ 11.3.6
Public and Religious Assembly	All Types • Vehicle: .5/1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L -ZP	P-ZP	P-ZP	§ 11.3.8
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION									
Adult Business	All Types	NP	NP	NP	NP	NP	NP	NP	
Arts, Recreation and Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 1.875/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	L-ZP	NP -ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 1.875/1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	Not Applicable			§ 11.4.3
Parking of Vehicles	Parking, Garage • No Parking Requirements	NP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	L-ZP	L-ZP	L-ZP	L-ZP	NP	NP	NP	§ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2 / 1,000 ft ² GFA • Vehicle: 3.75/ 1,000 ft ² GFA • Bicycle: 1/3,000 ft ² GFA (0/100)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.4.6

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	G-MX-3	G-MS-3 G-MS-5	
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 1/guest room or unit • Bicycle: 1/4 guest room or unit (80/20)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 1/ guest room or unit • Bicycle: 1/4 guest room or unit (80/20)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (60/40)	NP	NP	NP	L-ZPIN	L-ZP	L-ZP	L-ZP	§ 11.4.7
	Office, All Others • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (60/40)	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)								APPLICABLE USE LIMITATIONS AND STANDARDS
		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-5	G-MX-3	G-MS-3 G-MS-5	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.4.9
	Animal Sales and Services, All Others	NP	NP	NP	NP	NP	NP	NP	
	Body Art Establishment • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.4.10
	Food Sales or Market • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	P-ZP	P-ZP	§ 11.4.11
	Liquor Store, Including Drug-stores Licensed to Sell Liquor • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.4.12
	Pawn Shop • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	NP	NP	
	Retail Sales, Service & Repair -- Outdoor*	NP	NP	NP	NP	NP	NP	NP	
	Retail Sales, Service & Repair - Firearms Sales • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	NP	NP	P-ZP	
	Retail Sales, Service & Repair, All Others • Vehicle: 1.875/ 1,000 ft ² GFA • Bicycle: 1/10,000 ft ² GFA (20/80)	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	

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		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-5	G-MX-3	G-MS-3 G-MS-5	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	P-ZP	P-ZP	
	Automobile Services, Light • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	NP	L-ZP	L-ZP	§ 11.4.16; § 11.4.17
	Automobile Services, Heavy Vehicle: .5/ 1,000 ft ² GFA Bicycle: No requirement	NP	NP	NP	NP	NP	NP	L-ZP	§ 11.4.16; § 11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals. & Service*	NP	NP	NP	NP	NP	NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION									
Communications and Information	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	P-ZPSE	P-ZPSE	P-ZPSE	§ 11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	NP	NP	NP	
	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services	NP	NP	NP	NP	NP	NP	NP	
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.5.5

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		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-5	G-MX-3	G-MS-3 G-MS-5	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	NP	NP	NP	P-ZPIN	P-ZPIN	P	
	Manufacturing, Fabrication & Assembly -- General	NP	NP	NP	NP	NP	NP	NP	
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	NP	NP	NP	
	Sand or Gravel Quarry*	NP	NP	NP	NP	NP	NP	NP	
	Wind Energy Conversion Systems* • No Parking Requirement	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZP	L-ZP	L-ZP	§ 11.5.8
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.5.9
	Railroad Facilities*	NP	NP	NP	NP	NP	NP	NP	
	Railway Right-of-Way* No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Freight, Air Courier Services	NP	NP	NP	NP	NP	NP	NP	
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	NP	NP	NP	
	Recycling Collection Station	NP	NP	NP	NP	NP	NP	NP	
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	NP	NP	
	Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	NP	NP	
	Mini-storage Facility Vehicle: .5/ 1,000 ft ² GFA Bicycle: No requirement	NP	NP	NP	NP	L-ZP	L-ZP	NP	§ 11.5.11
	Vehicle Storage, Commercial*	NP	NP	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, General	NP	NP	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light Vehicle: .5 / 1,000 ft ² GFA Bicycle: No requirement	NP	NP	NP	NP	NP ZPSE	L-ZP/ ZPIN/ ZPSE	L-ZP/ ZPIN/ ZPSE	§ 11.5.13

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		G-RH-3	G-MU-8	G-MU-5	G-MU-12	G-RO-3	G-RO-5	G-RX-5	G-MX-3	G-MS-3	G-MS-5
AGRICULTURE PRIMARY USE CLASSIFICATION											
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	NP	NP	NP		
	Aquaculture*	NP	NP	NP	NP	NP	NP	NP	NP		
	Garden, Urban* Vehicle: .5 / 1,000 ft ² GFA Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.6.1	
	Greenhouse Vehicle: .5 / 1,000 ft ² GFA Bicycle: No requirement	NP	NP	NP	NP	P-ZP	P-ZP	P-ZP	P-ZP		
	Husbandry*	NP	NP	NP	NP	NP	NP	NP	NP		
	Nursery, Plant*	NP	NP	NP	NP	NP	NP	NP	NP		
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION											
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts							§ 11.7; § 11.8.1		
	Accessory Dwelling Unit	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.2	
	Domestic Employee	L	L	L	L	L	L	L	L	§ 11.7.1; § 11.8.3	
	Garden	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.4	
	Greenhouse	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.5	
	Keeping of Household Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	§ 11.7; § 11.8.6	
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	L	L	L	L	§ 11.7; § 10.9	
	Kennel or Exercise Run	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.7	
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	L-ZP	L-ZP	L-ZP	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.8	
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	L	L	L	L	L	L	L	L	§ 11.7; § 10.9	
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.9	
	Vehicle Storage, Repair and Maintenance	L	L	L	L	L	L	L	L	§ 11.7; § 10.9	
Yard or Garage Sales	L	L	L	L	L	L	L	L	§ 11.7; § 11.8.10		
HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USE CLASSIFICATION											
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.9; <u>§ 11.9.3</u>	
	Home Occupations, All Other Types	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.9; <u>§ 11.9.4</u>	
	<u>Unlisted Home Occupations</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>§ 11.9; § 11.9.5</u>	

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		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-5	G-MX-3	G-MS-3 G-MS-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 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	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	§ 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	NP	L	L	L	NP	NP	NP	§ 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
	Garden	L	L	L	L	L	L	L	§ 11.7; § 11.10.9
	Greenhouse	L	L	L	L	L	L	L	§ 11.7; § 11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	L	L	L	L	Not Applicable			§ 11.4.3
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	L	L	§ 11.7; § 11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§ 11.7; § 11.10.11
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	NP	NP	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§ 11.7; § 11.10.12
	Outdoor Retail Sale and Display* Outdoor Storage*	NP	NP	NP	NP	L-ZP	L-ZP	L-ZP	§ 11.7; § 10.8
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	NP	NP	NP	L	L	L	§ 11.7; § 11.10.13	

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		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-5	G-MX-3	G-MS-3 G-MS-5	
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 Distrcts							§ 11.11.1
	Ambulance Service - Temporary	NP	L-ZP	L-ZP	L-ZP	NP	NP	NP	§ 11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	NP	NP	NP	
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.7
	Health Care Center	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	P-ZP	§ 11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	NP	NP	NP	
	Outdoor Retail Sales*	NP	NP	NP	NP	L-ZP	L-ZP	NP	§ 11.11.11
	Outdoor Sales, Seasonal*	NP	NP	NP	NP	L-ZPIN	L-ZP	L-ZP	§ 11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.13
	Retail Food Establishment, Mobile*	NP	NP	NP	NP	L-ZP	L-ZP	NP	§ 11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.11.16
Tent for Religious Services	NP	NP	NP	NP	NP	NP	NP		

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ARTICLE 7. URBAN CENTER (C-) NEIGHBORHOOD CONTEXT



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DIVISION 7.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 7.1.1 GENERAL CHARACTER

The Urban Center Neighborhood Context consists of multi-unit residential and mixed-use commercial strips and commercial centers. Multi-unit buildings are typically Rowhouse, Courtyard Apartment and Apartment forms. Commercial buildings are typically Live-Work, Shopfront, and General Commercial forms. Multi-unit residential uses are primarily located along residential collector, mixed-use arterial, and local streets. Commercial uses are primarily located along main and mixed-use arterial streets.

SECTION 7.1.2 STREET, BLOCK AND ACCESS PATTERNS

The Urban Center Neighborhood Context consists of a regular pattern of block shapes surrounded by an orthogonal street grid. Orthogonal streets provide a regular pattern of pedestrian and vehicular connections through this context and there is a consistent presence of alleys. Block sizes and shapes are consistent and include detached sidewalks, tree lawns, street and surface parking, and landscaping in the front setback

SECTION 7.1.3 BUILDING PLACEMENT AND LOCATION

All building typically have consistent orientation and shallow front setbacks with parking at the rear and/or side of the building.

SECTION 7.1.4 BUILDING HEIGHT

The Urban Center Neighborhood Context is characterized by moderate to high building heights to promote a dense urban character. Lower scale structures are typically found in areas transitioning to a less dense urban neighborhood.

SECTION 7.1.5 MOBILITY

There are high levels of pedestrian and bicycle use with the greatest access to multi-modal transportation system.

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DIVISION 7.2 DISTRICTS (C-MX, C-RX, C-MS, C-CCN)

SECTION 7.2.1 DISTRICTS ESTABLISHED

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

Urban Center Neighborhood Context

C-MX-3	Mixed Use 3
C-MX-5	Mixed Use 5
C-MX-8	Mixed Use 8
C-MX-12	Mixed Use 12
C-MX-16	Mixed Use 16
C-MX-20	Mixed Use 20
C-RX-5	Residential Mixed Use 5
C-RX-8	Residential Mixed Use 8
C-RX-12	Residential Mixed Use 12
C-MS-5	Main Street 5
C-MS-8	Main Street 8
C-MS-12	Main Street 12
C-CCN	Cherry Creek North

SECTION 7.2.2 MIXED USE DISTRICTS (C-MX-3, -5, -8, -12, -16, -20)

7.2.2.1 General Purpose

- A. The Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's neighborhoods.
- C. The Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.
- E. In the Urban Center Neighborhood Context, the Mixed Use Zone Districts require the same level of pedestrian enhancements as the Main Street Zone Districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use Zone Districts and the Main Street Zone Districts is Main Street districts mandate shopfront buildings at the street edge.
- F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.

7.2.2.2 Specific Intent

A. Mixed Use – 3 (C-MX-3)

C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

B. Mixed Use – 5 (C-MX-5)

C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.

C. Mixed Use – 8 (C-MX-8)

C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.

D. Mixed Use – 12 (C-MX-12)

C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired.

E. Mixed Use – 16 (C-MX-16)

C-MX-16 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired.

F. Mixed Use – 20 (C-MX-20)

C-MX-20 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 20 stories is desired.

SECTION 7.2.3 RESIDENTIAL MIXED USE DISTRICTS (C-RX-5, -8, -12)

7.2.3.1 General Purpose

- A. The Residential Mixed Use Zone Districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, courtyard apartment, apartment, and shopfront building forms that clearly define and activate the public street edge.
- B. The Residential Mixed Use Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city's residential neighborhoods.
- C. The Residential Mixed Use Zone District standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Buildings in a Residential Mixed Use district can have ground floor retail but upper stories are reserved exclusively for housing. -
- E. In the Urban Center Neighborhood Context, the Residential Mixed Use Zone Districts promote a very pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind.

7.2.3.2 Specific Intent

A. Residential Mixed Use 5 (C-RX-5)

C-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

B. Residential Mixed Use 8 (C-RX-8)

C-RX-8 applies to residentially-dominated areas served primarily by collector or arterial streets where a building scale of 2 to 8 stories is desired.

C. Residential Mixed Use 12 (C-RX-12)

C-RX-12 applies to residentially-dominated areas served primarily arterial streets where a building scale of 2 to 12 stories is desired.

SECTION 7.2.4 MAIN STREET DISTRICTS (C-MS-5, -8 -12)

7.2.4.1 General Purpose

- A. The Main Street Zone Districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.
- B. The Main Street Zone Districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city's commercial streets.
- C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, and improves the transition between commercial development and adjacent residential neighborhoods.
- D. Main Street Zone Districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.
- E. In the Urban Center Neighborhood Context, the Main Street Zone Districts should be applied where active ground floor retail is desired.
- F. In the Urban Center Neighborhood Context, the Main Street Zone Districts may also be embedded within a larger commercial shopping center or mixed-use area to promote ground floor retail activity.
- G. Main Street buildings have a shallow front setback range. The build-to requirements are high.

7.2.4.2 Specific Intent

A. Main Street 5 (C-MS-5)

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

B. Main Street 8 (C-MS-8)

C-MS-8 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 8 stories is desired.

C. Main Street 12 (C-MS-12)

C-MS-12 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 12 stories is desired.

SECTION 7.2.5 CHERRY CREEK NORTH DISTRICT (C-CCN)

7.2.5.1 General Purpose

- A. The C-CCN district promotes development that is in keeping with the existing character, scale and ambience of the existing Cherry Creek North business area and to encourage interesting and attractive architectural design solutions for new developments and to promote pedestrian and shopping activities, particularly at street level.

7.2.5.2 Specific Intent

Goals of the C-CCN district also include: to maintain and enhance the retail ambience of the Cherry Creek North district, to encourage a mixture of uses, including residential and office, and to encourage low-scale, small lot development projects that reinforce and enhance the eclectic, urban architectural character and pedestrian scale of the district. To this end, these regulations and the associated guidelines encourage:

- A. Project planning and architectural design solutions that create projects of a scale and quality that promotes pedestrian and retail shopping activity at street level;
- B. Continuity of storefronts located at the setback line creating a pedestrian oriented shopping environment;
- C. The development and redevelopment of small lots;
- D. Site and building design in new projects which compliments the tradition of low-scale, small lot development in the district;
- E. Creation of outdoor open space, taking advantage of the pleasant local climate, to provide settings for activities and visual amenities, including public art;
- F. Complementary day and evening activity through continued development of nightlife and entertainment uses. The C-CCN Zone District is intended to be a place where the pedestrian feels welcome and comfortable. It is a retail/restaurant/entertainment experience first and foremost.

7.2.5.3 Permitted Structures

- A. Zone lot for structures. A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for each structure containing a use or uses by right. Each zone lot shall have at least one (1) front line and shall be occupied only by the structure containing a use or uses by right and one subordinate structure containing only accessory uses. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this Code can be maintained.
- B. Location of structures. All structures shall be set in a distance of not less than five feet from each front line of the zone lot and shall satisfy the following requirements:
 1. Requirements. The front facade of the ground floor shall be located on or near the front setback line as explained below. The frontage shall be measured along the front setback line, and for corner lots shall mean the length of the combined frontage of front setback lines. For the purposes of this Division, "additional front setback area" shall mean the area between the front setback line or lines and the building facade.
 - a. A portion of the facade shall be located on the front setback line for at least 33 percent of the frontage; and
 - b. The whole of the building facade shall be located so that the additional front setback area shall be no greater than 50 percent of the total area between the front setback line or lines and a line ten feet behind the front setback line and parallel to it.
 2. The space resulting from the required five-foot setback and additional front setback area shall be open and unobstructed and shall not be used for off-street parking space.
- C. Permitted encroachments on setback space.
See Section 7.3.7.4.
- D. Bulk of structures.
 1. There shall be no bulk plane requirements along the East 1st Avenue right of way.

2. Along the south right-of-way of East 2nd Avenue and East 3rd Avenue no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of 45 degrees with respect to the horizontal (a pitch of one foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point 31 feet above the midpoint of such line between boundary lines of the zone lot.
 3. In the remainder of the district, no part of any structure (except church spires, church towers, flagpoles, antennas, chimneys, flues, vents or accessory water tanks) shall project up through bulk limits which are defined by an imaginary plane extending up over the zone lot at an angle of 45 degrees with respect to the horizontal (a pitch of one foot additional rise for each foot additional setback) and which plane starts at a horizontal line which runs parallel to the front setback line of the zone lot and passes through a point 35 feet above the midpoint of such line between the boundary lines of the zone lot.
- E. Building height. The maximum height of any structure shall be 55 feet.
- F. Maximum gross floor area in structures. The sum total of the gross floor area of all structures on a zone lot shall not be greater than one times the area of the zone lot (FAR = 1.0:1). Computation of maximum gross floor area shall be ~~in accordance with section 13.3-114, Definition of Words, Terms and Phrases.~~ according to Division with section 13.3-114, Definition of Words, Terms and Phrases.
- G. Floor area premiums. The provisions for floor area premiums make available incentives for private sector participation in pursuing specifically identified district objectives. Floor area premiums may be used to increase the maximum gross floor area an additional 0.5 times the area of the zone lot (maximum supplementary FAR = 0.5:1).
1. Premiums for underground parking. (See definition of underground parking in Article 13, definitions.)
 - a. 0.20:1 FAR if at least 50 percent of the required parking is constructed with the parking surface at least eight feet below street grade (elevation at center line of the street).
 - b. 0.30:1 FAR if at least 70 percent of the required parking is constructed with the parking surface at least eight feet below street grade.
 - c. 0.40:1 FAR if all required parking is constructed with the parking surface at least eight feet below street grade.
 2. Premium for open space. (See definition of unobstructed open space in Article 13, definitions.) Two square feet of gross floor area for each square foot of open space area not in the required setbacks. The maximum area of a zone lot that can be devoted to open space area is 25 percent of the zone lot area. The only uses which are allowed within this open space are: eating place; display of sculptural art; sale of flowers, fruit, vegetables; landscaping; and seating. A zone lot may have more than one open space. Any one open space area is limited to a maximum of 5,000 square feet. The elevation of such open space must be no more than two feet above or below that of the adjacent street grade. Open space shall be served by at least one handicap accessible route from the sidewalk. Open space must be open to use by the public during regular business hours. Open space shall be provided with a minimum of one tree per 1,000 square feet of open space. If the provision of trees can be shown to be impracticable, then in lieu of providing trees, minimum of ten percent of the open space shall be in planted area. One dimension of the open space shall not exceed three times the other dimension.

3. Premium for residential use. One square foot of floor area for each square foot of floor area maintained and operated as dwelling units up to a maximum increase in the FAR of 0.25:1.
4. Premium for moderately priced dwelling units. A floor area premium equal to ten percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C. article IV, chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses.

7.2.5.4 Permitted Signs

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

- A. Must be compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
- B. Must be compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels;
- C. Must be appropriate to and expressive of the business or activity for which they are displayed;
- D. Must be creative in the use of unique two- and three-dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials; and
- E. Must be of high quality, durable materials appropriate to the physical demands of an urban setting.

7.2.5.5 Off-Street Parking Requirements

The requirements of Division 10.34 Parking and Loading, of this Code shall apply except where superseded by this Section.

- A. Basic requirements: The following minimum parking requirements shall apply to C-CCN in place of the parking requirements in Section 7.4.64 Allowed Uses by District and Minimum Parking Requirements:
 1. Office use: One space per 300 square feet of gross floor area (1/300).
 2. Retail use: One space per 300 square feet of gross floor area (1/300).
 3. Residential use: Two spaces per dwelling unit.
 4. Other uses: For other specific uses, the provisions of Article VII shall apply.
 5. ~~Parking bonus for moderately priced housing~~ Vehicle Parking Reduction for Affordable Housing and Senior Housing: see Section 10.4.4.2.B.
- B. Modifications of the basic requirement. Notwithstanding the provisions of Subsection A.1. through A.3. above, the following modifications shall apply to all permitted office, residential and retail uses, except barber shops, beauty salons, billiard parlors, brew pubs and eating places, which are located on zone lots in existence prior to October 1, 1996:

1. For interior zone lots under 6,200 square feet, with no alley access, no parking is required provided the 1:1 FAR is not exceeded. If the 1:1 FAR is exceeded, the basic off-street parking requirement shall apply for the floor area in excess of the 1:1 FAR, provided, however, no parking shall be required for the first 1,550 square feet of residential use.
 2. For zone lots containing an area up to and including 7,400 square feet, one parking space shall be required for every 1,250 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.
 3. For zone lots containing an area from 7,401 square feet up to and including 12,400 square feet, one parking space shall be required for every 900 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.
 4. For zone lots containing an area from 12,401 square feet up to and including 15,000 square feet, one parking space shall be required for every 600 square feet of gross floor area occupied by a nonresidential use. Two parking spaces shall be required for each dwelling unit.
- C. Parking development standards:
1. No parking shall be permitted in the required building setback areas.
 2. For parking structures which front on a public street, pedestrian-oriented uses such as retail or office uses shall be required at the street level along the street frontage for at least 50 percent of the parking structure frontage. For that portion of the parking structure frontage not devoted to retail or office uses, landscaping shall be provided in the setback area.
 3. Notwithstanding the requirements of the landscaping rules and regulations, there shall be a five-foot wide landscaped setback area along the street frontage of any surface parking lot area. All parking lot areas shall be screened to a height of three (3) feet from all streets by a decorative three-foot high screen located at the setback line and landscaping shall be provided in the setback area. All such screens, fences, railings, walls, and landscaping shall be reviewed by the design advisory board.
- D. Parking calculations for changes of use: In calculating the required numbers of off-street parking spaces for changes of use in accordance with Section 10.4.2.2, office uses in existence prior to September 17, 1993, shall use the ratio of one off-street parking space per 500 square feet of floor area to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use. For office uses established after September 17, 1993, the ratio of one off-street parking space per 300 square feet of floor area shall be used to determine the amount of credits applied to the determination of the amount of off-street parking spaces required for the new use.
- E. Special plan for the location of off-street parking: Notwithstanding the requirements of Section 10.4.3.2.C.2, off-street parking requirements may be met off the zone lot upon approval of an off-street parking plan by the department of zoning administration after consultation with the Cherry Creek North Business Improvement district and the planning director.
- F. Tandem parking: Notwithstanding the provisions of Section 10.4.5.6, required off-street parking, tandem parking is allowed only in the case of an addition to an existing building to meet the parking requirement for the added floor area or in the case of a change of use which results in an increase of the parking required. Tandem parking may not be used to meet the parking requirement of a new development. It must be possible to get any vehicle in or out of a tandem space by moving only one other vehicle.
- G. Bicycle parking:

1. Requirement for bicycle parking: For every ten (10) automobile parking spaces required, there shall be provided an area or facility in which to park one (1) bicycle.
2. Facility design standards: Bicycle parking facilities shall include provision for locking of bicycles, either in lockers or in secure racks in which the bicycle frame and wheels may be locked by the user. Bicycle spaces shall be conveniently located on the zone lot and shall be protected from damage by automobiles.

7.2.5.6 Off-Street Loading Requirements

The loading requirements of Division 10.34 Parking and Loading, of this Code shall be in full force and effect in this district.

7.2.5.7 Design Advisory Board

- A. Board established. The mayor shall appoint a Cherry Creek North district design advisory board consisting of eight members to advise and assist the planning board and/or planning office in their review procedures.
- B. The board shall consist of the following individuals to be appointed by the mayor from a list of nominations provided by the board of Cherry Creek North Business Improvement district: three licensed architects and one licensed landscape architect who reside in Denver; one member of the board of Cherry Creek North Business Improvement District or its designated successor; one property owner from the district; one retailer from the district; and one nonvoting representative from the Denver planning office.
- C. Two members of the board shall be appointed by the mayor within 30 days from the effective date of the ordinance from which this Section was derived. The members of the board shall be appointed by the mayor for the term of three years and shall serve at the pleasure of the mayor. The six members of the board serving on the effective date of the ordinance from which this Section was derived shall serve the balance of the term to which the member was appointed. Vacancies shall be filled within 30 days by the mayor from the date on which the vacancy occurs.

7.2.5.8 Application for Design Plan Approval

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

- A. Pre-application conference. Prior to filing an application for approval of a design plan, the applicant shall make a request to the planning office for a pre-application conference. During such conference the planning staff shall explain the procedures involved in the design review and shall list the submittal material from the following subsection which will be needed to describe the project.
- B. Applications for approval of a design plan under this Article shall be filed with the department of zoning administration by all the owners or authorized representative[s] of any land to be included within the zone lot. The application may include the following: [site plan;] floor plan; sections through building and site; building elevations; special zone lot plan for planned building groups; an exterior perspective; tabulations of major exterior and interior areas; a tabulation of parking by size and type required and provided; dimensions of parking areas, setbacks, building heights and sign design; a mass model of the project at a scale of one inch equals 30 feet. The planning staff may require that the application include all or a portion of the items listed above in order to describe the specific project.
- C. The complete application shall be forwarded to the planning office for review by the design advisory board. At a regular meeting of the design advisory board, the applicant shall have the opportunity to discuss the application within 25 days after submittal to zoning administration. If no action is taken within 25 days after submittal, the project shall be deemed approved un-

less the review period is extended by mutual agreement of the applicant and the design review board.

- D. Rules and regulations, including administrative procedures and design guidelines, shall be prepared by the design review board and adopted by the planning board. Such guidelines shall address the following: building character; alignment of architectural features; pedestrian interest at the sidewalk edges; building materials, textures and patterns; art, open spaces, parking and signs.
- E. Applications shall be evaluated on the basis of the design guidelines. The design advisory board shall prepare recommendations, and an applicant may appeal the recommendations of the design review board to the planning board by filing an appeal in the office of the planning board within 15 days of the date of the recommendations of the design advisory board. If an appeal is filed with the planning board, the planning board shall evaluate all comments on the application and shall forward a final recommendation to the Zoning Administrator. If an appeal is not filed with the planning board, the recommendations of the design advisory board shall be forwarded to the Zoning Administrator. The Zoning Administrator shall approve, approve with conditions or deny the application for use and construction permit after reviewing the recommendations of the design advisory board or the planning board.

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DIVISION 7.3 DESIGN STANDARDS

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

SECTION 7.3.1 GENERAL INTENT

7.3.1.1 Urban Design and Building Form Standards – All Districts

The Intent of Urban Design and Building Form Standards in all Districts are to:

- A. Implement the Denver Comprehensive Plan.
- B. To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
- C. Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
- D. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
- E. Give prominence to pedestrian realm as a defining element of neighborhood character.
- F. Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
- G. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

7.3.1.2 Transit Oriented Development

The Intent of Transit Oriented Development Design Standards are to:

- A. Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
- B. Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
- C. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
- D. Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 7.3.2 BUILDING FORM INTENT

7.3.2.1 Height

- A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.
- B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

7.3.2.2 Siting

A. Required Build-To

1. Provide a consistent street edge to enhance character of the context.
2. Define streets to promote pedestrian activity and sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

B. Setbacks

1. Site buildings to be consistent with the intended character and functional requirements of the urban context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize buildings to create positive transitions between districts.

C. Parking Location

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

7.3.2.3 Design Elements

A. Building Configuration

1. Promote variation in building form that enhances access to daylight, air and views from within and around new structures.
2. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.
3. Main Street setback: Reinforce the proportional scale of buildings to street width in order to establish a strong edge to Main Streets and other urban street corridors..
4. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

B. Transparency

1. Maximize transparency of windows at street level to activate the street.
2. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and reflect the uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

C. Entrances

1. Give prominence to pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and pedestrian active uses from the street.
3. Articulate and create a visual hierarchy of building entrances as an aid in way-finding.
4. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
5. Create visually interesting and human-scaled facades.

SECTION 7.3.3 PRIMARY BUILDING FORM STANDARDS

7.3.3.1 **Applicability**

All development in all the Urban Center Neighborhood Context Zone Districts

7.3.3.2 **Generally Applicable Standards**

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

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

7.3.3.3 **District Specific Standards Summary**

~~The districts allow a variety of building forms appropriate for the Urban Center Neighborhood Context, as set out. The maximum number of structures per zone lot and building forms allowed by zone district is summarized below.:~~

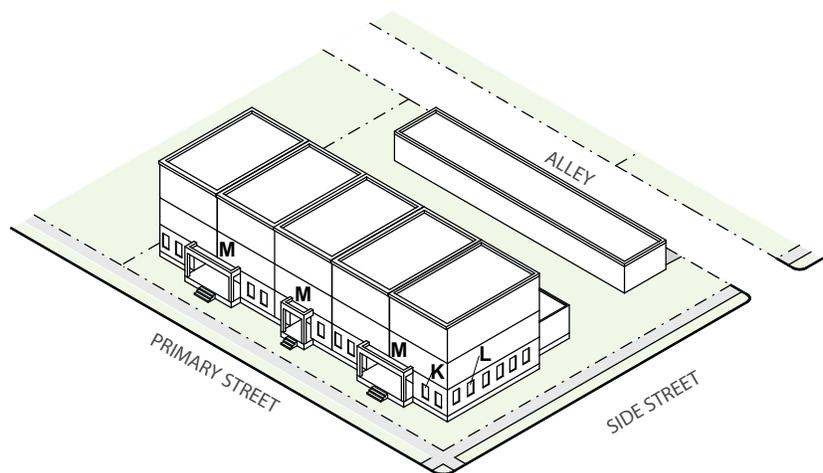
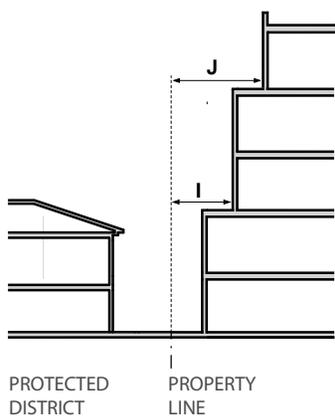
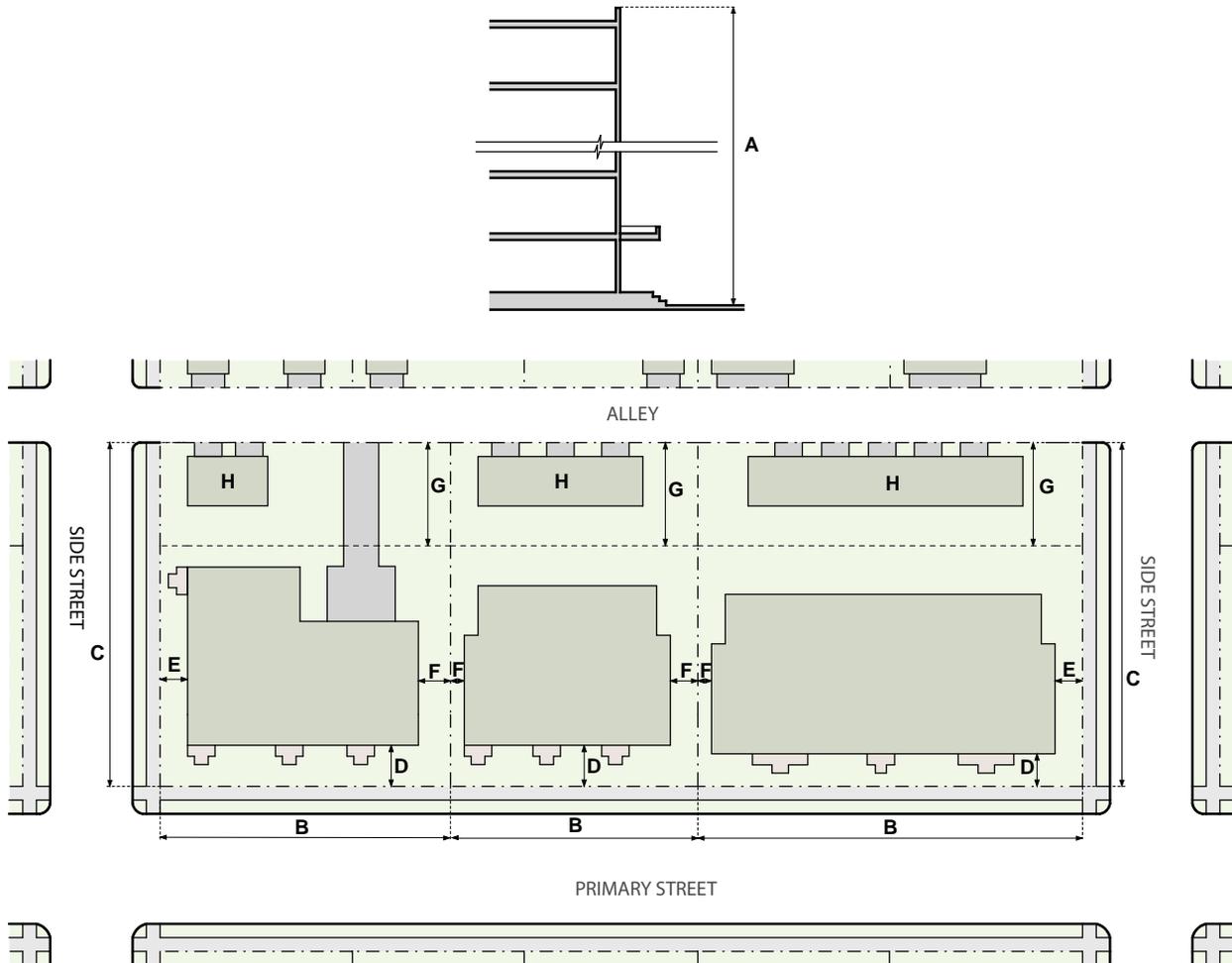
<u>Urban Center (C-) Neighborhood Context Zone Districts</u>		<u>Max Number of Primary Structures per Zone Lot</u>	<u>Building Forms</u>													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront
<u>Residential Mixed Use (RX)</u>	C-RX-5, -8, -12	<u>no max</u>								■	■	■			■	
<u>Mixed Use (MX)</u>	C-MX-3, -5, -8, -12, -20	<u>no max</u>								■	■	■	■	■	■	
<u>Main Street (MS)</u>	C-MS-5, -8, -12	<u>no max</u>								■		■	■	■		■
Cherry Creek North	C-CCN	See Sec. 7.2.65 for Standards Applicable in the C-CCN District														

■ = Allowed □ = Allowed subject to limitations

7.3.3.4 District Specific Standards

A. Row House

Not to Scale. Illustrative Only.

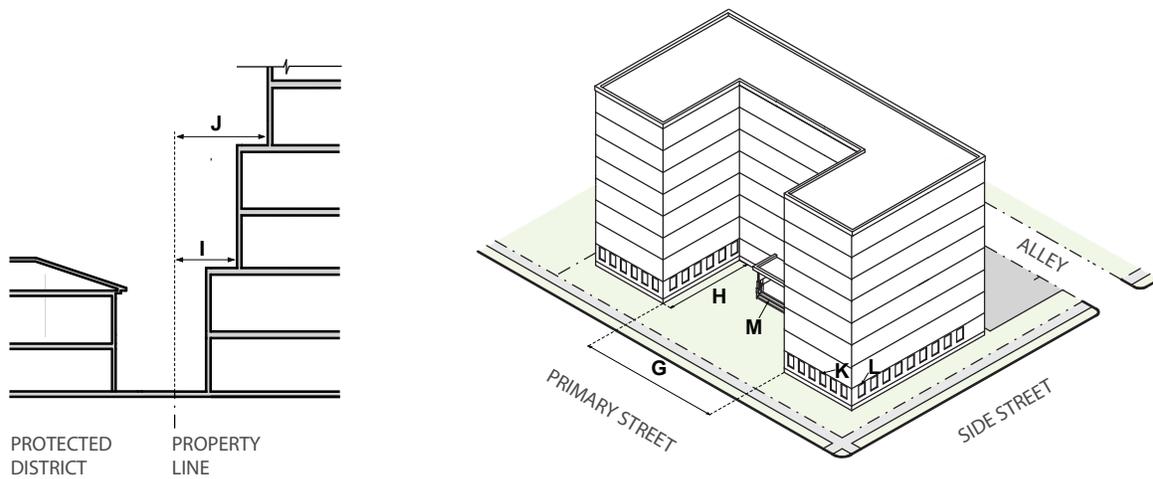
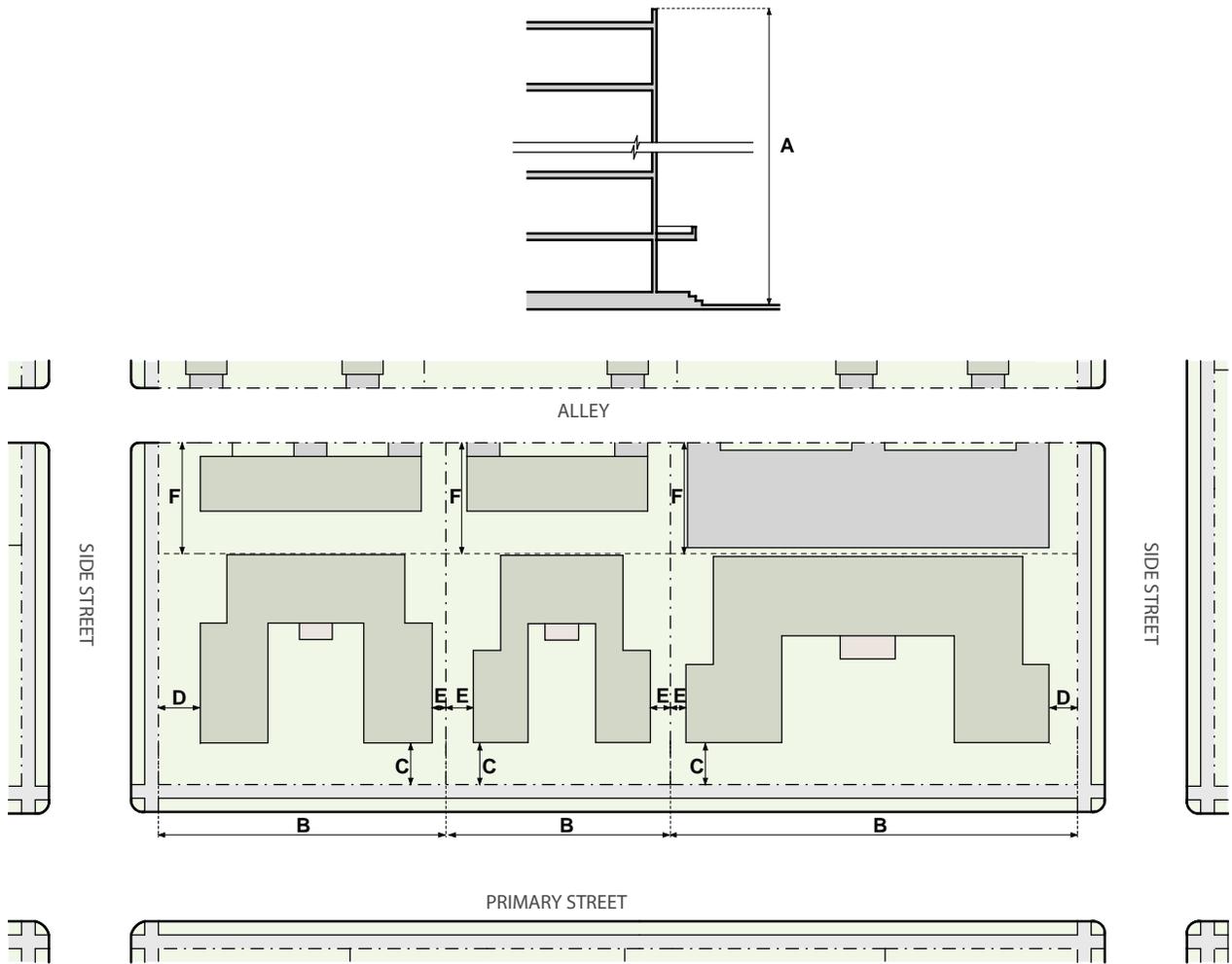


ROW HOUSE

HEIGHT		C-MX-3	C-MX-5, -8, -12, -16, -20 C-RX-5, -8, -12	C-MS-5, -8, -12
A	Stories (max)	3	5	5
A	Feet (min/max)	na/45'	na/70'	24'/70'
SITING		C-MX-3, -5, -8, -12, -16, -20	C-RX-5, -8, -12	C-MS-5, -8, -12
ZONE LOT				
	Use Restrictions	na	Second Story and Above: Residential Only	Ground Story within required build-to portion must have at least one primary use, other than parking of vehicles
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	70% 0'/15'	70% 0'/15'	75% 0'/5' If Residential Only: 75% 0'/10'
C	Side Street (min % within min/max)	na	na	25% 0'/5' If Residential Only: 25% 0'/10'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior, (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear, alley and no alley (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed		
	Surface Parking Screening Required	See Article 10, Division 10.5		
	Vehicle Access	Shall be determined as part of Site Development Plan Review		
ACCESSORY STRUCTURES				
H	Detached Accessory Structures Allowed	see Sec. 7.3.4		
DESIGN ELEMENTS		C-MX-3	C-MX-5, -8, -12, -16, -20 C-RX-5, -8, -12	C-MS-5, -8, -12
BUILDING CONFIGURATION				
I	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	15'/25'	20'/25'	20'/25'
J	Upper Story Setback Above 51'; adjacent to Protected District; Rear, alley/Rear, no alley and Side, interior (min)	na	35'/40'	35'/40'
GROUND STORY ACTIVATION				
K	Transparency, Primary Street (min)	30%	30%	60%; If Residential Only: 40%
L	Transparency, Side Street (min)	25%	25%	25%
M	Pedestrian Access	Each unit shall have a street-facing Entrance		

B. Courtyard Apartment

Not to Scale. Illustrative Only.



COURTYARD APARTMENT

HEIGHT		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
A	Stories (max)	3	5	8	12	16	20
A	Feet (max)	45'	70'	110'	150'	200'	250'
	Feet, within 175' of Protected District (max)	na	na	75'	75'	75'	75'

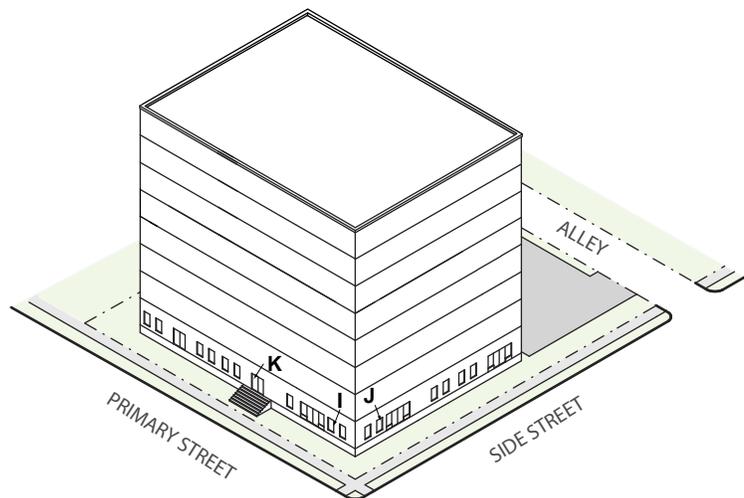
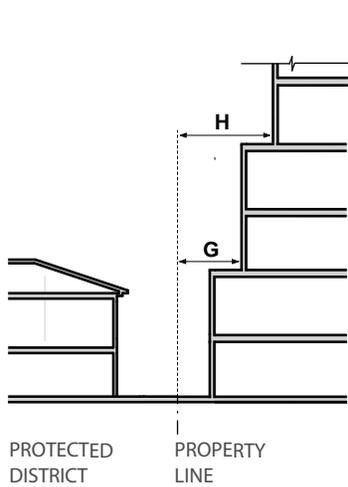
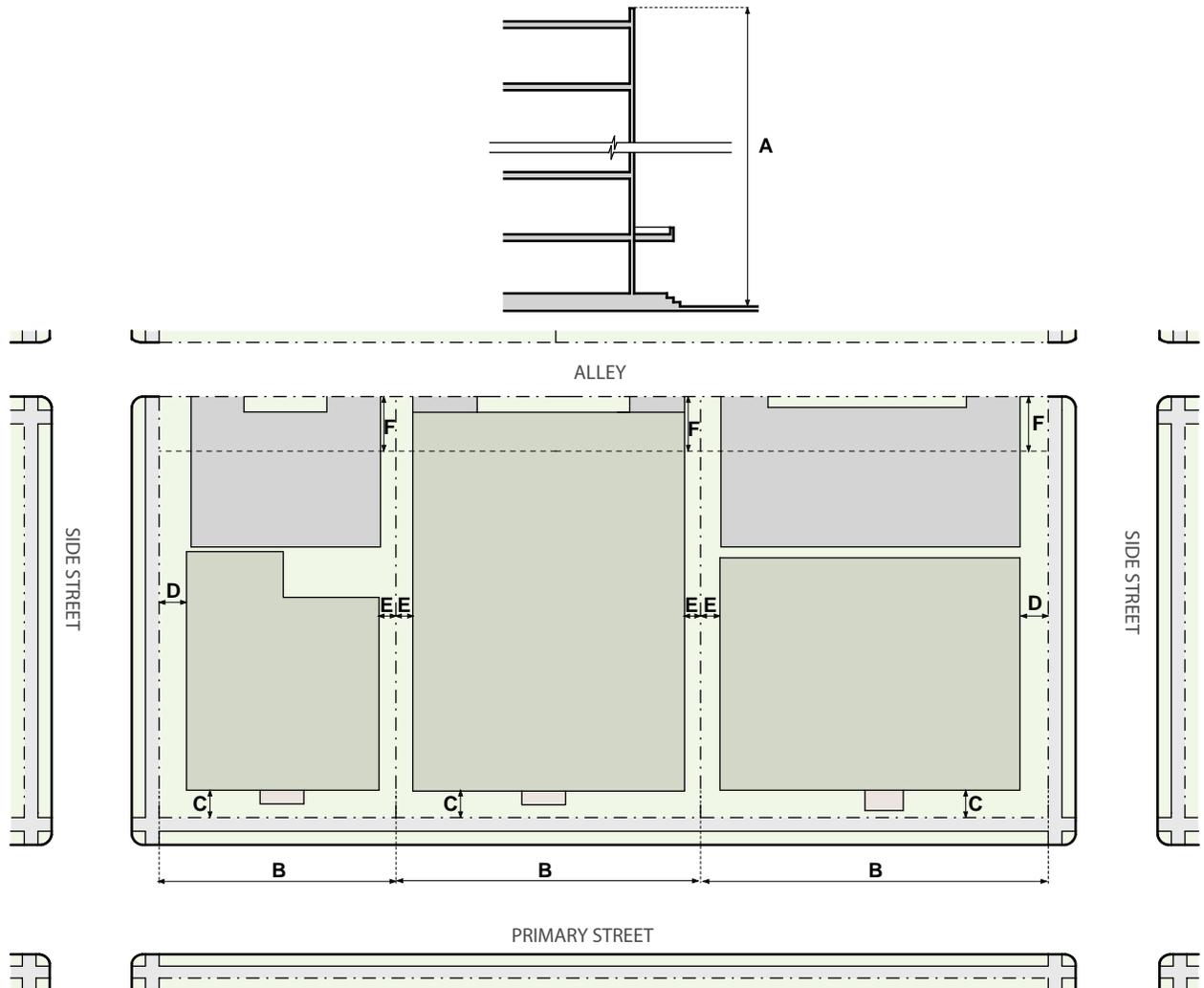
SITING		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
REQUIRED BUILD-TO							
B	Primary Street (min % within min/max)*	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'
SETBACKS							
C	Primary Street (min)	0'	0'	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'	0'	0'
E	Side Interior (min)	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
F	Rear, alley and no alley (min)	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING							
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed					
	Surface Parking Screening Required	See Article 10, Division 10.5					
	Vehicle Access	Shall be determined as part of Site Development Plan Review					

DESIGN ELEMENTS		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
BUILDING CONFIGURATION							
G	Street-Facing Courtyard Width (min)	15'	15'	15'	15'	15'	15'
H	Street-Facing Courtyard Depth (min)	30'	30'	30'	30'	30'	30'
	Courtyard Design Standards	See Sec. 7.3.5.1					
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION							
K	Transparency, Primary Street (min)	30%	30%	30%	30%	30%	30%
L	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%
M	Pedestrian Access, Primary Street	Entrance					

*Courtyard Width counts toward required Build-to

C. Apartment (1 of 2)

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APARTMENT (1 OF 2)

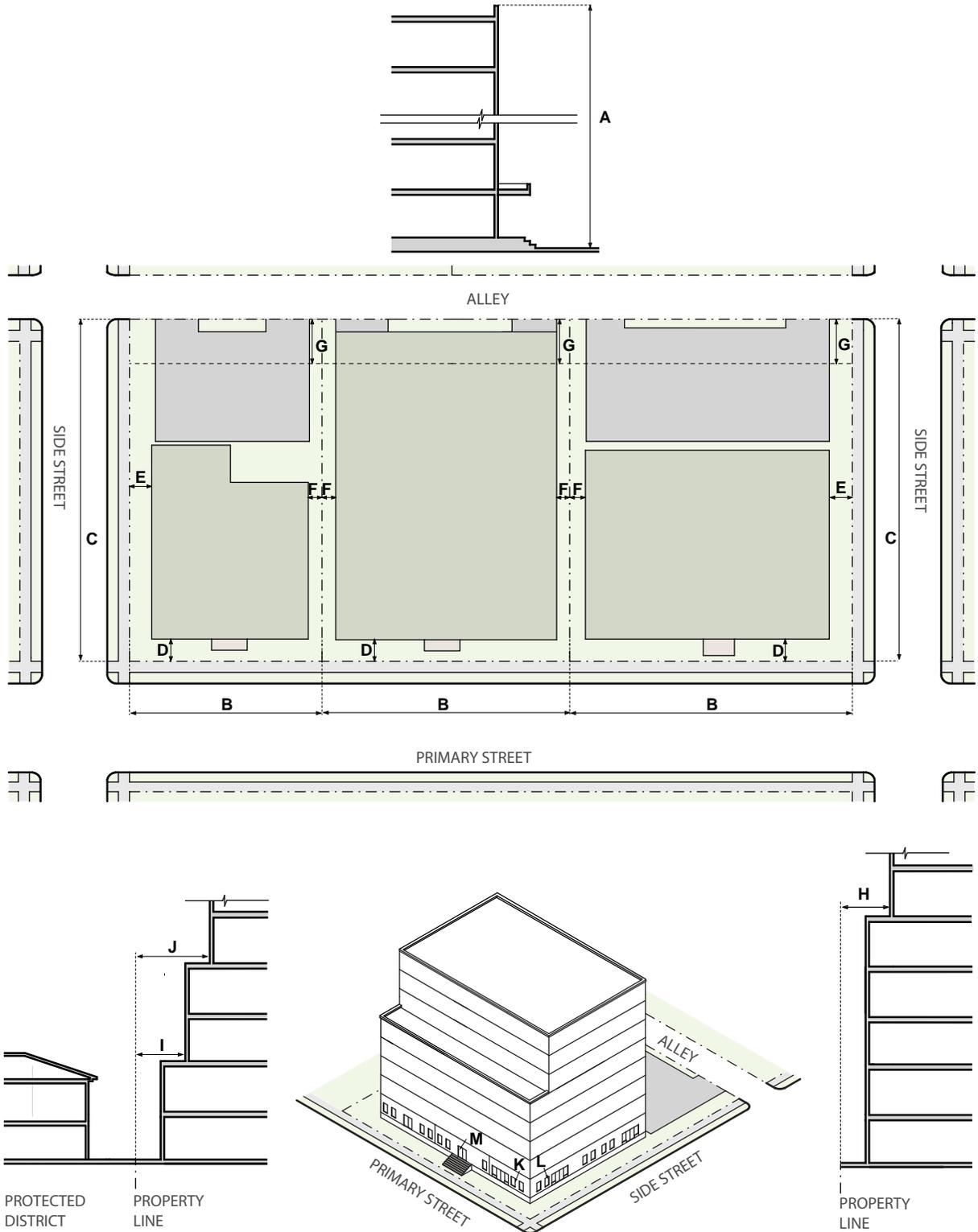
HEIGHT		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
A	Stories (max)	3	5	8	12	16	20
A	Feet (max)	45'	70'	110'	150'	200'	250'
	Feet, within 175' of Protected District (max)	na	na	75'	75'	75'	75'

SITING		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
ZONE LOT							
Use Restrictions		Residential Uses Only					
REQUIRED BUILD-TO							
B	Primary Street (% within min/max)	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'
SETBACKS							
C	Primary Street (min)	0'	0'	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'	0'	0'
E	Side Interior (min)	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
F	Rear, alley and no alley (min)	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING							
Surface Parking between building and Primary Street/Side Street		Not Allowed/Not Allowed					
Surface Parking Screening Required		See Article 10, Division 10.5					
Vehicle Access		Shall be determined as part of Site Development Plan Review					

DESIGN ELEMENTS		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
BUILDING CONFIGURATION							
G	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	15'/25'	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
H	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION							
I	Transparency, Primary Street (min)	30%	30%	30%	30%	30%	30%
J	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%
K	Pedestrian Access, Primary Street	Entrance					

D. Apartment (2 of 2)

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APARTMENT (2 OF 2)

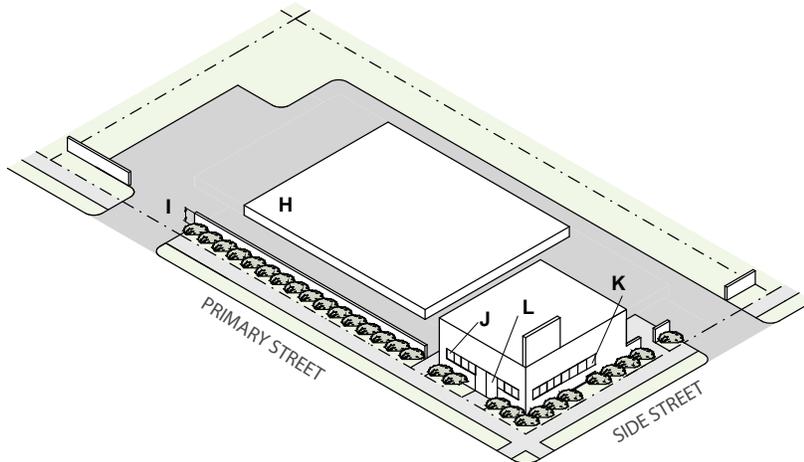
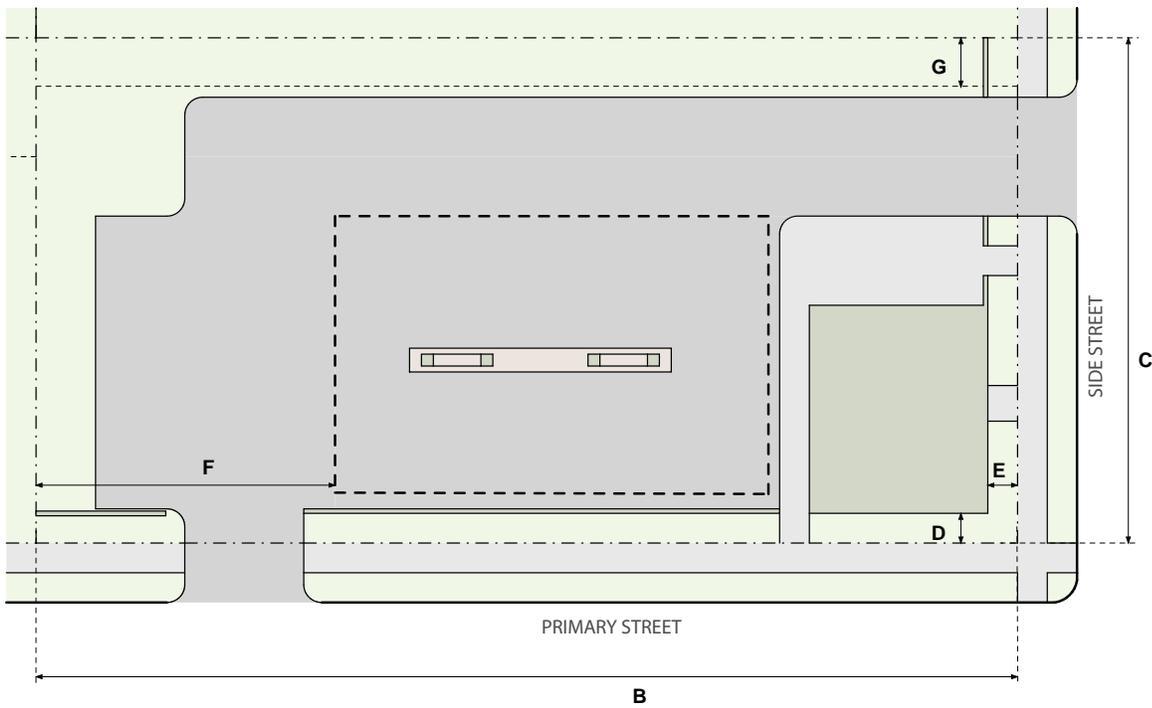
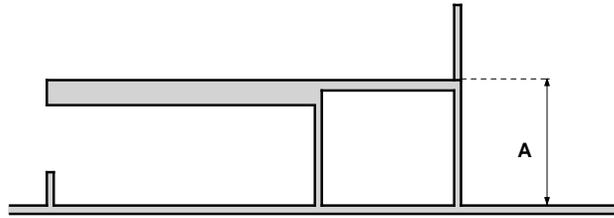
HEIGHT		C-MS-5	C-MS-8	C-MS-12
A	Stories (max)	5	8	12
A	Feet (min/max)	24'/70'	24'/110'	24'/150'

SITING		C-MS-5	C-MS-8	C-MS-12
ZONE LOT				
Use Restrictions		Ground Story within the Required Build-to portion must have at least one primary use, other than parking of vehicles; Residential Uses Only		
REQUIRED BUILD-TO				
B	Primary Street (% within min/max)	75% 0'/10'	75% 0'/10'	75% 0'/10'
C	Side Street (% within min/max)	25% 0'/10'	25% 0'/10'	25% 0'/10'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0	0	0
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear, alley and no alley (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
Surface Parking between building and Primary Street/ Side Street		Not Allowed/Not Allowed		
Surface Parking Screening Required		See Article 10, Division 10.5		
Vehicle Access		Shall be determined as part of Site Development Plan Review		

DESIGN ELEMENTS		C-MS-5	C-MS-8	C-MS-12
BUILDING CONFIGURATION				
H	Primary Street Upper Story Setback above 5 stories or 70' (min depth)	na	20'	20'
I	Upper Story Setback Above 27'; adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	20'/25'	20'/25'	20'/25'
J	Upper Story Setback Above 51'; adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION				
K	Transparency, Primary Street (min)	40%	40%	40%
L	Transparency, Side Street (min)	25%	30%	30%
M	Pedestrian Access, Primary Street	Entrance		

E. Drive Thru Services

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DRIVE THRU SERVICES

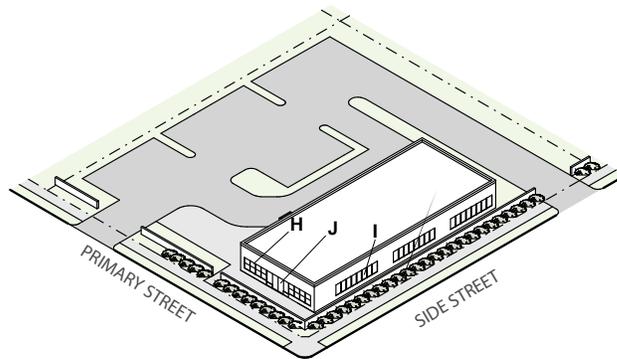
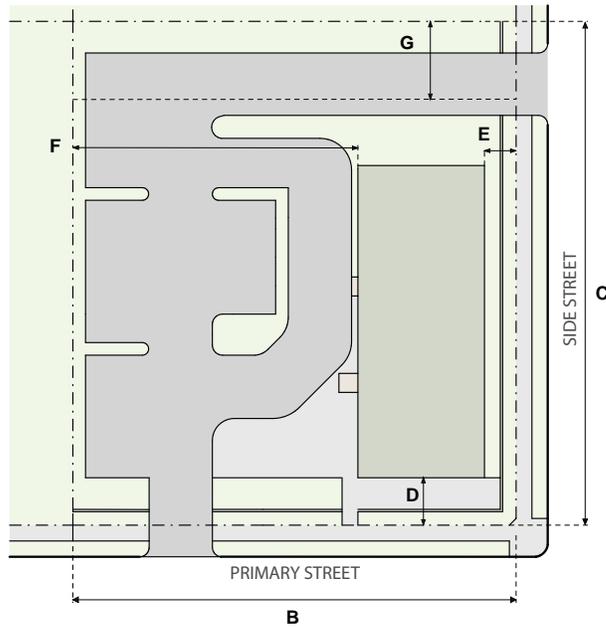
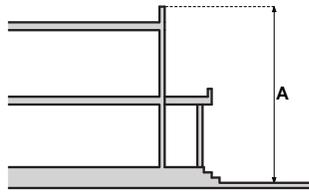
HEIGHT		All C-MX, C-MS	
A	Stories (max)	3	
A	Feet (max)	45'	

SITING		All C-MS	All C-MX
USE RESTRICTION		Automobile Services, Light and/or Primary Use with Accessory Drive Thru Use, excluding Eating/Drinking Establishments	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)*	50% 0'/15'	50% 0'/15'
C	Side Street (min % within min/max)*	50% 0'/15'	50% 0'/15'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'
G	Rear, alley and no alley (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
Surface Parking between building and Primary Street/ Side Street		Not Allowed/Not Allowed	
Surface Parking Screening Required		See Article 10, Division 10.5	
Vehicle Access		Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS		All C-MS	All C-MX
BUILDING CONFIGURATION			
H	*Canopy	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may be used to meet a portion of the Primary and Side Street Build-To	
I	Screening Required	Garden Wall required within 0'/15' for 100% of the Primary and Side Street, excluding access points and portions of building within 0'/15'; following the standards of Article 10, Section 10.5.4.3	
	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side, interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
J	Transparency, Ground Story, Primary Street (min)	60%	40%
K	Transparency, Ground Story, Side Street (min)	25%	25%
L	Pedestrian Access, Primary Street	Entrance	Entrance

F. Drive Thru Restaurant

Not to Scale. Illustrative Only.



DRIVE THRU RESTAURANT

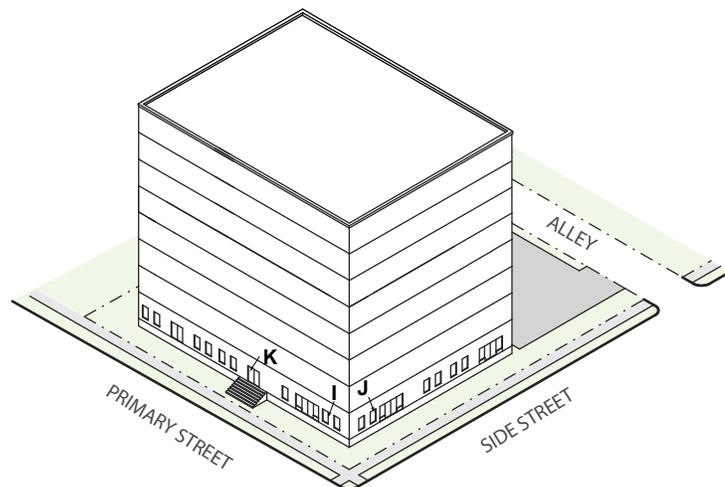
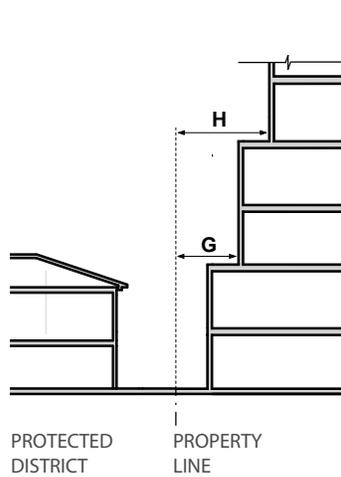
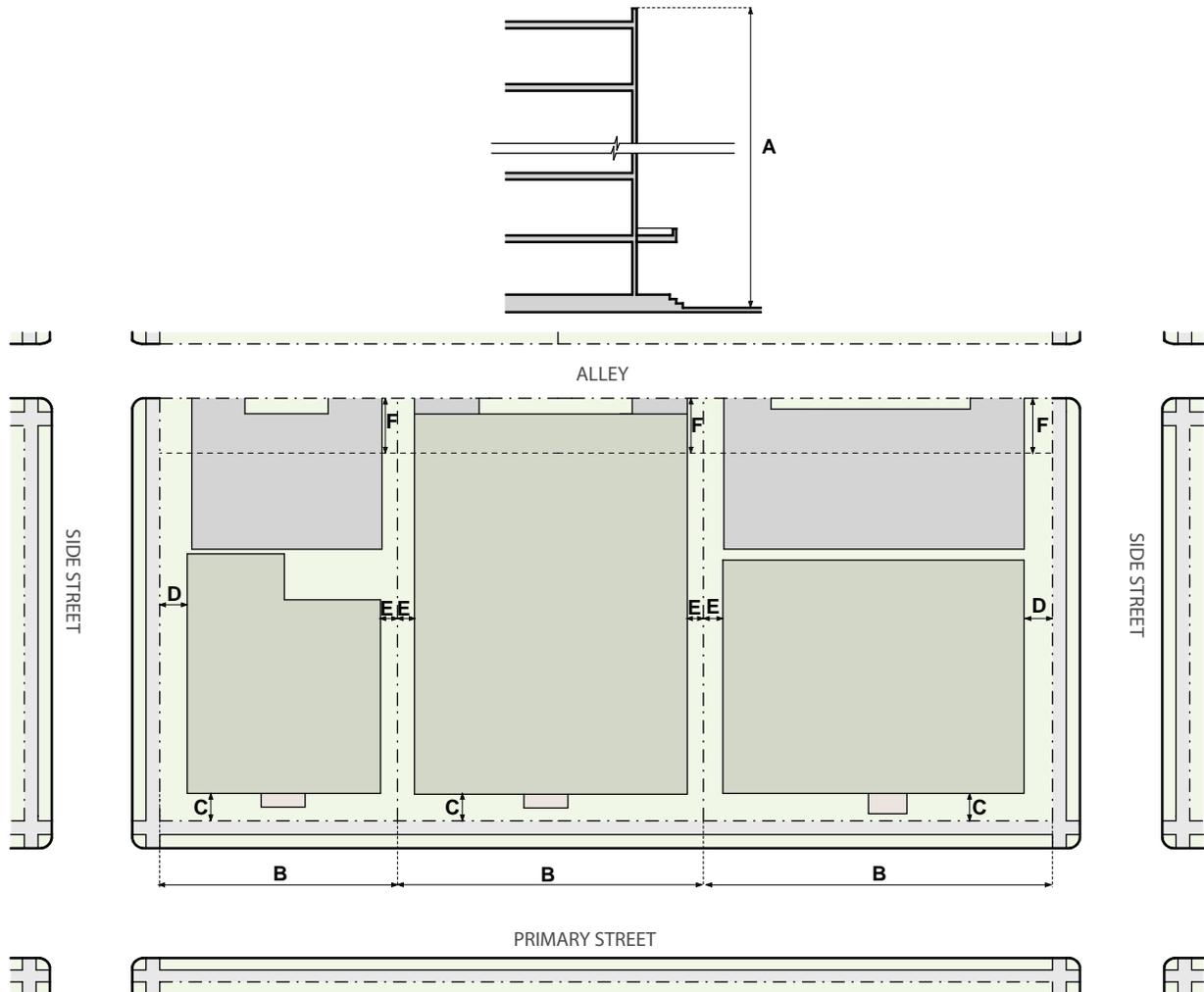
HEIGHT		All C-MX	All C-MS
A	Stories (max)	3	3
A	Feet (max)	45'	45'

SITING		All C-MX	All C-MS
USE RESTRICTION		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only	
REQUIRED BUILD-TO			
B	Primary Street (min % within min/max)	Corner Lots: 50% 0'/10' All other: 70% 0'/10'	Corner Lots: 50% 0'/5' All other: 75% 0'/5'
C	Side Street (min % within min/max)	50% 0'/10'	50% 0'/5'
SETBACKS			
D	Primary Street (min)	0'	0'
E	Side Street (min)	0'	0'
F	Side Interior (min)	0'	0'
	SideInterior,adjacenttoProtectedDistrict(min)	10'	10'
G	Rear, alley and no alley (min)	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'
PARKING			
	Surface Parking between building and Primary Street/ Side Street	Not Allowed/Not Allowed	
	Drive Thru Lane between building and Primary Street/ Side Street	Not Allowed/Not Allowed	
	Vehicle Access	Shall be determined as part of Site Development Plan Review	

DESIGN ELEMENTS		All C-MX	All C-MS
BUILDING CONFIGURATION			
	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
H	Transparency, Primary Street (min)	40%	60%
I	Transparency, Side Street (min)	25%	25%
J	Pedestrian Access, Primary Street	Entrance	Entrance

G. General

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GENERAL

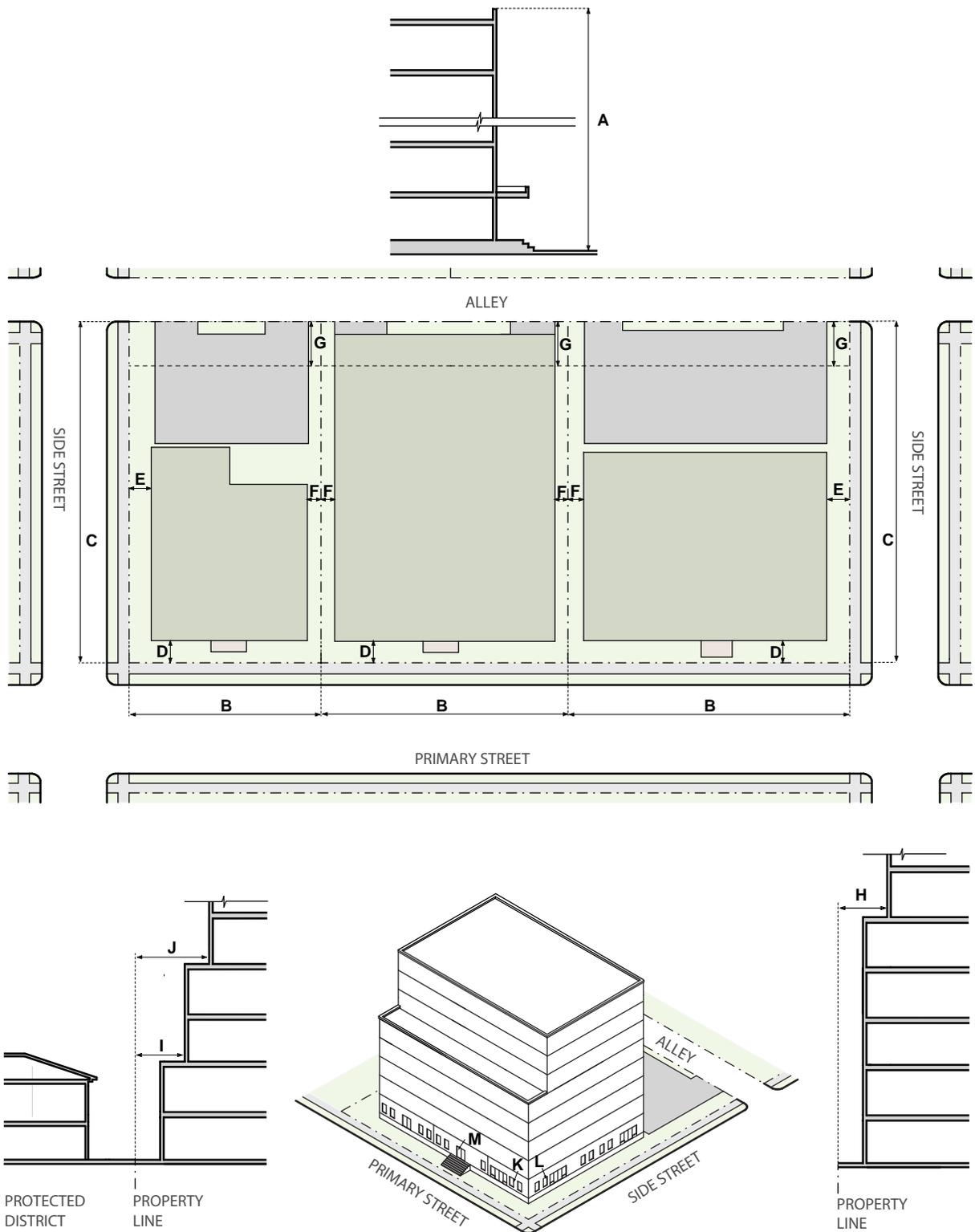
HEIGHT		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
A	Stories (max)	3	5	8	12	16	20
A	Feet (max)	45'	70'	110'	150'	200'	250'
	Feet, within 175' of Protected District (max)	na	na	75'	75'	75'	75'

SITING		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
REQUIRED BUILD-TO							
B	Primary Street (% within min/max)	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'	70% 0'/10'
SETBACKS							
C	Primary Street (min)	0'	0'	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'	0'	0'
E	Side Interior (min)	0'	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
F	Rear, alley and no alley (min)	0'	0'	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
PARKING							
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed					
	Surface Parking Screening Required	See Article 10, Division 10.5					
	Vehicle Access	Shall be determined as part of Site Development Plan Review					

DESIGN ELEMENTS		C-MX-3	C-RX-5 C-MX-5	C-RX-8 C-MX-8	C-RX-12 C-MX-12	C-MX-16	C-MX-20
BUILDING CONFIGURATION							
G	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
H	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION							
I	Transparency, Primary Street (min)	40%	40%	40%	40%	40%	40%
J	Transparency, Side Street (min)	25%	25%	25%	25%	25%	25%
K	Pedestrian Access, Primary Street	Entrance					

H. Shopfront

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SHOPFRONT

HEIGHT		C-MS-5	C-MS-8	C-MS-12
A	Stories (max)	5	8	12
A	Feet (min/max)	24'/70'	24'/110'	24'/150'

SITING		C-MS-5	C-MS-8	C-MS-12
	Use Restrictions	Ground Story within the required build-to portion must have at least one primary use, other than parking of vehicles		
REQUIRED BUILD-TO				
B	Primary Street (% within min/max)	75%	75%	75%
		0'/5'	0'/5'	0'/5'
C	Side Street (% within min/max)	25%	25%	25%
		0'/5'	0'/5'	0'/5'
SETBACKS				
D	Primary Street (min)	0'	0'	0'
E	Side Street (min)	0'	0'	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'
G	Rear, alley and no alley (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking between building and Primary Street/Side Street	Not Allowed/Not Allowed		
	Surface Parking Screening Required	See Article 10, Division 10.5		
	Vehicle Access	Shall be determined as part of Site Development Plan Review		

DESIGN ELEMENTS		C-MS-5	C-MS-8	C-MS-12
BUILDING CONFIGURATION				
H	Primary Street Upper Story Setback above 5 stories or 70' (min)	na	20'	20'
I	Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	20'/25'	20'/25'	20'/25'
J	Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION				
K	Transparency, Primary Street (min)	60%	60%	60%
L	Transparency, Side Street (min)	25%	30%	30%
M	Pedestrian Access, Primary Street		Entrance	

SECTION 7.3.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

7.3.4.1 **Applicability**

~~All detached accessory structures in all the Urban Center Neighborhood Context Zone Districts~~

7.3.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 7.3.4, and the permitted building form standards of the particular zone district in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

~~The following detached accessory structures are specifically allowed: , subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

~~Sheds, utility buildings, playhouses, Patios, cabanas, pool houses, Porches, and guard houses~~

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

a. Carports ~~and off-street parking areas~~

b. Decks, gazebos, arbor/trellis, ~~Gates~~, swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas

c. Radio and Television Receiving Antennas and Support Structures

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

d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject zone district.~~

4. **Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 7.3.4.

5. **Accessory Structures Not Specifically Listed ~~as Allowed~~**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 7.3.4.

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 7.3.4.

7.3.4.3 Supplemental Standards

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

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

~~Permitted Number~~

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in subsections 7.3.4.4.A above. (moved)~~

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

1. Required Building Materials

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

2. Access and Contiguity

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

7.3.4.4 District Specific Standards Summary

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

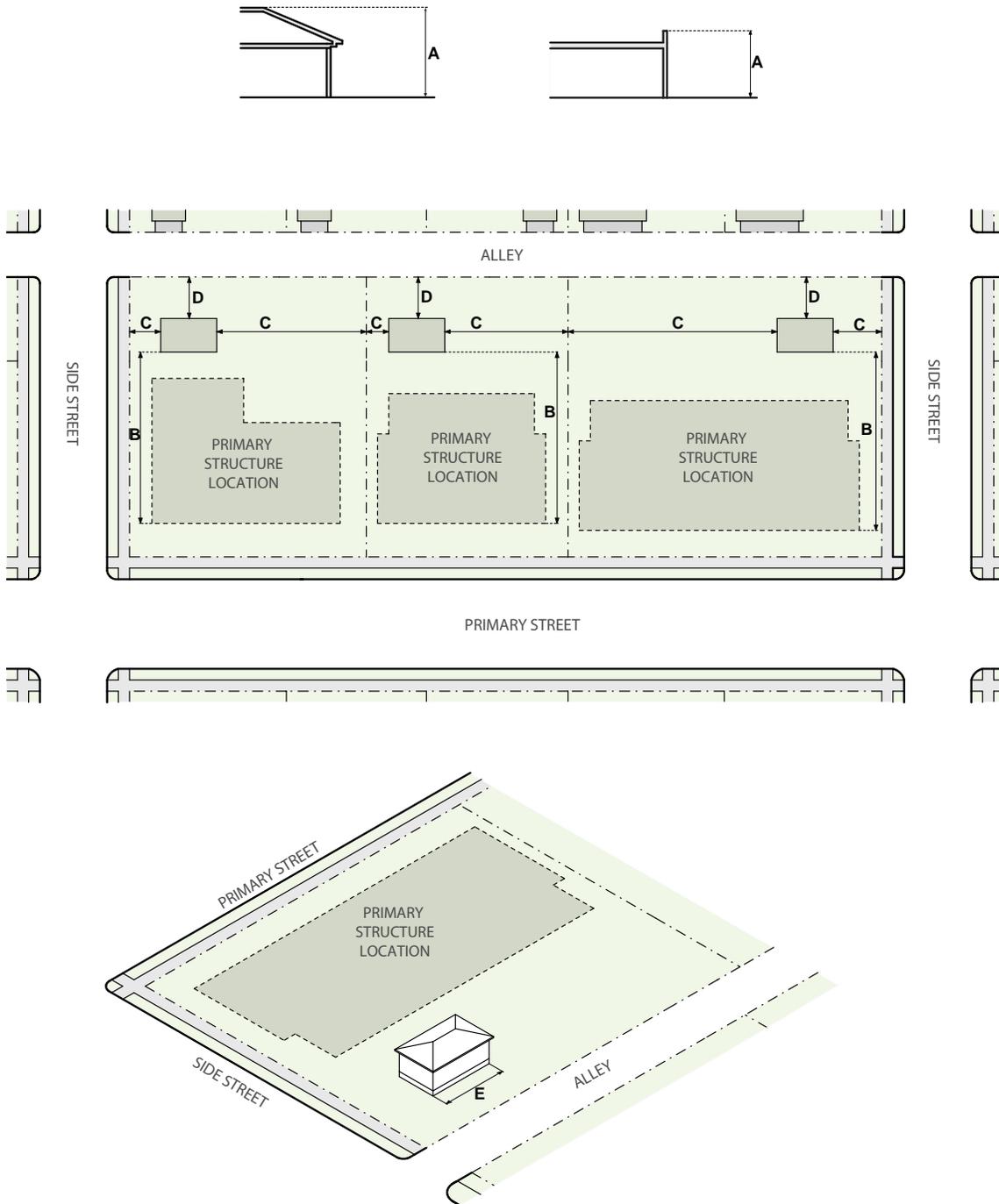
<u>Urban Center (C-) Neighborhood Context Zone Districts</u>		<u>Max Number of Detached Accessory Structures per Zone Lot</u>	<u>Building Forms</u>			
			<u>Detached Accessory Dwelling Unit</u>	<u>Detached Garage</u>	<u>Other Detached Accessory Structures</u>	<u>Detached Accessory Structures</u>
<u>Residential Mixed Use (RX)</u>	<u>C-RX-5, -8, -12</u>	no max*				■
<u>Mixed Use (MX)</u>	<u>C-MX-3, -5, -8, -12, -20</u>	no max				■
<u>Main Street (MS)</u>	<u>C-MS-5, -8, -12</u>	no max				■
<u>Cherry Creek North</u>	<u>C-CCN</u>	See Sec. 7.2.65 for Standards Applicable in the C-CCN District				

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

7.3.4.5 District Specific Standards

A. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

HEIGHT		All C-MX, C-RX, C-MS
A	Stories (max)	1
A	Feet (max)	17'

SITING		All C-MX, C-RX, C-MS
ZONE LOT		
	Permitted Uses	Accessory Uses Only
	Allowed Number of Dwelling Units (min/max)	0/0
	Additional Standards	See Sections 7.3.4.34 and 7.3.4.5

SETBACKS		
B	<u>Front Setback (min), from primary structure façade</u> <u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'
C	Side Interior and Side Street (min)	5'
D	Rear (min)	5'
	Rear Setback, when garage doors face alley	5'

DESIGN ELEMENTS		All C-MX, C-RX, C-MS
BUILDING CONFIGURATION		
	Building Footprint (max)	1,000 ft ²
E	Horizontal Dimension (max)	36'
	<u>See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>	

SECTION 7.3.5 SUPPLEMENTAL DESIGN STANDARDS

7.3.5.1 Courtyard

- A. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:
 - 1. No more than one-half story above or below grade at the zone lot line adjoining the primary street; may be on the structure;
 - 2. Visually and physically accessible from the primary street; may be secured for private use;
 - 3. Open to the sky; and
 - 4. Bounded on not less than 3 sides with connected building facades.
- B. The Courtyard area may be used for any of the following:
 - 1. Single or multiple entries to uses within the building;
 - 2. Public or private landscaped area;
 - 3. Outdoor seating area; or
 - 4. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, or integrally colored concrete with a module of not more than 4 feet.

7.3.5.2 Pedestrian Access

A. Entrance:

Where required in Urban Center Neighborhood Context Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

- 1. Door - An entrance on the same plane as the building facade.
- 2. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
- 3. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets

SECTION 7.3.6 DESIGN STANDARD ALTERNATIVES

7.3.6.1 Required Build-To Alternatives

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions:
 - a. Decorative and/or structural piers may exceed the allowable height range
 - b. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division
 - c. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"
2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Article 10.

B. Pergola

In all Urban Center Neighborhood Context Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

1. Pergola structure shall be no less than 24" deep as measured perpendicular to the property line.
2. Pergola structure shall maintain at least 8' clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6" vertical dimension.
4. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15' on center.
5. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42" and 84" above grade.
6. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports.

C. Arcades

In all Urban Center Neighborhood Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than two stories in height,
2. The exterior face of the arcade column line is within the build-to zone,
3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns

6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

7.3.6.2 Ground Story Activation Alternatives

A. Transparency Alternatives

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. If used in combination, in the C-MX and C-RX Zone Districts, the alternatives may count toward no more than 80% of the transparency requirement. In the C-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street and/or Primary Street B transparency requirement, provided the entirety (100%) of the length and height of the wall is considered. In the C-MS Zone Districts, the alternatives may count toward no more than 50% of the Primary and/or Side Street transparency requirement.

1. Windows Outside the Zone of Transparency

Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features, when located within the required zone of transparency, may count toward no more than 40% of the transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines.

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward no more than 50% of Primary Street and 50% of Side Street transparency requirements. In the C-MX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the entirety (100%) of the length and height of the wall is considered. Wall designs must provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"
- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls
- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Eating/Serving Areas

Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward no more than 60% of the transparency requirement. Accessory outdoor eating/serving areas located between the building and Side Street zone lot line may count toward no more than 80% of the transparency requirement.

5. Permanent Art

Non-commercial art or graphic design may count toward a maximum of 40% of the transparency requirement, provided such art or design complies with all of the following standards:

- a. Of sufficient scale and orientation to be perceived from the public right of way;

- b. Rendered in materials or media appropriate to an exterior, urban environment; and
- c. Permanently integrated into the building wall.

B. Entrance Alternative

In all C-MX and C-RX Zone Districts, excluding the Row House building form, an alternative to an Entrance is permitted. The Entrance Alternative shall provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building. An Entrance Alternative shall be one of the following:

- 1. Courtyard or Plaza
 - a. Shall be accessible to public during business hours
 - b. Shall be within 2' of grade at edge of public right-of-way
 - c. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.
 - d. Maximum dimension shall not exceed 3 times the minimum dimension
 - e. Required public Entrance shall be visible from the public right-of-way.
 - f. Perimeter walls of court or plaza shall meet primary facade transparency standards.
- 2. Covered Walkway
 - a. Arcades or Pergola/Trellis that meet the following:
 - ii. Shall be accessible to public during business hours
 - iii. Shall provide continuous covered access to required Entrance from the public right-of-way
 - iv. Required public Entrance shall be visible from the public right-of-way

SECTION 7.3.7 DESIGN STANDARD EXCEPTIONS

7.3.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- D. Flush-mounted solar panels, as defined in ~~this~~ Article 13, may exceed the maximum permitted height of a building.

7.3.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

7.3.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

7.3.7.4 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwall porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed
Access ramps for the handicapped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.5.6 (Site Grading Standards) and Section 10.4.5.2 10.5.6 (Retaining Walls General Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line		Any distance for any width, provided the provisions of Division 10.5.6 (Site Grading Standards) and Section 10.4.5.2 10.5.6 (Retaining Walls General Requirements) are met
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)
		PRIMARY STREET UPPER STORY SETBACK
Terraces at the level of the upper story setback	All -MS- districts	20'
Unwalled balconies	All -MS- districts	10'
Flush mounted solar panels	All -MS- districts	any distance

SECTION 7.3.8 REFERENCE TO OTHER DESIGN STANDARDS

7.3.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Fences, Walls and Screening: Division 10.5
- C. Site Grading: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

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DIVISION 7.4 USES AND REQUIRED MINIMUM PARKING

SECTION 7.4.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

- 7.4.1.1 ~~This Division 7.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Urban Center Neighborhood Context Zone Districts.~~
- 7.4.1.2 ~~Unlisted Uses~~—Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses: **(moved here)**
- 7.4.1.3 ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Urban Center Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 7.4.2 ~~ORGANIZATION – SUMMARY USE AND PARKING TABLE~~

7.4.2.1 Organized by Primary, Accessory and Temporary Uses

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

7.4.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

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

SECTION 7.4.3 EXPLANATION OF TABLE ABBREVIATIONS

7.4.3.1 General Explanation of Table Cell Entries

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

7.4.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

Applicable Use Limitations

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

7.4.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure

applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE” for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 7.4.4 ~~DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS~~

KEY: 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 *
 = Need Not be Enclosed

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)	C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN	APPLICABLE USE LIMITATIONS AND STANDARDS
RESIDENTIAL PRIMARY USE CLASSIFICATION						
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	L-ZP	\$7.4. 75 .1
	Dwelling, Two Unit • Vehicle: 0.75/unit	P-ZP	P-ZP	P-ZP	L-ZP	\$7.4. 75 .2
	Dwelling, Multi-Unit • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	L-ZP	\$7.4. 75 .3
	Dwelling, Mixed Use • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	L-ZP	\$7.4. 75 .4
	Dwelling, Live / Work • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	L-ZP	L-ZP	L-ZP	L-ZP	\$7.4. 75 .5; §11.2.3
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	NP	
	Community Correctional Facility	NP	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP	
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP	
	Residential Care Use, Small or Large • Vehicle: .No requirement • Bicycle: 1/10 units (50/50)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.2. 45
	Shelter for the Homeless • Vehicle: .No requirement • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2. 56
	Student Housing • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION						
Basic Utilities	Utility, Major Impact* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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ZPIN = Subject to Zoning Permit Review with Informational Notice ZPSE = Subject to Zoning Permit with Special Exception Review *
= Need Not be Enclosed

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 AND STANDARDS
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN	
Community/ Public Services	Community Center • Vehicle: No requirement • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA(20/80)	NP	P-ZP	P-ZP	NP	
	Public Safety Facility • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
	Hospital	NP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	
Cultural/Special Purpose/Pub- lic Parks & Open Space	Cemetery	NP	NP	NP	NP	
	Library • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	P-ZP	P-ZP	P-ZP	
	City Park • No Parking Requirements	NP	NP	NP	NP	
	Open Space - Recreation • Vehicle: .No requirement • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle- Elementary: 1/1,000 ft ² GFA • Bicycle-Elementary: 1/ 10,000 ft ² GFA (0/100) • Vehicle- Secondary: 1/1,000 ft ² GFA • Bicycle: 1/ 5,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6
	University or College • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6; §11.3.7
	Vocational or Professional School • Vehicle: 1/ 1,000 ft ² GFA • Bicycle: 1/ 10,000 ft ² GFA (0/100)	NP	L-ZP	L-ZP	L-ZP	§ 11.3.6
Public and Religious As- sembly	All Types • Vehicle: No requirement • Bicycle: No requirement	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.8

KEY: 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 *
 = Need Not be Enclosed

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 AND STANDARDS
		C-RX-5 C-RX-8 C-RX-12	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	C-MS-5 C-MS-8 C-MS-12	C-CCN	
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION						
Adult Business	All Types	NP	NP	NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (20/80)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA(20/80)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		L-ZPIN	Not Applicable	Not Applicable	Not Applicable	§11.4.3
Parking of Vehicles	Parking, Garage • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	NP	NP	NP	P-ZP	
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2/ 1,000 ft ² GFA • Vehicle: 2.5/ 1,000 ft ² GFA • Bicycle: 1/1,500 ft ² GFA (0/100)	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.6
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 0.875/guest room or unit • Bicycle: 1/2 guest room or unit (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 0.5/ guest room or unit • Bicycle: 1/2 guest rooms or units (80/20)	NP	P-ZP	P-ZP	NP	
Office	Dental / Medical Office or Clinic • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (60/40)	L-ZP	L-ZP	L-ZP	L-ZP	§11.4.7
	Office, All Others • Vehicle: 1.25/ 1,000 ft ² GFA • Bicycle: 1/7,500 ft ² GFA (60/40)	P-ZP	P-ZP	P-ZP	P-ZP	

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

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INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION						
Communications and Information	Communication Services • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	P-ZP	P-ZPSE	P-ZP	P-ZP	§11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	NP	§11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	
	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	C-MX-8 only: L-ZP All other: NP	C-MS-8 only: L-ZP All other: NP	NP	§11.5.4
	Service/Repair, Commercial • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	NP	§11.5.5
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 ft ² GFA • Bicycle: No requirement	NP	L-ZPIN	NP	NP	§11.5.6; §11.5.7
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	§11.5.6
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	
	Sand or Gravel Quarry*	NP	NP	NP	NP	
	Wind Energy Conversion Systems* • No Parking Requirements	L-ZP	L-ZP	L-ZP	P-ZP	§11.5.8

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Transportation Facilities	Airport*	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* •No Parking Requirements	L-ZPIN	L-ZP	L-ZP NP	NP	§11.5.9
	Railroad Facilities*	NP	NP	NP	NP	
	Railway Right-of-Way* •No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Freight, Air Courier Services	NP	NP	NP	NP	
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	
	Recycling Collection Station	NP	NP	NP	NP	
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	
	Solid Waste Facility	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	
	Mini-storage Facility •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	NP	L-ZP	NP	NP	§11.5.11
	Vehicle Storage, Commercial*	NP	NP	NP	NP	
	Wholesale Trade or Storage, General	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light •Vehicle: .5 / 1,000 ft ² GFA •Bicycle: No requirement	NP	L-ZP/ <u>ZPIN</u> / ZPSE	L-ZP/ <u>ZPIN</u> / ZPSE	NP	§11.5.13
AGRICULTURE PRIMARY USE CLASSIFICATION						
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	
	Garden, Urban* •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	§11.6.1
	Greenhouse •Vehicle: .5/ 1,000 ft ² GFA •Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	
	Nursery, Plant*	NP	NP	NP	NP	

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ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION						
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts				§11.7; §11.8.1
	Accessory Dwelling Unit	L-ZP	L-ZP	L-ZP	L-ZP	§11.7; §11.8.2
	Domestic Employee	L	L	L	L	§11.7; §11.8.3
	Garden	L	L	L	L	§11.7; §11.8.4
	Greenhouse	L	L	L	L	§11.7; §11.8.5
	Keeping of Household Animals	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	L/L-ZPIN	§11.7; §11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	§11.7; §10.9
	Kennel or Exercise Run	L	L	L	L	§11.7; §11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	L	L	L	L	§11.7; §11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	NP	NP	NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use	NP	NP	NP	NP	
Vehicle Storage, Repair and Maintenance	NP	NP	NP	NP		
Yard and/or Garage Sales	L	L	L	L	§11.7; §11.8.10	
HOME OCCUPATION CLASSIFICATION						
Home Occupations	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.9; <u>§11.9.3</u>
(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Home Occupations , All <u>Other</u> Types	L-ZP	L-ZP	L-ZP	L-ZP	§11.9; <u>§11.9.4</u>
	<u>Unlisted Home Occupations</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>§11.9; §11.9.5</u>

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	C-MX-3 C-MX-5 C-MX-8 C-RX-5 C-MX-12 C-MS-5 C-RX-8 C-MX-16 C-MS-8 C-RX-12 C-MX-20 C-MS-12 C-CCN	APPLICABLE USE LIMITATIONS- AND - STANDARDS			
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 District			§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	NP	L	NP	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	NP	NP	NP	NP	
	Car Wash Bay Accessory to Automobile Services or Hotel Uses	NP	NP	NP	NP	
	College accessory to a Place for Religious Assembly	L	L	NP	NP	§11.7; §11.10.6
	Conference Facilities Accessory to Hotel Use	NP	L	L	NP	§11.7; §11.10.7
	Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses	NP	L-ZP	L-ZP	NP	§11.7; §11.10.8
	Garden	L	L	L	L	§11.7; §11.10.9
	Greenhouse	L	L	L	L	§11.7; §11.10.9
	<u>Nonresidential Uses in Existing Business Structures in Residential Zones - Accessory Uses</u>	<u>L</u>	<u>Not Applicable</u>			<u>§11.4.3</u>
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	§11.7; §11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.11
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.12
	Outdoor Retail Sale and Display*	NP	L-ZP	L-ZP	NP	§11.7; §10.8
	Outdoor Storage*	NP	NP	NP	NP	§11.7; §10.8
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	§11.10.13	

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USE CATEGORY	SPECIFIC USE TYPE • Vehicle Parking Reqmt: # spaces per unit of measurement • Bicycle Parking Reqmt : # spaces per unit of measurement (% Required Spaces in Enclosed Facility /% Required Spaces in Fixed Facility)	C-MX-3 C-MX-5 C-MX-8 C-RX-5 C-MX-12 C-MS-5 C-RX-8 C-MX-16 C-MS-8 C-RX-12 C-MX-20 C-MS-12 C-CCN	APPLICABLE USE LIMITATIONS AND STANDARDS			
TEMPORARY USE CLASSIFICATION						
Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Unlisted Temporary Uses	L - Applicable to all Zone Districts.		\$11.11.1		
	Ambulance Service - Temporary	L-ZP	NP	NP	L-ZP	\$11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	L	\$11.11.3
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.7
	Health Care Center	L-ZP	P-ZP	P-ZP	P-ZP	\$11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	
	Outdoor Retail Sales*	L-ZP	L-ZP	NP	L-ZP	\$11.11.11
	Outdoor Sales, Seasonal*	L-ZPIN	L-ZP	L-ZP	L-ZP	\$11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	\$11.11.13
	Retail Food Establishment, Mobile*	NP	L-ZP	NP	L-ZP	\$11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	NP	\$11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	NP	\$11.11.16
Tent for Religious Services	NP	NP	NP	NP		

SECTION 7.4.5 APPLICABLE USE LIMITATIONS ~~& STANDARDS~~

7.4.5.1 Dwelling, Single Unit

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

7.4.5.2 Dwelling, Two Unit

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

7.4.5.3 Dwelling, Multi-Unit

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

7.4.5.4 Dwelling, Mixed Use

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

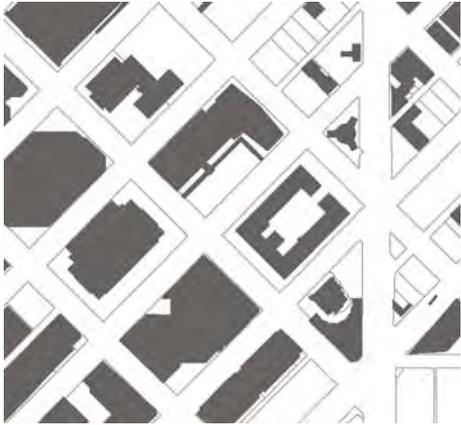
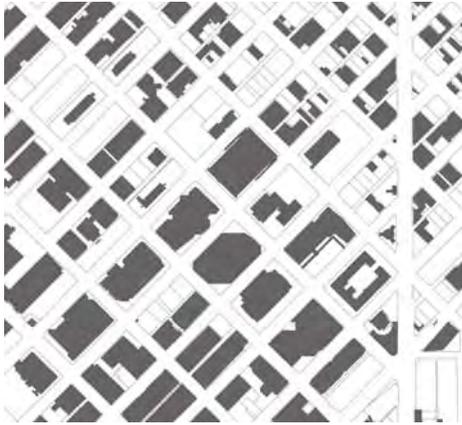
7.4.5.5 Dwelling, Live/Work

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

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ARTICLE 8. DOWNTOWN (D-) NEIGHBORHOOD CONTEXT



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DIVISION 8.1 NEIGHBORHOOD CONTEXT DESCRIPTION



SECTION 8.1.1 GENERAL CHARACTER

The Downtown context consists of a mix of multi-unit residential, commercial, office, civic, institutional, and entertainment uses in large buildings containing one or more uses. The Downtown Context is comprised of five distinct areas: Downtown/Downtown Theater District, Lower Downtown, Civic Center, Golden Triangle, and Arapahoe Square. Throughout the context, residential and nonresidential buildings tend to have similar forms, most often that of the Apartment or General Commercial Building Forms. Historic structures and districts (Lower Downtown, Downtown, Larimer Square, Civic Center, and Speer Boulevard) are important character defining features of the Downtown Context.

SECTION 8.1.2 STREET, BLOCK, AND ACCESS PATTERNS

The Downtown context consists of a regular pattern of block shapes. Orthogonal and diagonal streets provide connection through this context. Block sizes and shapes are consistent and include detached sidewalks, amenity zones or treelawns, and street, surface, and structured parking. Blocks where the two grids—downtown and directional—meet create a varied pattern of triangular lots. While historically most blocks contained alleys, some have been vacated to accommodate full-block developments.

SECTION 8.1.3 BUILDING ENTRANCES

Entrances to office and residential buildings tend to be directly from the public sidewalk into a lobby. Retail stores and restaurants are typically accessed from the public sidewalk. Parking garage and lot access varies. Larger garages are typically accessed from the street, while smaller facilities may be accessed from the alley.

SECTION 8.1.4 BUILDING PLACEMENT AND LOCATION:

Multi-unit buildings typically have consistent shallow front setbacks or build-to lines. Commercial buildings typically have build-to requirements forming a continuous building wall along the sidewalk.

SECTION 8.1.5 BUILDING HEIGHT

The Downtown Context contains the tallest buildings in the City with maximum heights ranging from unlimited in the core of Downtown to 55-85 feet in Lower Downtown and Larimer Square. Allowed heights transition from the core to adjacent, lower intensity contexts.

SECTION 8.1.6 MOBILITY

The highest priority is given to the pedestrian. The Downtown context is the center of the multi-modal transit system. Key elements of this system are: Denver Union Station as the hub of the regional transit system; 16th Street Mall Shuttle, light rail on downtown streets; local, regional and express bus service; bike lanes and access to the Platte River and Cherry Creek Greenway trails; and detached sidewalks on every street.

DIVISION 8.2 DISTRICTS (D-C, D-TD, D-LD, D-CV, D-MX)

SECTION 8.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following Zone Districts have been established in the Downtown Context and are applied to property as set forth on the Official Map.

DOWNTOWN NEIGHBORHOOD CONTEXT	
D-C	Core District
D-TD	Theater District
D-LD	Lower Downtown (LoDo) District
D-CV	Civic District
D-GT	Golden Triangle District
D-AS	Arapahoe Square District

SECTION 8.2.2 DOWNTOWN DISTRICTS

8.2.2.1 General Purpose

The purpose of the Downtown Neighborhood Context Districts is to provide building use, building form, and design standards for this central Denver area. Each of the Downtown Districts is specific to and uniquely applies to a single area within the Downtown Context.

8.2.2.2 Specific Intent

A. Downtown Core District (D-C)

The Downtown Core District is and must remain Denver’s most prominent public environment; an urban center that is at once comfortable, exciting, and without question the business, entertainment and urban lifestyle center of the region.

B. Downtown Theater District (D-TD)

The Downtown Theater District is specific to an area of the Central Business District associated with the Denver Performing Arts Center, and which specifically enables over-scale, lively, and dynamic billboards and signage to promote Denver’s preeminent entertainment district.

C. Lower Downtown (LoDo) District (D-LD)

The Lower Downtown District is specific to the Lower Downtown Historic District.

D. Downtown Civic District (D-CV)

The Downtown Civic District includes primarily public buildings surrounding and in the vicinity of the Civic Center park, and is intended to promote and continue the signature civic architecture and urban design of buildings and public spaces within the district.

E. Downtown Golden Triangle District (D-GT)

The Golden Triangle (D-GT) is a neighborhood with a mixture of housing, office, commercial, and retail. It is a neighborhood of active pedestrian-oriented streets and mixed-use development. Historic buildings as well as contemporary structures designed with human scale and detail are a part of the district’s unique character.

F. Downtown Arapahoe Square District (D-AS)

The Arapahoe Square (D-AS) neighborhood is in a position to knit northeast downtown into a cohesive urban area. D-AS is intended to support a mix of uses that provide a pedestrian friendly transition from the surrounding lower scale neighborhoods to the high-rise scale of downtown.

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DIVISION 8.3 DOWNTOWN CORE AND DOWNTOWN THEATER DISTRICTS (D-C, D-TD)

SECTION 8.3.1 DOWNTOWN CORE AND DOWNTOWN THEATER DISTRICTS

8.3.1.1 Generally

The provisions of this Division apply to all lands, uses and structures in the Downtown Core and Downtown Theater districts.

8.3.1.2 Uses Allowed

See Division 8.9 for allowed uses in the Downtown Core and Downtown Theater Districts.

8.3.1.3 Required Pedestrian-Active Ground Floor Uses

In portions of new buildings and outdoor areas along or within 30 feet of the 16th Street pedestrian and transit mall, and in portions of existing buildings and outdoor areas within 30 feet of the 16th Street pedestrian and transit mall that are renovated and where the renovation includes all or a part of the leasable ground floor areas of the building, at least 65 percent of the linear frontage of the property along the 16th Street pedestrian and transit mall shall be occupied by pedestrian-active uses.

8.3.1.4 Permitted Structures

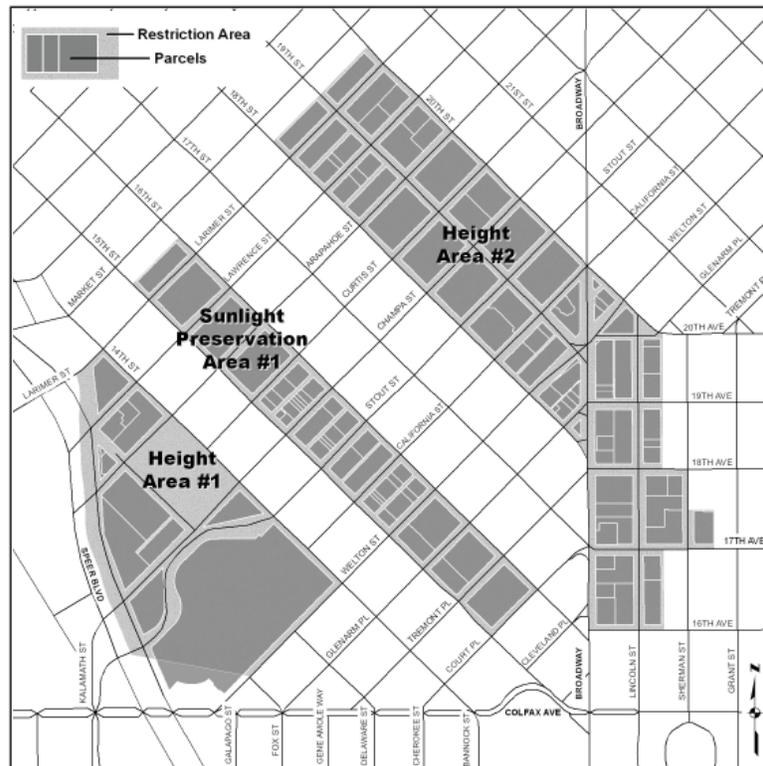
A. Open Space Required

For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling, there shall be provided a minimum of 30 square feet of unobstructed open space for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies, but shall not include space provided for off-street parking; provided however such requirement shall not apply to any structure converted from nonresidential to residential uses.

B. Minimum and Maximum Heights

- 1. Minimum Heights:** The minimum height of structures shall be 2 stories or 30 feet.
- 2. Maximum Heights:** The maximum heights of buildings are not limited except in the following height areas as shown on Exhibit 8.1:
 - a. Sunlight Preservation Area 1: See Subsection 8.3.1.4.C. below.
 - b. Height Area 2: 400 feet
 - c. Height Area 3: 200 feet

Exhibit 8.1 Maximum Height



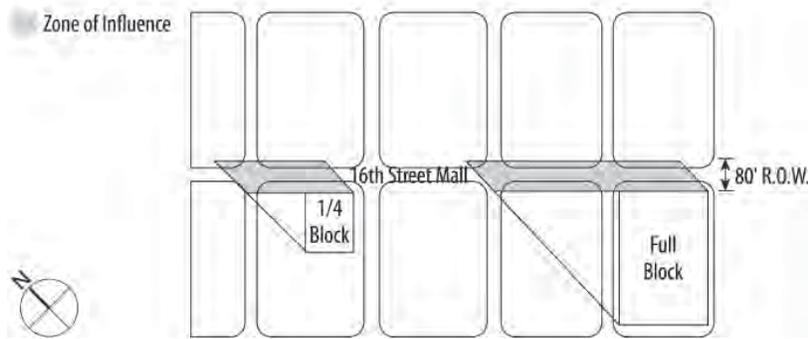
C. Sunlight Preservation Area 1

1. Definitions

For purposes of this provision only, the following definitions shall apply:

- a. "Zone of influence" shall mean that portion of the public right-of-way of the 16th Street pedestrian and transit mall lying between 2 lines extended due north from the easternmost and westernmost points of a zone lot located between 15th and 16th Streets, regardless of whether or not such zone lot extends across a public alley. If a zone lot extends across a public street right-of-way, then a separate zone of influence shall be established for each part of the property separated by a public street right-of-way. The 16th Street pedestrian and transit mall is 80 feet wide.
- b. "Project zone of influence" shall mean the zone of influence for the proposed structure or project.
- c. "Overlapping zone of influence" shall mean any zone of influence that overlaps all or a portion of the project zone of influence, regardless of whether or not such zone of influence is related to a zone lot that is (i) adjacent to the project zone lot or (ii) located within this Sunlight Preservation Area 1.

Illustration of Project Zone of Influence



- d. “Excluded zone of influence” shall mean a zone of influence for a zone lot where the maximum permitted gross floor area from all sources except sunlight bonuses could not at any point exceed the height of a plane originating at the southwest right-of-way of the 16th Street pedestrian and transit mall and rising over the property southwesterly at an angle of 60 degrees from the horizontal.
- e. “Test time” shall mean 1:00 p.m., Mountain Daylight Time, on September 21.
- f. “Minimum required amount” shall mean:
 - i. For a zone lot of more than 15,000 square feet: 0.3
 - ii. For a zone lot of 15,000 square feet or less: 0.2

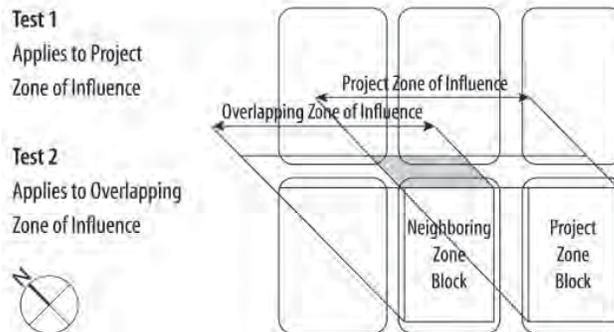
2. Sunlight Preservation on the 16th Street Pedestrian and Transit Mall

No structure or multiple structure project shall be constructed unless it complies with Subsection a. below or is otherwise permitted under Subsection b. below or the project zone of influence is an excluded zone of influence.

a. Minimum sunlight preservation requirement.

- i. **Test 1.** All structures and projects shall be designed so that, after their construction, at least the minimum required amount of each project zone of influence shall remain in sunlight at the test time; and
- ii. **Test 2.** All structures and projects located on zone lots of more than 15,000 square feet shall be designed so that at least the minimum required amount of each overlapping zone of influence that extends further west and/or further east than the project zone of influence shall remain in sunlight at the test time.

Illustration of Test 1 and Test 2



b. Inability to meet minimum requirements

i. Inability to meet Test 1

- a) If, prior to the proposed construction, less than the minimum required amount of each project zone of influence remains in sunlight at the test time, then the requirements of Test 1 above shall not apply to such project zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such project zone of influence; or
- b) If the proposed structure or project is located on a zone lot of 53,000 square feet or more and, prior to the proposed construction, less than 42 percent of each project zone of influence remains in sunlight at the test time, and the proposed structure or project does not cast any shadow at the test time that exceeds a length of 225 feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, then the minimum required amount of sunlight under Test 1 shall be reduced as required to accommodate the proposed structure or project, but not below a minimum of 18 percent.

In such case, the basic sunlight premium set forth in Subsection 8.3.1.4.C.3.a. below shall still apply, but additional sunlight premiums set forth in Subsection 8.3.1.4.C.3.b. below shall not apply.

ii. Inability to meet Test 2 on one (1) side. If a proposed structure or project on a zone lot of more than 15,000 square feet meets Test 1, but prior to the proposed construction less than the minimum required amount of any overlapping zone of influence remains in sunlight at the test time, then the requirements of Test 2 above shall not apply to such overlapping zone of influence, but the proposed structure or project shall not be permitted to cast additional shadows within such overlapping zone of influence.

iii. Inability to meet Test 2 on both sides. If a proposed structure or project on a zone lot of more than 15,000 square feet meets Test 1 and does not cast any shadow at the test time that exceeds a length of 225 feet measured along the south right-of-way line of the 16th Street pedestrian and transit mall, but does not meet Test 2 for overlapping zones of influence extending both east and west of the project zone of influence, then the requirements of Test 2 shall be reduced within such overlapping zones of influence to the degree necessary to accommodate such proposed structure or project, provided, however, that under no circumstances shall such requirements be reduced to a point where:

- a) The resulting area of sunlight within any single overlapping zone of influence is less than 15 percent; or
- b) The resulting area of sunlight within that portion of the 16th Street pedestrian and transit mall lying between lines extended due north from the easternmost point of any overlapping zone of influence and from the westernmost point of any overlapping zone of influence is less than 18 percent.

3. Premium for Sunlight Preservation

A new structure or multiple structure project that complies with the requirements of this Section shall receive floor area premiums as set forth below:

a. Basic sunlight premium

All such structures or multiple structure projects shall receive a floor area premium equal to one (1) times the size of the zone lot.

b. Additional sunlight premium

Such structures or multiple structure projects may receive additional floor area premiums based on the amount of sunlight preserved at the test time. The amount of the additional sunlight premium shall be calculated for each project zone of influence based on the following formula:

$$Y = 6 - (.06 \times X)$$

Y: is the amount of additional sunlight premium, measured as a fraction or multiple of the size of the project zone lot; and

$$X = A / (B \times C - D)$$

where:

“A” is the area of additional shadow to be cast by the proposed structure or project within the project zone of influence;

“B” is .70 where the project zone lot is more than 12,500 square feet; and .80 where the project zone lot is 12,500 square feet or less;

“C” is the area of the project zone of influence; and

“D” is the area of preexisting shadows in the project zone of influence.

c. Exceptions

Notwithstanding Subsections a. and b. above, no such floor area premiums shall be available for any proposed structure or project whose project zone of influence is an excluded zone of influence.

D. Maximum Gross Floor Area in Structures

1. Basic Maximum Gross Floor Area

The sum total of the gross floor area of all structures on a zone lot shall not be greater than 10 times the area of the zone lot on which the structures are located (FAR = 10.0).

2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under paragraph D.1. above, a premium of additional floor area may be constructed under the following circumstances, provided, however, that: (i) no use of the premiums described in those Subsections c. through f. below, either alone or in combination with one another, shall cause the maximum gross floor area on any zone lot to be increased by more than 2 times the size of such zone lot; and (ii) any area for which a premium has been granted pursuant to Subsections a. or c. below shall continue to be occupied by the use which originally earned the premium, or by other uses that would earn at least an equal amount of premium space.

a. Premium for Housing

- i. Two square feet for each square foot of housing constructed in a new building, or through conversion of all or a part of an existing building from other uses.
- ii. In addition, applicants may receive floor area premiums in return for cash contributions to the housing special revenue fund (Fund/Org. No. 1150-6330) to be used to create additional housing units within the Downtown Core or Downtown Theater Zone Districts. Such cash-in-lieu fee or fees shall be based on the standard that a floor area premium of 2 square feet shall be available in return for each contribution equal to the average cost of creating one additional square foot of downtown housing. Community Planning and Development is hereby granted authority:

- a) To adopt and to revise rules and regulations setting a cash-in-lieu fee or fees which, if contributed to such fund, would earn floor area premiums; and
 - b) To determine whether such fee or fees shall be based on the average cost of constructing new housing units or the average cost of creating a new housing unit through conversion of an existing building from nonresidential uses; and
 - c) To determine whether such fee or fees shall be based on the cost of creating new market rate housing units or new affordable housing units; and
 - d) To determine whether such fee or fees shall be based on a per square foot or per unit basis.
- iii. Such cash-in-lieu fee or fees shall be reviewed, and if necessary revised, at least once every three years following their initial adoption. No such rule or regulation shall be effective unless and until adopted pursuant to article VI, chapter 2 of the Revised Municipal Code.
- b. Premium for Rehabilitation of Historic Structure**
Premium for rehabilitation of a structure designated for preservation pursuant to Chapter 30 of the Denver Revised Municipal Code. Four square feet for each square foot of a structure designated for preservation or contributing structure in a district for preservation pursuant to Chapter 30 of the Denver Revised Municipal Code is rehabilitated (i) to the U.S. Secretary of the Interior's standards for historic preservation, (ii) to the standards of the landmark preservation commission. To qualify, the rehabilitation must include the exterior and interior of the building.
- c. Premium for Pedestrian Active and Residential Support Facilities**
Four square feet for each square foot of space to be occupied by one of the following constructed in a new building, or through conversion of all or a part of an existing building from other uses:
- i. Ground floor area constructed as a pedestrian-active facility, as defined in Article 13 of this Code, so long as this floor area has not been excluded in Section 8.3.1.4.D.3.e.iv.b) below.
 - ii. Ground floor or second floor area to be occupied by a food sales or market use or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center for children constructed to at least the minimum licensing standards of the Department of Environmental Health.
- d. Premium for Supporting Mass Transit Facilities**
Three square feet for each square foot of land dedicated for a light rail station integrated into a new or existing building. An integrated station is one in which the building extends over all or part of a light rail facility and the station is constructed as part of the new building or a renovation of the existing building.
- e. Premium for Outdoor Art**
A floor area premium equal to 25 percent of the zone lot area if, in connection with the construction of a new building or the renovation of an existing building, public art costing at least (i) one percent of the cost of the new building or one percent of the cost of the building renovation, as reflected in approved building permits, or (ii) \$500,000.00, whichever is smaller, is placed outside or on the exterior surface of such new or renovated building where it is visible from at least one public street.

- f. **Premium for Underground Parking**
A floor area premium equal to one and one-half square feet for each square foot of underground parking provided under a new building, provided, however, that no premium shall be earned for the first level of underground parking.
- g. **Premium for Moderately Priced Dwelling Units**
A floor area premium equal to the zone lot area if the structure qualifies under the provisions of D.R.M.C., Article IV, Chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses.

3. Transfer of Undeveloped Floor Area

In addition to the two types of floor area permitted by Sections 8.3.1.4.D.1-2 above, a certain amount of floor area may be constructed by using undeveloped floor area. Undeveloped floor area shall be created, transferred and administered as set forth herein. Undeveloped floor area may be certified for transfer at any time and any undeveloped floor area certified prior to June 25, 2010 shall remain valid, however any such certified floor area may be amended.

- a. **Calculation of Undeveloped Floor Area**
In the case of undeveloped floor area defined in Section 8.3.1.4.D above, the amount of undeveloped floor area available for transfer from each structure shall be equal to one times the size of the zone lot on which such structure is located, plus the difference between a) the gross floor area in the structure, and b) the maximum gross floor area permitted on the zone lot containing the structure pursuant to Sections 8.3.1.4.D.1-2 above.
- b. **Evidence of Title**
The Zoning Administrator shall not issue a zoning permit with respect to the property on which floor area is to be constructed using undeveloped floor area (“receiving property”) unless the owners of the receiving property furnish evidence to the Zoning Administrator of their title to the undeveloped floor area acquired. Such evidence may be a current title commitment, a current endorsement to a prior title policy or other acceptable evidence of title including an opinion of counsel.
- c. **Limitation On Use**
No receiving property shall be enlarged by more than 6 times the area of the zone lot through one or more applications of this procedure.
- d. **Procedures**
Undeveloped floor area shall be administered according to the following procedures:
 - i. Applications for certification of undeveloped floor area shall be submitted for a contiguous parcel of land in common ownership, by or with the written consent of the owners of the included property, in triplicate, and shall include:
 - a) The names and signatures of all owners and security interest holders of the property included in the application;
 - b) The names of the owners to be designated as owners on the certificate applied for;
 - c) A legal description of the included property;
 - d) A current endorsement by a title insurance company to the owners’ title policy covering such legal description or other acceptable evidence of title including an opinion of counsel;
 - e) A survey of the included property;
 - f) A certificate of a licensed engineer or architect as to the gross floor area of all structures to be included in the calculation of undeveloped floor

- area and a copy of the ordinance designating the property for preservation or including the property in a district for preservation;
- g) Satisfactory evidence that each structure to be included in the calculation of undeveloped floor area is utilized by a use by right and that the exterior has been renovated or restored to the U.S. Secretary of the Interior's standards for historic preservation or to the standards of the landmark preservation commission;
 - h) In the case of undeveloped floor area defined in Section 8.3.1.4.D.2.b., above, satisfactory evidence that the exterior and interior of the structure has been rehabilitated to the U.S. Secretary of the Interior's standards for historic preservation or to the standards of the landmark preservation commission; and
 - i) Such other information as the Zoning Administrator may reasonably require.
- ii. Applications shall be filed with the Zoning Administrator together with a \$1,500 filing fee. Upon filing, the Zoning Administrator shall deny the application if it is incomplete. If the application is complete, the Zoning Administrator shall forward one copy to the planning board and one copy to the landmark preservation commission, and promptly shall grant the application or grant the application with conditions if it complies with Subsection i. above, but otherwise shall deny the application. All actions of the Zoning Administrator in denying the application shall be without prejudice to the owners to resubmit additional applications respecting the same zone lot. If an amended application covering the same property is made within 90 days after denial by the Zoning Administrator, no additional filing fee shall be required.
 - iii. If the application is granted, the Zoning Administrator shall issue a certificate of undeveloped floor area in the following form:

CERTIFICATE OF UNDEVELOPED AREA

(Applicants-Owners)

(Address)

having filed an application for Certification of Undeveloped Floor Area according to Section 8.3.1.4.D.3 of the Revised Municipal Code of the City and County of Denver, as amended, and the Zoning Administrator having granted such application, certifies and grants as follows:

1. The legal description of the property referred to in the application is:

The future development of this property is physically limited as a result of this certification.

2. The Applicants are hereby determined to have _____ square feet of Undeveloped Floor Area as a result of the above described property.

3. Subsequent transfers of Undeveloped Floor Area are subject to the provisions of Section 8.3.1.4.D.3. and shall be effectuated in the same manner as transfers of real property.

DATED: _____
CITY AND COUNTY OF DENVER
By Zoning Administrator

By

(STATE OF COLORADO)

City and County (of Denver) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____,
by _____, Zoning Administrator of the City and County of Denver, Colorado.
Witness my hand and official seal.

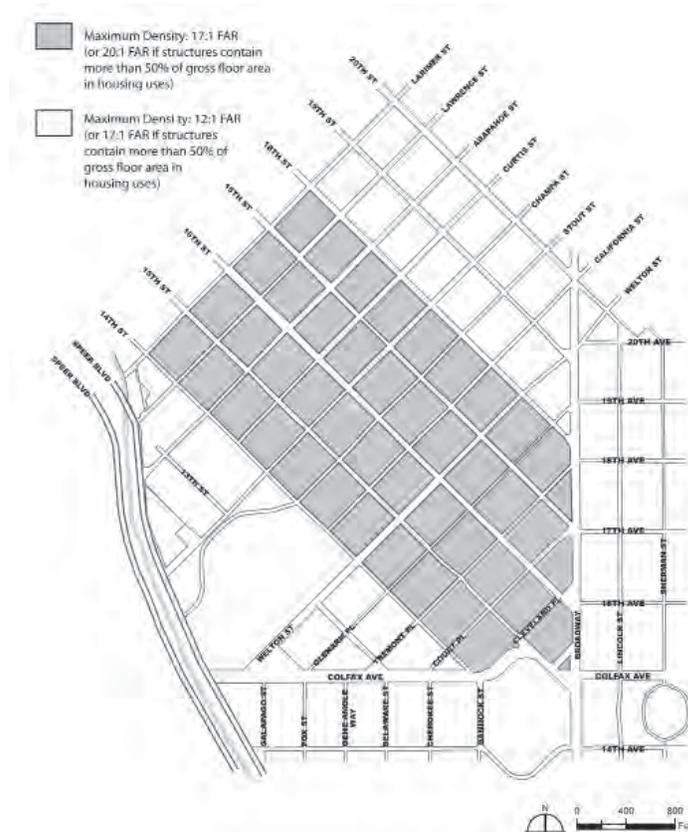
My commission expires:

Notary Public
(NOTARY SEAL)

- iv. The original certificate of undeveloped floor area shall be recorded by the Zoning Administrator in the office of the clerk and recorder of the City and County of Denver and State of Colorado. When the certificate has been recorded, it shall be filed with the Zoning Administrator. A copy of the certificate shall be given to the applicant.
 - v. Upon the issuance of a certificate of undeveloped floor area by the Zoning Administrator, undeveloped floor area shall be created and shall be an independent right in the owner to whom the certificate is issued and may be transferred. Such transfer need not be made appurtenant to another zone lot until a permit is requested using the undeveloped floor area.
 - vi. If the structure is partially or completely destroyed after a certificate of undeveloped floor area has been issued, no new structure shall be built exceeding the floor area of the former structure unless undeveloped floor area is acquired or through a combining of zone lots or other transfer procedures.
 - vii. Until such time as undeveloped floor area is made appurtenant to another zone lot, and upon the payment of a \$75.00 fee, the holder of one or more certificates of undeveloped floor area may surrender such certificate or certificates to the Zoning Administrator and request the issuance of one or more replacement certificates reflecting the division of such undeveloped floor area into smaller units for transfer or the combination of such undeveloped floor area into larger units for transfer, provided that the total amount of all undeveloped floor area represented by the applicant's certificates does not exceed the total amount of undeveloped floor area represented by the surrendered certificates.
- e. Transfer Requirements**
- Undeveloped floor area shall be transferred to and made appurtenant to another zone lot according to the following requirements:
- i. The instrument of conveyance shall identify the undeveloped floor area transferred by amount, the zone lot creating the undeveloped floor area and certification date and be signed by both the transferrer and the transferees.
 - ii. The instrument of conveyance shall legally describe the receiving property which shall be in the Downtown Core or Downtown Theater Zone Districts.
 - iii. No subsequent transfer of undeveloped floor area made appurtenant to another zone lot shall become effective until approved by the Zoning Administrator upon a finding that no construction using the undeveloped floor area has occurred, and any permit authorizing the use of undeveloped floor area has been canceled. Such approval shall be applied for by the owners of the receiving property by written application accompanied by a filing fee of \$1,500.00 and supported by all information necessary to justify approval by the Zoning Administrator.
 - iv. Final maximum gross floor area.
 - a) Limits for designated areas.
Notwithstanding Section 8.3.1.4.D.1-3 above, the final maximum gross floor areas that may be constructed on zone lots shall be limited as described below and shown on Exhibit 8.2:
 1. For structures located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Market Street-Larimer Street alley: (i) A floor area ratio of 17:1; or (ii) If structures contain over 50 percent of their gross floor area in housing uses, then a floor area ratio of 20:1.
 2. For structures located in other areas:

- (i) A floor area ratio of 12:1; or
- (ii) If structures contain over 50 percent of their gross floor area in housing uses, then a floor area ratio of 17:1.

Exhibit 8.2 Maximum Gross Floor Area



- b) Floor area excluded from calculations.
Gross floor area occupied by pedestrian active uses (i) which would qualify for a floor area premium pursuant to Section 8.3.1.4.D.2.c, but (ii) for which a floor area premium is not granted because of the restrictions in Section 8.3.1.4.D.2 above limiting the total amount of floor area premiums that may be granted, shall be excluded from the calculation of the gross floor area of a structure or project. Any floor area so excluded from the calculation of gross floor area shall continue to be occupied by pedestrian active uses.

8.3.1.5 Off-Street Parking Requirements

A. Applicable Standards

The general off-street parking standards in Division 10.4 of this Code shall apply in the D-C and D-TD and D-CV Zone Districts, except where the standards stated in this Section 8.3.1.5 conflict, in which case the standards in this Section 8.3.1.5 shall apply.

B. Amount of Parking Spaces Required

1. There shall be no minimum off-street parking requirement for any use in the D-C or D-TD or D-CV Zone Districts.
2. Parking spaces provided in a parking structure to serve office uses in the D-C or D-TD or D-CV Zone Districts shall comply with the use limitations ~~and standards~~ applicable to a “parking, garage” use stated in Section ~~8-9.7.3.A.211.4.4.1~~.

C. Accessible Parking

Whenever off-street parking spaces are provided, a minimum number of accessible parking spaces shall be provided according to the requirements of the Denver Building Code and the federal Americans with Disabilities Act.

D. Bicycle Parking

The following standard shall apply instead of the general bicycle parking standards in Article 10, Division 10.4, Parking and Loading, ~~of this Code~~.

1. All new parking structures shall contain at least 1 designated bicycle parking space for each 20 automobile parking spaces, provided, however, that in no event shall any new parking structure be required to contain more than 50 bicycle parking spaces.

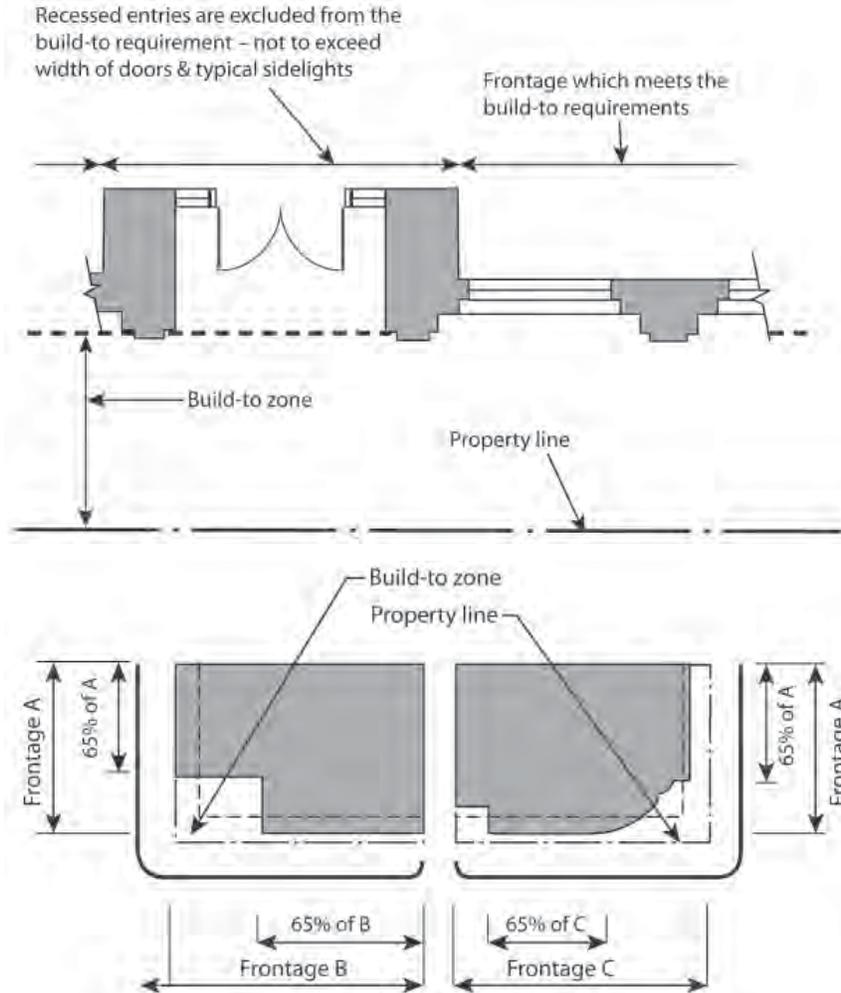
8.3.1.6 Design Requirements

A. Pedestrian-Active Street Frontages

1. New buildings or renovations of existing buildings in which the renovation includes all or part of the leasable ground floor areas of the building shall be designed and constructed to accommodate pedestrian active uses for at least 65 percent of the linear frontage along the following streets: 16th Street pedestrian and transit mall, Larimer Street, Curtis Street, Tremont Place, Cleveland Place, and any light rail line operating in a street or fixed-guideway transit line operating in a street.
2. Street-facing ground floors of new buildings on named or numbered streets not included in the paragraph above shall provide 60 to 90 percent transparency as measured from floor to floor for at least 65 percent of the linear frontage of the building,
3. In all cases, transparent glass shall possess a minimum .65 light transmission factor.

B. Minimum Build-to Requirements

1. *From the Southwest side of 14th Street to the Northwest side of 18th Street, and from Broadway and Colfax to the Larimer/Market Street alley:* Buildings shall be built-to or within 10 feet of the property line adjoining the street for no less than 60% of each separately owned zone lot frontage, except along the Southwest side of the 16th Street Mall where the build-to zone shall be increased to 20 feet.
2. *In the areas northeast and southwest of the area noted above in Subsection B.1,* buildings shall be built to within 10 feet of the property line adjoining the street for no less than 50% of each separately owned zone lot frontage.



C. Exposure to the Sky

In order to allow reasonable levels of natural light to reach street level, while also promoting strong definition of the street space, all new structures located on zone lots containing more than 15,000 square feet shall provide at least 15 percent sky exposure as measured from each adjacent public street. All sky exposure measurements shall be calculated using a Waldram diagram.

D. Ground Floors of Parking Structures

Each primary use or accessory use parking structure constructed after October 10, 1994, or renovated after October 10, 1994, shall either (1) have all ground floor frontages within 30 feet of a public street or a pedestrian and transit mall occupied by pedestrian-active uses, or (2) have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the ground floor street frontage by pedestrian-active uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses.

E. Downtown Design Standards and Guidelines

1. Applicability

All new structures and all structures that are being renovated, and the renovation includes alterations to the lower 80 feet of the facade of the structure shall be subject to either:

- a. Design standards and a design standards review process established by rules and regulations; or
- b. Design guidelines and a design guidelines negotiation process established by rules and regulations.
- c. Design standards and design guidelines shall address those topics listed in Subsection E.4 below. For each element of building or project design listed in Subsection E.4, the applicant shall have the option of submitting proposed designs for a determination of consistency under the design standards review process or for approval under the design guidelines negotiation process. The applicant shall also have the option of submitting different design elements for determinations of consistency or for approval at different times. The design standards review process and the design guidelines negotiation procedures shall be conducted by the planning office staff. The Zoning Administrator shall not issue permits for use and construction until all applicable requirements have been met.

2. Exclusions

The design standards review process and the design guidelines negotiation process set forth in this Section shall not apply to:

- a. Any structure designated for preservation pursuant to Chapter 30 of the Denver Revised Municipal Code, or
- b. Any structure in a district for preservation pursuant to Chapter 30 of the Denver Revised Municipal Code, or
- c. Any facade of an existing structure that is not being altered.

3. Intent

The design standards and design guidelines are intended (i) to promote visibility of commercial activities at ground level; (ii) to provide human scale through change, contrast, and intricacy in facade form, color and/or material where lower levels of structures face public streets and sidewalks; (iii) to spatially define the street space in order to concentrate pedestrian activity and create a clear urban character; (iv) to alleviate high wind conditions for pedestrians at the base of taller structures; (v) to encourage easy pedestrian entry and exit from structures; and (vi) to prevent significant blocking of sky exposure along a street right-of-way.

4. Design Standards and Design Guidelines Topics

- a. The Manager is authorized to develop design standards and design guidelines that address the following topics:
 - i. For the lower 30 feet of structures above street level:
 - a) The percentage of the linear frontage of the structure that must be built within a short distance of property lines along public streets and sidewalks; and
 - b) Requirements for direct entry doors from the street to ground floor.
 - ii. For the lower 80 feet of structures above street level:
 - a) The percentage of glass to solid materials;
 - b) The use of reflective glass; and

- c) The required use of scaling elements, insets, and projections to break up flat or monotonous facades and to respond to older structures nearby.
 - iii. For all structures more than 200 feet in height: The use of building massing and setbacks to prevent significant blocking of sky exposure by tall buildings built close to the a street right-of-way.
 - iv. For all structures more than 400 feet in height: The use of massing and setbacks to alleviate high wind conditions for pedestrians at ground level.
- b. Each structure and multiple structure project shall be consistent with the adopted design standards for each design element listed above, or shall be approved pursuant to design guidelines negotiations for each element listed above. Design standards rules and regulations shall be specific, objective requirements related to each topic listed above. Design guidelines rules and regulations shall ensure that design elements meet the intents set forth in Subsection E.3 above and address the topics listed above while allowing more variation and architectural creativity than the design standards rules and regulations adopted pursuant to this Subsection E.4.
- c. No design standards or design guidelines shall be effective until adopted pursuant to Section 12-18 of the Denver Revised Municipal Code. Any amendments to the design standards and guidelines shall be adopted pursuant to Section 12-18 of the Denver Revised Municipal Code and shall be consistent with the Intent and Topics set out above.

5. Design Standards Review Process

- a. The applicant may submit any or all elements of project design listed in Subsection E.4 above for review under the design standards review process. Design standards review and determination shall be completed no later than 15 days after the submission of a completed application to the Zoning Administrator, or the submitted design shall be considered consistent with adopted design standards. Such 15-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.
- b. The design standards review process shall determine whether the project design is consistent, with the design standards and shall make a recommendation to the Zoning Administrator for approval, approval with conditions, or denial of the application.
- c. Any determination of consistency or inconsistency shall be in writing.
- d. If elements of the applicant's design are found to be inconsistent with such design standards, the applicant shall have the options of (i) resubmitting a new design for review pursuant to the design standards review process, (ii) submitting the existing design to the design guidelines negotiation process, or (iii) appealing the finding of inconsistency pursuant to Subsection E.7 below.

6. Design Guidelines Negotiation Process

- a. As an alternative to the design standards review process, the applicant may submit any or all elements of project design listed in Subsection E.4 above for review under the design guidelines negotiation process. The applicant's decision to submit design elements to the design guidelines negotiation process shall not result in the extension of design negotiations to any element of the design not presented by the applicant for review, or to any element of design that has been reviewed and found to be consistent with design standards rules and regulations on the same topic, and shall not result in the extension of design guidelines negotiations to any element of design that the applicant would not have had to address if applicant had proceeded under the design standards review process, except with the applicant's consent.

- b. Design guidelines negotiation and determination shall be completed no later than 45 days after the submission of a completed application to the Zoning Administrator, or the submitted design shall be considered consistent with the intents set forth in Section 8.3.1.6.E.3. Such 45-day review period shall be extended by an amount of time equal to any delay caused by the applicant, and may also be extended with the applicant's consent.
- c. The design guidelines negotiation determination shall be in writing and shall recommend either approval, approval with conditions consistent with the intent set forth in Subsection E.3. above, or denial of the application.

7. Appeals

- a. Any decision of the Zoning Administrator pursuant to this Section may be appealed to the Denver Planning Board. The applicant shall initiate such appeals process by delivering written notice of appeal to the Zoning Administrator identifying the design review decision or decisions that it wishes to appeal, within 30 days after the date of such decision.
- b. The Planning Board shall hold a public meeting and consider all information regarding the proposed project that it deems relevant and shall make a final decision regarding the appeal within 30 days after the Zoning Administrator receives the applicant's notice of appeal. The recommendation of the Planning Board shall be provided to the applicant and the Zoning Administrator.

8. Approvals

Approvals granted pursuant to this Section shall be valid for 3 years if approved in accordance with the following provisions:

- a. The application is submitted by or on behalf of a landowner for design standards review of some or all design elements, and it is determined that the design elements are consistent with adopted design standards, whether by (a) a Zoning Administrator determination of consistency, (b) failure of the Zoning Administrator to respond within the required time frame, (c) a Planning Board determination of consistency, or (d) a successful appeal of such determination of inconsistency; or
- b. The application is submitted by or on behalf of a landowner for design guidelines negotiations on some or all design elements, and some or all of the design aspects of a structure or a multiple structure project receive approval, whether by (a) an approval by the Zoning Administrator, (b) failure of the Zoning Administrator to respond within the required time frame, (c) an approval by the Planning Board, or (d) a successful appeal of such denial.
- c. During this 3-year period, only the applicant may make modifications to the approved design. Review of a modification to any single element shall be based on the design standards and guidelines in place at the time of review. Modification of more than a single element or all elements shall initiate a new review according to this Section.

DIVISION 8.4 LOWER DOWNTOWN DISTRICT (D-LD)

SECTION 8.4.1 LOWER DOWNTOWN DISTRICT

8.4.1.1 General

The provisions of this Division apply to all lands, uses and structures in the D-LD District.

8.4.1.2 Description of District

The district is intended to provide for and encourage the preservation and vitality of older areas that are significant because of their architectural, historical and economic value. A variety of land uses will be permitted in order to facilitate the reuse of existing structures without jeopardizing or reducing zoning standards promoting the public safety, convenience, health, general welfare and the preservation of the comprehensive plan. New residential development is encouraged. The design of new structures should recognize the style and character of adjoining building exteriors, i.e., cornice lines and building materials and colors should be similar wherever possible.

8.4.1.3 Uses Allowed

See Division 8.9, "Uses and Required Minimum Parking," for allowed uses in the D-LD District.

8.4.1.4 Off-Street Parking Requirements

A. Applicable Standards

All development in the D-LD Zone District shall comply with the off-street parking standards in Division 10.4, Parking and Loading, of this Code except where the standards stated in this Section 8.4.1.4 conflict, in which case the standards in this Section 8.4.1.4 shall apply in the D-LD Zone District.

B. Amount of Parking Spaces Required

1. There shall be no minimum off-street parking requirement for contributing buildings or residential additions to contributing buildings, as such buildings are designated in D.R.M.C., Article III, (Lower Downtown Historic District), of Chapter 30, (Landmark Preservation);
2. One off-street parking space shall be provided for each residential unit of a new residential building or a residential addition to a noncontributing building; provided that, upon qualifying under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), a 20 percent reduction in the total number of required parking spaces shall be granted;
3. One off-street parking space shall be provided for each 750 square feet of gross floor area for any nonresidential addition to a contributing or noncontributing building, or a new nonresidential building;
4. For zone lots with a mix of residential and any other use by right, off-street parking spaces shall be provided based on the requirements in Subsections B.1 through B.3 above in proportion to the uses in the building provided that, upon qualifying under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), a 20 percent reduction in the total number of required parking spaces shall be granted. This shall be calculated by first calculating the number of parking spaces otherwise required, multiplying that figure by eight tenths (.8) and rounding up to the nearest whole number;
5. "Additional parking" is parking above the required minimums as set forth in Subsections B.1 through B.4 above. All structures may provide up to an additional one-half parking space per residential unit and one space per 1,500 square feet of gross floor area of non-residential uses;
6. "Excess parking" is any parking in excess of the required minimums and allowed additional parking. Excess parking may be granted only upon application to the Lower

Downtown Design Review Board in accordance with the provisions of D.R.M.C., Article III (Lower Downtown historic district) of Chapter 30 (landmark preservation);

7. Off-street parking requirements may be met off the zone lot according to Section 10.4.3.2.C, Vehicle Parking Location, of this Code, after consultation with the Lower Downtown Design Review Board, and provided said parking is provided within the D-LD Zone District or within 1,000 feet of the subject zone lot; and
8. All required off-street parking spaces shall be designed in accordance with Division 10.4, Parking and Loading, of this Code.

C. Accessible Parking

Whenever off-street parking spaces are provided, a minimum number of accessible parking spaces shall be provided according to the requirements of the Denver Building Code and the federal Americans with Disabilities Act.

DIVISION 8.5 DOWNTOWN CIVIC DISTRICT (D-CV)

SECTION 8.5.1 ALLOWED BUILDING FORMS

8.5.1.1 Generally Applicable Standards

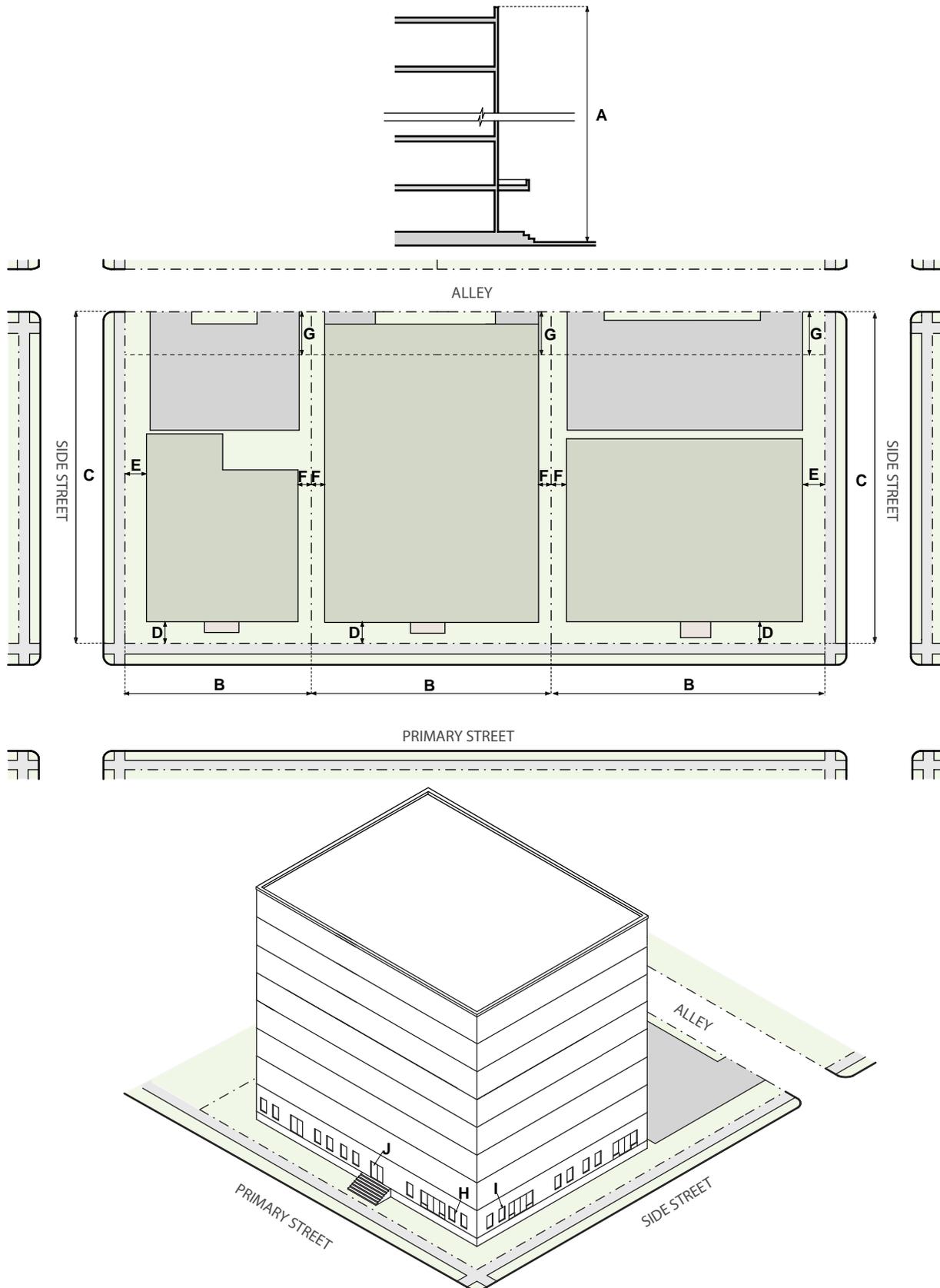
In addition to the district-specific standards included in this Division 8.5, all development in the Downtown Civic District must comply with the general design standards in Article 10 of this Code.

8.5.1.2 District Specific Standards

The D-CV District allows a variety of building forms appropriate for the Downtown Context as set out below.

A. General

Not to Scale. Illustrative Only.



GENERAL

HEIGHT		D-CV
A	Stories (max)	16
A	Feet (max)	200'
SITING		D-CV
REQUIRED BUILD-TO		
B	Primary Street (min % within min/max)*	65% 0'/12'
C	Side Street (min % within min/max)*	30% 0'/12'
*Civic Uses are exempt from the Required Build-To -- See Article 13 for definition of "Civic Uses"		
SETBACKS		
D	Primary Street (min)	0'
E	Side Street (min)	0'
F	Side Interior (min)	0'
G	Rear (min)	0'
PARKING		
Location		No surface parking between building and street
Primary Street Setback (min)		30'
Side Street Setback (min)		10'
DESIGN ELEMENTS		D-CV
GROUND STORY ACTIVATION		
H	Transparency, Primary Street (min)	40%
I	Transparency, Side Street (min)	30%
J	Required Entrance, Primary Street	Yes

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DIVISION 8.6 DOWNTOWN GOLDEN TRIANGLE DISTRICT

SECTION 8.6.1 GOLDEN TRIANGLE DISTRICT

8.6.1.1 Generally

The provisions of this Division apply to all lands, uses and structures in the Golden Triangle district.

8.6.1.2 Uses Allowed

See Division 8.9 for allowed uses in the Golden Triangle District.

8.6.1.3 Permitted Structures.

A. Open Space Required

For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling there shall be provided in the D-GT district a minimum of 25 square feet of unobstructed open space, for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies but shall not include space provided for off-street parking. Such requirement shall not apply to the construction of multiple unit dwellings through the conversion of buildings originally designed for nonresidential uses.

B. Setbacks from Adjacent Street Frontages

1. Maximum Setback

Buildings shall be built at or within 5' of the property line adjoining the street for no less than 65% of each zone lot frontage, unless otherwise provided in this Division 8.6 or in Design Standards and Guidelines adopted for the Golden Triangle neighborhood.

2. Setbacks from Speer Boulevard

All structures on zone lots contiguous with Speer Boulevard shall be set back from Speer Boulevard a distance of at least 10 feet. In addition, any structure over 100 feet tall that is located on a zone lot containing at least 15,000 square feet of area shall have that portion of the structure that is more than 100 feet above ground level set back at least 20 feet from the right-of-way of Speer Boulevard; provided, however, that in lieu of such additional setback, the owner of such property may choose to have the design of such structure reviewed and approved by Community Planning and Development to avoid overshadowing of the Speer Boulevard right-of-way. Such design review shall be conducted pursuant to Section 8.6.1.4, Design Review, below.

C. Maximum Height

The maximum height of structures shall not exceed 175 feet above the elevation of Broadway Street as measured at the highest point on Broadway directly east or west of the subject property, as the case may be, as determined by the City Engineer. Upon request by the applicant, the Zoning Administrator, after consulting with the Manager and the chairperson of the Planning Board or their designated representatives, may increase the maximum heights by up to 25 feet according to the Administrative Adjustment procedures in Section 12.4.5, in order to compensate for design constraints imposed by unusually high water tables, irregularly shaped parcels not caused by the property owner, and other unusual site conditions not caused by the property owner.

D. Maximum Gross Floor Area in Structures

1. Basic Maximum Gross Floor Area

The sum total of the gross floor area of all structures on a zone lot shall not exceed 4 times the area of the zone lot on which the structures are located.

2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under Subsection D.1 above, a premium of additional floor area may be constructed according to the following formulas:

a. Premium for Housing

One (1) square foot of floor area premium shall be awarded for each square foot of Residential uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses:

b. Premium for Residential Support Uses

One (1) square foot of floor area premium shall be awarded for each square foot of “Residential support uses”, defined to be limited to a retail food sales use, or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center constructed to at least the minimum licensing standards of the Colorado Department of Environmental Health.

c. Premium for Arts, Entertainment, or Cultural Facility

One (1) square foot of floor area premium shall be awarded for each square foot of “arts, entertainment, or cultural facility”, defined to be limited to the provision of amusement or entertainment services upon payment of a fee, art gallery, museum, theater, or other similar uses as determined by the Zoning Administrator.

d. Premium for Rehabilitation of Historic Structure

One (1) square foot of floor area premium shall be awarded for each square foot of rehabilitation of a designated historic building defined as a structure designated for preservation or a structure located in a district for preservation, the rehabilitation of which has been approved by the Landmark Preservation Commission in accordance with D.R.M.C., Chapter 30 (Landmark Preservation).

e. Premium for Public Art

A floor area premium equal to 25 percent of the zone lot area for public art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:

- i. The public art must cost at least 1 percent of the valuation of construction of the new structure or 1 percent of the valuation of construction of the structure renovation or \$500,000.00, whichever is less; and
- ii. The public art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least 1 public street.

f. Premium for Affordable Housing

A floor area premium equal to 40 percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), provided all of said floor area premium is dedicated to residential uses.

g. Continuation of Uses

All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

3. Maximum Gross Floor Area in Structures

Notwithstanding the provisions of Section 8.6.1.3.D.2, Floor Area Premiums, the sum total of the gross floor area of all structures on a zone lot shall not be greater than 6 times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in Section 8.6.1.4, as appropriate, the sum total of the gross floor area of all structures on a zone lot shall not be greater than 7 times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated historic

structures within the D-GT Zone District may be transferred to other properties within the D-GT district pursuant to the procedures for transfer of undeveloped floor area from historic structures in the Downtown Core/Downtown Theater district set forth in Section 8.3.1.4.D.3, provided, however, that no receiving zone lot may increase its maximum gross floor area by more than 1 times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than those limits set forth in the preceding sentence.

8.6.1.4 Design Review in the D-GT District

A. Applicability

Design standards and review procedures shall apply to the following:

1. All structures and all site improvements or alterations seeking the design review premium established in Section 8.6.1.3.D.3 above; and
2. The lower eighty (80) feet of a building constructed or renovated, and all site improvements or alterations constructed or renovated, where the renovation includes alterations to the exterior of the building other than restoration of original design features with original materials.

B. Procedures

Design review shall be conducted by Community Planning and Development. Design review shall be completed within 30 days after the submission of a complete application to the Zoning Administrator, except that the 30-day review period may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent, and no permits for construction and use shall be issued until design review has been completed.

C. Criteria

Design review shall be based on the following criteria:

1. Design Review for Floor Area Premium

The project shall be designed to promote the following objectives:

- a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;
- b. Provide human scale through change, contrast, intricacy in facade form, color and/or materials;
- c. Spatially define the street space; and
- d. Respect the character of the neighborhood as defined by its civic buildings and its older, pre-World War II masonry buildings;
- e. Provide step-backs in the building form to:
 - i. Create pedestrian scale along the street;
 - ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
 - iii. Increase sky and daylight exposure to the street; and
 - iv. Increase sunlight exposure to the street, particularly along "numbered" streets;
- f. Locate pedestrian active uses, wherever possible, along the street;
- g. Provide at street level as much as possible, transparent facades, and frequent pedestrian access to the buildings;
- h. Provide finished, architecturally designed and detailed facades for all exposures of the building, particularly those exposures above the first floor;

- i. Architecturally design the top of the building to provide a finished terminus to the building's form. At a minimum, screen all roof-top mechanical equipment and carefully design and detail all roof-top penthouses; and
- j. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

2. Review of Lower 80 Feet Required for All Structures

Project layout and design of the lower 80 feet of structures shall be designed to promote the following objectives:

- a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;
- b. Provide human scale through change, contrast, intricacy in facade form, color, and/or materials where lower levels of a structure face public streets;
- c. Spatially define the street space in order to promote pedestrian activity; and
- d. All structures should respect the character of the neighborhood as defined by its civic buildings and its older, pre-World War II masonry buildings;
- e. Provide setbacks in the building form to:
 - i. Create pedestrian scale along the street;
 - ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
 - iii. Increase sky and daylight exposure to the street; and
 - iv. Increase sunlight exposure to the street, particularly along "numbered" streets;
- f. Locate pedestrian active uses, wherever possible, along the street;
- g. Provide, at street level, as much as possible, transparent facades, and frequent pedestrian access to the buildings; and,
- h. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

3. Parking Structures Review

- a. Shall have ground floor frontages occupied by pedestrian active uses as defined in Article 13 of this Code, or shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages by pedestrian-active uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses;
- b. Shall be designed to be compatible with the scale and character of the surrounding area and the vision and goals of the Comprehensive Plan and any adopted neighborhood plan; and
- c. Shall provide variety and human scale through the use of architectural proportions, detail, surface relief, texture, and materials that are complementary to traditional commercial and industrial structures.

4. Rules and Regulations

The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the D-GT District.

DIVISION 8.7 DOWNTOWN ARAPAHOE SQUARE DISTRICT

SECTION 8.7.1 ARAPAHOE SQUARE DISTRICT

8.7.1.1 Generally

The provisions of this Division 8.7 apply to all lands, uses and structures in the Downtown Arapahoe Square (D-AS) Zone District.

8.7.1.2 Uses Allowed

See Division 8.9 for allowed uses in the D-AS District.

8.7.1.3 Permitted Structures

A. Open Space Required

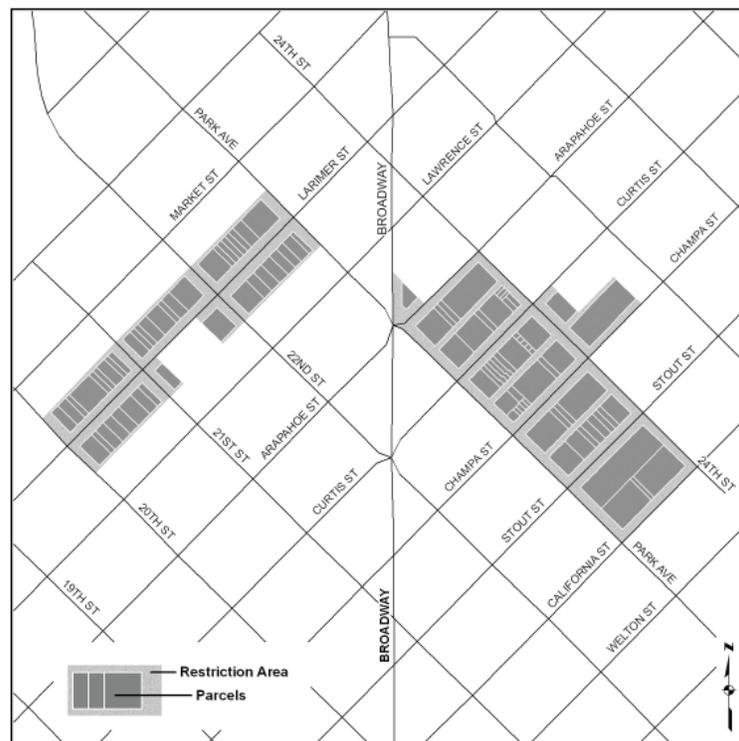
For each structure designed, used or occupied either in whole or in part as a multiple unit dwelling there shall be provided in the D-AS district a minimum of 30 square feet of unobstructed open space for each dwelling unit; such unobstructed open space may be located on the ground or on several usable roofs or balconies but shall not include space provided for off-street parking. Such requirement shall not apply to the construction of multiple unit dwellings through the conversion of buildings originally designed for nonresidential uses.

B. Setbacks from Adjacent Street Frontages

Buildings shall be built at or within 10' of the property line adjoining the street for no less than 65% of each zone lot frontage, unless otherwise provided in this Division 8.7 or in Design Standards and Guidelines adopted for the D-AS District.

C. Maximum Height

In the D-AS district, the maximum height of structures shall not exceed 200 feet except in the height areas shown below, wherein structure height is limited to a maximum 80 feet in those areas on the exhibit shown as "Restriction Area".



D. Floor Area in Structures

1. Basic Maximum Gross Floor Area

The sum total of the gross floor area of all structures on a zone lot shall not exceed 4 times the area of the zone lot on which the structures are located.

2. Floor Area Premiums

In addition to the basic maximum gross floor area permitted under Subsection D. 1. above, a premium of additional floor area may be constructed according to the following formulas:

a. Premium for Housing

One (1) square foot of floor area premium shall be awarded for each square foot of Residential uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses:

b. Premium for Residential Support Uses

One (1) square foot of floor area premium shall be awarded for each square foot of “Residential support uses”, defined to be limited to a retail food sales use, or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center constructed to at least the minimum licensing standards of the Colorado Department of Environmental Health.

c. Premium for Arts, Entertainment, or Cultural Facility

One (1) square foot of floor area premium shall be awarded for each square foot of “arts, entertainment, or cultural facility”, defined to be limited to the provision of amusement or entertainment services upon payment of a fee, art gallery, museum, theater, or other similar uses as determined by the Zoning Administrator.

d. Premium for Rehabilitation of Historic Structure

One (1) square foot of floor area premium shall be awarded for each square foot of rehabilitation of a designated historic building defined as a structure designated for preservation or a structure located in a district for preservation, the rehabilitation of which has been approved by the Landmark Preservation Commission in accordance with D.R.M.C., Chapter 30 (Landmark Preservation).

e. Premium for Public Art

A floor area premium equal to 25 percent of the zone lot area for public art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:

- i. The public art must cost at least 1 percent of the valuation of construction of the new structure or 1 percent of the valuation of construction of the structure renovation or \$500,000.00, whichever is less; and
- ii. The public art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least 1 public street.

f. Premium for Affordable Housing

A floor area premium equal to 40 percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), provided all of said floor area premium is dedicated to residential uses.

g. Continuation of Uses

All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

3. **Maximum Gross Floor Area in Structures**

Notwithstanding the provisions of Section 8.7.1.3.D.2 (Floor Area Premiums), the sum total of the gross floor area of all structures on a zone lot shall not be greater than 6 times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in Section 8.7.1.4 (Design Review), the sum total of the gross floor area of all structures on a zone lot shall not be greater than 7 times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated historic structures within the D-AS Zone District may be transferred to other properties within the D-AS district pursuant to the procedures for transfer of undeveloped floor area from historic structures in the Downtown Core/Downtown Theater district set forth in Section 8.3.1.4.D.3, provided, however, that no receiving zone lot may increase its maximum gross floor area by more than 1 times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area of all structures on a zone lot to more than those limits set forth in the preceding sentence.

8.7.1.4 **Design Review**

A. **Applicability**

Design standards and review procedures shall apply to the following:

1. The floor area premium described in Section 8.7.1.3.D above: All structures, and all site improvements or alterations, where the renovation includes alterations to the exterior of the building; and
2. The lower 80 feet of a building: constructed or renovated, and all site improvements or alterations constructed or renovated, where the renovation includes alterations to the exterior of the building.

B. **Procedures**

Design review shall be conducted by Community Planning and Development. Design review shall be completed within 30 days after the submission of a complete application to the Zoning Administrator, except that the 30-day review period may be extended by an amount of time equal to any delay caused by the applicant, or with the applicant's consent, and no permits for construction and use shall be issued until design review has been completed.

C. **Criteria**

Design review shall be based on the following criteria.

1. **Design Review of Floor Area Premium**

The project shall be designed to promote the following objectives:

- a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;
- b. Provide human scale through change, contrast, intricacy in facade form, color and/or materials;
- c. Spatially define the street space; and
- d. Respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;
- e. Provide step backs in the building form to:
 - i. Create pedestrian scale along the street;
 - ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
 - iii. Increase sky and daylight exposure to the street; and

- iv. Increase sunlight exposure to the street, particularly along “numbered” streets;
- f. Locate pedestrian active uses, wherever possible, along the street;
- g. Provide at street level as much as possible, transparent facades, and frequent pedestrian access to the buildings;
- h. Provide finished, architecturally designed and detailed facades for all exposures of the building, particularly those exposures above the first floor;
- i. Architecturally design the top of the building to provide a finished terminus to the building’s form. At a minimum, screen all roof-top mechanical equipment and carefully design and detail all roof-top penthouses; and
- j. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

2. Review of Lower 80 Feet Required for All Structures

Project layout and design of the lower 80 feet of structures shall be designed to promote the following objectives:

- a. Be consistent with the pertinent elements of the Comprehensive Plan, particularly any adopted neighborhood plan;
- b. Provide human scale through change, contrast, intricacy in facade form, color, and/or materials where lower levels of a structure face public streets;
- c. Spatially define the street space in order to promote pedestrian activity; and
- d. All structures should respect the character of the neighborhood as defined by its older, pre-World War II masonry industrial and commercial buildings;
- e. Provide setbacks in the building form to:
 - i. Create pedestrian scale along the street;
 - ii. Deflect wind patterns created by taller buildings away, as much as is practicable, from the street level;
 - iii. Increase sky and daylight exposure to the street; and
 - iv. Increase sunlight exposure to the street, particularly along “numbered” streets;
- f. Locate pedestrian active uses, wherever possible, along the street;
- g. Provide, at street level, as much as possible, transparent facades, and frequent pedestrian access to the buildings; and,
- h. Avoid highly reflective glass, and facades composed predominantly of glass curtain wall systems.

3. Parking Structures Review

- a. All parking structures in the D-AS District shall have ground floor frontages occupied by “pedestrian active uses,” as defined in Article 13 of this Code, or shall have driving aisles, ceiling heights, utility layouts, and structural openings designed to be consistent with future occupancy of the street frontages by pedestrian-active uses, unless such requirements are inconsistent with the structural layout of existing structures being converted to parking uses;
- b. All parking structures in the D-AS District shall be designed to be compatible with the scale and character of the surrounding area and the vision and goals of the Denver comprehensive plan and any adopted neighborhood plan; and
- c. All parking structures in the D-AS District shall provide variety and human scale through the use of architectural proportions, detail, surface relief, texture, and materials that are complementary to traditional commercial and industrial structures.

4. Rules and Regulations

The Manager has the authority to adopt rules and regulations further establishing criteria, standards and procedures for the Arapahoe Square neighborhood.

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DIVISION 8.8 DESIGN STANDARDS

SECTION 8.8.1 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

See Article 10, General Design Standards.

SECTION 8.8.2 PARKING LOT LANDSCAPING

A. Applicability to Parking Uses in Downtown Zone Districts

Notwithstanding the parking lot landscaping requirements stated in Article 10 of this Code, use by right parking (parking as a primary use) in the D-C, D-TD, D-LD, D-GT, D-AS and D-CV zones shall be landscaped according to the following provisions:

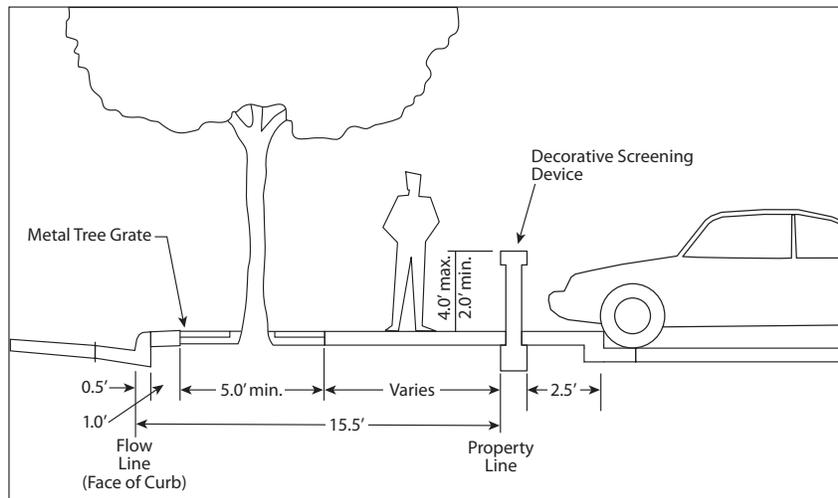
B. Street Tree Planting Required

Street trees shall be required on all street frontages for all proposed new parking areas. Such trees shall be located on the public right-of-way where the available space between the flow line (face of curb) and the right-of-way/private property line is at least 10 feet wide and where no unusual problem or physical constraint exists. If such problem or constraint does occur in this situation, then the trees shall be located on private property.

C. D-C , D-TD, D-LD, D-CV Zone District Requirements

In addition to required street tree planting, a decorative screening device is required that conforms to city design concepts or a similar screening device as may be acceptable to the Zoning Administrator. The height of such device may vary between 2'-8" and 3 feet. Such screening device shall be located on private property. No tree lawn, landscaping or interior landscaping is required; however, owners may submit for Zoning Administrator review proposals for alternative designs that incorporate landscaping (sod and/or shrubs) with the the screening device.

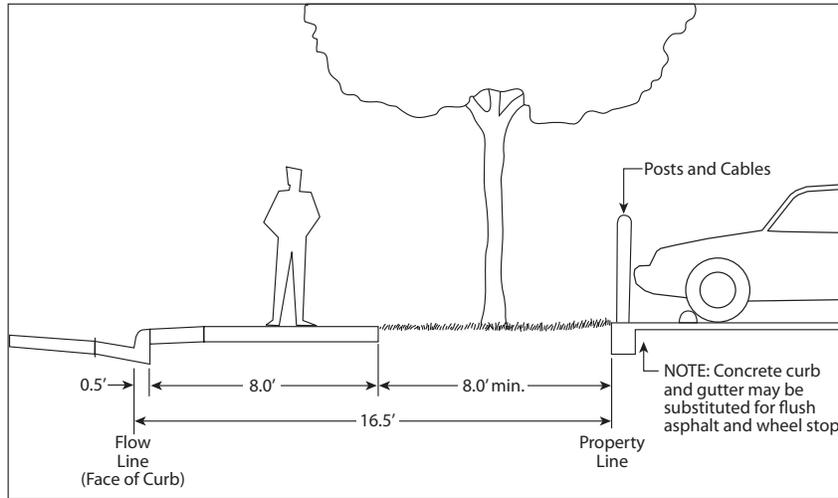
Illustration 1: D-C, D-TD, D-LD and D-CV Zone Districts



D. D-GT and D-AS Zone District Requirements

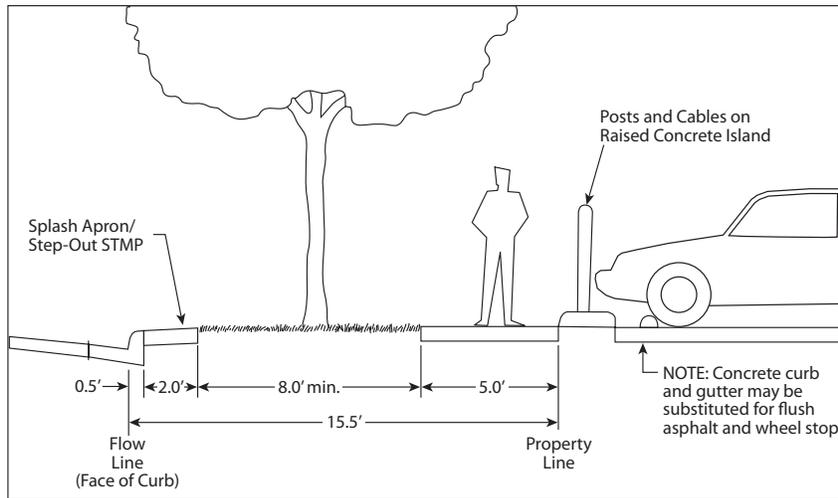
1. In addition to required street tree planting, a street front tree-lawn at least 8 feet wide shall be required between the flow line and the parking lot. If the space between the flow line and the property line is inadequate to install an 8-foot wide tree lawn, the width of such tree lawn may be reduced; however, in no case shall it be reduced to less than 5 feet in width. Further, if such 5-foot wide tree lawn is located partially on private property, that portion on private property shall be counted toward the satisfaction of the 5% area requirement of Section D.2 below. "Tree lawn" for the purposes of this provision is defined as a linear strip of ground which contains trees as required by Section 8.8.2.B above. A tree lawn is generally located on the public right-of-way, but may in some cases be partially located on private property.
2. **Additional Landscaping Requirement**
An area of landscaping equal to 5% of the parking area shall be provided in addition to street tree and tree lawn landscaping areas. This additional landscaped area may be located:
 - a. In the interior of the parking area in the form of islands and corners not less than 6 feet in width; or
 - b. Along the street front as an addition to the tree lawn in the case of attached sidewalks; or
 - c. With detached sidewalks, this area may be in the form of a planting strip with a minimum width of 3 feet located between the sidewalk and the parking area; or
 - d. In the form of a widened tree lawn located between the curb or step-out strip and the detached sidewalk; or
 - e. In the form of a raised concrete island with post and cables barrier located between the detached sidewalk and the parking area (see Subsection D.3 specifications below).
3. **Pedestrian/Vehicle Separation**
In cases where the sidewalk is located immediately adjacent to the parking area, a minimum physical separation shall be established, which shall consist of:
 - a. Posts and cables constructed on top of a raised concrete island (minimum 4 inches high by 2 feet wide) with a paver insert; or
 - b. Closely spaced bollards, railing, or other device as approved by the Public Works Department and Zoning Administrator to create a physical separation between pedestrians and automobiles.
4. **Pedestrian Access**
A 3-foot-wide opening for pedestrians shall be located a maximum of 80 feet apart along all Sections of a post and cable barrier.
5. **Variations Allowed**
Variations in the arrangement or location of the tree lawn may be allowed depending on the location of existing sidewalks or on the quality of design proposals made by the developer according to the minimum widths set forth in Subsection D.1 above.

Illustration 2: D-GT and D-AS Zone Districts



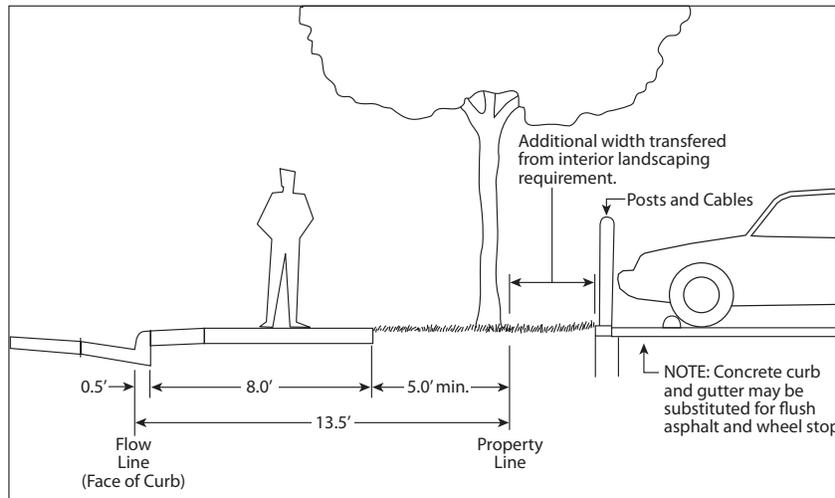
Applicable where right-of-way (flow line to property line) is at least 16.5' or more and sidewalk is attached.

Illustration 3: D-GT and D-AS Zone Districts



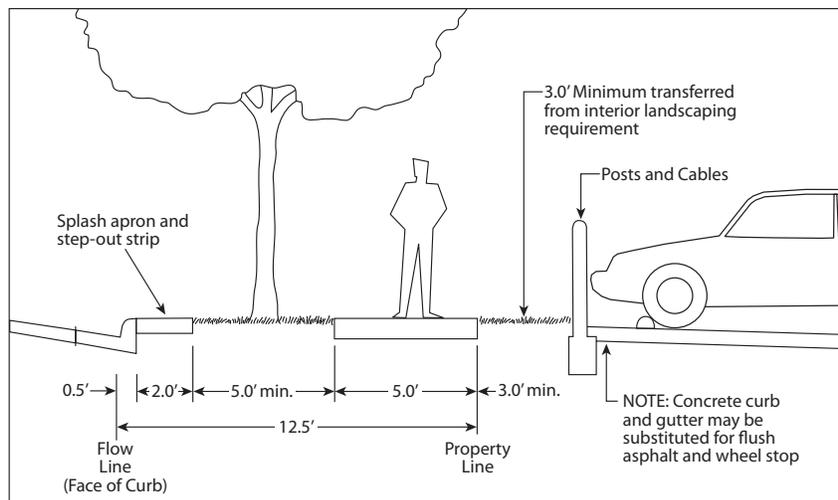
Applicable where right-of-way (flow line to property line) is 15.5' or more and sidewalk is detached.

Illustration 4: D-GT and D-AS Zone Districts



Applicable where right-of-way (flow line to property line) is at least 13.5' and sidewalk is attached.

Illustration 5: D-GT and D-AS Zone Districts



Applicable where right-of-way (flow line to property line) is at least 12.5' or more and sidewalk is attached.

DIVISION 8.9 USES AND REQUIRED MINIMUM PARKING

SECTION 8.9.1 ~~APPLICABILITY (OVERVIEW – SUMMARY USE AND PARKING TABLE)~~

8.9.1.1 ~~This Division 8.9 sets forth the land uses allowed and the required zoning procedure in all the Downtown Neighborhood Context Zone Districts, and the minimum parking requirements for Parking requirements in this table apply only to~~ the D-GT and D-AS Zone Districts. D-C, D-TD and D-CV Zone Districts have no parking requirement (see [Section 8.3.1.5](#)). D-LD parking requirements are provided in [Section 8.4.1.4](#).

8.9.1.2 ~~Unlisted Uses~~—Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**

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

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Suburban Neighborhood Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

SECTION 8.9.2 ORGANIZATION ~~– SUMMARY USE AND PARKING TABLE~~

8.9.2.1 Organized by Primary, Accessory and Temporary Uses

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

8.9.2.2 Primary Use Classifications, Categories & Specific Use Types

A. Primary Use Classifications

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

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

B. Primary Use Categories & Specific Use Types

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

C. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the ~~Summary~~ Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such

as “lodging accommodations,” cannot be classified in a different use category, such as “group living,” unless otherwise expressly allowed by this Code.

SECTION 8.9.3 EXPLANATION OF TABLE ABBREVIATIONS

8.9.3.1 General Explanation of Table Cell Entries

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

8.9.3.2 Permitted, Limited, Not Permitted

A. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

B. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

Applicable Use Limitations

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11 of this Code.~~

C. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

8.9.3.3 Zoning Procedure

A. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

B. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

C. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

D. Uses Where More Than One Zoning Procedure Is Indicated

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

~~Unlisted Uses (moved)~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required~~

~~The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the zone district building form and design standards found in this Article 8, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

SECTION 8.9.4 ~~DISTRICT SPECIFIC STANDARDS ALLOWED USES BY DISTRICT AND MINIMUM PARKING REQUIREMENTS~~

8.9.4.1 ~~Applicability of Minimum Parking Standards in Table~~

~~Parking requirements in this table apply only to the D-GT and D-AS Districts. D-C, D-TD and D-CV districts have no parking requirement (see 8.3.1.5). D-LD parking requirements are provided in 8.4.1.4. (moved)~~

KEY: 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
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE Parking Ratios Shown in Table Apply in D-GT & D-AS Districts Only • 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 AND STANDARDS
		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
RESIDENTIAL PRIMARY USE CLASSIFICATION							
Household Living	Dwelling, Single Unit D-GT & D-AS: • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Dwelling, Two Unit • Vehicle: 0.75/unit	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Dwelling, Multi-Unit D-GT & D-AS: • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Dwelling, Mixed Use D-GT & D-AS: Districts: • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Dwelling, Live / Work D-GT & D-AS: Districts: • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	L-ZP	L-ZP	L-ZP	L-ZP	NP	§ 11.2.3

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Group Living	Assisted Living Facility D-GT & D-AS: Districts: • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Community Correctional Facility D-GT & D-AS: Districts: • Vehicle: No requirement • Bicycle: 1/10 units (50/50)	L-ZP	L-ZP	L-ZP	NP	NP	§ 8.9.75.1
	Nursing Home, Hospice D-GT & D-AS: Districts: • Vehicle: .75/unit • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Residence for Older Adults D-GT & D-AS: Districts: • Vehicle: No requirement • Bicycle: 1/10 units (50/50)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Residential Care Use, Small or Large D-GT & D-AS: Districts: • Vehicle: .No requirement • Bicycle: 1/10 units (50/50)	L-PIN	L-PIN	L-PIN	L-PIN	L-PIN	§ 11.2.45
	Shelter for the Homeless D-GT & D-AS: Districts: • Vehicle: .No requirement • Bicycle: No requirement	L-PIN	L-PIN	L-PIN	L-PIN	L-PIN	§ 11.2.56
	Student Housing D-GT & D-AS: Districts: • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION							
Basic Utilities	Utility, Major Impact* D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Community/ Public Services	Community Center D-GT & D-AS: Districts: • Vehicle: No requirement • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.3
	Day Care Center D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center D-GT & D-AS: Districts: Vehicle: 1/ 1,000 s.f. GFA Bicycle: 1/7,500 s.f. GFA(20/80)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Public Safety Facility D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Hospital	P-ZP	P-ZP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	NP	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	
	Library D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	City Park D-GT & D-AS: Districts: No Parking Requirements	NP	NP	NP	NP	NP	
	Open Space - Recreation D-GT & D-AS: Districts: • Vehicle: .No requirement • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation D-GT & D-AS: Districts: • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Education	Elementary or Secondary School D-GT & D-AS: Districts: • Vehicle- Elementary: 1/1,000 s.f. GFA • Bicycle-Elementary: 1/ 10,000 s.f. GFA (0/100) • Vehicle- Secondary: 1/1,000 s.f. GFA • Bicycle: 1/ 5,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	University or College D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Vocational or Professional School D-GT & D-AS: Districts: • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Public and Religious Assembly	All Types D-GT & D-AS: Districts: • Vehicle: No requirement • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION							
Adult Business	All Types	NP	NP	NP	NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Arts, Recreation and Entertainment Services, Outdoor* D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	L-ZP	L-ZP	L-PIN	L-PIN	NP	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	NP	
Nonresidential Uses in Existing Business Structures In Residential Zones		Not Applicable					
Parking of Vehicles	Parking, Garage D-GT & D-AS: Districts: • No Parking Requirements	L-ZP	L-ZP	NP	L-ZP	NP	§ 11.4.4
	Parking, Surface* D-GT & D-AS: Districts: • No Parking Requirements	L-ZP	L-ZP	NP	L-ZP	NP	§ 11.4.5
Eating & Drinking Establishments	All Types D-GT & D-AS: Districts: • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/1,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Lodging Accommodations	Bed and Breakfast Lodging D-GT & D-AS: Districts: • Vehicle - MS only: 2/ 1,000 s.f. GFA • Vehicle: 0.875/guest room or unit • Bicycle: 1/2 guest room or unit (80/20)	P-ZP	P-ZP	P-ZP	P-ZPIN	NP	
	Lodging Accommodations, All Others D-GT & D-AS: Districts: • Vehicle: 0.875/ guest room or unit • Bicycle: 1/2 guest rooms or units (80/20)	P-ZP	P-ZP	P-ZP	P-ZPIN	NP	
Office	Dental / Medical Office or Clinic D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Office, All Others D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$11.4.9
	Animal Sales and Services, All Others	P-ZP	P-ZP	NP	NP	NP	
	Body Art Establishment D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$11.4.10
	Food Sales or Market D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Liquor Store, Including Drugstores Licensed to Sell Liquor D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA(20/80)	L-ZP	L-ZP	L-ZP	L-ZP	NP	\$11.4.12
	Pawn Shop D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA(20/80)	L-ZP	L-ZP	NP	L-ZPIN	NP	\$11.4.13
	Retail Sales, Service & Repair -- Outdoor*	NP	NP	NP	NP	NP	
	Retail Sales, Service & Repair - Firearms Sales	NP	NP	NP	NP	NP	
	Retail Sales, Service & Repair, All Others D-GT & D-AS: Districts: • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	P-ZP	NP	

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USE CATEGORY	SPECIFIC USE TYPE Parking Ratios Shown in Table Apply in D-GT & D-AS Districts Only • 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 AND STANDARDS
		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	NP	L-ZP	NP	§ 11.4.15
	Automobile Services, Light D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	L-ZPIN	NP	§11.4.16; §11.4.17
	Automobile Services, Heavy	NP	NP	NP	NP	NP	
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZPIN	NP	§11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals. & Service*	NP	NP	NP	NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION							
Communications and Information	Communication Services D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.5.2
	Telecommunication Facilities -- All Others* No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§11.5.2

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USE CATEGORY	SPECIFIC USE TYPE Parking Ratios Shown in Table Apply in D-GT & D-AS Districts Only • 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 AND STANDARDS
		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Industrial Services	Contractors, Special Trade - General D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.5.3
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	NP	
	Food Preparation and Sales, Commercial D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Laboratory, Research, Development and Technological Services D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.5.4
	Service/Repair, Commercial D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.5.5
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	NP	
	Manufacturing, Fabrication & Assembly -- General D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-PIN	L-PIN	NP	§11.5.6; §11.5.7
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	NP	
	Sand or Gravel Quarry*	NP	NP	NP	NP	NP	
	Wind Energy Conversion Systems* D-GT & D-AS: Districts: • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* • No Parking Requirements	L-ZP	L-ZP	NP	L-ZP	L-ZP	§ 11.5.9
	Railroad Facilities* D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	NP	L-ZP	L-ZP	§ 8.9.75.2
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Freight, Air Courier Services D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZPIN	L-ZP	§ 8.9.75.3
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	NP	
	Recycling Collection Station	NP	NP	NP	NP	NP	
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	
	Solid Waste Facility	NP	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	
	Mini-storage Facility D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	§ 11.5.11
	Vehicle Storage, Commercial* D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	NP	§ 11.5.12
	Wholesale Trade or Storage, General	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, Light D-GT & D-AS: Districts: • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P -ZP	P -ZP	P -ZP	P -ZP	NP	§ 11.5.13

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		D-C	D-TD	D-LD	D-GT D-AS	D-CV	
AGRICULTURE PRIMARY USE CLASSIFICATION							
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	NP	
	Garden, Urban* D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.6.1
	Greenhouse D-GT & D-AS: Districts: • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	NP	
	Nursery, Plant*	NP	NP	NP	NP	NP	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION							
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Accessory Uses	L - Applicable to all Zone Districts					§11.7; §11.8.1
	Accessory Dwelling Unit	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.7; , §11.8.2
	Domestic Employee	L	L	L	L	NP	§11.7.1; §11.8.3
	Garden	L	L	L	L	NP	§11.7; §11.8.4
	Greenhouse	L	L	L	L	NP	§11.7; §11.8.5
	Keeping of Household Animals	<u>L/L-ZPIN</u>	<u>L/L-ZPIN</u>	<u>L/L-ZPIN</u>	<u>L/L-ZPIN</u>	NP	§11.7; §11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	NP	§11.7; §10.8
	Kennel or Exercise Run	L	L	L	L	NP	§11.7; ; §11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.7; §11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	NP	NP	NP	NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.7; §11.8.9
	Vehicle Storage, Repair and Maintenance	NP	NP	NP	NP	NP	
	Yard or Garage Sales	L	L	L	L	NP	§11.7; §11.8.10
HOME OCCUPATION ACCESSORY TO PRIMARY RESIDENTIAL USE CLASSIFICATION							
Home Occupations Accessory to a Primary Residential Use (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	NP	§11.9; <u>§11.9.3</u>
	Home Occupations , All <u>Other</u> Types	L-ZP	L-ZP	L-ZP	L-ZP	NP	§11.9; <u>§11.9.4</u>
	<u>Unlisted Home Occupations</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>NP</u>	<u>§11.9; §11.9.5</u>

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		D-C	D-TD	D-LD	D-AS	D-CV	
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	\$11.7; \$11.10.2
	Automobile Rental Services Accessory to Certain Retail Uses	NP	NP	NP	NP	NP	
	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	§11.7
	Car Wash Bay Accessory to Automobile Services	NP	NP	NP	NP	NP	
	College accessory to a Place for Religious Assembly	L	L	L	L	L	\$11.7; \$11.10.6
	Conference Facilities Accessory to Hotel Use	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	L-ZP	NP	\$11.7; \$11.10.8
	Garden	L	L	L	L	L	\$11.7; \$11.10.9
	Greenhouse	L	L	L	L	L	\$11.7; § 11.10.9
	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	\$11.7; \$11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L-ZP	L-ZP	L-ZP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; \$11.10.11
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	\$11.7; \$11.2.1 ; \$11.10.12
	Outdoor Retail Sale and Display*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	\$11.7; \$10.8
	Outdoor Storage*	NP	NP	NP	NP	NP	
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	L	L	L	L	L	\$11.7; \$11.10.13	

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		D-C	D-TD	D-LD	D-AS	D-CV	
TEMPORARY USE CLASSIFICATION							
Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Unlisted Temporary Uses	L - Applicable to all Zone Districts					§11.11.1
	Ambulance Service - Temporary	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	L-ZP	§11.11.3
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.7
	Health Care Center	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	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	L-ZP	L-ZP	L-ZP	NP	NP	§11.11.10
	Outdoor Retail Sales*	NP	NP	NP	NP	NP	
	Outdoor Sales, Seasonal*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.13
	Retail Food Establishment, Mobile*	L-ZP	L-ZP	L-ZP	NP	NP	§11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.16
Tent for Religious Services	NP	NP	NP	NP	NP		

SECTION 8.9.5 APPLICABLE USE LIMITATIONS & STANDARDS

8.9.5.1 Community Corrections Facility

In all Downtown Zone Districts, where permitted with limitations, all Community Corrections Facilities shall comply with the following ~~standards~~ limitations:

A. Community Corrections Subject to Large Residential Care Use ~~Standards~~ Limitations

Community Corrections Facilities are classified as Large Residential Care uses and are therefore subject to all of the requirements applicable to Large Residential Care uses in Section 11. ~~2.51.1.2.A below~~, in addition to the following use-specific ~~standards~~ limitations. In case of conflict with the requirements of Section 11. ~~2.51.1.2.A below~~, the more specific ~~standards~~ limitations in this Subsection shall apply.

B. Permitted Location

Community corrections facilities (for purposes of this Subsection, hereinafter “facilities” or “facility”) shall be allowed only in the D-C, D-TD, and D-LD Zone Districts ~~and in the Industrial Zone Districts~~, and shall be located more than:

1. 1,500 feet from a school meeting all requirements of the compulsory education laws of the state;

2. 1,500 feet from a Residential Zone District; and
3. 1,000 feet from any liquor store, any drugstore licensed to sell package liquors, or any retail package liquor business.

C. Limits on Number of Residents

1. The proposed number of residents shall not exceed 1 person per 50 square feet of gross floor area in sleeping areas with a maximum of 40 residents in the permitted Zone Districts; ~~provided, however, if a proposed facility is located in an Industrial Zone District, such facility may have up to 60 residents, provided further, however, that if such facility is located in an Industrial Zone District and operated by the Denver Manager of Safety, or under contract to the Manager of Safety, such facility may have up to 120 residents, except that the existing facility located at 570 West 44th Avenue may have up to 90 residents.~~
2. After April 30, 2008, no new community corrections facility shall begin operation until May 1, 2018.
3. The expansion of any existing community corrections facility to more than 60 residents shall be reviewed according to the procedures for Zoning Permit Review with Informational Notice in Section 12.4.2 of this Code.

D. Government Supervision Required for Transition Programs in a Community Corrections Facility

Any program to facilitate transition to a less-structured or independent residential arrangement in a community corrections facility shall be supervised directly or indirectly by an agency of the city, the state or the federal government.

8.9.5.2 Railroad Facilities

In all Downtown Zone Districts where permitted with limitations, all mass transit railroad facilities, ~~except rail tracks, guideways, and overhead power lines,~~ located within 200 feet of a conforming residential structure shall be subject to the Site Development Plan review procedures in Section 12.4.3 of this Code.

8.9.5.3 Terminal, Freight, Air Courier Service

In the Downtown Zone Districts, where permitted with limitations, this use shall comply with the following:

- A. Any terminal proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than 15 percent gross floor area or gross site area.
- B. The 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion greater than 15 percent gross floor area or gross site area of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

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ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS

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ARTICLE 9. SPECIAL CONTEXTS AND DISTRICTS

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DIVISION 9.1 INDUSTRIAL CONTEXT (I-MX, I-A, I-B)

SECTION 9.1.1 INDUSTRIAL CONTEXT DESCRIPTION



General Character: The Industrial Context consists of areas of light industrial, warehouse and heavy industrial areas, as well as areas subject to transitions from industrial to mixed-use. The Industrial Context includes parts of the city where outdoor uses and activities are accommodated, with appropriate screening, including outdoor storage, heavy commercial services, and waste services. Forms are often tall single-story buildings or multi-story buildings with tall ceilings that accommodate industrial processes, loading bays, and specialized equipment. Industrial uses are primarily located along or in proximity to highway or arterial streets, and often include heavy rail access.

Street, Block, and Access Patterns: The Industrial Context consists of an irregular pattern of large blocks. Vehicle access is typically a drive from the street to a surface parking lot. Truck access, loading, and parking are important attributes. The Industrial Mixed Use Districts have a more urban context with a rectangular street grid and alley access.

Building Placement and Location: Industrial buildings are typically placed to accommodate the specific activity, often with parking surrounding the building. In many cases, the Industrial Context incorporates existing buildings with raised loading docks presenting particular access and parking challenges. Building placement in the Industrial Mixed Use districts is closer to the street with parking, loading and access in the rear of the site. Reuse of existing industrial buildings with street facing loading presents design challenges.

Building Height and Form: Building heights range from 1-8 stories which utilize simple forms to maximize open floor space to accommodate warehousing, although older industrial areas include multi-story warehouse buildings, manufacturing uses, adaptive re-use of industrial structures, and multi-storied mixed use buildings.

Mobility: The Industrial Context has typically had a relatively low level of access to the multi-modal transit system, although many areas are adjacent to transitioning Areas of Change associated with new or existing rail transit lines.

SECTION 9.1.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established in the Industrial Context and are applied to property as set forth on the Official Map.

Industrial Context

I-MX-3, -5, -8	Industrial Mixed Use District
I-A	Light Industrial District
I-B	General Industrial District

9.1.2.1 Purpose

The following paragraphs explain the general purpose and intent of the Industrial [Context](#) Zone Districts.

A. I-MX Industrial Mixed Use Districts (I-MX-3, -5, -8)

1. General

- a. The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and active an ground story.
- b. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.
- c. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses.

2. Industrial Mixed Use 3 (I-MX-3)

I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.

3. Industrial Mixed Use 5 (I-MX-5)

I-MX-5 applies to industrially-dominated areas served primarily by collector streets with a maximum building height of 5 stories.

4. Industrial Mixed Use 8 (I-MX-8)

I-MX -8 applies to industrially-dominated areas served primarily by collector or arterial streets with a maximum building height of 8 stories.

B. I-A Light Industrial District

This district is intended to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use [Commercial](#) Zone Districts. No new residential uses may be established in the I-A Zone District in order to promote a stable employment base for the city. Accordingly, I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas, which may be zoned I-B General Industrial. All uses conducted in this Zone District must be enclosed within a structure, unless specifically allowed to operate out of doors.

C. I-B General Industrial District

This district is intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A Zone District. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B Zone District in order to promote and continue a stable employment base for the city.

SECTION 9.1.3 DESIGN STANDARDS

9.1.3.1 Applicability

All development in the I-MX, -A, -B Zone Districts.

9.1.3.2 Primary Building Form

A. General Standards

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

~~One building form and the associated standards shall be selected for each structure on a zone lot. Unenclosed uses shall comply with all building form standards as applicable. In addition to the neighborhood context-specific standards included in this article, all development shall must comply with the general design standards in according to Article 10, General Design Standards. For multiple buildings on a zone lot, see Article 10, Division 10.3, Multiple Buildings on a Zone Lot.~~

B. District Specific Standards Summary

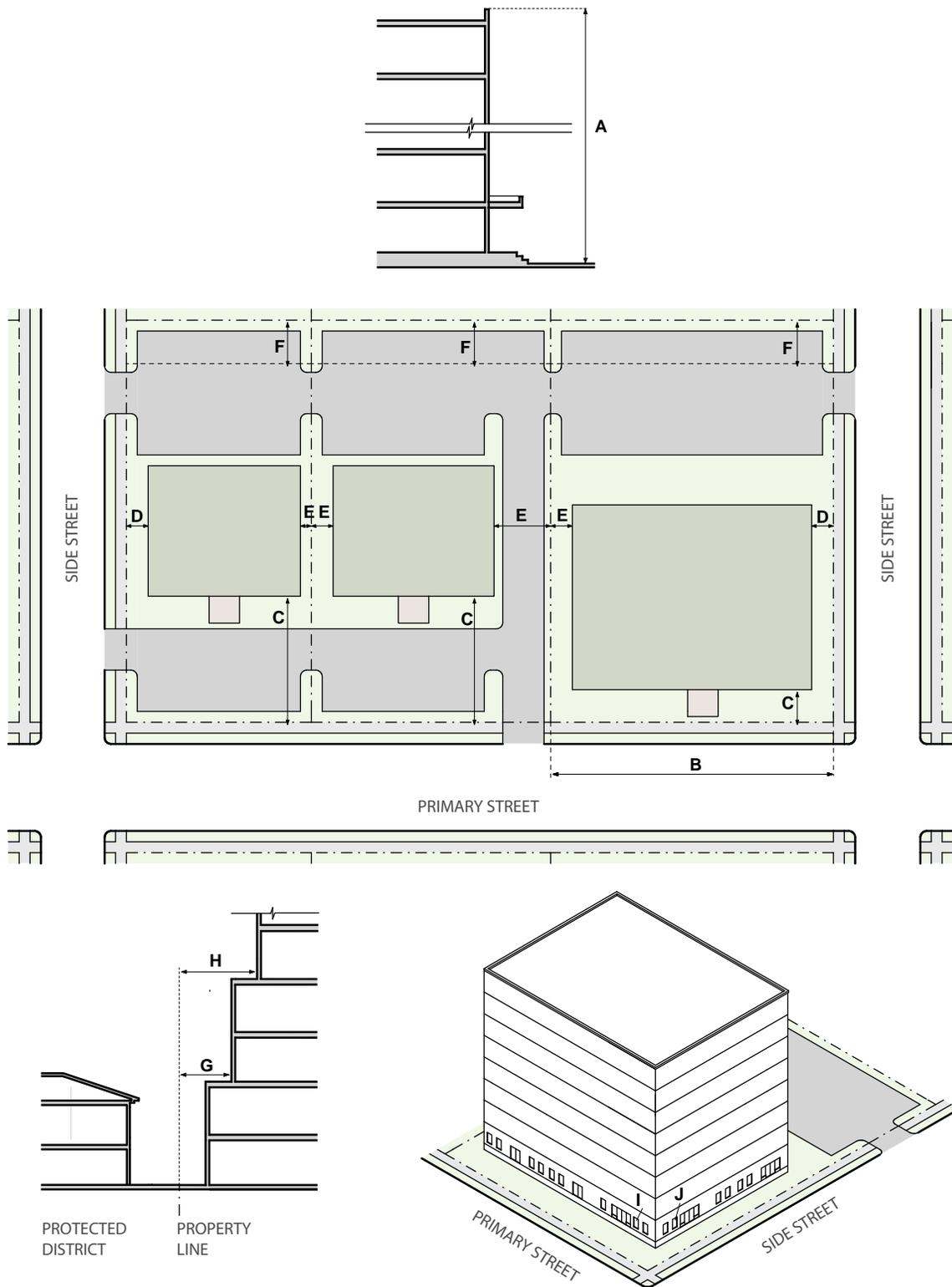
~~The districts allow a variety of building forms appropriate for the Industrial ontext, as set out. The maximum number of structures per zone lot and building forms allowed by Zone District is summarized below:-~~

<u>Industrial (I-) Neighborhood Context Zone Districts</u>		<u>Max Number of Primary Structures per Zone Lot</u>	<u>Building Forms</u>	
			<u>General</u>	<u>Industrial</u>
Industrial Mixed Use	I-MX _3, _5, _8	<u>no max</u>	■	■
Light Industrial	I-A	<u>no max</u>	■	■
General Industrial	I-B	<u>no max</u>	■	■

■ = Allowed

9.1.3.3 **Primary Building Form** District Specific Standards

A. General



GENERAL

HEIGHT

	I-MX-3	I-MX-5	I-MX-8	I-A	I-B
A Stories (max)	3	5	8	na	na
Feet (max)	45'	70'	110'	na	na
Feet within 175' of a Protected District (max)	na	na	75'	75'	75'

SITING

ZONE LOT

	I-MX-3	I-MX-5	I-MX-8	I-A	I-B
Floor Area Ratio (FAR) (max)	na	na	na	2.0	2.0

USE

Use Restrictions	na				
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REQUIRED BUILD-TO

B Primary Street (min % within min/max)	50% (0/10')	50% (0/10')	50% (0/10')	na	na
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SETBACKS

C Primary Street (min)	0'	0'	0'	20' 10'	20' 10'
D Side Street (min)	0'	0'	0'	Can reduce to 5' on lot less than 100ft in width on the long side of the block	Can reduce to 5' on lot less than 100ft in width on the long side of the block
E Side Interior (min)	0'	0'	0'	0'	0'
Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'
F Rear (min)	0'	0'	0'	0'	0'
Rear Setback adjacent to Protected District alley, no alley (min)	5'/10'	5'/10'	5'/10'	10'	10'

PARKING

Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed			Allowed/Allowed	
Screening	See Sec 10.5.4.3				
Surface Parking Setback	See Sec 9.1.3.67.C				

DESIGN ELEMENTS

	I-MX-3	I-MX-5	I-MX-8	I-A	I-B
G Upper Story Setback Above 27'; adjacent to Protected District: alley/no alley and Side Interior (min)	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
H Upper Story Setback Above 51'; adjacent to Protected District: alley/no alley and Side Interior (min)	na	35'/40'	35'/40'	35'/40'	35'/40'

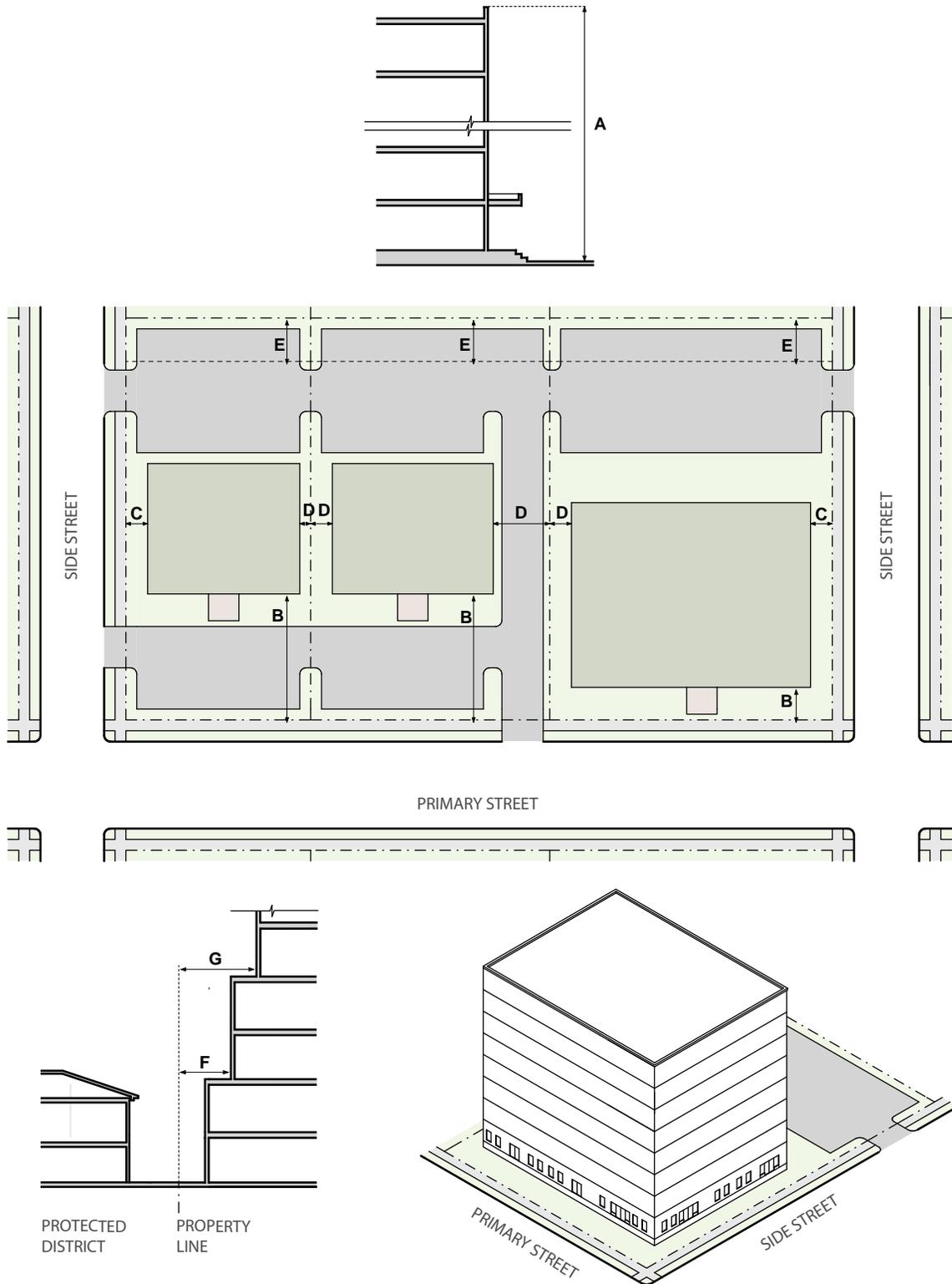
GROUND STORY ACTIVATION

I Transparency, Primary Street (min)	40%	40%	40%	na	na
Transparency, Side Street (min)	25%	25%	25%	na	na
Pedestrian Access, Primary Street	Entrance			na	na

[See Sections 9.1.3.5 - 9.1.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

B. Industrial

Not to Scale. Illustrative Only.



INDUSTRIAL

HEIGHT		I-MX-3	I-MX-5	I-MX-8	I-A	I-B
A	Stories (max)	3	5	8	na	na
A	Feet (max)	45'	70'	110'	na	na
	Feet within 175' of a Protected District (max)	na	na	75'	75'	75'

SITING		I-MX-3	I-MX-5	I-MX-8	I-A	I-B
ZONE LOT						
	Floor Area Ratio (FAR) (max)	na	na	na	2.0	2.0
USE						
	Use Restrictions	Vehicle/Equipment Sales, Rentals, Service & Repair and Industrial, Manufacturing & Wholesale Primary Uses Only			na	na
SETBACKS						
B	Primary Street (min)	0'	0'	0'	20'	20'
C	Side Street (min)	0'	0'	0'	10'	10'
		Can reduce to 5' on lot less than 100ft in width on the long side of the block				
D	Side Interior (min)	0'	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'
E	Rear (min)	0'	0'	0'	0'	0'
	Rear Setback adjacent to Protected District (min)	10'	10'	10'	10'	10'
PARKING						
	Surface Parking Setback	See Sec 9.1.3.67.C				
	Screening	See Sec 10.5.4.3				

DESIGN ELEMENTS		I-MX-3	I-MX-5	I-MX-8	I-A	I-B
F	Upper Story Setback Above 27', adjacent to Protected District: alley/no alley and side, interior (min)	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
G	Upper Story Setback Above 51', adjacent to Protected District: alley/no alley and side, interior (min)	na	35'/40'	35'/40'	35'/40'	35'/40'
GROUND STORY ACTIVATION						
	Transparency, Primary Street (min)	na	na	na	na	na
	Transparency, Side Street (min)	na	na	na	na	na
	Pedestrian Access, Primary Street	Pedestrian Connection			na	na

[See Sections 9.1.3.5 - 9.1.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

9.1.3.4 Detached Accessory Buildings and Structures District Specific Standards

- A. Detached Accessory Buildings shall meet the Primary Building Form Standards and shall not exceed 10% of the area of the zone lot.
- B. Detached Accessory Structures shall meet the Primary Building Form Standards and do not count toward the floor area ratio requirement. Detached Accessory Structures shall be screened ~~in accordance with~~ according to Section 9.1.3. 9-8-C, Required Screening and Enclosure.

9.1.3.5 Supplemental Design Standards

A. Pedestrian Access

1. Entrance

Where required in I-MX Zone Districts, an Entrance shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

- a. Door - An entrance on the same plane as the building facade.
- b. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
- c. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

2. Pedestrian Connection

Where required in the I-MX Zone Districts, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. The Pedestrian Connection shall comply with the following:

- a. Fully paved and maintained surface not less than 5' in width.
- b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
- c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- d. The portions of pedestrian connection that cross drive lanes within parking areas shall not exceed 25' in length

9.1.3.6 Design Standard Alternatives

A. Required Build-To Alternatives

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

1. Garden Walls

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

- a. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - i. Decorative and/or structural piers may exceed the allowable height range
 - ii. Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division

- iii. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42” and 84.”
- b. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25’ with landscaping.
- c. An Administrative Adjustment to required material is permitted to better match primary building. See [Article Section 12.4.5, Administrative Adjustments](#).
- d. Garden Walls used as a Required Build-To Alternative may also be used to count toward [Section 10.5.4.3 Perimeter Surface Parking Lot Landscaping Standards](#) ~~in Article 10.5.4.3~~.

2. Pergola

In all I-MX Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage provided the pergola meets all of the following standards:

- a. Pergola structure shall be no less than 24” deep as measured perpendicular to the property line.
- b. Pergola structure shall maintain at least 8’ clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
- c. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6” vertical dimension.
- d. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15’ on center.
- e. Pergola structures and plant materials shall maintain at least 75% open area for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42” and 84” above grade.
- f. Garden walls, seating and/or landscaping may be incorporated between the pergola’s vertical supports.

3. Arcades

In all I-MX Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

They extend no more than two stories in height,

- a. The exterior face of the arcade column line is within the build-to zone,
- b. The arcade column line generally continues the wall plane of the building above,
- c. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
- d. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
- e. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

B. Ground Story Activation Alternatives

In all I-MX Zone Districts, the following alternatives may be used singularly or in combination. If used in combination, they may count toward no more than 80% of the transparency requirement. The wall design alternative may count toward 100% of the Side Street transparency requirement, provided the entirety of the length and height of the wall is considered.

1. Windows Outside the Zone of Transparency

Windows at the ground story but outside the zone of transparency that meet the requirements of may count toward no more than 40% of the transparency requirement. See Section 13.1.3.2.A Rule of Measurement for Transparency.

2. Display Cases and Automated Teller/Ticket Machines

The wall area of the following features that are located within the required zone of transparency may count toward no more than 40% of the transparency requirement:

- a. Recessed or wall mounted display cases at least 4 feet in height
- b. Walk-up automated teller machines

3. Wall Design

Wall designs that provide visual interest and pedestrian scale may count toward no more than 50% of Primary Street and 50% of Side Street transparency requirements. Wall designs must provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:

- a. Expression of structural system and infill panels through change in plane not less than 3"
- b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
- c. System of horizontal and vertical reveals not less than 1" in width/depth
- d. Variations in material module, pattern and/or color
- e. System of integrated architectural ornamentation
- f. Green screen or planter walls
- g. Translucent, fritted, patterned or colored glazing

4. Outdoor Dining/Seating

Outdoor Dining/Seating located between the building and the Primary Street zone lot line may count toward no more than 60% of the transparency requirement. Outdoor Dining/Seating located between the building and Side Street zone lot line may count toward no more than 80% of the transparency requirement.

5. Permanent Art

Non-Commercial art or graphic design of sufficient scale and orientation to be perceived from the public right of way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall may count toward no more than 40% of the transparency requirement.

6. Entrance

In all I-MX Zone Districts an alternative to an Entrance is permitted. The Entrance Alternative shall provide a clear and obvious, publicly accessible route connecting the Primary Street to the primary uses within the building. An Entrance Alternative shall be one of the following:

- a. Courtyard or Plaza
 - i. Shall be accessible to public during business hours
 - ii. Shall be within 2' of grade at edge of public right-of-way
 - iii. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the primary street facing facade.
 - iv. Maximum dimension shall not exceed 3 times the minimum dimension
 - v. Required public Entrance shall be visible from the public right-of-way.

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

9.1.3.7 Design Standard Exceptions

A. Height Exceptions

In ~~all Zone Districts~~ ~~Industrial Zone Districts~~, the following height exceptions apply:

1. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
2. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
3. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
4. Flush-mounted solar panels, as defined in ~~this~~ Article 13, may exceed the maximum permitted height of a building.

B. Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

C. Setback Permitted Encroachments

In all ~~Zone Districts~~ **Industrial Zone Districts**, permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwallied porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed
Access ramps for the handicapped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line		Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 (Retaining Wall Requirements) are met
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance
Open walls or fences or chain link security fences not exceeding seven feet in height as measured according to Section 13.1.4	All districts	any distance	any distance	any distance	any distance
Surface Parking	All districts	I-A and I-B: 10' I-MX: not allowed	not allowed	not allowed	any distance

9.1.3.8 Landscaping **Standards Requirements** (contains re-organized formatting)

A. Intent

The intent of these standards is to improve the appearance and protect the value of adjacent properties, and improve environmental conditions. This is to be achieved by providing for the installation and maintenance of landscaping and other site improvements for screening, aesthetic qualities, and security.

B. Applicability

These standards apply in the I-A and I-B ~~Industrial~~ Zone Districts and in I-MX Zone Districts when using the Industrial Primary Building Form is to Vehicle/Equipment Sales, Rentals, Service & Repair and Industrial, Manufacturing, and Wholesale uses in the I-MX Zone Districts. All other development in the I-MX Zone Districts shall comply with the landscaping standards of Division 10.5, Landscaping, Fences, Walls and Screening.

C. General ~~Standards~~ **Planting Requirements**

1. **Materials**

Section 10.5.4.5 Plant Material Standards, shall apply.

2. **Double-Counting Standards**

As applicable, the Specific Landscape Requirements of this Section may be double-counted to comply meet with the landscape requirements of Division 10.5.

3. **Irrigation**

Landscaped areas ~~shall~~ **must** have properly designed irrigation systems providing full coverage on all plant material areas

4. **Maintenance**

The owner of the property, his successors, heirs and assignees are responsible for the proper maintenance of the landscaped area. Landscaping ~~shall~~ **must** be continuously maintained including necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material.

D. **District Specific Standards Requirements**

PLANTING AREA	MINIMUM WIDTH OF GROUND COVER REQUIRED PLANTING STRIP		PLANTINGS AND SCREENING REQUIRED
Primary and Side Street Setback	Varies	Minimum 50% of the primary street and side street setback area, exclusive of driveways, shall be live ground cover.	1 shade tree or ornamental tree every 40 ft of linear frontage. Trees may be grouped or spaced to accommodate building placement, driveways or corner triangles
Side Interior and Rear Setback Abutting Residential Zone District The presence of a street or alley shall not destroy abutment	10 ft	na	Create a visual barrier between the industrial zone lot and abutting Residentially Zoned District properties . Such visual barrier shall include: 1. Trees, shrubs, and hedges; 2. Earth berms and plantings; 3. Approved planter boxes, fences or walls; or 4. Any combination of the above which meets these regulations
Zone Lot	Landscaped areas equal to 5 percent of the zone lot area shall be installed on the zone lot. Primary Street and Side Street Front setback landscaping and the landscaped areas required for on-site parking lots may be counted as part of this requirement. Such landscaping shall be located near the front of the zone lot and shall comply with all applicable general landscaping standards in Division 10.5, Landscaping, Fences, Walls and Screening of this Code.		
Perimeter Surface Parking Landscaping	See Section 10.4.4.2 <u>10.5.4.3 Perimeter Surface Parking Lot Landscaping Standards</u>		
Internal Surface Parking Landscaping	See Section 10.4.4.3 <u>10.5.4.4 Interior Surface Parking Lot Landscaping Standards</u>		

E. Application of Landscaping Standards to Existing Uses

1. General Landscaping for Existing Use

The general landscaping requirement of Section 9.1.3.78 shall apply to the expansion of an existing use if the site area or gross floor area of such use is enlarged more than 15 percent of that existing ~~on June 25, 2010. at the date of the adoption of this subsection.~~ 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 at the date of adoption~~ multiplied times ~~5-five~~ percent. A formula explaining the application of this requirement is shown below.

Assume an industrial use is to be expanded by 23 percent of the present gross floor area or site area:

$$0.23 (23\%) \times 0.05 (5\%) = 0.0115$$

$$0.0115 \times \text{present zone lot area} = \text{area of required new landscaping.}$$

2. Existing Fences and Walls

Existing fences, walls and screening devices that do not meet these standards are subject to not exempt from the requirements listed in this Division herein.

9.1.3.9 Required Screening and Enclosure Standards

A. Solid Wall or Fence Screens

When required by this Code, screening shall comply with the following minimum requirements:

1. Fences and walls used for required screening shall be a minimum of 6 feet in height.
2. Fences and walls must be of wood, brick, masonry, textured concrete or aggregate concrete. Materials such as corrugated or sheet metal, tires, car doors, or other discarded materials are not permitted. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a year round opaque screen.
3. Other materials may be used upon approval by the Zoning Administrator according to ~~the Administrative Adjustment procedures in Section 12.4.5, Administrative Adjustment of this Code.~~
4. In flood-prone areas, the Zoning Administrator may approve the use of open materials, such as open bars or chain link, at the bottom of required screening up to the flood elevation.
5. The requirement for a solid wall or fence may be satisfied by an equivalent visual barrier consisting of chain link fence containing an approved sight-obscuring material.
6. Within 50 feet of the intersection of the right-of-way lines of intersecting streets, the height and location of such walls or fences shall be determined by Public Works ~~the director of transportation engineering.~~
7. All walls or fences shall be maintained in good condition at all times.

B. Outdoor Storage Areas Adjacent to Certain Zoned Areas

The following screening and containment standards shall apply in the I-A, I-B and I-MX Zone Districts instead of the general standards in Article 10, Division 10.8, Outdoor Sales, Display, Storage and Waste Disposal.

1. All outdoor storage areas or facilities for fuel, raw materials, equipment and products shall be enclosed by a solid wall or fence adequate to conceal such facilities from abutting Residential ~~or and~~ Mixed Use Commercial Zone Districts. Materials and products stored within 100 feet of ~~such Zone Districts a residential or business zoned property~~ shall not be stacked to a height above that of the wall or fence surrounding the storage area.
2. Such storage areas and unenclosed solid waste collection areas which are located within 200 feet of and abutting a Residential ~~or and~~ Mixed Use Commercial Zone Districts shall be screened by a ~~7 to 10 foot high~~ solid wall or fence with a minimum height of 7 feet and maximum height of 10 feet.
3. Moved to Section 9.1.5.15 ~~Junkyard uses must be entirely surrounded by a solid wall or fence as described above by Section 9.1.3.9.A for outdoor storage areas. The height of such fence or wall shall screen the view of the stored material and need not exceed a height of 10 feet. Existing solid walls or fences consisting of prohibited materials shall be replaced with approved materials no later than June 15, 1993.~~

9.1.3.10 Reference to other Design Standards

A. Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards:

1. Parking and Loading: Division 10.4
2. Landscaping, Fences, Walls and Screening: Division 10.5

- 3. Site Grading: Division 10.6
- 4. Outdoor Lighting: Division 10.7
- 5. Signs: Division 10.10

SECTION 9.1.4 USES AND REQUIRED MINIMUM PARKING

9.1.4.1 ~~Applicability (Overview - summary us and parking table)~~

- A. ~~This Section 9.1.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Industrial Context Zone Districts.~~
- B. ~~Unlisted Uses~~—Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- C. ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Industrial Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

9.1.4.2 ~~Organization -Summary Use and Parking Table-~~

- A. **Organized by Primary, Accessory and Temporary Uses**
The ~~Summary~~ Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierachically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.
- B. **Primary Use Classifications, Categories & Specific Use Types**
 - 1. **Primary Use Classifications**
All primary land uses in the ~~Summary~~ Use and Parking Table are organized into one of the following five general land use classifications:
 - a. Residential Uses
 - b. Civic, Public & Institutional Uses
 - c. Commercial Sales, Service & Repair Uses
 - d. Industrial, Manufacturing & Wholesale Uses
 - e. Agriculture
 - 2. **Primary Use Categories & Specific Use Types**
Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The ~~Summary~~ Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

3. Classifications & Categories Are Mutually Exclusive

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

9.1.4.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

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

B. **Permitted, Limited, Not Permitted**

1. **Permitted Use - No Use Limitations Apply (“P”)**

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

2. **Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)**

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”).

~~Applicable Use Limitations~~

~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11, of this Code.~~

3. **Uses Not Permitted (“NP”)**

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

C. **Zoning Procedure**

1. **Use Subject to Zoning Permit Review (“ZP”)**

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. **Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)**

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

3. **Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)**

“ZPSE” in a table cell indicates that use is generally appropriate in the neighborhood context and zoning district, yet may have the potential for limited impacts on adjacent properties or on the established character of the neighborhood context or zoning district. “ZPSE” uses are subject to a Board of Adjustments public hearing according to Section 12.4.9, Zoning Permit with Special Exception Review, which grants the Board of Adjustment the authority to impose conditions on the specified use to mitigate any potential

impacts. Such uses shall comply with any applicable use limitations noted in the last column of the use table (“Applicable Use Limitations”), as well as the review criteria stated in Section 12.4.9, Zoning Permit with Special Exception Review.

4. Uses Where More Than One Zoning Procedure Is Indicated

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

Unlisted Uses ~~{moved}~~

~~Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.~~

~~Compliance with Other Code Provisions Required The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 9, and the standards stated in Article 10, General Design Standards.~~

~~Applicable Procedures Prior to Establishment of Use~~

~~A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.~~

~~The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Development Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.~~

9.1.4.4 ~~District Specific Standards Allowed Uses by District and Minimum Parking Requirements~~

KEY: 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
 * = Need Not be Enclosed

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-A	I-B	APPLICABLE USE LIMITATIONS AND STANDARDS
RESIDENTIAL PRIMARY USE CLASSIFICATION							
Household Living	Dwelling, Single Unit • No Parking Requirement	P-ZP	L-ZP	L-ZP			\$9.1.5.1
	Dwelling, Two Unit • Vehicle - I-MX only: 1/unit • Vehicle: 1.25/unit	P-ZP	L-ZP	L-ZP			\$9.1.5.2
	Dwelling, Multi-Unit • Vehicle - I-MX only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/ 5 units (80/20)	P-ZP	L-ZP	L-ZP			\$9.1.5.3
	Dwelling, Mixed Use • Vehicle - I-MX only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/ 5 units (80/20)	P-ZP	NP	NP			
	Dwelling, Live / Work • Vehicle - I-MX only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/ 5 units (80/20)	L-ZP	L-ZP	NP			\$11.2.3
Group Living	Assisted Living Facility	NP	NP	NP			
	Community Correctional Facility • Vehicle - I-MX only: 0.125/unit • Vehicle: .25/unit • Bicycle: No requirement	L-ZP	L-ZP	L-ZP			\$9.1.5.4
	Nursing Home, Hospice	NP	NP	NP			
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: No requirement	P-ZP	NP	NP			
	Residential Care Use, Small or Large • Vehicle - I-MX only: 0.125/unit • Vehicle: .25/unit • Bicycle: No requirement	L-ZPIN	NP	NP			\$ 11.2. 45
	Shelter for the Homeless • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN			\$ 11.2. 56
	Student Housing • Vehicle - I-MX only: 1/unit • Vehicle: 1.25/unit • Bicycle: 1/ 5 units (80/20)	P-ZP	NP	NP			
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION							
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE			\$ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP			\$ 11.3.2

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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 ZONING DISTRICTS			APPLICABLE USE LIMITATIONS AND STANDARDS
		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
Community/ Public Services	Community Center • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Day Care Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 20,000 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	
	Postal Processing Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 20,000 s.f. GFA (20/80)	P-ZP	P-ZP	P-ZP	
	Public Safety Facility • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	Hospital Correctional Institution	NP NP	NP NP	NP NP	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery • No Parking Requirement	L-ZP	L-ZP	L-ZP	§9.1.5.5
	Library • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	NP	
	Museum • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	City Park • No Parking Requirements	NP	NP	NP	
	Open Space - Recreation • Vehicle - I-MX only: 0.375/ 1,000 s.f. GFA • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation • No Parking Requirement	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle - I-MX only: 1/ 1,000 s.f. GFA • Vehicle- Elementary: 1/ 1,000 s.f. GFA • Bicycle-Elementary: 1/ 10,000 s.f. GFA (0/100) • Vehicle- Secondary: 2/1,000 s.f. GFA • Bicycle: 1/ 20,000 s.f. GFA (0/100)	P-ZP	P-ZP	NP	
	University or College • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	Vocational or Professional School • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	L-ZP	L-ZP	L-ZP	§ 11.3.6
Public and Religious Assembly	All Types • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	NP	

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USE CATEGORY	SPECIFIC USE TYPE <ul style="list-style-type: none"> • 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-A	I-B	APPLICABLE USE LIMITATIONS AND STANDARDS
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION							
Adult Business	All Types	NP	NP	NP			
Arts, Recreation and Entertainment	Arts, Recreation and Entertainment Services, Indoor <ul style="list-style-type: none"> • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA(20/80) 	P -ZP	P -ZP	P -ZP			\$11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* <ul style="list-style-type: none"> • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80) 	P-ZP	L-ZP	L-ZP			\$11.4.2
	Sports and/or Entertainment Arena or Stadium* <ul style="list-style-type: none"> • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA(20/80) 	L-ZP	P-ZP	P-ZP			\$9.1.5.6
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		Not Applicable					
Parking of Vehicles	Parking, Garage <ul style="list-style-type: none"> • No Parking Requirement 	P-ZP	P-ZP	P-ZP			
	Parking, Surface* <ul style="list-style-type: none"> • No Parking Requirement 	P-ZP	P-ZP	P-ZP			
Eating & Drinking Establishments	All Types <ul style="list-style-type: none"> • Vehicle - I-MX only: 3.75/ 1,000 s.f. GFA • Vehicle: 5/ 1,000 s.f. GFA • Bicycle: 1/5,000 s.f. GFA (0/100) 	P-ZP	P-ZP	P-ZP			
Lodging Accommodations	Bed and Breakfast Lodging <ul style="list-style-type: none"> • Vehicle - I-MX only: 1/guest room or unit • Vehicle: 1.25/guest room or unit • Bicycle: 1/5 guest room or unit (80/20) 	P-ZP	NP	NP			
	Lodging Accommodations, All Others <ul style="list-style-type: none"> • Vehicle - I-MX only: 1/guest room or unit • Vehicle: 1.25/guest room or unit • Bicycle: 1/5 guest rooms or units (80/20) 	P-ZP	P-ZP	P-ZP			
Office	Dental / Medical Office or Clinic <ul style="list-style-type: none"> • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (60/40) 	L-ZP	P-ZP	P-ZP			\$11.4.7
	Office, All Others <ul style="list-style-type: none"> • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (60/40) 	P-ZP	P-ZP	P-ZP			

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		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	P-ZP	P-ZP	<u>LP-ZP</u>	<u>\$11.4.8</u> ; <u>\$11.4.9</u>
	Animal Sales and Services, All Others • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA(20/80)	L-ZP	L-ZP	L-ZP	\$9.1.5.7; <u>\$11.4.8</u>
	Body Art Establishment • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	L-ZP	NP	NP	\$11.4.10
	Food Sales or Market • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	P-ZP	P-ZP	<u>LP-ZP</u>	<u>\$11.4.8</u>
	Liquor Store, Including Drugstores Licensed to Sell Liquor • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	L-ZP	L-ZP	L-ZP	\$11.4.12; <u>\$11.4.8</u>
	Pawn Shop	NP	NP	NP	
	Retail Sales, Service & Repair -- Outdoor* • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	L-ZP	L-ZP	L-ZP	\$11.4.14; <u>\$11.4.8</u>
	Retail Sales, Service & Repair - Firearms Sales • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	P-ZP	<u>LP-ZP</u>	<u>LP-ZP</u>	<u>\$11.4.8</u>
Retail Sales, Service & Repair, All Others • Vehicle - I-MX only: 1.875/ 1,000 s.f. GFA • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (20/80)	P-ZP	<u>LP-ZP</u>	<u>LP-ZP</u>	<u>\$11.4.8</u>	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Automobile Services, Light • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$11.4.16; \$11.4.17
	Automobile Services, Heavy • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$11.4.16; \$11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals. & Service* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPSE	L-ZPIN	P-ZP	\$11.4.20

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USE CATEGORY	SPECIFIC USE TYPE <ul style="list-style-type: none"> • 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-A	I-B	APPLICABLE USE LIMITATIONS AND STANDARDS
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION							
Communications and Information	Communication Services <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	P-ZP	P-ZP	P-ZP			
	Telecommunications Towers* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZPSE	L-ZPSE	L-ZPSE	\$11.5.2		
	Telecommunications Tower - Alternative Structure <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZP/PIN	L-ZP/PIN	L-ZP/PIN	\$11.5.2		
	Telecommunication Facilities -- All Others* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZPIN	L-ZP	L-ZP	\$11.5.2		
Industrial Services	Contractors, Special Trade - General <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZP	L-ZP	L-ZP	\$11.5.3		
	Contractors, Special Trade - Heavy/ Contractor Yard* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZP	L-ZP	L-ZP	\$9.1.5.8		
	Food Preparation and Sales, Commercial <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	P-ZP	P-ZP	P-ZP			
	Laboratory, Research, Development and Technological Services <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	P-ZP	P-ZP	P-ZP			
	Service/Repair, Commercial <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZP	L-ZP	L-ZP	\$11.5.5		
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	P-ZP	P-ZP	P-ZP			
	Manufacturing, Fabrication & Assembly -- General <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L P-ZP	L-ZP	L-ZP	\$11.5.6; \$11.5.7		
	Manufacturing, Fabrication & Assembly -- Heavy <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	NP	L-ZP	L-ZP	\$9.1.5.9 \$11.5.6		
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	L-ZP	L-ZP	L-ZP	\$9.1.5.10		
	Sand or Gravel Quarry* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	NP	L-ZP	L-ZP	\$9.1.5.11		
	Wind Energy Conversion Systems* <ul style="list-style-type: none"> • No Parking Requirement 	L-ZP	L-ZP	L-ZP	\$11.5.8		
Transportation Facilities	Airport* <ul style="list-style-type: none"> • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement 	NP	NP	NP			

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		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
Transportation Facilities	Helipad, Helistop, Heliport* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$11.5.9
	Railroad Facilities* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$9.1.5.12
	Railway Right-of-Way* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Terminal, Freight, Air Courier Services • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$9.1.5.13
Waste Related Services	Automobile Parts Recycling Business* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$9.1.5.14
	Junkyard* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP NP	L-ZP	\$9.1.5.15
	Recycling Center • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPIN	L-ZP	L-ZP	\$9.1.5.16
	Recycling Collection Station • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Recycling Plant, Scrap Processor • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$9.1.5.17
	Solid Waste Facility • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	P-ZPIN	P-ZP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$9.1.5.18
	Mini-storage Facility • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Vehicle Storage, Commercial* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$11.5.12
	Wholesale Trade or Storage, General • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$9.1.5.19
	Wholesale Trade or Storage, Light • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	\$11.5.13

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		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
AGRICULTURE PRIMARY USE CLASSIFICATION					
Agriculture	Agriculture, Limited* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$9.1.5.20
	Aquaculture* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Garden, Urban* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$11.6.1
	Greenhouse • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	
	Husbandry* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	\$9.1.5.21
	Nursery, Plant* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	\$9.1.5.22
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit	L-ZP	NP	NP	\$11.7; \$11.8.2
	Domestic Employee	L	NP	NP	\$11.8.3
	Garden	L	L	L	\$11.7; \$11.8.4
	Greenhouse	L	L	L	\$11.7; \$11.8.5
	Keeping of Household Animals	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	\$11.7; \$11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	NP	NP	\$11.7; \$10.9
	Kennel or Exercise Run	L	L	L	\$11.7; \$11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	L-ZP	NP	NP	\$11.7; \$11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	NP	NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	\$11.8.9
	Vehicle Storage, Repair and Maintenance	NP	NP	NP	
	Yard or Garage Sales	L	L	L	\$11.7; \$11.8.10
	Unlisted Accessory Uses	L - Applicable in all Zone Districts			\$11.7; \$11.8.1

KEY: 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
 * = Need Not be Enclosed

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 AND STANDARDS			
		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses <u>(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</u>	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	L	L	L	\$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	\$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	L	L	NP	\$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
	Garden	L	L	L	\$11.7; \$11.10.9
	Greenhouse	L	L	L	\$11.7; \$11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	<u>Not Applicable</u>			
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	\$11.7; \$11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	L-ZP IN /ZPSE	L-ZP IN /ZPSE	L-ZP IN /ZPSE	\$11.7; \$11.10.11
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	L-ZPIN/ZPSE	L-ZPIN/ZPSE	L-ZPIN/ZPSE	\$11.7; \$11.10.12
	Outdoor Retail Sale and Display*	L-ZP	L-ZP/ZPSE	L-ZP/ZPSE	\$11.7; \$10.8
	Outdoor Storage*	L-ZP	L-ZP	L-ZP	\$11.7; \$10.8
Rental or Sales of Adult Material Accessory to a Permitted Bookstore Use	L	NP	NP	\$11.7; \$11.10.13	
Unlisted Accessory Uses	L - Applicable in all Zone Districts			\$11.7; \$11.10.1	
HOME OCCUPATION CLASSIFICATION					
Home Occupations	Child Care Home, Large (7-12)	L-ZPIN	NP	NP	\$11.7 ; \$11.9; \$11.9.3
	All <u>Other</u> Types	L-ZP	NP	NP	\$11.7 ; \$11.9; \$11.9.4
	<u>Unlisted Home Occupation Uses</u>	<u>L - ZPIN - Applicable in all Zone Districts</u>			\$11.7 ; \$11.9.5

KEY: P = Permitted Use without Limitations L = Permitted Use with Limitations NP = Not Permitted Use ZP = Zoning Permit Review
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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 AND STANDARDS			
		I-MX-3 I-MX-5 I-MX-8	I-A	I-B	
TEMPORARY USE CLASSIFICATION					
Temporary Uses	Ambulance Service - Temporary	L-ZP	L-ZP	L-ZP	§11.11.2
	Amusement / Entertainment - Temporary*	L-ZP	L-ZP	L-ZP	§11.11.3
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	§11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	§11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	§11.11.7
	Health Care Center	P-ZP	P-ZP	P-ZP	
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	L-ZP	L-ZP	L-ZP	§11.11.10
	Outdoor Retail Sales*	L-ZP	L-ZP	L-ZP	§11.11.11
	Outdoor Sales, Seasonal*	L-ZP	L-ZP	L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	§11.11.13
	Retail Food Establishment, Mobile*	L-ZP	L-ZP	L-ZP	§11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	§11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	§11.11.16
	Tent for Religious Services	L-ZP	L-ZP	L-ZP	§11.11.17
Unlisted Temporary Uses	L - Applicable to all Zone Districts			§11.11.1	

SECTION 9.1.5 APPLICABLE USE LIMITATIONS & STANDARDS

9.1.5.1 Dwelling, Single Unit

Single unit dwellings uses are permitted in the I-A and I-B Zone Districts subject to compliance with the following ~~standards~~ limitations:

- A. There is an existing structure that was erected for single unit dwelling use prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.
- B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the single unit dwelling shall comply with the provisions of the Denver Zoning Code as it applies to the urban house form in the U-SU-C Zone District.
- C. Accessory uses, accessory structures, ~~uses allowed by temporary permit~~, home occupations, parking of vehicles and permitted signs shall be regulated by the Denver Zoning Code as it applies to a single unit dwelling use in the U-SU-C Zone District.
- D. The external effects of such uses shall be regulated by Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.
- E. The zone lot containing a single unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

9.1.5.2 Dwelling, Two Unit

Two unit dwelling uses are permitted in the I-A and I-B Zone Districts subject to compliance with the following ~~standards~~limitations:

- A. There is an existing structure that was erected for two unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.
- B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the two unit dwelling use shall comply with the provisions of this Code as it applies to the duplex or tandem house building forms in the U-TU-C Zone District.
- C. Accessory uses, accessory structures, ~~uses allowed by temporary permit~~, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a two unit dwelling use in the U-TU-C Zone District.
- D. A two unit dwelling use in an ~~I-A or I-B Industrial~~ Zone District shall be subject to the same limitations as a two unit dwelling use located in any Residential Zone District.
- E. The external effects of such uses shall be regulated by ~~Section~~Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.
- F. The zone lot containing a two unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

9.1.5.3 Dwelling, Multi-Unit

Multi-unit dwelling uses are permitted in the ~~I-A and I-B Industrial ("I")~~ Zone Districts subject to compliance with the following ~~standards~~limitations:

- A. There is an existing structure that was erected as a multiple unit dwelling prior to July 1, 2004, has not had its nonconforming use terminated, and is not a neglected or derelict building under the provisions of Article IX (neglected and derelict buildings), Chapter 10 (buildings and building regulations) of the Denver Revised Municipal Code.
- B. Future rebuilds, physical modifications, alterations, and/or additions to the structure containing the multiple unit dwelling use shall comply with the provisions of this Code as it applies to a building form allowed in the G-MU-3 Zone District.
- C. Accessory uses, accessory structures, ~~uses allowed by temporary permit~~, home occupations, parking of vehicles and permitted signs shall be regulated by this Code as it applies to a multi-unit dwelling use in the G-MU-3 Zone District.
- D. A multi-unit dwelling use in an ~~I-A or I-B Industrial~~ Zone District shall be subject to the same limitations as a multi-unit dwelling use located in any Residential Zone District.
- E. The external effects of such uses shall be regulated by ~~Section~~Division 10.11, Limitations on External Effects of Uses and shall not be exempt from these provisions due to the industrial zoning.
- F. The zone lot containing a multi-unit dwelling use shall be used and operated in its entirety as a residential use. Such zone lots shall not be amended.

9.1.5.4 Community Corrections Facility

In the ~~I-A and I-B Zone Districts, Industrial Zone Districts~~, community corrections facilities shall comply with the following ~~standards~~limitations:

A. Community Corrections Subject to Large Residential Care Use ~~Standards~~Limitations

Community corrections facilities are classified as Large Residential Care uses and are therefore subject to all of the requirements applicable to Large Residential Care uses in Section 11.2.~~54~~ below, in addition to the following use-specific ~~standards~~limitations. In case of conflict with the requirements of Section 11.2.~~54~~, the more specific ~~standards~~limitations in this subsection shall apply.

1. Permitted Location

Community corrections facilities (for purposes of this subsection, hereinafter “facilities” or “facility”) shall be ~~allowed only in the D-C, D-TD, and D-LD Zone Districts and in the Industrial Zone Districts, and shall be~~ located more than:

- a. 1,500 feet from a school meeting all requirements of the compulsory education laws of the state;
- b. 1,500 feet from a Residential Zone District; and
- c. 1,000 feet from any liquor store, any drugstore licensed to sell package liquors, or any retail package liquor business.

2. Limits on Number of Residents

- a. The proposed number of residents shall not exceed 1 person per 50 square feet of gross floor area in sleeping areas with a maximum of 40 residents ~~in the permitted Zone Districts~~; provided, ~~however, if a proposed facility is located in an Industrial Zone District~~, such facility may have up to 60 residents, provided further, however, that if such facility ~~is located in an Industrial Zone District and~~ operated by the Denver Manager of Safety, or under contract to the Manager of Safety, such facility may have up to 120 residents, except that the existing facility located at 570 West 44th Avenue may have up to 90 residents.
- b. After April 30, 2008, no new community corrections facility shall begin operation until May 1, 2018.
- c. The expansion of any existing community corrections facility to more than 60 residents shall be reviewed according to ~~Section 12.4.2, the procedures for~~ Zoning Permit Review with Informational Notice ~~in Section 12.4.2 of this Code~~.

3. Government Supervision Required for Transition Programs in a Community Corrections Facility

Any program to facilitate transition to a less-structured or independent residential arrangement in a community corrections facility shall be supervised directly or indirectly by an agency of the city, the state or the federal government.

9.1.5.5 Cemetery

Cemeteries are allowed subject to compliance with the following ~~standards~~limitations:

- A. A cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.
- B. Cemetery use shall be limited to columbariums only.

9.1.5.6 Sports and/or Entertainment Arena or Stadium

Sports and/or Entertainment Arena or Stadium uses shall comply with the following ~~standards~~limitations:

- A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6.

- B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.1.5.7 Animal Services and Sales, All Others

- A. Wild or dangerous animal boarding and breeding services are prohibited.
- B. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.
- C. Overnight accommodations are allowed.
- D. Where located abutting a Residential Zone District, a minimum 50 foot wide landscaped buffer shall be provided, as approved by the Zoning Administrator. Such buffer is intended to substantially mitigate potential adverse effects from the animal service use, including but not limited to noise and odor.

9.1.5.8 Contractors, Special Trade-Heavy/Contractor Yard*

Separation Requirement: A contractors, special trade/heavy use ~~in an Industrial (I) Zone District~~ shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

9.1.5.9 Manufacturing, Fabrication, and Assembly, Heavy

Heavy Manufacturing, Fabrication and Assembly uses are allowed subject to compliance with the following ~~standards~~limitations:

- A. Special Exception review is required for the manufacturing, fabrication, and assembly of:
 - 1. (SIC 3631) Household cooking equipment;
 - 2. (SIC 3632) Household refrigerators and freezers;
 - 3. (SIC 3633) Household laundry equipment; or
 - 4. (SIC 3639) Household appliances.
- B. Petroleum refining is prohibited except for the following activities, which are allowed only in the I-B Zone District:
 - 1. (SIC 295) Asphalt paving and roofing materials; or
 - 2. (SIC 299) Miscellaneous products of petroleum and coal.

9.1.5.10 Oil, Gas, Production, Drilling

Oil gas, production, drilling uses area limited to geophysical services only. As part of the Site Development Plan review process, the Zoning Administrator shall determine the separation between the proposed use and any adjacent Residential Zone District based on the external effects of the proposed use.

9.1.5.11 Sand or Gravel Quarry

A sand or gravel quarry use shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.1.5.12 Railroad Facilities

- A. ~~In an Industrial Zone District, any~~ A railway facility proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.
- B. ~~In an Industrial Zone District, a~~All mass transit railroad facilities, ~~except rail tracks, guideways, and overhead power lines,~~ located within 200 feet of a conforming residential structure shall be reviewed according to Section 12.4.3, Site Development Plan Review subject to the Site Development Plan review procedures in Section 12.4.3 of this Code.

9.1.5.13 Terminal, Freight, Air Courier Service

- A. Any terminal proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than 15 percent gross floor area or gross site area.
- B. The 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion greater than 15 percent gross floor area or gross site area of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.1.5.14 Automobile Parts Recycling Business

The use shall be located no less than 500 feet from a Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, its traffic generation and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

9.1.5.15 Junkyard

~~All junkyard uses shall comply with the following standards:~~

- A. **Separation**
The use shall be a minimum of 1,000 feet from any Residential Zone District, Mixed Use Commercial Zone District, or Downtown Neighborhood Context Zone District.
- B. **Screening**
~~The use shall comply with the screening and enclosure requirements of~~ The junkyard use shall be completely enclosed by a solid wall or fence in accordance with Section 9.1.3.10, Required Screening and Enclosure 10-5-7.3 ~~(Moved from Section 9.1.3.9.B.3)~~ The height of such fence or wall shall screen the view from an abutting Primary Street of the stored material and shall not need not exceed a height of 10 feet. Existing solid walls or fences consisting of prohibited materials shall be replaced with approved materials no later than June 15, 1993.

9.1.5.16 Recycling Center

- A. **Separation Requirement -- All Zone Districts**
The recycling center facility shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

B. Screening

~~The use shall comply with the screening and enclosure requirements of Section 9.1.3.10, Required Screening and Enclosure 10.5.7.3. Enclosure Required The recycling center, facility shall be completely enclosed by a solid wall or fence meeting the minimum requirements of Section 10.5.7.3.~~

9.1.5.17 Recycling Plant, Scrap Processor

A. Separation Requirement

The recycling plant shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

B. Screening

~~The use shall comply with the screening and enclosure requirements Enclosure Required The recycling plant shall be completely enclosed by a solid wall or fence meeting the requirements of Section 9.1.3.10, Required Screening and Enclosure 10.5.7.3.~~

9.1.5.18 Automobile Towing Service Storage Yard

An automobile towing service storage yard plant shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

9.1.5.19 Wholesale Trade or Storage, General

All wholesale trade or storage, general uses shall be located a minimum of 500 feet from a Residential Zone District.

9.1.5.20 Agriculture, Limited

All agriculture, limited uses shall be located at least 500 feet from a Residential Zone District.

9.1.5.21 Husbandry, ~~Plant or Animal~~

A. I-A Zone District

This use is limited to plant husbandry only and shall be located at least 500 feet from a Residential Zone District.

~~Limited to plant husbandry only.~~

B. I-B Zone District

1. Plant husbandry is allowed without limitation.
2. Animal husbandry is limited to meat packing plants and poultry slaughtering, provided such uses shall be located at least 500 feet from a Residential Zone District.

9.1.5.22 Nursery, Plant

- A. This use is limited to plant husbandry and/or the sale of produce and plants raised on the premises.
- B. This use shall be located at least 500 feet from a Residential Zone District.

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DIVISION 9.2 CAMPUS CONTEXT (CMP)

SECTION 9.2.1 CAMPUS CONTEXT DESCRIPTION



General Character: The Campus Context generally consists of midsize to large medical, institutional, educational, or entertainment sites. The context is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements that may be recognized through an urban design plan that expresses stakeholder visions for the campus and its surrounding area. Campus contexts tend to have transitional areas that taper off in intensity towards adjacent residential neighborhood contexts, but can also incorporate and be adjacent to more intense development.

Street, Block, and Access Patterns: While Campus sites are often connected to the City via the traditional street grid, transportation and access patterns within the campus site are widely varied.

Building Placement and Location: Campus buildings are typically placed to accommodate the specific activity, with multiple buildings often oriented in a way appropriate to their use. Buildings may be oriented toward an internal public space or central courtyard. In some cases, buildings are used to line the perimeter of a campus to introduce pedestrian-oriented uses.

Building Height: Buildings are compatible with the scale of the surrounding neighborhood context with greater variation in massing and height in the interior of the site.

Mobility: Priority is often given to pedestrians. Vehicular access can be disconnected from the grid within the campus zone, but pedestrian and vehicular permeability should be encouraged. Shared structured and surface parking often exist internal to the campus to serve multiple buildings and uses, while internal pedestrian ways connect the campus structures. The Campus Context often has high levels of access to the multi-modal transit system.

SECTION 9.2.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established in the Campus Context and are applied to property as set forth on the Official Map.

CAMPUS CONTEXT	
CMP-H	Campus - Healthcare
CMP-H2	Campus - Healthcare 2
CMP-EI	Campus - Education Institution
CMP-EI2	Campus - Education Institution 2
CMP-ENT	Campus - Entertainment

SECTION 9.2.3 CAMPUS HEALTHCARE AND HEALTHCARE 2 (CMP-H, H2)

9.2.3.1 Intent

These districts are intended to promote and encourage the maintenance and concentration of existing and proposed healthcare facilities and their related uses. Buildings should be designed to orient outward to the surrounding area to encourage public safety.

The CMP-H district is intended to include the principal structures and related facilities of each healthcare institution. The district is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods.

The CMP-H2 district is generally adjacent to a single unit, two unit, or row house residential Zone District to act as a transition zone by requiring more open space and limiting building height more than in the CMP-H zone. In all other respects, the CMP-H2 is similar to the CMP-H district. Any CMP-H2 District shall be incorporated into the Zone Lot plan for the adjacent CMP-H District.

9.2.3.2 **Generally Applicable Design Standards (contains re-formatting of outline)**

~~Site Design Standards~~

~~Article 10 and Section 12.4.3, Site Development Plan Review standards apply unless otherwise exempted through Section 12.4.3.9, Review and Final Decision by Planning Board.~~

A. **Applicability**

~~All development in the CMP-H, -H2 Zone Districts.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot. Combining standards from different building forms for the same structure is prohibited. Unenclosed uses shall comply with all building form standards as applicable.~~

B. **General Standards**

1. **Campus Design Standards**

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Plan Review when available.

2. **Zone Lot**

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.2.1, Zone Lots - Rule of Measurement and Division 1.2, Zone Lots. The area shall include the primary use

in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

3. Construction Subject to Review and Final Decision by Planning Board

a. Applicability

Construction of the following in the CMP-H and CMP-H2 districts shall be subject to the review procedures described below:

- i. A new or modified rotorcraft landing or take-off area;
- ii. An emergency vehicle access point; or
- iii. Principal point of vehicular or pedestrian access.

b. Applicable Procedure

Construction applicable to this Section 9.2.3.3 shall be allowed only after review and final decision by Planning Board on a site development plan, according to the procedures and criteria stated in Section 12.4.3 (Site Development Plan Review).

~~Primary Building Form Standards~~

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10. For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

4. Reference to Article 10 Design Standards

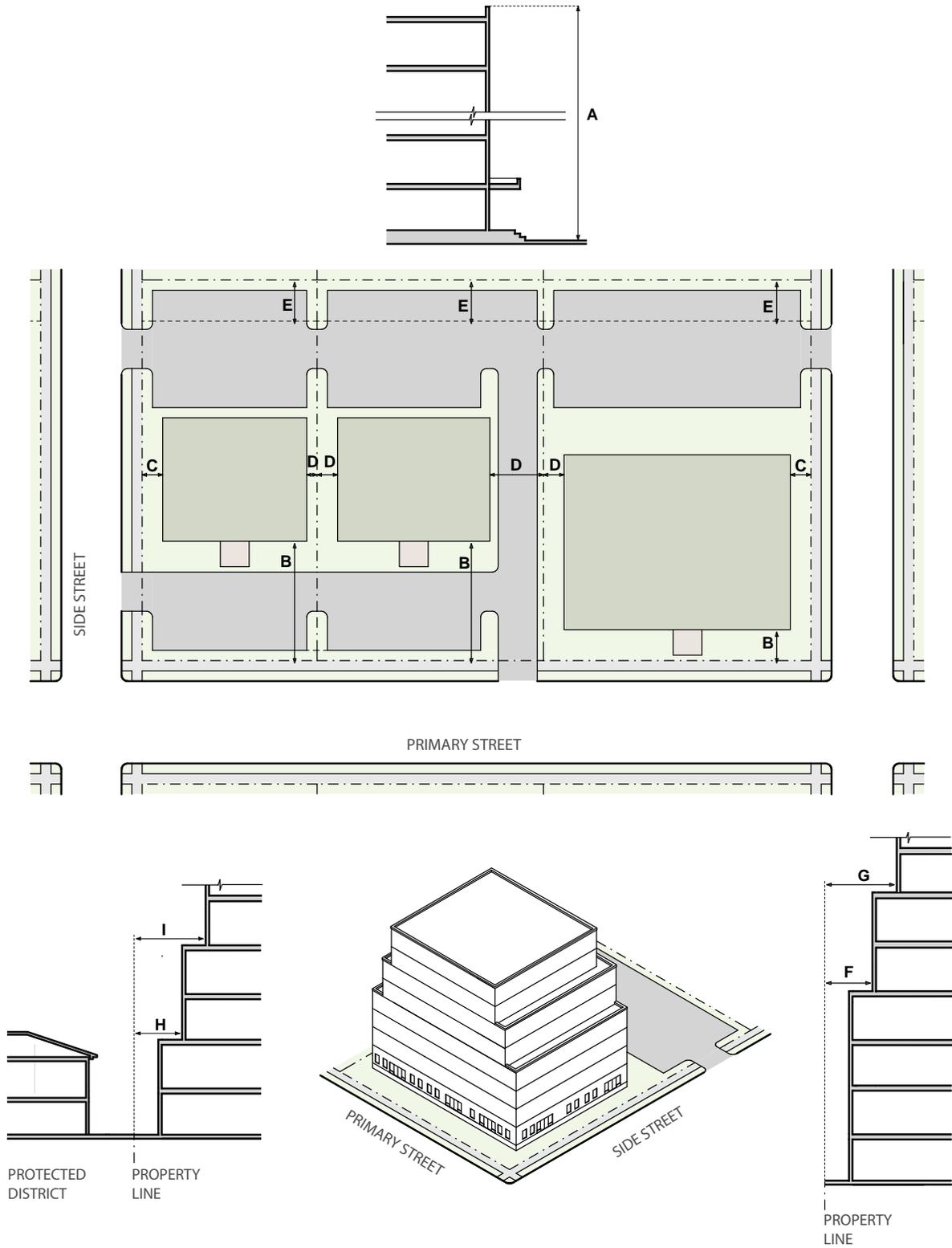
Refer to the following Divisions for other applicable design standards

- a. Parking and Loading: Division 10.4
- b. Landscaping, Screening, Fences and Walls: Division 10.5
- c. Site Grading: Division 10.6
- d. Outdoor Lighting: Division 10.7
- e. Signs: Division 10.10

C. District Specific Standards

1. General (1 of 2)

Not to Scale. Illustrative Only.



GENERAL (1 OF 2)

HEIGHT		CMP-H
A	Feet, (max)	200'
A	Feet, within 125' of Protected District (max)	75'

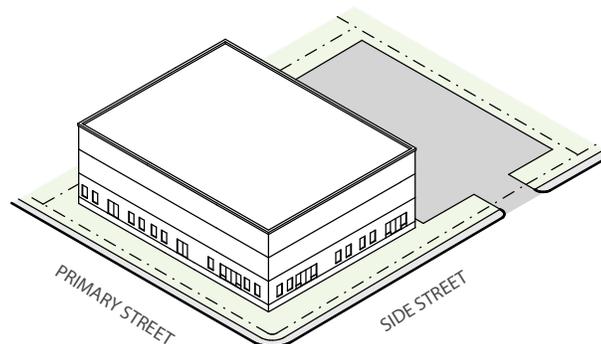
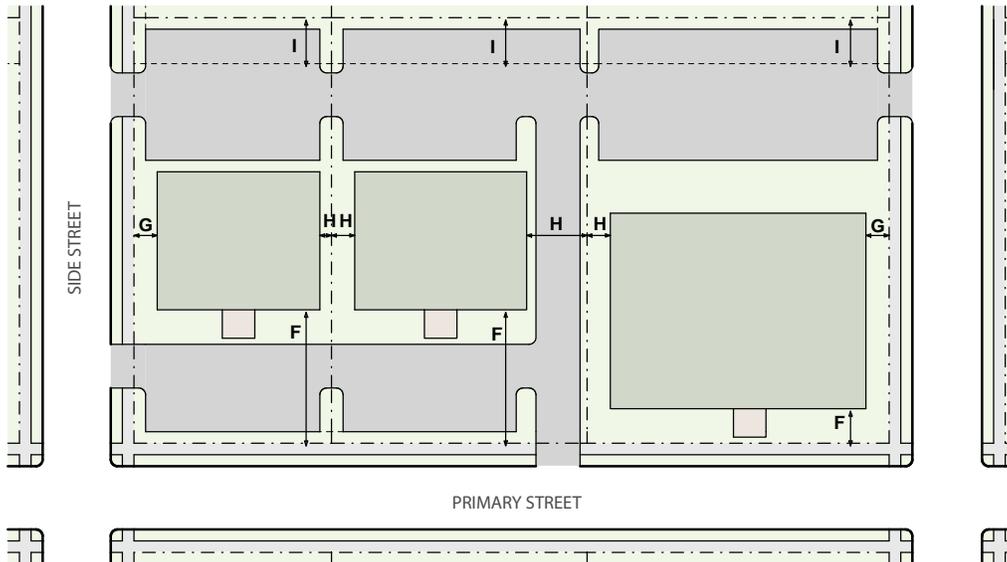
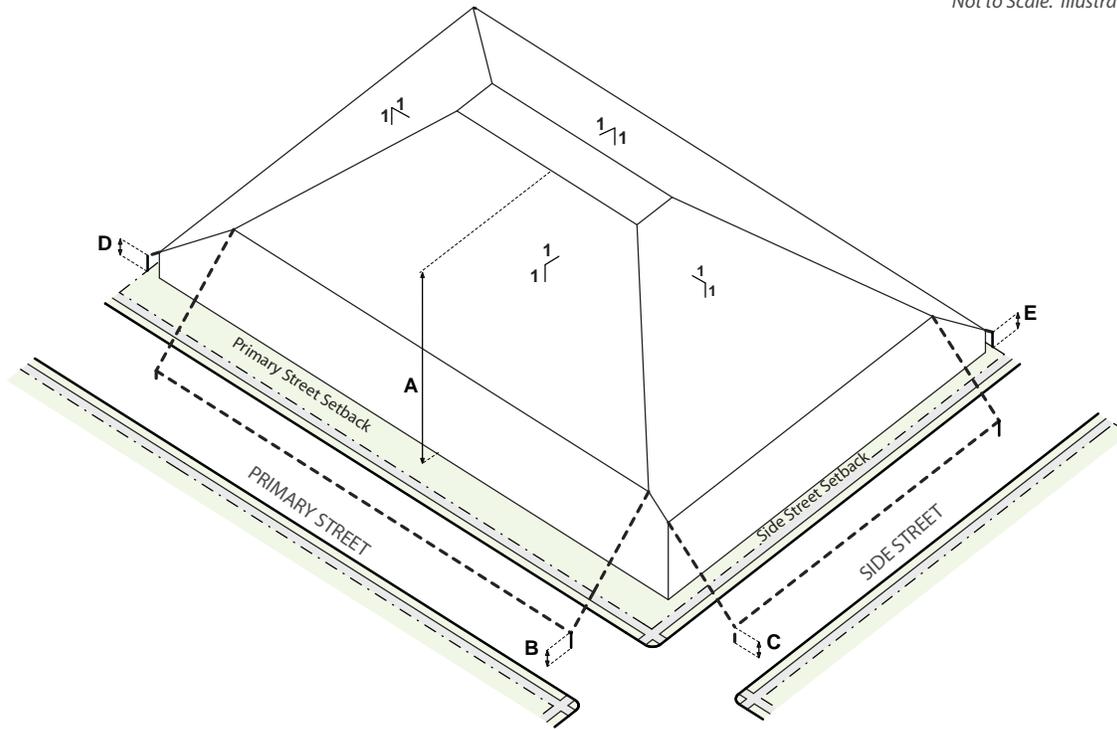
SITING		CMP-H
SETBACKS		
B	Primary Street (min)	10'
C	Side Street (min)	7.5'
D	Side Interior (min)	7.5'
	Side Interior, adjacent to Protected District (min)	10'
E	Rear, alley/rear no alley, (min)	10'/20'

DESIGN ELEMENTS		CMP-H
F	Upper Story Setback Above 40', Side Interior (min)*	15'
G	Upper Story Setback Above 65', Rear, alley/rear, no alley and side interior (min)*	20'/30'
H	Upper Story Setback Above 27' adjacent to Protected District, Side Interior (min)	25'
H	Upper Story Setback Above 40' adjacent to Protected District, Rear, alley/Rear, no alley (min)	30'/40'
I	Upper Story Setback Above 51' adjacent to Protected District, Side Interior (min)	40'

* When CMP-H and CMP-H2 are abutting, the bulk plane and upper story setback required along that shared Zone District boundary are not applicable

2. General (2 of 2)

Not to Scale. Illustrative Only.



GENERAL (2 OF 2)

HEIGHT		CMP-H2
A	Feet, (max)	140'
A	Feet, within 125' of Protected District (max)	75'
B	Bulk Plane Vertical Height at Centerline of Primary Street*	10'
C	Bulk Plane Vertical Height at Centerline of Side Street*	10'
D	Bulk Plane Vertical Height at Side Interior Property Line*	10'
E	Bulk Plane Vertical Height at Rear Property Line, or Centerline of alley if present	10'
	Bulk Plane Slope*	45°

SITING		CMP-H2
	Building Coverage, including all accessory structures (max)	60%
SETBACKS		
F	Primary Street (min)	20'
G	Side Street (min)	7.5
H	Side Interior (min)	7.5'
I	Rear, alley/no alley (min)	10'/20'

* When CMP-H and CMP-H2 are abutting, the bulk plane and upper story setback required along that shared Zone District boundary are not applicable

SECTION 9.2.4 CAMPUS-EDUCATION/INSTITUTION (CMP-EI, EI2)

9.2.4.1 Intent

The Campus Education/Institution Districts are intended for educational institutions that incorporate primary, intermediate, high school, college and university uses and associated programming including student boarding facilities. This district also accommodate other types of large scale civic, public and institutional uses such as museums, public and religious assembly uses. The district is established to allow for flexible placement of buildings, and unified treatment of signs, open space, landscaping and other site elements while providing compatible transitions between the campus and adjacent neighborhoods.

9.2.4.2 **Generally Applicable Design Standards (contains re-formatting of outline)**

~~Site Design Standards~~

~~Article 10 and Division 12.4.3, Site Development Plan Review standards apply.~~

A. **Applicability**

~~All development in the CMP-EI, -EI2 Zone Districts.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot. Combining standards from different building forms for the same structure is prohibited. Unenclosed uses shall comply with all building form standards as applicable.~~

B. **General Design Standards**

1. **Campus Design Standards**

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Development Plan Review where available.

2. **Zone Lots**

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.2.1, Zone Lot - Rules of Measurement and Division 1.2, Zone Lots. The area shall include the primary use in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

~~Primary Building Form Standards~~

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10. For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

3. **Reference to Article 10 Design Standards**

Refer to the following Divisions for other applicable design standards

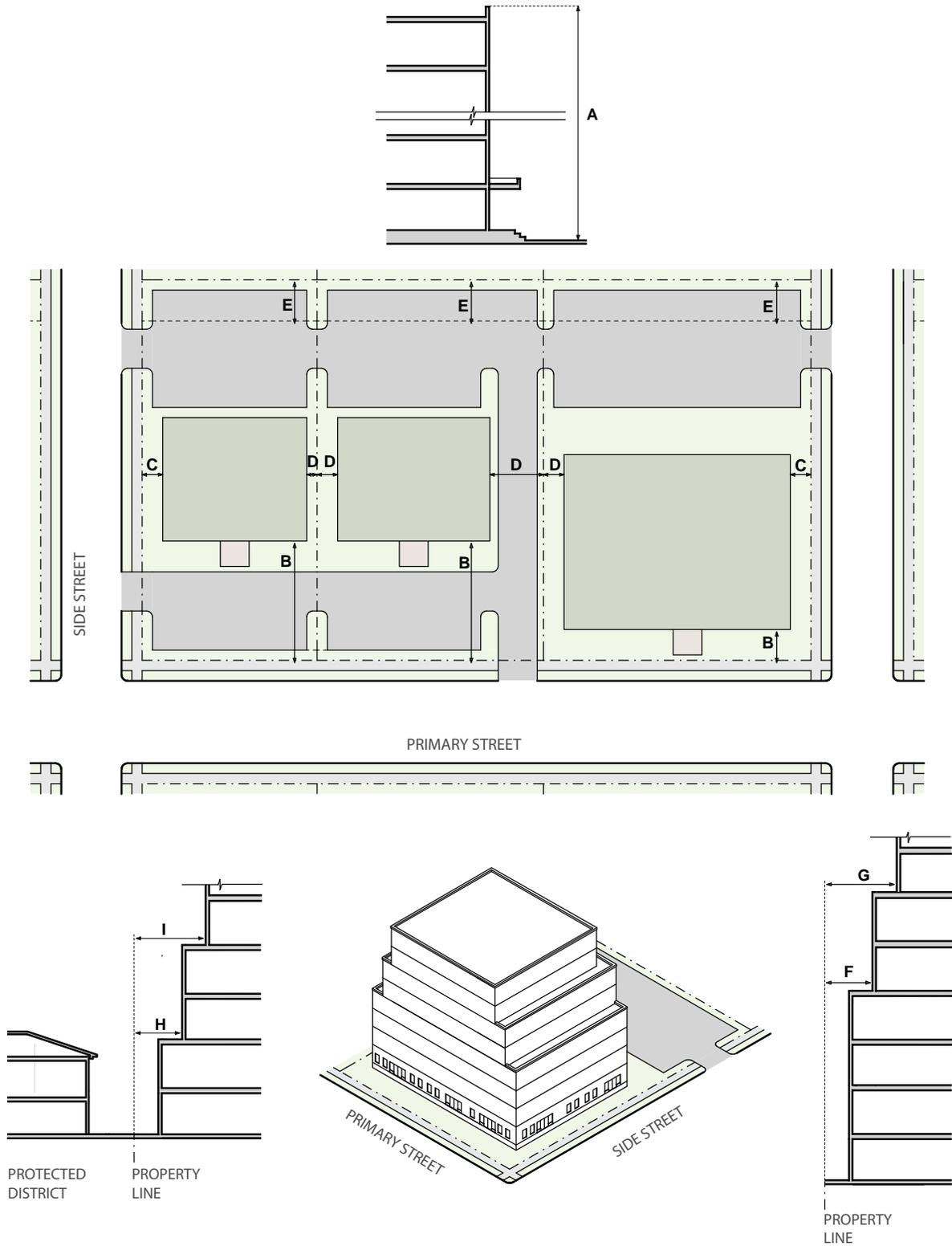
- a. Parking and Loading: Division 10.4
- b. Landscaping, Screening, Fences and Walls: Division 10.5
- c. Site Grading: Division 10.6
- d. Outdoor Lighting: Division 10.7
- e. Signs: Division 10.10

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C. District Specific Standards

1. General (1 of 2)

Not to Scale. Illustrative Only.



GENERAL (1 OF 2)

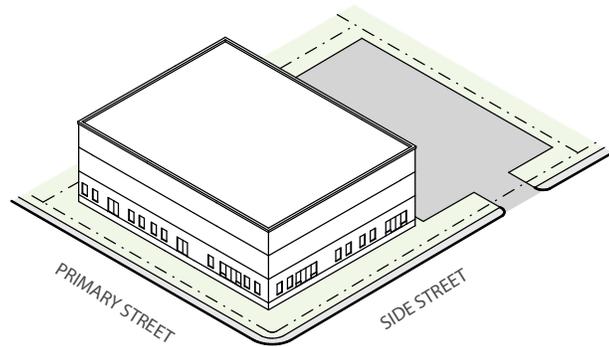
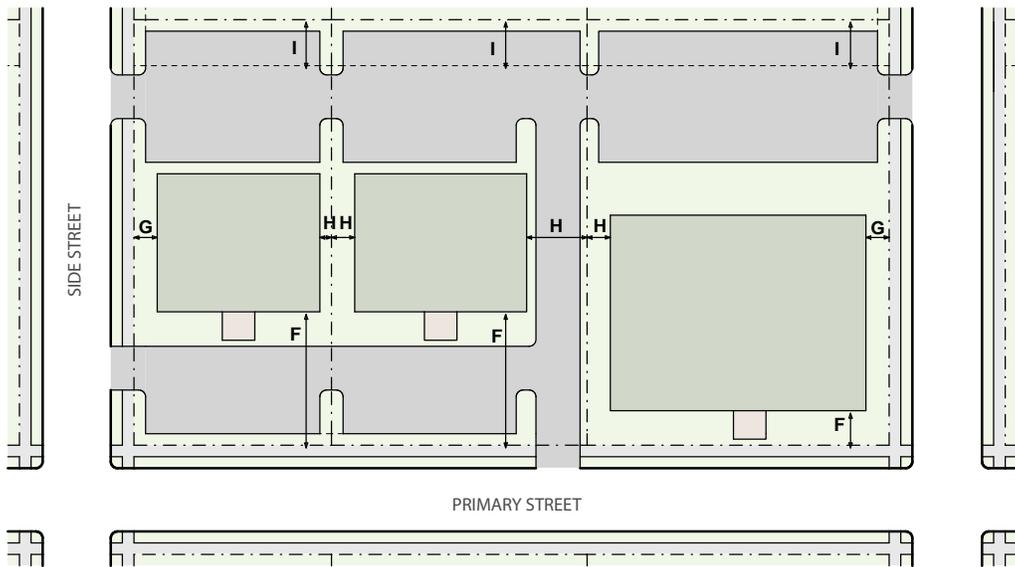
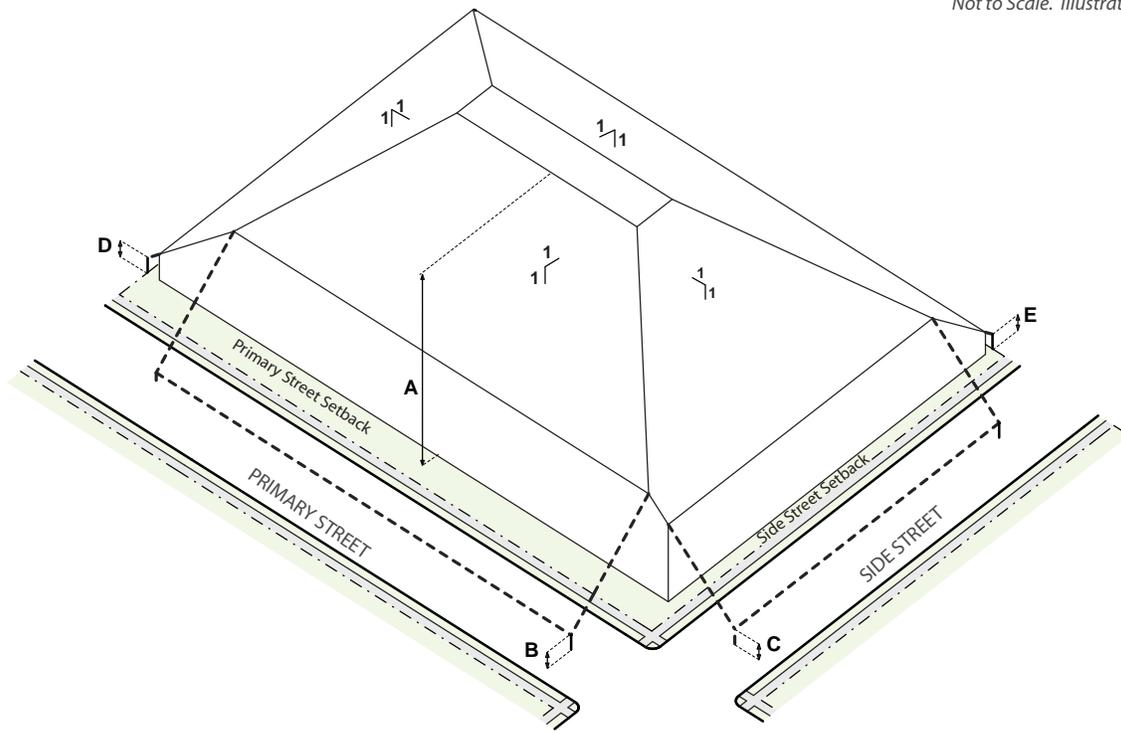
HEIGHT		CMP-EI
A	Feet, (max)	150'
A	Feet, within 175' of Protected District (max)	75'

SITING SETBACKS		CMP-EI
		10'
B	Primary Street (min)	0', adjacent to Speer Boulevard, Auraria Parkway, or 5th Street or 7th Street between Auraria and Colfax
C	Side Street (min)	7.5'
D	Side Interior (min)	7.5'
	Side Interior, adjacent to Protected District (min)	10'
E	Rear, alley/no alley (min)	10'/20'

DESIGN ELEMENTS		CMP-EI
F	Upper Story Setback Above 40', Side Interior (min)	15'
G	Upper Story Setback Above 65', Rear, alley/rear, no alley and side interior (min)	20'/30'
H	Upper Story Setback Above 27' adjacent to Protected District, Side Interior (min)	25'
H	Upper Story Setback Above 40' adjacent to Protected District, Rear, alley/Rear, no alley (min)	30'/40'
I	Upper Story Setback Above 51' adjacent to Protected District, Side Interior (min)	40'

2. General (2 of 2)

Not to Scale. Illustrative Only.



GENERAL (2 OF 2)

HEIGHT	CMP-EI2
A Feet (max)	150'
A Feet, within 175' of Protected District (max)	75'
B Bulk Plane Vertical Height at Centerline of Primary Street	10'
C Bulk Plane Vertical Height at Centerline of Side Street	10'
D Bulk Plane Vertical Height at Side Interior Property Line	10'
E Bulk Plane Vertical Height at Rear Property Line, or Centerline of alley if present	10'
Bulk Plane Slope	45°

SITING	CMP-EI2
Building Coverage, including all accessory structures (max)	60%
SETBACKS	
F Primary Street (min)	20'
G Side Street (min)	7.5'
H Side interior (min)	7.5'
I Rear, alley/no alley (min)	10'/20'

SECTION 9.2.5 CAMPUS- ENTERTAINMENT (CMP-ENT)

9.2.5.1 Intent

This district is intended to promote and encourage the maintenance and concentration of existing and proposed entertainment venues, including sports arenas and amusement parks. The CMP-ENT district is intended to include primary buildings, independent amusement structures and associated accessory buildings. The maximum height within this district is 200 feet subject to a bulk plane to place taller structures and buildings toward the interior of the site unless otherwise exempted through the Special Review process outlined in this Article.

9.2.5.2 ~~Generally Applicable Design~~ Standards

~~Site Design Standards~~

~~Article 10 and Division 12.4.3, Site Development Plan Review standards apply.~~

A. Applicability

All development in the CMP-ENT Zone District.

~~One building form and the associated standards shall be selected for each structure on a zone lot. Combining standards from different building forms for the same structure is prohibited. Unenclosed uses shall comply with all building form standards as applicable.~~

B. ~~General Design~~ Standards

1. ~~Campus Design~~ Standards

Campus design review processes and standards (such as those outlined in campus master plans, design guidelines, or neighborhood plans) that address campus building height transitions, architectural elements, parking plans, and vehicular and pedestrian access shall be applied during Site Plan Review where available.

2. ~~Zone Lot~~

The Zoning Administrator shall designate the campus zone lot boundaries including one or more primary streets, alleys, and rights-of-way. Designation of the zone lot boundaries shall be consistent with the zone lot standards stated in Section 13.1.2.1, Zone Lot - Rule of Measurement and Division 1.2, Zone Lots. The area shall include the primary use in addition to all expected accessory uses, including auxiliary office, residential, service and other campus support uses.

~~Primary Building Standards~~

~~In addition to the neighborhood context-specific standards included in this article, all development shall must comply with the general design standards in Article 10,. For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

3. ~~Reference to Article 10 Design~~ Standards

Refer to the following Divisions for other applicable design standards

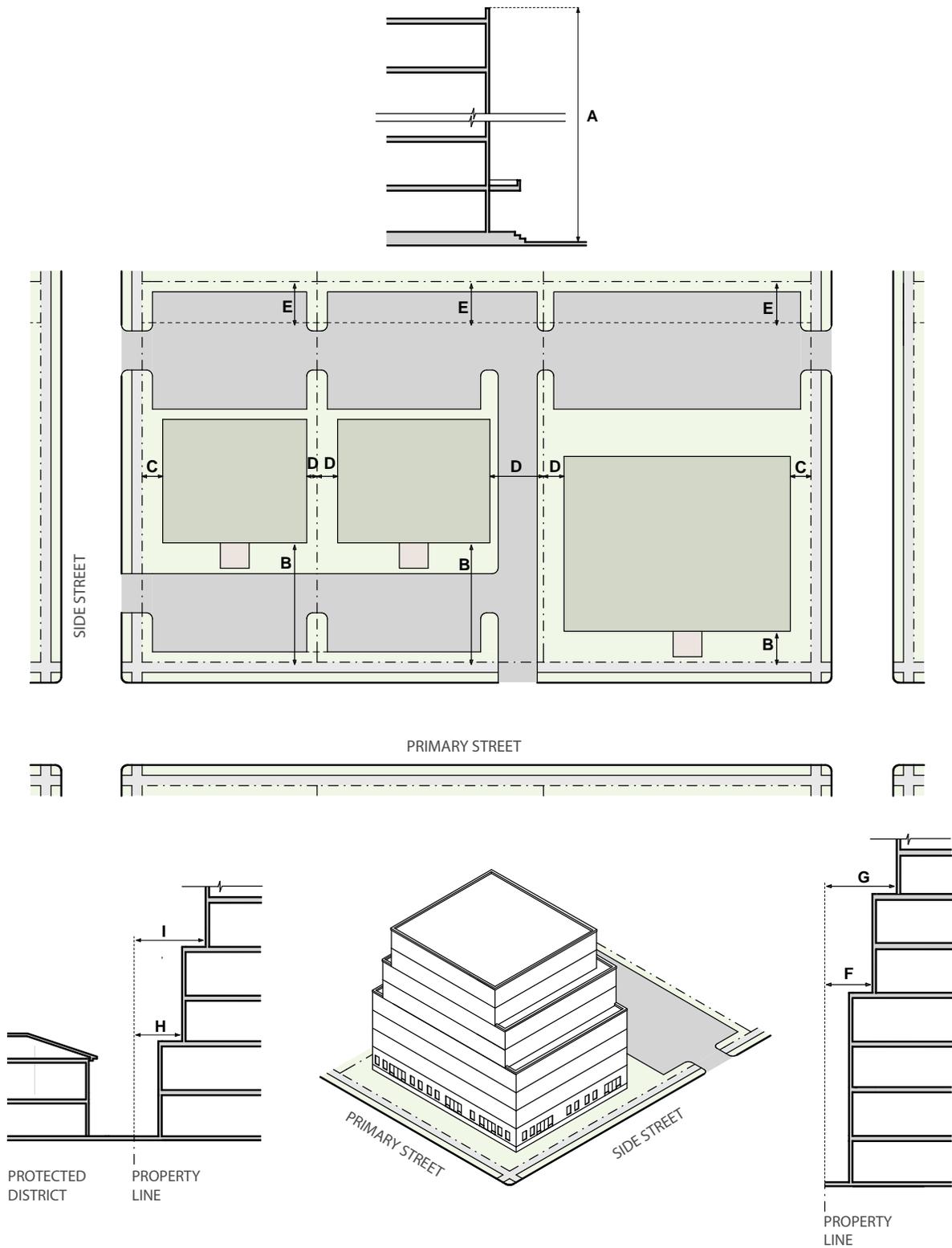
- a. Parking and Loading: Division 10.4
- b. Landscaping, Fences, Walls and Screening: Division 10.5
- c. Site Grading: Division 10.6
- d. Outdoor Lighting: Division 10.7
- e. Signs: Division 10.10

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C. District Specific Standards

1. General

Not to Scale. Illustrative Only.



GENERAL

HEIGHT		CMP-ENT
A	Feet (max)	200'
A	Feet, within 175' of Protected District (max)	75'

BULK AND SITING		CMP-ENT
B	Primary Street (min)	10'
C	Side Street (min)	7.5'
D	Side Interior (min)	7.5'
D	Side Interior, adjacent to Protected District (min)	10'
E	Rear, alley/no alley(min)	10'/20'

DESIGN ELEMENTS		CMP-ENT
F	Upper Story Setback Above 40', Side Interior (min)	15'
G	Upper Story Setback Above 65', Rear, alley/rear, no alley and side interior (min)	20'/30'
H	Upper Story Setback Above 27' adjacent to Protected District, Side Interior (min)	25'
	Upper Story Setback Above 40' adjacent to Protected District, Rear, alley/Rear, no alley (min)	30'/40'
I	Upper Story Setback Above 51' adjacent to Protected District, Side Interior (min)	40'

SECTION 9.2.6 DESIGN STANDARD EXCEPTIONS CMP-H, H2, EI, E12, ENT

9.2.6.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- D. Flush-mounted solar panels, as defined in Article 13, [Rules of Measurement & Definitions](#), may exceed the maximum permitted height of a building.

9.2.6.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

9.2.6.3 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwallied porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	not allowed	not allowed	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	not allowed	not allowed	not allowed

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Access ramps for the handi-capped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	not allowed	not allowed	not allowed
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 Retaining Wall Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line	Any distance for any width, provided the provisions of Division 10.6 (Site Grading Standards) and Section 10.5.6 Retaining Wall Requirements) are met	
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	not allowed	3'	3'	not allowed
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	not allowed	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance
Open walls or fences or chain link security fences not exceeding seven feet in height as measured according to Section 13.1.4	All districts	any distance	any distance	any distance	any distance

SECTION 9.2.7 USES AND REQUIRED MINIMUM PARKING

9.2.7.1 ~~Applicability Overview – Summary Use and Parking Table~~

- A. ~~This Section 9.2.7 sets forth the land uses allowed, the required zoning procedures and the required minimum parking for all the Campus Context Zone Districts.~~
- B. ~~Unlisted Uses~~ Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- C. ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Campus Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

9.2.7.2 Organization ~~– Summary Use and Parking Table~~

A. Organized by Primary, Accessory and Temporary Uses

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

B. Primary Use Classifications, Categories & Specific Use Types

1. Primary Use Classifications

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

- a. Residential Uses
- b. Civic, Public & Institutional Uses
- c. Commercial Sales, Service & Repair Uses
- d. Industrial, Manufacturing & Wholesale Uses
- e. Agriculture

2. Primary Use Categories & Specific Use Types

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

3. Classifications & Categories Are Mutually Exclusive

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

9.2.7.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

In each of the table cells, the entry will indicate first whether use limitations ~~or standards~~ apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to

establishment of the use under this Code. For example, as described in more detail below, a cell entry “L-ZPIN” means, first, the use is subject to use ~~standards and~~ limitations (the “L”), and, second, that the use is subject to zoning permit review with information notice (the “ZPIN”) prior to its establishment.

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

2. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”). ~~Applicable Use Limitations—The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11, of this Code.—~~

3. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

3. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

4. Uses Where More Than One Zoning Procedure Is Indicated

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

Unlisted Uses (moved)

Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.

Compliance with Other Code Provisions Required

The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 9, and the standards stated in Article 10, General Design Standards.

Applicable Procedures Prior to Establishment of Use

A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.

The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Development Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.

9.2.7.4 District Specific Standards Allowed Uses by District and Minimum Parking Requirements

KEY: 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
 * = Need Not be Enclosed

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 AND STANDARDS
		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
RESIDENTIAL PRIMARY USE CLASSIFICATION					
Household Living	Dwelling, Single Unit • No Parking Requirements	NP	P-ZP	NP	
	Dwelling, Two Unit • Vehicle: 0.75/unit	NP	P-ZP	NP	
	Dwelling, Multi-Unit • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	P-ZPIN	EI: P-ZP EI2: P-ZPIN	P-ZP	
	Dwelling, Mixed Use • Vehicle: 1.25/unit • Bicycle: 1/ 5 units (80/20)	NP	NP	NP	
	Dwelling, Live / Work • Vehicle: 0.75/unit • Bicycle: 1/ 2 units (80/20)	NP	NP	NP	
Group Living	Assisted Living Facility • Vehicle: 0.75/unit • Bicycle: No requirement	P-ZP	P-ZP	NP	
	Community Correctional Facility • Vehicle: No requirement • Bicycle: No requirement	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: 0.75/unit • Bicycle: No requirement	P-ZP	P-ZPIN	NP	
	Residence for Older Adults • Vehicle: 0.75/unit • Bicycle: No requirement	P-ZP	P-ZP	NP	
	Residential Care Use, Small or Large • Vehicle: .25/unit • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.45
	Shelter for the Homeless • Vehicle: No requirement • Bicycle: No requirement	NP	L-ZP	NP	§ 11.2.56
	Student Housing • Vehicle: 1.25/unit • Bicycle: 1 / 5 units (100/0)	P-ZPIN	P-ZPIN	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION					
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	§ 11.3.2

KEY: 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 * = Need Not be Enclosed

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 AND STANDARDS
		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Community/ Public Services	Community Center • No Parking requirements	L-ZP	L-ZP	P-ZP	§ 11.3.3
	Day Care Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/ 7,500 s.f. GFA (20/80)	NP	NP	NP	
	Postal Processing Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 7,500 s.f. GFA (20/80)	NP	NP	NP	
	Public Safety Facility • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	
	Hospital	P-ZP	NP	NP	
	Correctional Institution • No Parking Requirements	NP	NP	NP	
Cultural/Special Purpose/ Public Parks & Open Space	Cemetery • No Parking Requirements	NP	NP	NP	
	Library • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	P-ZP	P-ZP	
	Museum • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	P-ZP	P-ZP	
	City Park • No Parking Requirements	NP	NP	NP	
	Open Space - Recreation • No Parking Requirements	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation • No Parking Requirements	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle- Elementary: 1/1,000 s.f. GFA • Bicycle-Elementary: 1/ 10,000 s.f. GFA (0/100) • Vehicle- Secondary: 1/1,000 s.f. GFA • Bicycle: 1/ 5,000 s.f. GFA (0/100)	P-ZP	P-ZP	NP	
	University or College • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	NP	
	Vocational or Professional School • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	L-ZP	NP	§ 11.3.6
Public and Religious Assembly	All Types • No Parking Requirements	P-ZP	P-ZP	P-ZP	
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION					
Adult Business	All Types	NP	NP	NP	

KEY: 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 * = Need Not be Enclosed

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 AND STANDARDS			
		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	L-ZP	L-ZP	§ 11.4.1
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	L-ZP	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium* • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	P-ZP	
Nonresidential Uses in Existing Business Structures In Residential Zones (All Uses Shall Be Parked According to the Parking Requirement Stated in this Use Table for the Specific Nonresidential Use)		Not Applicable			
Parking of Vehicles	Parking, Garage • No Parking Requirements	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	L-ZP	L-ZP	P-ZP	§ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/1,500 s.f. GFA (0/100)	NP	NP	P-ZP	
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 0.875/guest room or unit • Bicycle: 1/2 guest room or unit (100/0)	P-ZP	EI: P-ZP EI2: NP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 0.5/ guest room or unit • Bicycle: 1/2 guest rooms or units (100/0)	P-ZPIN	EI: P-ZPIN EI2: NP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (60/40)	L-ZP	L-ZP/P-ZPIN	NP	§ 11.4.7
	Office, All Others • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (60/40)	P-ZP	P-ZP	P-ZP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Animal Sales and Services, All Others • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Body Art Establishment • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Food Sales or Market • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Liquor Store, Including Drugstores Licensed to Sell Liquor • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Pawn Shop • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	

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		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Retail Sales, Service & Repair -- Outdoor* • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Retail Sales, Service & Repair - Firearms Sales • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	NP	NP	NP	
	Retail Sales, Service & Repair, All Others • Vehicle: 1.25/ 1,000 s.f. GFA • Bicycle: 1/7,500 s.f. GFA (20/80)	PIN	NP	P-ZP	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Automobile Services, Light • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Automobile Services, Heavy • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Heavy Vehicle/ Equipment Sales, Rentals. & Service* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION					
Communications and Information	Communication Services • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	§11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZP	L-ZP	L-ZP	§11.5.2
	Telecommunications Tower - Alternative Structure • No Parking Requirements	L-ZP	L-ZP	L-ZP	§11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZP	L-ZP	L-ZP	§11.5.2

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		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Contractors, Special Trade - Heavy/ Contractor Yard* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Food Preparation and Sales, Commercial • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	PIN	EI: P-ZPIN EI2: NP	P-ZP	
	Service/Repair, Commercial • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Manufacturing, Fabrication & Assembly -- Heavy • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Sand or Gravel Quarry* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Wind Energy Conversion Systems* • No Parking Requirements	L-ZP	L-ZP	L-ZP	§11.5.8
Transportation Facilities	Airport* • Vehicle: .3/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Helipad, Helistop, Heliport* • No Parking Requirements	L-ZP	L-ZP	L-ZP	§11.5.9 CMP-H,H2: See Sec. 9.2.3.32 for Process
Transportation Facilities	Railroad Facilities* • No Parking Requirements	NP	NP	NP	
	Railway Right-of-Way* • No Parking Requirements	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Terminal, Freight, Air Courier Services • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	

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		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Waste Related Services	Automobile Parts Recycling Business • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Junkyard* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Recycling Center • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Recycling Collection Station • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Recycling Plant, Scrap Processor • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Solid Waste Facility • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Mini-storage Facility • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Vehicle Storage, Commercial* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Wholesale Trade or Storage, General • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Wholesale Trade or Storage, Light • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
AGRICULTURE PRIMARY USE CLASSIFICATION					
Agriculture	Agriculture, Limited* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Aquaculture* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Garden, Urban* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	§11.6.1
	Greenhouse • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	P-ZP	P-ZP	
	Husbandry* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	
	Nursery, Plant* • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	

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		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit - Accessory to Primary Single Unit Dwelling Use Only • Vehicle: 1 / Unit • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	§11.7; §11.8.2
	Domestic Employee	L	L	L	§11.8.3
	Garden	L	L	L	§11.7; §11.8.4
	Greenhouse	L	L	L	§11.7; §11.8.5
	Keeping of Household Animals	L / <u>L-ZPIN</u>	L / <u>L-ZPIN</u>	L / <u>L-ZPIN</u>	§11.7; §11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	NP	NP	NP	§11.7; §10.9
	Kennel or Exercise Run	L	L	L	§11.7; §11.8.7
	Limited Commercial Sales, Services	L-ZP	L-ZP	L-ZP	§11.7; §11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	NP	NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	§11.7; §11.8.9
	Vehicle storage, repair and maintenance accessory to a Dwelling Use	P	P	P	
Yard or Garage Sales	L	L	L	§11.7; §11.8.10	
Unlisted Accessory Uses	L - Applicable to all Zone Districts			§11.7; §11.8.1	
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)	Amusement Devices	L-ZP	L-ZP	L-ZP	§11.7; §11.10.2
	Automobile Rental Services Only	L	L	L	§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	§ 11.7; § 11.10.4
	Car Wash Bay	L-ZP	L-ZP	L-ZP	§11.7; §11.10.5
	College Accessory to a Place for Religious Assembly	L	L	L	§11.7; §11.10.6
	Conference Facilities	L	L	L	§11.7; §11.10.7
	Drive Through Facility	L-ZP	L-ZP	L-ZP	§11.7; §11.10.8
	Garden	L	L	L	§11.7; §11.10.9
	Greenhouse	L	L	L	§11.7; § 11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	Not Applicable			
	Occasional Sales, Services Accessory to Places of Religious Assembly	L	L	L	§11.7; §11.10.10
	Outdoor Eating and Serving Area*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.11
	Outdoor Entertainment*	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§11.7; §11.10.12
	Outdoor Retail Sale and Display	L-ZP	L-ZP	L-ZP	§11.7; §10.8
	Outdoor Storage*	L-ZP	L-ZP	L-ZP	§11.7; §10.8

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		CMP-H CMP-H2	CMP-EI CMP-EI2	CMP-ENT	
Accessory to Primary Non-residential Uses	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Use	L	L	L	§11.7; §11.10.13
(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
HOME OCCUPATION CLASSIFICATION					
Home Occupations	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	§11.7 ; §11.9; §11.9.3
	Home Occupations ; All Other Types	L-ZP	L-ZP	L-ZP	§11.7 ; §11.9; §11.9.4
	<u>Unlisted Home Occupation Uses</u>	<u>L-ZPIN - Applicable to all Zone Districts</u>			<u>§11.9; §11.9.5</u>
TEMPORARY USE CLASSIFICATION					
Temporary Uses	Ambulance Service - Temporary	L-ZP	L-ZP	L-ZP	§11.11.2
	Amusement / Entertainment - Temporary*	L-ZP	L-ZP	L-ZP	§11.11.3
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	§11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	§11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	§11.11.7
	Health Care Center	P-ZP	P-ZP	P-ZP	§11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	L-ZP	L-ZP	L-ZP	§11.11.10
	Outdoor Retail Sales*	L-ZP	L-ZP	L-ZP	§11.11.11
	Outdoor Sales, Seasonal*	L-ZP	L-ZP	L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	§11.11.13
	Retail Food Establishment, Mobile*	L-ZP	L-ZP	L-ZP	§11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	§11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	§11.11.16
Tent for Religious Services	L-ZP	L-ZP	L-ZP	§11.11.17	
Unlisted Temporary Uses	L - Applicable in all Zone Districts			§11.11.1	

DIVISION 9.3 OPEN SPACE CONTEXT (OS-A, OS-B, OS-C)

SECTION 9.3.1 OPEN SPACE CONTEXT DESCRIPTION



General Character: The Open Space Context consists of all forms of public and private parks and open spaces. The context accommodates sites ranging from very active to completely passive, and from those embedded in a neighborhood to sites that are large enough to stand alone. Active sites may include high use areas such as ball fields, while passive areas focus on resource protection, trails, walking and biking.

Street, Block, and Access Patterns: The Open Space Context can be widely varied, ranging from active parks with extensive access to environmentally sensitive areas where only limited access is appropriate.

Building Placement and Location: Buildings in the Open Space Context are typically placed where access is highest, and are often located away from view of the general public.

Building Height: Buildings are typically low in scale, although some open space areas with active recreational uses support large-scale facilities.

Mobility: Priority is given to pedestrians and bicyclists. The automobile is accommodated through fringe parking areas. The Open Space Context has varying levels of access to the multi-modal transit system.

SECTION 9.3.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established in the Open Space Context and are applied to property as set forth on the Official Map.

Open Space Context

OS-A	Open Space Public Parks District
OS-B	Open Space Recreation District
OS-C	Open Space Conservation District

9.3.2.1 Purpose

The following paragraphs explain the general purpose and intent of the individual Zone Districts.

A. Open Space Public Parks District (OS-A)

The OS-A district is intended to protect and preserve public parks owned, operated or leased by the City and managed by the City's Department of Parks and Recreation ("DPR") for park purposes.

B. Open Space Recreation District (OS-B)

The OS-B district is intended to protect and promote open space and parks not otherwise owned, operated or leased by the City, and generally intended for active or passive recreation use. The district allows more building coverage and a variety of active recreational facilities than in the OS-C district.

C. Open Space Conservation District (OS-C)

To allow for conservation of open space and natural areas, regardless of ownership, which are not intended for development. Limited passive recreation is allowed, and only limited structures incidental to and supportive of the conservation purpose of the Zone District, such as visitor's/educational center, are allowed.

SECTION 9.3.3 PRIMARY BUILDING ~~BUILDING~~ FORM STANDARDS

9.3.3.1 Primary Building Forms in the OS-A District

In the OS-A Zone District, the City Council shall have final approval authority over the form of certain building according to D.R.M.C., Chapter 39 (Parks). For all other buildings or structures, the Manager of Parks and Recreation shall determine all applicable building form standards.

9.3.3.2 Primary Building Forms in OS-B and OS-C

Building form standards are applicable in the OS-B and OS-C Zone Districts, as set forth below.

HEIGHT	OS-B, OS-C
Stories (max)	3
Feet, pitched or flat roof (max)	40'

SITING	OS-B, OS-C
SETBACKS	
Primary Street (min)	20'
Side Street (min)	20'
Side, interior (min)	20'
Rear (min)	20'
PARKING	
Primary Street Setback (min)	30'
Side Street Setback (min)	10'
Setback Adjacent Protected District (min)	5'

DESIGN ELEMENTS	OS-B, OS-C
Required Entrance, Primary Street	No

9.3.3.3 Design Standards

A. OS-A Zone District

Design and development standards governing structures in the OS-A Zone District, including but not limited to landscaping, parking, and signage, shall be determined by either the City Council according to their authority in D.R.M.C., Chapter 39 (Parks) or by the Manager of Parks and Recreation.

SECTION 9.3.4 USES AND REQUIRED MINIMUM PARKING

9.3.4.1 ~~Applicability Overview – Summary Use and Parking Table~~

A. ~~Uses in the OS-A Zone District~~

Permitted uses, ~~number of uses and applicable use limitations~~, in the OS-A Zone District, ~~and any applicable use limitations and standards~~, shall be determined by the manager of Parks and Recreation.

B. OS-B, -C Zone Districts

1. ~~This Section 9.3.4 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for the OS-B, -C Zone Districts.~~
2. ~~Unlisted Uses~~ Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. (moved here)
3. ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Open Space Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

9.3.4.2 Organization ~~– Summary Use and Parking Table~~

A. Organized by Primary, Accessory and Temporary Uses

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

B. Primary Use Classifications, Categories & Specific Use Types

1. Primary Use Classifications

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

- a. Residential Uses
- b. Civic, Public & Institutional Uses
- c. Commercial Sales, Service & Repair Uses
- d. Industrial, Manufacturing & Wholesale Uses
- e. Agriculture

2. Primary Use Categories & Specific Use Types

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

3. Classifications & Categories Are Mutually Exclusive

The general land use classifications and use categories listed in the ~~Summary~~ Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use

category, such as “lodging accommodations,” cannot be classified in a different use category, such as “group living,” unless otherwise expressly allowed by this Code.

9.3.4.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

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

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

2. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”). ~~Applicable Use Limitations~~~~The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11, of this Code.~~

3. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

3. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

4. Uses Where More Than One Zoning Procedure Is Indicated

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

Unlisted Uses (moved)

Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses:

Compliance with Other Code Provisions Required

The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 9, and the standards stated in Article 10, General Design Standards.

Applicable Procedures Prior to Establishment of Use

A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.

The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Development Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.

9.3.4.4 District Specific Standards Allowed Uses by District and Minimum Parking Requirements

KEY: 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
 * = Need Not be Enclosed

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 AND STANDARDS			
		OS-A	OS-B	OS-C	
RESIDENTIAL PRIMARY USE CLASSIFICATION					
Household Living	Dwelling, Single Unit	See Section 9.3.4.1 for permitted uses	NP	NP	
	Dwelling, Two Unit		NP	NP	
	Dwelling, Multi-Unit		NP	NP	
	Dwelling, Mixed Use		NP	NP	
	Dwelling, Live / Work		NP	NP	
Group Living	Assisted Living Facility		NP	NP	
	Community Correctional Facility		NP	NP	
	Nursing Home, Hospice		NP	NP	
	Residence for Older Adults		NP	NP	
	Residential Care Use, Small or Large		NP	NP	
	Shelter for the Homeless	NP	NP		
	Student Housing	NP	NP		
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION					
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	See Section 9.3.4.1 for permitted uses	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement		L-ZP	NP	§ 11.3.2

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		OS-A	OS-B	OS-C		
Community/ Public Services	Community Center • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	See Section 9.3.4.1	L-ZP	NP	§ 11.3.3	
	Day Care Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		P-ZP	NP		
	Postal Facility, Neighborhood • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)		NP	NP		
	Postal Processing Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)		NP	NP		
	Public Safety Facility • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		P-ZP	NP		
	Hospital		NP	NP		
	Correctional Institution		NP	NP		
Cultural/Special Purpose/Public Parks & Open Space	Cemetery • No requirement	See Section 9.3.4.1	L-ZP	NP	§ 9.3.5.1; § 9.3.5.2	
	Library • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		P-ZP	NP		
	Museum • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		P-ZP	NP		
	Performing Arts Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		NP	NP		
	City Park		P-ZP	NP		
	Open Space - Recreation • Vehicle: 0.5/ 1,000 s.f. GFA • No Requirement		See Section 9.3.4.1	L-ZP	NP	§9.3.5.2
	Open Space - Conservation • No requirement			P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	See Section 9.3.4.1	L-ZP	NP	§ 11.3.6	
	University or College		NP	NP		
	Vocational or Professional School		NP	NP		
Public and Religious Assembly	All Types • Vehicle: 0.5/ 1,000 s.f. GFA • No Requirement		P-ZP	NP		

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		OS-A	OS-B	OS-C	
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION					
Adult Business	All Types		NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)		L-ZP	NP	§ 9.3.5.3
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 2.5/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)		L-ZPSE	NP	§ 9.3.5.3; §11.4.2
	Sports and/or Entertainment Arena or Stadium* • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)		L-ZPSE	NP	§9.3.5.4
Nonresidential Uses in Existing Business Structures In Residential Zones			Not Applicable		
Parking of Vehicles	Parking, Garage • No requirement		P-ZP	NP	
	Parking, Surface* • No requirement		NP	NP	
Eating & Drinking Establishments	All Types		NP	NP	
Lodging Accommodations	Bed and Breakfast Lodging		NP	NP	
	Lodging Accommodations, All Others		NP	NP	
Office	Dental / Medical Office or Clinic		NP	NP	
	Office, All Others		NP	NP	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services , Household Pets Only		NP	NP	
	Animal Sales and Services, All Others		NP	NP	
	Body Art Establishment		NP	NP	
	Food Sales or Market		NP	NP	
	Liquor Store, Including Drugstores Licensed to Sell Liquor		NP	NP	
	Pawn Shop		NP	NP	
	Retail Sales, Service & Repair -- Outdoor*		NP	NP	
	Retail Sales, Service & Repair - Firearms Sales		NP	NP	
Retail Sales, Service & Repair, All Others		NP	NP		

See Section 9.3.4.1

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		OS-A	OS-B	OS-C	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility	See Section 9.3.4.1	NP	NP	
	Automobile Services, Light		NP	NP	
	Automobile Services, Heavy		NP	NP	
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*		NP	NP	
	Heavy Vehicle/ Equipment Sales, Rentals. & Service*		NP	NP	
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION					
Communications and Information	Communication Services	See Section 9.3.4.1	NP	NP	
	Telecommunications Towers* • No requirement		L-ZPSE	NP	\$11.5.2
	Telecommunications Tower - Alternative Structure • No requirement		L-ZP/L-ZPIN	NP	\$11.5.2
	Telecommunication Facilities -- All Others* • No requirement		L-ZPIN	NP	\$11.5.2
Industrial Services	Contractors, Special Trade - General		NP	NP	
	Contractors, Special Trade - Heavy/Contractor Yard*		NP	NP	
	Food Preparation and Sales, Commercial		NP	NP	
	Laboratory, Research, Development and Technological Services		NP	NP	
	Service/Repair, Commercial		NP	NP	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom		NP	NP	
	Manufacturing, Fabrication & Assembly -- General		NP	NP	
	Manufacturing, Fabrication & Assembly -- Heavy		NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*		NP	NP	
	Sand or Gravel Quarry*		NP	NP	
	Wind Energy Conversion Systems* No Parking Requirements		L-ZP	NP	\$11.5.8

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		OS-A	OS-B	OS-C	
Transportation Facilities	Airport*	See Section 9.3.4.1	NP	NP	
	Helipad, Helistop, Heliport*		NP	NP	
	Railroad Facilities*		NP	NP	
	Railway Right-of-Way* • No requirement		P-ZP	P-ZP	
	Terminal, Station or and Service Facility for Passenger Transit System		NP	NP	
	Terminal, Freight, Air Courier Services		NP	NP	
Waste Related Services	Automobile Parts Recycling Business		NP	NP	
	Junkyard*		NP	NP	
	Recycling Center		NP	NP	
	Recycling Collection Station		NP	NP	
	Recycling Plant, Scrap Processor	NP	NP		
	Solid Waste Facility	NP	NP		
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard*	NP	NP		
	Mini-storage Facility	NP	NP		
	Vehicle Storage, Commercial*	NP	NP		
	Wholesale Trade or Storage, General	NP	NP		
	Wholesale Trade or Storage, Light	NP	NP		
AGRICULTURE PRIMARY USE CLASSIFICATION					
Agriculture	Agriculture, Limited* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement	See Section 9.3.4.1	L-ZP	NP	\$9.3.5.5
	Aquaculture* • Vehicle: 0.5 / 1,000 s.f. GFA • Bicycle: No requirement		P-ZP	NP	
	Garden, Urban* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$11.6.1
	Greenhouse • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		P-ZP	NP	
	Husbandry* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$9.3.5.6
	Nursery, Plant* • Vehicle: 0.5/ 1,000 s.f. GFA • Bicycle: No Requirement		L-ZP	NP	\$9.3.5.7

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		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit	See Section 9.3.4.1	NP	NP	
	Domestic Employee		NP	NP	
	Garden		NP	NP	
	Greenhouse		NP	NP	
	Keeping of Household Animals		NP	NP	
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles		NP	NP	
	Kennel or Exercise Run		NP	NP	
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use		NP	NP	
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot		NP	NP	
	Second Kitchen Accessory to Single Unit Dwelling Use		NP	NP	
	Vehicle Storage, Repair and Maintenance		NP	NP	
	Yard or Garage Sales		NP	NP	
	Unlisted Accessory Uses		n/a		\$11.7; \$11.8.1

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		OS-A	OS-B	OS-C	
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION					
Accessory to Primary Nonresidential Uses	Amusement Devices Accessory to Eating/ Drinking Establishments, College/University and Theater Uses	See Section 9.3.4.1	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; § 11.10.4
	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	
	Garden		L	L	§11.7; §11.10.9
	Greenhouse		L	NP	§11.7; § 11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>		<u>Not Applicable</u>		
	Occasional Sales, Services Accessory to Places of Religious Assembly*		L	NP	§11.7; §11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	NP	
	Outdoor Retail Sale and Display*		NP	NP	
	Outdoor Storage*		NP	NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	NP	
	Unlisted Accessory Uses		L - Applicable to all Zone Districts		§11.7; §11.10.1

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		OS-A	OS-B	OS-C	
HOME OCCUPATION CLASSIFICATION					
Home Occupations	Child Care Home, Large (7-12)	See Section 9.3.4.1	NP	NP	
	Home Occupations , All <u>Other</u> Types		NP	NP	
	<u>Unlisted Home Occupation Uses</u>		<u>NP</u>	<u>NP</u>	
TEMPORARY USE CLASSIFICATION					
Temporary Uses	Ambulance Service - Temporary	See Section 9.3.4.1	NP	NP	
	Amusement / Entertainment - Temporary*		NP	NP	
	Bazaar, Carnival, Circus or Special Event*		L-ZP	NP	§11.11.4
	Building or yard for construction materials*		L-ZP	NP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*		L-ZP	NP	§11.11.6
	Fence for Demolition or Construction Work		L-ZP	NP	§11.11.7
	Health Care Center			NP	§11.11.8
	Noncommercial Concrete Batching Plant*		L-ZP	NP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*		NP	NP	
	Outdoor Retail Sales*		L-ZP	NP	§11.11.11
	Outdoor Sales, Seasonal*		L-ZP	NP	§11.11.12
	Parking Lot Designated for a Special Event*		L-ZP	NP	§11.11.13
	Retail Food Establishment, Mobile*		L-ZP	NP	§11.11.14
	Temporary Construction Office		L-ZP	NP	§11.11.15
	Temporary Office - Real Estate Sales		NP	NP	
	Tent for Religious Services		L-ZP	NP	§11.11.17
	Unlisted Temporary Uses		L	L	§11.11.1

SECTION 9.3.5 APPLICABLE USE LIMITATIONS ~~& STANDARDS~~

9.3.5.1 Cemetery

Cemeteries are allowed subject to compliance with the following ~~standards~~limitations:

- A. A cemetery may include a crematorium. Any such crematorium shall be a minimum of 500 feet from a Residential Zone District.

9.3.5.2 Cultural/Special Purpose/Public Parks & Open Space Uses in the OS-B District

In the OS-B Zone District, all permitted cultural/special purpose/public parks and open space uses shall comply with the following ~~standards~~limitations:

- A. Accessory uses and structures permitted by-right are limited to:
 - 1. Swimming pools and customary associated buildings;
 - 2. Tennis, basketball, or other similar playing courts;
 - 3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
 - 4. Playground or picnic shelters/areas; and
 - 5. Water features and public art.
- B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10:00 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.
- C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) Zone District.
- D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in Section 11.7, ~~Accessory Use Limitations of this Code~~ and finds that the proposed structure or use will not adversely affect properties adjoining the OS-B Zone District. See Section 12.4.6, Code Interpretation, Determination of Uses, for the applicable procedure to determine unlisted uses.

9.3.5.3 Arts, Entertainment and Recreation Uses in the OS-B District

In the OS-B Zone District, all permitted arts, entertainment and recreation uses shall comply with the following ~~standards~~limitations:

- A. Accessory uses and structures permitted by-right are limited to:
 - 1. Swimming pools and customary associated buildings;
 - 2. Tennis, basketball, or other similar playing court;
 - 3. Buildings or structures intended to house management or maintenance offices, or maintenance or other equipment and supplies related to permitted open space and recreational use;
 - 4. Playground or picnic shelters/areas; and
 - 5. Water features and public art.
- B. All outdoor lighting shall be extinguished when outdoor facilities are not in use or by 10 p.m. on Sundays through Thursdays or 11 p.m. on Fridays and Saturdays, whichever is earlier.

- C. No portion of any recreation facility that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a Single Unit (SU) or Two Unit (TU) Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.36.
- D. Any other type of accessory structure or use may be allowed only if the Zoning Administrator finds the proposed structure or use meets the general criteria for Accessory Uses stated in ~~Section~~ Division 11.7, Accessory Use Limitations, 2.1 of this Code and finds that the proposed structure or use will not adversely affect properties adjoining the Open Space Zone District. See Section 12.4.6, Code Interpretation, Determination of Unlisted Uses for the applicable procedure to determine unlisted uses.

9.3.5.4 Sports and/or Entertainment Arena or Stadium

Sports and/or Entertainment Arena or Stadium uses shall comply with the following ~~standards~~ limitations:

- A. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6, Measurement of Separation or Distance.
- B. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

9.3.5.5 Agriculture, Limited

All agriculture, limited uses shall be located at least 500 feet from a Residential Zone District.

9.3.5.6 Husbandry, ~~Plant or Animal~~

~~This use shall be located at least 500 feet from a Residential Zone District.~~

In the Open Space OS-B Zone Districts, this use is limited to:

- A. Plant husbandry, and
- B. Animal husbandry limited to the raising and/or grazing of livestock animals and any confinements for such animals, provided such use is located at least 500 feet from a Residential Zone District., excluding the operation of a feed lot.

9.3.5.7 Nursery, Plant

- A. This use is limited to plant husbandry and/or the sale of produce and plants raised on the premises.
- B. This use shall be located at least 500 feet from a Residential Zone District.

DIVISION 9.4 OVERLAY ZONE DISTRICTS

SECTION 9.4.1 GENERAL INTENT

Overlay Zone Districts are generally intended, in special and unique cases, to provide a vehicle to supplement otherwise generally applicable Zone District standards with additional use or design limits, allowances, and prohibitions.

SECTION 9.4.2 OVERLAY ZONE DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following overlay Zone Districts have been established and are applied to property as set forth on the Official Map.

OVERLAY ZONE DISTRICTS	
CO-	Conservation Overlay District
UO-	Use Overlay District
DO-	Design Overlay District

9.4.2.1 Process to Establish Overlay Zone Districts - Text Amendment & Rezoning Required

Creation of an overlay Zone District shall be by text amendment according to Section 12.4.11, Text Amendment, to codify the standards established within the overlay, and by an official map amendment (rezoning) according to Section 12.4.10.

9.4.2.2 Effect of Underlying Zone District Designation

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable overlay Zone District; provided, however, except in an approved use overlay Zone District (-UO), an overlay Zone District shall not be used to add to the specific permitted uses in the underlying district, nor shall it be used to prohibit specific permitted uses in the underlying district.

9.4.2.3 Effect of Overlay Zone District Designation

All zoning applications within a specific overlay Zone District shall comply with the applicable provisions of that overlay Zone District, and the underlying Zone District, and shall be reviewed under this Code to assure such compliance. Where the provisions of the overlay Zone District are different from (e.g., in the case of an overlay use district), or more restrictive than (e.g., in the case of a neighborhood conservation overlay Zone District) the provisions of the underlying zoning designation, the provisions of the overlay Zone District shall apply. A change in the underlying Zone District does not change the content or applicability of the overlay zone provisions.

SECTION 9.4.3 CONSERVATION OVERLAY DISTRICT (CO-)

9.4.3.1 Purpose

The Conservation Overlay District is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of specific areas within Denver possessing distinctive features, identity, or character worthy of retention and enhancement. A Conservation Overlay District takes effect through adoption of area specific standards that will facilitate maintenance and protection of the area character and the development of vacant or underused lots. The overlay may also be used to establish specific design guidelines that are more detailed than the standards of this Code for use during review of development within the overlay Zone District.

9.4.3.2 Minimum Requirements for Establishment

In addition to the minimum criteria for official map amendment applications specified in Article 12, Section 12.4.10, an application for a rezoning to apply a Conservation Overlay District shall comply with the following provisions:

A. Multiple Conservation Overlays Prohibited

A property may only be located within one Conservation Overlay District.

B. Application Requirements

An application to rezone to a Conservation Overlay District shall include, in addition to other rezoning submittal requirements, the following information:

1. A statement of purpose and an explanation of how the Zone District criteria stated in this Section are met.
2. An ordinance and map indicating the boundaries of all lots in the proposed Conservation Overlay District and the underlying Zone Districts contained within the proposed overlay Zone District.
3. A Conservation Overlay District map and such other textual and graphic material as may be necessary to indicate and govern building forms and features, site development requirements, circulation, off-street parking and modifications to underlying Zone District development and design standards.

C. Review Criteria for Approval of District

In addition to the review criteria applicable to rezonings stated in Section 12.4.10, Official Map Amendment (Rezoning), of this Code and to text amendments stated in Section 12.4.11, Text Amendment of this Code, the Conservation Overlay District shall meet one or more of the following criteria:

1. The district contains distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material; and/or
2. The district contains distinctive site planning and natural features, such as lot platting, building lot coverage, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens.

9.4.3.3 Modification of Underlying Zone District Standards

A. Modification of Permitted Uses Not Allowed

Uses permitted in the underlying Zone District shall not be modified in any way.

B. Modification of Standards Allowed

A Conservation Overlay District may allow for the modification of any of the following standards within this Code to enhance the area's identity and character consistent with the plan criteria stated above in Sec. 9.4.3.2.B:

1. **Use ~~Standards~~ Limitations**
Use limitations ~~and standards~~ otherwise applicable to permitted uses in the underlying Zone District may be modified.
2. **Building Form Standards**
 - a. Building form standards otherwise applicable to new development in the underlying Zone District may be modified.
 - b. A Conservation Overlay District may add new restrictions on building form and building or site design, including but not limited to restrictions on building materials and architectural style.
3. **All Other Design Standards**
All other development and design standards applicable to new development in the underlying Zone District may be modified.

9.4.3.4 Conservation Overlay Districts Established

The following conservation overlay Zone Districts are established:

CONSERVATION OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Hilltop Heritage Conservation Overlay District	CO-1
Curtis Park Conservation Overlay District	CO-2

9.4.3.5 Effect of Approval

A. Zoning Map Designator

Each Conservation Overlay District shall be shown on the official map by an “CO-#” designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or for a use within a Conservation Overlay District shall be issued by Community Planning and Development unless the development or use meets the standards set forth in the adopted Conservation Overlay District.

9.4.3.6 Hilltop Heritage Conservation Overlay District (CO-1)

A. Creation

There is hereby created a conservation overlay Zone District designated as Hilltop Heritage Conservation Overlay District CO-1.

B. Limitation on the Establishment of Zone Lots in the Overlay District

Any zone lots in this overlay Zone District that existed on July 21, 2000, may be amended or subdivided only if each of the zone lots that are created or result therefrom is not less than 75 feet wide at the primary street (front) setback line for structures and are not less than 9,300 square feet in area.

C. Exceptions Inapplicable

The exceptions from zone lot width and area requirements for zone lots in Section 1.2.3.3, Flag Lots, ~~of this Code~~ shall not apply in this overlay Zone District, provided however, zone lots containing at least 27,900 square feet existing on March 7, 2000, may be amended into zone lots in compliance with the zone lot width reduction for flag lots contained in Section 1.2.3.3, Flag Lots, if the resultant zone lots contain at least 9,300 square feet.

D. Corner Lots

For corner lots, the shorter dimension of the zone lot shall be the width of the lot.

9.4.3.7 Curtis Park Conservation Overlay District (CO-2)

A. Creation

There is hereby created a Conservation Overlay District designated as the Curtis Park Conservation Overlay District.

B. Intent

Accommodate detached accessory structures in a manner that respects the character of the Curtis Park neighborhood.

C. Building Form Standards for Detached Accessory Structures

A detached garage building form and/or Detached Accessory Dwelling Unit building form may be constructed on any zone lot in this overlay Zone District, even if in violation of any maximum building coverage provisions of the underlying Zone District, provided:

1. The zone lot must be zoned to an RH Zone District;
2. The zone lot shall be occupied by a historic structure, as “historic structure” is defined in Article 13, ~~Rule of Measurements and Definitions of this Code~~; and

3. The detached garage or Detached Accessory Dwelling Unit building form shall meet the following standards:
 - a. The building footprint shall be no greater than 650 square feet;
 - b. The building shall be built in the rear one-half of the zone lot; and
 - c. The design and location of the building shall be approved by the Landmark Preservation Commission before final approval of a zoning permit.

SECTION 9.4.4 USE OVERLAY DISTRICTS (UO-)

9.4.4.1 Purpose

Use Overlay districts are a vehicle to permit or prohibit specific land uses in delineated parts of the city that otherwise are included in a variety of underlying Zone Districts and portions of Zone Districts. The purpose of the Adult Use and Billboard Use overlay Zone Districts created herein is to maintain the status quo of entitlement relating to the establishment, maintenance, and operation of adult uses and billboard uses as those rights existed before June 25, 2010. The purpose of the Historic Structure Use Overlay District is to encourage the continuing preservation and adaptive reuse of landmark and historic structures. Because variation of permitted uses allowed in an underlying Zone District is most appropriately the focus of a legislative rezoning or an amendment to the underlying underlying Zone District, future application of the use overlay Zone Districts created herein is strictly limited and the establishment of new use overlay Zone Districts is prohibited.

9.4.4.2 Modification of Underlying Zone District Standards

A. Modification of Permitted Uses and Use ~~Standards~~Limitations Allowed

1. A Use Overlay District may be used to add to the specific permitted uses in the underlying Zone District, or prohibit specific permitted uses in the underlying district.
2. Use ~~standards~~limitations otherwise applicable to permitted uses in the underlying Zone District may be modified.

B. Applicable Standards -- Modification Not Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, and shall not be modified by the provisions of the applicable overlay Zone District.

9.4.4.3 Use Overlay Districts Established

The following Use Overlay Districts are established:

USE OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Adult Use Overlay District	UO-1
Billboard Use Overlay District	UO-2
Historic Structure Use Overlay District	UO-3

9.4.4.4 Limitation on Applicability of Use Overlay Zone Districts

- A. Except for the three use overlay Zone Districts expressly established in Section 9.4.4.6, 9.4.4.7, and 9.4.4.8 below, no new use overlay Zone Districts may be established after June 25, 2010.
- B. As applied on the Official Zoning Map to properties retaining underlying Zone District designations pursuant to Former Chapter 59, a use overlay district's standards shall not be applicable until such properties are rezoned (through an Official Map Amendment) to an underlying Zone District pursuant to this Code.
- C. No properties may be rezoned to either the Adult Use Overlay District or to the Billboard Use Overlay District after June 25, 2010.

D. The Historic Structure Use Overlay District may be applied to properties through a rezoning application approved after June 25, 2010.

9.4.4.5 Effect of Approval

A. Official Map Designator

Each Use Overlay District shall be shown on the official map by an “UO-” designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within a Use Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable.

9.4.4.6 Adult Use Overlay District (UO-1)

A. Creation

There is hereby created a Use Overlay District designated as the Adult Use Overlay District.

B. Allowance for Adult Business Uses

Notwithstanding the limitations applicable in the underlying Zone District, adult business uses shall be permitted in this overlay Zone District. See Section 11.12.4.1.A for the definition of “adult business use.”

C. Distance and Spacing Requirements

All Adult Business uses shall comply with the following distance and spacing requirements, shown in the table below. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6.

ADULT BUSINESS OR OTHER RESTRICTED USE	DISTANCE OR SPACING REQUIREMENT
Adult Amusement or Entertainment Adult Bookstore Adult Photo Studio Adult Theater Eating place with adult amusement or entertainment	No adult business use listed in this table row shall be established within 500 feet of one or more of the following Zone Districts or uses (see related definitions in subsection C below): <ul style="list-style-type: none"> • All Residential Zone Districts • Dwelling Use, Single-Unit • Dwelling Use, Multi-Unit • Dwelling Use, Two-Unit • Religious Assembly • Elementary or Secondary School • Arts Education Center • Learning Center • Day Care Center • Amusement or Special Interest Park • Children’s Indoor Play Center
Adult Amusement or Entertainment Adult Bookstore Adult Photo Studio Adult Theater Amusement Center Body Art Establishment Eating place with adult amusement or entertainment	Not more than 2 of the uses listed in this table row shall be established within 1,000 feet of each other

D. Use Definitions for Purposes of Distance/Spacing Requirements

For purposes of applying the distance and spacing requirements for adult business uses stated in this Section, the uses listed below shall be defined as follows:

1. “Arts education center” shall mean a place where instruction is regularly provided to persons less than 18 years of age in the fields of painting, drawing, sculpture, etching, craft

work, fine arts, dance, drama, photography, music, martial arts, or other similar fields of art.

2. “Amusement center” shall mean a commercial establishment having four or more amusement devices.
3. “Amusement/special interest park” shall mean a complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.
4. “Children’s indoor play center” shall mean a commercial establishment providing active play facilities for children generally under the age of 12 years old. Such facilities shall consist generally of muscle-powered equipment. No pinball, foosball, video or electronic games or similar equipment shall be permitted.
5. “Learning center” shall mean a commercial business that regularly provides on site, specialized or intensive educational services or tutoring to persons less than 18 years of age. Parking Requirement

NEIGHBORHOOD CONTEXT	VEHICLE PARKING Vehicle Parking Requirement: # of spaces per unit of measurement	BICYCLE PARKING Bicycle Parking Requirement: # of spaces per unit of measurement (% required spaces in indoor facility / % required spaces in fixed facility)
Suburban (S-)	2.5 / 1,000 ft ² GFA MS only: 2 / 1,000 ft ² GFA	1 / 20,000 ft ² GFA (20/80)
Urban Edge (E-)	2.5 / 1,000 ft ² GFA MS only: 2 / 1,000 ft ² GFA	1 / 20,000 ft ² GFA (20/80)
Urban (U-)	2.5 / 1,000 ft ² GFA MS only: 2 / 1,000 ft ² GFA	1 / 10,000 ft ² GFA (20/80)
General Urban (G-)	1.875 / 1,000 ft ² GFA	1 / 10,000 ft ² GFA (20/80)
Urban Center (C-)	1.25 / 1,000 ft ² GFA	1 / 7,500 ft ² GFA (20/80)
Downtown (D-) D-GT & D-AS only	1.25 / 1,000 ft ² GFA	1 / 7,500 ft ² GFA (20/80)
Industrial (I-)	2.5 / 1,000 ft ² GFA	1 / 20,000 ft ² GFA (20/80)
Campus (CMP-)	1.25 / 1,000 ft ² GFA	1 / 7,500 ft ² GFA (20/80)
Master Planned (M-)	1.875 / 1,000 ft ² GFA	1 / 10,000 ft ² GFA (20/80)

9.4.4.7 Billboard Use Overlay District (UO-2)

A. Creation

There is hereby created a use overlay district designated as the Billboard Use Overlay District.

B. Allowance for Billboards

Notwithstanding the limitations applicable in the underlying Zone District, “outdoor general advertising device” signs, also known as “billboards”, shall be permitted in this overlay Zone District. See Article 13 for the definition of “outdoor general advertising device.”

C. Applicable Use Limitations

All outdoor general advertising device uses in this Use Overlay District shall comply with the sign standards and limitations applicable to “outdoor general advertising devices” stated in Division 10, Signs, and Section 10.10.1720, Outdoor General Advertising Devices, including but not limited to minimum separation and distance requirements.

9.4.4.8 Historic Structure Use Overlay District (UO-3)

A. Creation

There is hereby created a use overlay district designated as the Historic Structure Use Overlay District.

B. Establishment

The Historic Structure Use Overlay District may only be established in conjunction with an underlying Residential Zone District.

C. Allowance for Certain Commercial Uses

Notwithstanding the limitations applicable in the underlying Zone District, the following commercial uses shall be permitted in this overlay Zone District:

1. Office, not including dental/medical office or clinic
2. Art studio
3. Bed and breakfast lodging

D. Applicable Use Limitations - Office and Art Studio Uses

Office (not including dental/medical office or clinic) or art studio uses in this overlay Zone District are allowed only in a structure designated for preservation by the Landmark Preservation Commission according to Chapter 30 (Landmarks) of the D.R.M.C., and subject to compliance with the following conditions:

1. The applicant for establishment of the office or art studio use is the owner of record of the subject structure.
2. The subject structure was legally erected.
3. The subject structure contains a minimum of 5,000 square feet of gross floor area.
4. For any modifications to the structure that require landmark approval, the modification shall have been reviewed and approved by the landmark preservation commission before submittal for zoning approval.
5. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the district in which the structure is located. All uses operated in the structure involved shall comply with this Code's off-street parking and off-street loading requirements for each such use in the MS-2 Zone District; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive so much of those requirements as are impossible of fulfillment according to the Administrative Adjustment procedures in Section 12.4.5.
6. All uses allowed in the structure shall comply with limitations on permitted signs applicable to uses in the MS-2x Zone District.

E. Applicable Use Limitations - Bed and Breakfast Lodging

Bed and breakfast lodging uses in this overlay Zone District are allowed only in a Historic Structure, as "Historic Structure" is defined in Article 13, [Rule of Measurement and Definitions of this Code](#), and subject to compliance with the following conditions:

1. The applicant for establishment of the bed and breakfast lodging use is the owner of record and uses the structure as his/her principal residence.
2. The subject structure contains no more than 10 guest rooms or suites and that the use of the dining room shall be restricted to use by overnight guests, employees, the owner's family and/or nonpaying guests.

3. Off-street parking shall be provided at a ratio of 1 parking space for each of the following: Each guest room or suite, each nonresident employee and the owner. The Zoning Administrator may reduce this ratio by up to 20 percent of the requirement according to the Administrative Adjustment procedure in Section 12.4.5, ~~Administrative Adjustment of this Code~~.
4. No other such lodging is located within 500 feet of the proposed use as measured along the same face block from zone lot line to zone lot line.
5. The structure contains a minimum of 1,000 square feet of gross floor area and no guest room or suite contains less than 100 square feet of floor area.
6. The lodging shall provide breakfast as part of the room price.
7. The interior and exterior of the structure shall be maintained in a manner that reflects the original architectural character of the building, and the property shall be landscaped in a manner that protects the appearance and value of surrounding properties and neighborhoods and improves environmental conditions, thereby promoting the general welfare. The landscaping shall be continuously maintained which includes necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement shall occur in the next planting season; but, in any event, replacement time shall not exceed one year.
8. The sign regulations of Division 10.10, ~~Signs, of this Code~~ shall apply; provided, however, the maximum sign area permitted on any one street front shall not exceed 10 square feet. The maximum height of any ground sign shall be 4 feet.
9. Related retail sales may be conducted within the structure; however, the floor area allocated to this retail use shall not exceed 10 percent of the gross floor area of the structure. Access to this retail area shall be limited to use by overnight guests only.
10. No social activities, such as weddings, receptions, private parties or similar events, will be permitted unless at least 90 percent of the participants are overnight guests.

SECTION 9.4.5 DESIGN OVERLAY DISTRICTS (DO-)

9.4.5.1 General Purpose

Design Overlay Districts are intended to serve one or more of the following purposes:

- A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;
- B. To provide uniformity in the design standards applicable to arterial streets or to river corridors having varied underlying zoning;
- C. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;
- D. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and
- E. To reinforce the desired character for newly developing areas.

9.4.5.2 Applicable Standards and Modifications Allowed

A. Applicable Standards - In General

A design overlay Zone District includes standards that modify otherwise applicable standards in the underlying Zone District. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may

include new zoning standards not otherwise applicable in the underlying Zone District, but not including new limitations ~~or standards~~ on a permitted use. Any changes or modifications to the standards in a design overlay Zone District are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments, ~~of this Code.~~

B. Modification of Underlying Zone District Standards

1. Modification of Permitted Uses and Use Limitations Not Allowed

A Design Overlay District shall not be used to add to the specific permitted uses in the underlying Zone District, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations ~~or standards~~ applicable to specific permitted uses in the underlying Zone District.

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying Zone District shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay Zone District, in which case the standard in the design overlay Zone District shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
Uptown	DO-1
Washington Street	DO-2
Lafayette Street	DO-3

9.4.5.4 Effect of Approval

A. Official Map Designator

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying Zone District designation.

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

- There is hereby created an design overlay district designated as the Uptown Design Overlay District.
- 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 above street level, unless the applicant elects to participate in the design review process set forth in Section 9.4.5.5.B.2 below. Rules and regulations establishing design standards shall be prepared by Community Planning and Development and adopted by the Planning Board. The design standards are intended to promote consistent, continuous and active street frontages, to reflect Denver's history of primarily solid and masonry building material, and shall address the following:

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

2. Optional Lower Floor Design Review

As an alternative to compliance with specific design standards adopted pursuant to this subsection, any new structure or any renovated structure meeting the conditions set forth in Section 9.4.5.5.B may elect to have the lower 80 feet of the building above street level reviewed by the Zoning Administrator ~~according to through a site development plan review process under~~ Section 12.4.3, Site Development Plan Review of this Code, and guided by the following standards:

- a. To allow more variation and architectural creativity than the design standards described in Section 9.4.5.5.B.1 above;
- b. To provide human scale through change, contrast, and intricacy in facade form, color, and/or material where lower levels of buildings face public streets and sidewalks;
- c. To spatially define the street space in order to promote pedestrian activity; and
- d. To require building facades to respond to existing building types in the area.

9.4.5.6 Washington Street Design Overlay (DO-2)

A. Creation

There is hereby created a Design Overlay District designated as the Washington Street Design Overlay District.

B. Intent

To provide additional height limitations that create a transition from the adjacent residential properties along Clarkson Street.

C. Building Height Standard

The maximum building height in the DO-2 district shall be 45 feet.

9.4.5.7 Lafayette Design Overlay (DO-3)

A. Creation

There is hereby created a Design Overlay District designated as the Lafayette Design Overlay District (DO-3). The DO-3 District includes Lots 1 through 3, and Lots 20 through 38, Block 27, Park Avenue Addition to Denver.

B. Intent

To provide additional height and upper story setback form standards that create a transition from the adjacent residential properties along Humboldt Street.

C. Height and Upper Story Setback Building Form Standard

1. The maximum building height shall be 60 feet
2. There shall be an upper story building setback that shall prevent any portion of a building on the eastern 55 feet of lots 20 through 36, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
3. There shall be an upper story building setback that shall prevent any portion of a building on lots 2 and 3, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high
 - a. Terraces at the level of the upper story setback may extend no closer than 30 feet to the southern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 40 feet to the southern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.
4. There shall be an upper story building setback that shall prevent any portion of a building on the southern 25 feet of the eastern 55 feet of lot 37, Block 27, Park Avenue Addition to Denver, to be in excess of 36 feet high.
 - a. Terraces at the level of the upper story setback may extend no closer than 35 feet to the eastern lot lines
 - b. Unwalled balconies in the upper story building setback may extend no closer than 45 feet to the eastern lot lines.
 - c. Flush mounted solar panels may encroach any distance into the upper story setback space.

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DIVISION 9.5 DENVER INTERNATIONAL AIRPORT ZONE DISTRICTS AND O-1 ZONE DISTRICT

SECTION 9.5.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established and are applied to property as set forth on the Official Map.

DIA	Denver International Airport Zone
AIO	DIA Influence Area Overlay Zone
O-1	O-1 Zone District

9.5.1.1 Purpose

The following paragraphs explain the general purpose and intent of the individual Zone Districts.

A. Denver International Airport Zone (DIA)

The Denver International Airport (DIA) encompasses 53 square miles of land. This large land area is designed to limit the impacts of airport activity on the airport's neighbors and provides room for the airport to expand and grow. The enormous potential of DIA to serve a prominent role in the global aviation system is due primarily to the airport's room to grow. With this ability to grow in a city that is otherwise landlocked, development within the DIA Zone District provides a path to markets around the world and providing a stimulus for economic growth in the region. Accordingly, the intent of the DIA Zone District is to:

1. Ensure public safety and security.
2. Reduce exposure of residential and other sensitive land uses to airport operations.
3. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area
4. Maintain consistency with DIA's vision, mission and goals
5. Maintain consistent and coordinated development patterns that match City and regional development plans
6. Minimize impacts to airport operations
7. Optimize airport operational efficiency and flexibility
8. Allow the airport to respond to the changing needs of a dynamic aviation industry
9. Continue to support DIA's role as the key economic engine for the region and the state
10. Reserve and maintain land uses on and near the airport to permit logical, phased development that is both flexible and responsive to airport and public needs

B. DIA Influence Area Overlay Zone (-AIO)

The Denver International Airport is the largest airport in North America. This large land area is designed to limit the impacts of airport activity on the airport's neighbors and provides room for the airport to expand and grow. However, even at its extensive size, the influence of the airport extends beyond the property owned as part of the airport itself (see the Denver International Airport Zone District). Accordingly, the intent of the DIA Influence Area Overlay Zone is to:

1. Reduce exposure of residential and other sensitive land uses to airport operations.

2. Minimize noise impacts of the airport on residential or sensitive land uses in the DIA Influence Area.

SECTION 9.5.2 DENVER INTERNATIONAL AIRPORT ZONE DISTRICT (DIA)

9.5.2.1 Building Forms

The Denver Manager of Aviation shall determine all design and development standards applicable to new development in the DIA Zone District.

9.5.2.2 Design Standards

Design and development standards governing uses and structures in the DIA Zone District shall be determined by the Denver Manager of Aviation .

9.5.2.3 Allowed Uses in the DIA Zone District

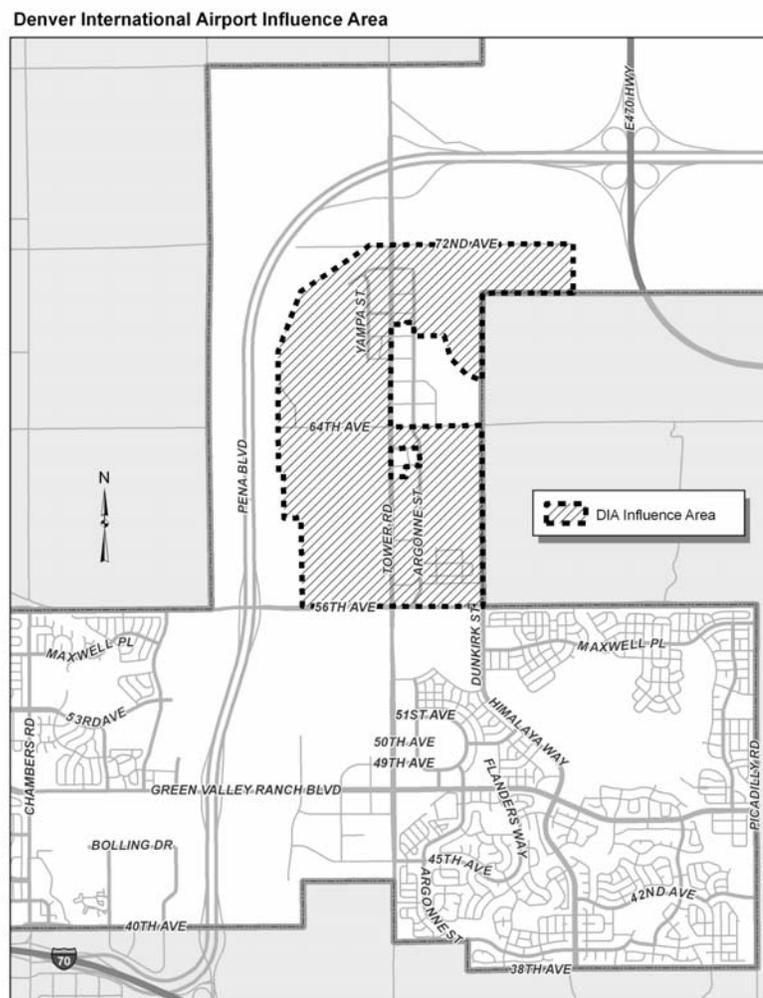
See Section 9.5.5.1, Allowed Uses in the DIA Zone District.

SECTION 9.5.3 DIA INFLUENCE AREA OVERLAY ZONE (AIO-)

9.5.3.1 DIA Influence Area

The DIA Influence Area is defined as the land area located north of 56th Avenue in the City and County of Denver’s DIA statistical neighborhood, as shown in ~~the f~~Figure 9.5-1 below, and on the Official Map.

Figure 9.5-1



9.5.3.2 Effective Date of Overlay District Standards

The standards and limitations applicable in the DIA Airport Influence Area Overlay Zone District shall apply only to properties rezoned according to this Code after June 25, 2010.

9.5.3.3 Land Use Restrictions

- A. Single unit and two unit dwellings are not permitted in the DIA Influence Area Overlay Zone District.
- B. Multi-unit dwellings, mixed use dwellings, live/work dwellings, all uses categorized as group living uses in this Code, hospitals, bed and breakfasts, and all educational uses that include residential accommodations are not permitted in the DIA Influence Area Overlay Zone District north of 62nd Avenue.
- C. Surface parking of vehicles is not permitted as a primary use of land in the DIA Influence Area Overlay Zone District. Garge parking is permitted.

9.5.3.4 Easement and Right-of-Way Required

Simultaneously with the rezoning of property or approval of a site plan for development in the DIA Airport Influence Area Overlay Zone District, the property owner shall be required to grant an easement and right-of-way to DIA for passage of aircraft in a form established by DIA and recorded in the Office of the Denver Clerk and Recorder.

SECTION 9.5.4 O-1 ZONE DISTRICT

9.5.4.1 Permitted Structures

A. Setbacks

All structures shall be set in a distance of not less than 20 feet from each front, rear and side line of the zone lot; provided, however, that no setback shall be required for electric substations, gas regulator stations and utility pumping stations except from such lines of the zone lot as abut public right-of-way. The space resulting from the foregoing setbacks shall be open and unobstructed; provided, however:

1. Fences or walls not exceeding 6 feet in height may be erected on any part of the zone lot. The height of such walls or fences shall be determined as stated in Section 13.1.4, Fence and Wall Height Measurement.
2. Any structure or part thereof which is below the grade of any setback space may project any distance into such setback space.
3. Canopies may project any distance into the front setback space.

B. Residential Protection Standards

1. Maximum Height Within 175 feet of Protected District: 75 feet
2. When Adjacent to Protected District:
 - a. Upper Story Setback Above 27 ft (at rear alley, rear no alley or side interior): 20ft/25ft
 - b. Upper Story Setback Above 51 feet (at rear alley, no alley or side interior): 35'/40'

9.5.4.2 Other Applicable Regulations

- A. Signs: Refer to Division 10.10 Signs for preglations pertaining to permitted signs.
- B. Loading: Refer to Division 10.4 for regulations pertaining to loading.

SECTION 9.5.5 USES AND REQUIRED MINIMUM PARKING

9.5.5.1 ~~Applicability Overview – Summary Use and Parking Table~~

A. ~~Allowed Uses in the~~ DIA Zone District **(moved)**

~~Permitted uses, number of uses, and any applicable use limitations in the DIA Zone District, and any applicable use limitations and standards,~~ shall be determined by the Denver Manager of Aviation.

B. **O-1 Zone District**

- ~~This Section 9.5.5 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the~~
- ~~Unlisted Zone Districts~~ Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Industrial Context Zone Districts. In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

9.5.5.2 ~~Organization – Summary Use and Parking Table~~

A. **Organized by Primary, Accessory and Temporary Uses**

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

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

1. **Primary Use Classifications**

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

- Residential Uses
- Civic, Public & Institutional Uses
- Commercial Sales, Service & Repair Uses
- Industrial, Manufacturing & Wholesale Uses
- Agriculture

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

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

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

The general land use classifications and use categories listed in the **Summary** Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use

category, such as “lodging accommodations,” cannot be classified in a different use category, such as “group living,” unless otherwise expressly allowed by this Code.

9.5.5.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

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

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

2. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”). ~~Applicable Use Limitations—The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11, of this Code.—~~

3. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

3. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

4. Uses Where More Than One Zoning Procedure Is Indicated

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

Unlisted Uses (moved)

Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses:

Compliance with Other Code Provisions Required

The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 9, and the standards stated in Article 10, General Design Standards.

Applicable Procedures Prior to Establishment of Use

A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.

The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Development Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.

9.5.5.4 District Specific Standards Allowed Uses by District and Minimum Parking Requirements

KEY: 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
 * = Need Not be Enclosed

USE CATEGORY	SPECIFIC USE TYPE			APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
		DIA	O-1	
RESIDENTIAL PRIMARY USE CLASSIFICATION				
Household Living	Dwelling, Single Unit	See Section 9.5.5.1 for permitted uses	NP	
	Dwelling, Two Unit		NP	
	Dwelling, Multi-Unit		NP	
	Dwelling, Mixed Use		NP	
	Dwelling, Live / Work		NP	
Group Living	Assisted Living Facility		NP	
	Community Correctional Facility		NP	
	Nursing Home, Hospice		NP	
	Residence for Older Adults		NP	
	Residential Care Use, Small or Large		L-ZPIN	§ 11.2.45
	Shelter for the Homeless	L-ZP	§ 11.2.56	
	Student Housing	NP		

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USE CATEGORY	SPECIFIC USE TYPE			APPLICABLE USE LIMITATIONS
		DIA	O-1	AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION				
Basic Utilities	Utility, Major Impact*	See Section 9.5.5.1 for permitted uses	L-ZPSE	§ 11.3.1
	Utility, Minor Impact*		L-ZP	§ 11.3.2
Community/ Public Services	Community Center		L-ZP	§ 11.3.3
	Day Care Center		P-ZPIN	
	Postal Facility, Neighborhood		NP	
	Postal Processing Center		NP	
	Public Safety Facility		P-ZP	
	Hospital		NP	
	Correctional Institution		P-ZP	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery		P-ZP	
	Library		P-ZP	
	Museum		P-ZP	
	City Park		NP	
	Open Space - Recreation		P-ZP	
	Open Space - Conservation	P-ZP		
Education	Elementary or Secondary School	P-ZP		
	University or College	NP		
	Vocational or Professional School	NP		
Public and Religious Assembly	All Types	NP		
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION				
Adult Business	All Types	See Section 9.5.5.1 for permitted uses	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor		NP	
	Arts, Recreation and Entertainment Services, Outdoor*		L-ZP	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*		NP	
Nonresidential Uses in Existing Business Structures In Residential Zones			Not Applicable	
Parking of Vehicles	Parking, Garage		P-ZP	
	Parking, Surface*		P-ZP	
Eating & Drinking Establishments	All Types		NP	
Lodging Accommodations	Bed and Breakfast Lodging		NP	
	Lodging Accommodations, All Others		NP	
Office	Dental / Medical Office or Clinic		NP	
	Office, All Others	NP		

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USE CATEGORY	SPECIFIC USE TYPE			APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY	
		DIA	O-1		
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only	See Section 9.5.5.1 for permitted uses	NP		
	Animal Sales and Services, All Others		NP		
	Body Art Establishment		NP		
	Food Sales or Market		NP		
	Liquor Store, Including Drugstores Licensed to Sell Liquor		NP		
	Pawn Shop		NP		
	Retail Sales, Service & Repair -- Outdoor*		NP		
	Retail Sales, Service & Repair - Firearms Sales		NP		
	Retail Sales, Service & Repair, All Others		NP		
Vehicle/ Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility	See Section 9.5.5.1 for permitted uses	NP		
	Automobile Services, Light		NP		
	Automobile Services, Heavy		NP		
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer*		NP		
	Heavy Vehicle/ Equipment Sales, Rentals. & Service*		NP		
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USES CLASSIFICATION					
Communications and Information	Communication Services	See Section 9.5.5.1 for permitted uses	NP		
	Telecommunications Towers*		L-ZPSE	§11.5.2	
	Telecommunications Tower - Alternative Structure		L-ZP/ZPIN	§11.5.2	
	Telecommunication Facilities -- All Others*		L-ZPIN	§11.5.2	
Industrial Services	Contractors, Special Trade - General		See Section 9.5.5.1 for permitted uses	NP	
	Contractors, Special Trade - Heavy/Contractor Yard*			NP	
	Food Preparation and Sales, Commercial			NP	
	Laboratory, Research, Development and Technological Services			NP	
	Service/Repair, Commercial			NP	
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom		See Section 9.5.5.1 for permitted uses	NP	
	Manufacturing, Fabrication & Assembly -- General	NP			
	Manufacturing, Fabrication & Assembly -- Heavy	NP			
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	See Section 9.5.5.1 for permitted uses	L-ZP	§9.5.6.1	
	Sand or Gravel Quarry*		NP		
	Wind Energy Conversion Systems*		NP		

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USE CATEGORY	SPECIFIC USE TYPE			APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
		DIA	O-1	
Transportation Facilities	Airport*	P-ZP	NP	
	Helipad, Helistop, Heliport*	See Section 9.5.5.1 for permitted uses	NP	
	Railroad Facilities*		NP	
	Railway Right-of-Way*		P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System		NP	
	Terminal, Freight, Air Courier Services		NP	
Automobile Parts Recycling Business	NP			
Waste Related Services	Junkyard*	See Section 9.5.5.1 for permitted uses	NP	
	Recycling Center		NP	
	Recycling Collection Station		NP	
	Recycling Plant, Scrap Processor		NP	
	Solid Waste Facility		NP	
	Automobile Towing Service Storage Yard*		See Section 9.5.5.1 for permitted uses	NP
Mini-storage Facility	NP			
Vehicle Storage, Commercial*	NP			
Wholesale Trade or Storage, General	NP			
Wholesale Trade or Storage, Light	P-ZP			
Agriculture	Agriculture, Limited*	See Section 9.5.5.1 for permitted uses	NP	
	Aquaculture*		NP	
	Garden, Urban*		L-ZP	§11.6.1
	Greenhouse		NP	
	Husbandry*		L-ZP-NP	§9.5.6.3
	Nursery, Plant*		L-ZP	§9.5.6.2

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USE CATEGORY	SPECIFIC USE TYPE			APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
		DIA	O-1	
ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION				
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit Accessory to Single-Unit Dwelling Use	See Section 9.5.5.1 for permitted uses	NP	
	Domestic Employee		L	§11.7; §11.8.3
	Garden		L	§11.7; §11.8.4
	Greenhouse		NP	
	Keeping of Household Pets		NP	
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles		NP	
	Kennel or Exercise Run		NP	
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use		NP	
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot		NP	
	Second Kitchen Accessory to Single Unit Dwelling Use		NP	
	Vehicle Storage, Repair and Maintenance		NP	
	Yard or Garage Sales		NP	
	Unlisted Accessory Uses		L	§11.7; §11.8.1

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USE CATEGORY	SPECIFIC USE TYPE	DIA	O-1	APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION				
Accessory to Primary Nonresidential Uses Accessory to Primary Nonresidential Uses	Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses	See Section 9.5.1 for permitted 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; § 11.10.4
	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	
	Garden		L	§11.7; §11.10.9
	Greenhouse		NP	
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>		<u>Not Applicable</u>	
	Occasional Sales, Services Accessory to Places of Religious Assembly*		NP	
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*		NP	
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*		NP	
	Outdoor Retail Sale and Display*		L-ZP	§11.7; §10.8
	Outdoor Storage*		NP	
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use		NP	
	Unlisted Accessory Uses		L	§11.7; §11.10.1

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USE CATEGORY	SPECIFIC USE TYPE	DIA		APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
			O-1	
HOME OCCUPATION CLASSIFICATION				
Home Occupations	Child Care Home, Large (7-12)	See Section 9.5.5.1 for permitted uses	NP	
	Home Occupations , All <u>Other</u> Types		NP	
	<u>Unlisted Home Occupation Uses</u>		<u>NP</u>	
TEMPORARY USE CLASSIFICATION				
Temporary Uses	Ambulance Service - Temporary	See Section 9.5.5.1 for permitted uses	L-ZP	§11.11.2
	Amusement / Entertainment - Temporary*		NP	
	Bazaar, Carnival, Circus or Special Event*		L-ZP	§11.11.4
	Building or yard for construction materials*		L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*		L-ZP	§11.11.6
	Fence for Demolition or Construction Work		L-ZP	§11.11.7
	Health Care Center		NP	
	Noncommercial Concrete Batching Plant*		L-ZP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*		NP	
	Outdoor Retail Sales*		NP	
	Outdoor Sales, Seasonal*		L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*		L-ZP	§11.11.13
	Retail Food Establishment, Mobile*		NP	
	Temporary Construction Office		L-ZP	§11.11.15
	Temporary Office - Real Estate Sales		L-ZP	§11.11.16
	Tent for Religious Services		NP	
	Unlisted Temporary Uses		L	§11.11.1

SECTION 9.5.6 APPLICABLE USE LIMITATIONS ~~& STANDARDS~~

9.5.6.1 Oil, Gas, Production, Drilling

~~O-1 and DIA Zone Districts~~

- A. In the O-1 and DIA Zone Districts, all site plan applications for oil and gas uses shall be reviewed according to Section 12.4.3, Site Development Plan Review, with the addition of a representative from the building inspection division of Community Planning and Development, designated by the Manager, and a representative from the Department of Aviation, designated by the Manager of Aviation.
- B. As part of the Site Development Plan Review, the Manager may recommend conditions on the approval of any oil and gas permit application to ensure the following public health, safety, and welfare objectives:
 - 1. There shall be adequate financial assurances to insure the city against any claims which may arise due to the applicant's operation under any and all permits issued by the city;
 - 2. The applicant shall provide appropriate protection of the natural environment and adjacent land uses; and
 - 3. The applicant shall assure avoidance of any adverse impact on other uses by right allowed in the subject Zone District.

~~Husbandry, Plant or Animal~~

~~This use shall be located at least 500 feet from a Residential Zone District.~~

9.5.6.2 Nursery, Plant

- A. This use is limited to plant husbandry and/or the sale of produce and plants raised on the premises.
- B. This use shall be located at least 500 feet from a Residential Zone District.

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DIVISION 9.6 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

SECTION 9.6.1 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

9.6.1.1 General Purpose and Intent

- A. The general purpose of a Planned Unit Development Zone District (“PUD District”) District is to provide an alternative to conventional land use regulations, combining use, density, site plan and building form considerations into a single process, and substituting procedural protections for the more prescriptive requirements in this Code. The PUD District is intended to respond to unique and extraordinary circumstances, where more flexible zoning than what is achievable through a standard Zone District is desirable and multiple variances, waivers, and conditions can be avoided.
- B. “Unique and extraordinary circumstances” that justify use of a PUD District include, but are not limited to, the following:
 - 1. Where a development site has special physical characteristics, including but not limited to irregular or odd-shaped lots, or lots with significant topographical barriers to standard development or construction practices;
 - 2. Where a customized zoning approach is necessary to protect and preserve the character of a historic structure or historic district;
 - 3. Where a development site is subject to an existing PUD and rezoning to a new PUD District will bring the site closer to conformance with current zoning regulations and adopted plans; or
 - 4. Where the proposed scale or timing of a development project demands a more customized zoning approach to achieve a successful, phased development.
- C. A PUD District is not intended as either a vehicle to develop a site inconsistent with the applicable neighborhood context and character, or solely as a vehicle to enhance a proposed development’s economic feasibility.
- D. In return for the flexibility in site design with respect to the arrangement, heights, and setbacks of buildings, densities, open space and circulation elements, development under a PUD District should provide significant public benefit not achievable through application of a standard Zone District, including but not limited to diversification in the use of land; innovation in development; more efficient use of land and energy; exemplary pedestrian connections, amenities, and considerations; and development patterns compatible in character and design with nearby areas and with the goals and objectives of the Comprehensive Plan.

9.6.1.2 Application Process

A. Rezoning Required

Creation of a PUD District shall be by an official map amendment (rezoning) according to the process and review criteria stated in Section 12.4.10, Official Map Amendment, ~~of this Code~~.

B. Concurrent Processing

At the applicant’s option, and with the Manager’s approval, a site development plan for one or more stages of a General PUD District Plan (see Section 9.6.1.3 below) may be submitted with the filing of a PUD District rezoning application, according to Section 12.3.3.9, Concurrent Applications.

C. Vested Rights

City Council approval of a PUD District confers vested property rights, as stated in Section 9.6.1.5, Vested Property Rights, below.

9.6.1.3 Requirement for PUD District Plan

All applications for rezoning to a PUD District shall contain the information and representations required by this Division 9.6 and by Section 12.4.10 (Official Map Amendment), and a PUD District Plan that complies with the following:

A. Choice of PUD District Plan Type

1. General PUD District Plan

If development is to proceed in phases or over an extended period of time, or if more general zoning is desired prior to preparation of more detailed site development and pre-construction plans, the applicant may submit a “General PUD District Plan” covering the entire PUD District area. After the PUD District rezoning with a General PUD District Plan is approved, one or more site development plans shall be submitted for each phase of development and shall follow the general development concept established in the General PUD District Plan. See Section 12.4.3, Site Development Plan, for the procedure and review criteria applicable to site development plans.

2. Detailed PUD District Plan

If development is not to be completed in phases or over an extended period of time, or if an applicant is prepared to submit more detailed site development plan or pre-construction plans, the applicant may submit a “Detailed PUD District Plan” covering the entire PUD District area. After the PUD District rezoning with a Detailed PUD District plan is approved, the Detailed PUD District Plan shall constitute a site development plan, enabling the applicant to proceed directly to final zoning / building permit approval (no intervening site development plan review step under Section 12.4.3).

B. PUD District Plan Contents -- Permitted Uses and Procedures

All PUD District Plans shall specify allowable primary, accessory and temporary uses, and may specify applicable use and development review procedures, in compliance with the following standards.

1. A PUD District Plan shall permit any use which is a permitted use in any Zone District when such use is provided for, enumerated, and approved in the PUD District Plan.
2. All use limitations ~~and standards~~ in this Code shall apply to the uses in the PUD District unless expressly waived or modified in the PUD District Plan.
3. A PUD District Plan may subject the establishment of an allowed use or the development of an allowed building form to any procedure established in Article 12, Zoning Procedures and Enforcement of this Code, including Zoning Permit Review with Information Notice, Special Exception review, Site Development Plan review, or Administrative Adjustment. However, a PUD District Plan shall not establish or include any use or development review procedure different from a procedure established in Article 12, Zoning Procedures and Enforcement of this Code.
4. A PUD District Plan may provide for future amendment by subarea, platted lots, or metes and bounds parcels, as allowed in Section 9.6.1.4, Amendments to Approved PUD District Plans.

C. PUD District Plan Contents -- Applicable Design Standards

1. Required PUD District Plan Elements

While the level of detail will vary between a General PUD District Plan and a Detailed PUD District Plan, all PUD District Plans shall include or address the following elements, through specific standards wherever possible. All design standards stated in Article 10, General Design Standards, of this Code shall apply in the PUD District Plan unless expressly waived or modified in the PUD District Plan.

- a. A written statement of development and design intent for the proposed PUD District Plan, consistent with the purpose and intent of the PUD District stated in Section 9.6.1.1. above.
- b. Relationship of the PUD District Plan to existing Neighborhood Context of surrounding properties
- c. Building form standards, including building height, siting, and design element standards formatted similarly to the Primary Building Form Standards found in Articles 3 through 7 ~~of this Code~~.
- d. Appropriate building, use, or other transitions to adjacent properties, development, and uses.
- e. Parking for vehicles and bicycles.
- f. Vehicle, bicycle, and pedestrian access and circulation, including connections to adjacent properties and public amenities or facilities (e.g., public parks, transit, open space, schools).
- g. Off-street loading.
- h. Landscaping, screening, fence and wall standards.
- i. Grading, including tree preservation and removal.
- j. Outdoor lighting.
- k. Outdoor storage, sales and display.
- l. Signs.
- m. Limitations on external effects.
- n. Mitigation of potential adverse impacts on surrounding properties.

2. Optional PUD District Plan Elements

In addition to the required elements stated in this subsection, a PUD District Plan may include design standards different than the type and subject matter of standards included in this Code, including without limitation, enhanced streetscape standards, minimum open space configuration or design standards, and minimum architectural design standards for buildings in the PUD District.

D. Effect of Approval of PUD District Plan

1. Conformance with PUD District Plan Required

All development in a PUD District shall conform to the approved PUD District Plan. Minor deviations may be permitted only ~~in accordance with~~ according to this subsection.

2. Minor Deviations from Approved PUD District Plans

The Zoning Administrator, Manager, and Manager of Public Works jointly may authorize minor deviations from previously approved PUD District Plans during the site development plan review (see Section 12.4.3) only when such deviations are necessary in light of technical or engineering considerations. Such deviations from an approved PUD District Plan shall not include any changes that constitute “amendments” under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits, ~~of this Code~~. Minor deviations approved according to this subsection shall not affect the vested rights status of the PUD District under Section 9.6.1.5 below.

9.6.1.4 Amendments to Approved PUD District Plans

Where by its terms, a registered and recorded PUD District Plan states that it may be amended by subarea, platted lots, or metes and bounds parcels, any application to amend such PUD District Plan by subarea, platted lots, or metes and bounds parcels, including an amendment to rezone any such subarea, platted lots or metes and bounds parcels to any other classification:

- A. Shall include only that portion of the land area of the PUD District Plan to which the proposed amendment applies;
- B. Shall contain only the names and addresses of the owners and holders of deeds of trust of the property within the subarea, platted lots, or metes and bounds parcels to which the proposed amendment applies; and
- C. Shall be filed and signed only by all the owners or agents of the owners of the property within the subarea, platted lots, or metes and bounds parcels to which the proposed amendment applies.
- D. All required notices relating to an application to amend any such PUD District Plan shall state that the PUD District Plan being amended allows for amendment by subarea, platted lots, or metes and bounds parcels.
- E. The process for approving an amendment to a PUD District Plan is the same as for approving an application for rezoning to a PUD District. See Section 12.4.10, Official Zone Map Amendment.

9.6.1.5 Vested Rights

A. Approval of a PUD District

- 1. Approval of a PUD District by City Council, whether approved with a General PUD District Plan or a Detailed PUD District Plan, following notice and a public hearing shall constitute a site specific development plan under this Code.
- 2. Such property right shall not vest until 90 days after the effective date of the ordinance approving the PUD District. The City Clerk shall publish notice advising the general public of the PUD District approval and the creation of a vested property right no later than 14 days after the effective date of the ordinance approving the PUD District. At a minimum, final publication of the ordinance approving the PUD District shall constitute this required publication.
- 3. Every PUD District shall contain a statement that a vested property right shall be created 90 days after the effective date of the ordinance approving the PUD District.

B. Vesting Period

A property right that has been vested through approval of a PUD District shall remain vested for a period of 3 years. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than 3 years only if approved by City Council through an approved PUD District Plan or PUD District Plan amendment or through a development agreement after a public hearing.

DIVISION 9.7 MASTER PLANNED CONTEXT (M-RH, M-RX, M-CC, M-MX, M-IMX, M-GMX)

SECTION 9.7.1 MASTER PLANNED CONTEXT DESCRIPTION



General Character: The Master Planned Context is intended for developing areas that will develop or redevelop in phases over an extended period of time into entirely new residential and mixed use neighborhoods covering multiple blocks. Examples of areas in Denver that may be appropriately zoned within the Master Planned Context are the Stapleton and Gateway neighborhoods. Development may consist of single-unit, two-unit and multi-unit residential uses, mixed use centers embedded in residential areas, larger town centers, high density transit oriented developments, as well as commercial office and mixed-use industrial employment centers. Single- and two-unit residential uses are primarily located along local and residential arterial streets. Multi-unit residential uses are primarily located along local and residential arterial streets. Commercial uses are primarily located along mixed-use arterial streets but may be located at or between intersections of local streets. Office, research and industrial parks are primarily located near arterials and major highways.

Street, Block, and Access Patterns: The Master Planned Context consists of a variety of block shapes and patterns, often depending on the intended land use. In all cases, there is a high degree of vehicle and pedestrian connection through this context. In residential neighborhoods and town centers, blocks are sized to promote circulation and include detached sidewalks, tree lawns and/or streetscape elements, street and surface parking. Block sizes may be very large in industrial areas.

Single- and two-unit residential access is from a primary or side street, or an alley when present. Multi-unit residential access is typically from an alley, primary, side street or shared rear access lane to a surface parking lot, carport parking lot or parking structure. Commercial and industrial access is typically from a primary or side street via a shared or private drive to a surface or structured parking lot.

Building Placement and Location: Single- and two-unit buildings typically have consistent landscaped front setbacks along primary streets and consistent shallow setbacks along side streets. Multi-unit buildings typically have consistent landscaped front setbacks along primary streets and consistent shallow setbacks along side streets. Commercial development in town centers and transit oriented developments is typically built up to the street on at least one side of the block with buildings on other sides of the block sometimes having parking located between the building and the street. Commercial development in office, research or industrial parks may be set back from the street with parking or landscape areas between the building and the street.

Building Height: Single- and two-unit residential structures are 1 to 2.5 stories. Row house and town house structures are 2 to 5 stories. Multi-unit residential structures and mixed-use buildings are 1 to 8 stories. In the most intensive transit oriented development or commercial business/office centers, building heights may reach 12.

Mobility: Equal priority is given to pedestrians, automobile and transit activity. This context will often have access to the multi-modal transit system in at least a portion of the context.

SECTION 9.7.2 DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following Zone Districts have been established in the Master Planned Context and are applied to property as set forth on the Official Map.

Master Planned Context

M-RH-3	Row House 3
M-RX-5	Residential Mixed Use 5
M-RX-5A	Residential Mixed Use 5A
M-CC-5	Commercial Corridor 5
M-MX-5	Commercial Mixed Use 5
M-IMX-5	Industrial Mixed Use 5
M-IMX-8	Industrial Mixed Use 8
M-IMX-12	Industrial Mixed Use 12
M-GMX	General Mixed Use

9.7.2.1 General Purpose

- A. The intent of Zone Districts within the Master Planned Context is to provide flexibility for master planned development of large sites to respond to evolving market opportunities over time. The Zone District regulations support phased mixed-use development and allow for a wide variety of uses and building forms. As development proceeds, the allowed uses and building forms are further defined to provide clarity and predictable development outcomes.
- B. B. The building form standards and use standards support medium to high density development and are organized into five distinct Zone Districts. Multiple building forms are allowed on a single zone lot.

9.7.2.2 Specific Intent

A. Row House 3 (M-RH-3)

M-RH-3 is a residential district intended to promote development of new neighborhoods up to 3 stories in height. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. There is a consistent front yard setback with buildings oriented either towards a primary street or to internal courtyard or open space areas. Parking access from the rear or from the front when no alley is present.

B. Residential Mixed Use 5 (M-RX-5)

M-RX-5 is a residential mixed-use district intended to promote development of new neighborhoods up to 5 stories in height. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard or open space areas. Parking access from the rear or from the front when no alley is present.

C. Residential Mixed Use 5A (M-RX-5A)

M-RX-5A is a residential mixed-use district intended to promote development of new neighborhoods up to 5 stories in height. Distinguished from the M-RX-5 Zone District, the M-RX-5A Zone District allows the suburban house and town house building forms to allow development in a master planned community consistent with a more Suburban or Urban Edge neighborhood context as described elsewhere in this Code. Single and two unit building forms are often located on small lots and all building forms usually have relatively shallow setbacks and high building coverage. Multi-unit building forms may be built directly at the sidewalk edge and

general building forms may be located on corner sites. Buildings are oriented either towards a primary street or to internal courtyard or open space areas.

D. Commercial Corridor (M-CC-5)

M-CC-5 is a mixed use district where a building scale of 1 to 5 stories is desired, and which is intended to allow predominantly commercial development along arterial or collector street corridors, or at major intersections with such streets, in a master planned community consistent with a more Suburban or Urban Edge neighborhood context as described elsewhere in this Code. The M-CC-5 district is intended to balance the need for safe, active, and pedestrian-scaled mixed use areas with the need for convenient automobile access. The M-CC-5 District standards have minimum setbacks to allow maximum flexibility in building placement, vehicle circulation and parking lot layout, while ensuring new development contributes positively to adjacent residential neighborhoods and ensures appropriate transitions between commercial development and such adjacent residential neighborhoods.

E. Commercial Mixed Use 5 (M-MX-5)

M-MX-5 is a mixed-use district intended to promote development of new town centers and mixed-use neighborhoods up to 5 stories in height. The district is intended to be primarily commercial. Complementary uses may be embedded within the district and primarily residential uses may be located near district boundaries. Buildings are often built to the sidewalk edge, but some commercial buildings may be set back with parking located between the building and the street.

F. Industrial Mixed Use 5 (M-IMX-5)

M-IMX-5 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 5 stories.

G. Industrial Mixed Use 8 (M-IMX-8)

M-IMX-8 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 8 stories.

H. Industrial Mixed Use 12 (M-IMX-12)

M-IMX-5 is an industrial mixed-use district intended to accommodate a variety of industrial, commercial, civic and residential uses with a maximum building height of 12 stories.

I. General Mixed Use (M-GMX)

M-GMX is a mixed use district that provides, in comparison to the other Master Planned Zone Districts, the widest range of allowed building forms and land uses. The M-GMX District is intended to allow maximum flexibility in certain master planned communities with an extended build-out period, in order to respond to changes and innovations in market demand over time. The M-GMX District may be applied to properties only when a more detailed Regulating Plan is approved prior to site development, or when a General Development Plan for the subject property contains the same level of detail as a Regulating Plan. A Regulating Plan assigns specific building forms, allowable building heights, and a more limited range of land uses to specific blocks and zone lots within the M-GMX District.

9.7.2.3 Minimum Requirements for Establishment

The following requirements shall apply in addition to the requirements set forth in Section 12.4.10, Official Map Amendment (Rezoning). Where a conflict exists, the requirements of this Section shall supersede those in Section 12.4.10.

A. General Development Plan Required

A General Development Plan that meets the minimum standards stated Section 12.4.12, General Development Plan, shall be completed and approved prior to the City Council's approval of a rezoning to a Master Planned (M-) Zone District.

B. Regulating Plan Required for Development in the M-GMX District

An official map amendment to a M-GMX District is contingent upon completion of one or more Regulating Plans that meet the minimum standards stated Section 12.4.13 prior to or concurrent with development of all or a portion of the approved M-GMX District. Alternately, if an approved General Development Plan for the subject property contains the same level of detail and information as required in a Regulating Plan, a rezoning to a M-GMX District may be approved without completion of a Regulating Plan.

SECTION 9.7.3 DESIGN STANDARDS

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

9.7.3.1 General Intent

A. Urban Design and Building Form Standards

The Intent of Urban Design and Building Form Standards in all Districts are to:

1. Implement the Denver Comprehensive Plan.
2. To continue Denver's physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
3. Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
4. Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
5. Give equal prominence to pedestrian realm as a defining element of neighborhood character.
6. Spatially define public streets and their associated open space as positive, useable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
7. Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

9.7.3.2 Building Form Intent

A. Height

1. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.
2. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

B. Siting

1. Required Build-To

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

2. Setbacks

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

3. Parking Location

- a. Minimize the visual impacts of parking areas on streets and adjoining property.
- b. Minimize conflicts between pedestrian and vehicles.

C. Design Elements

1. Configuration

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

2. Transparency

- a. Maximize window area at street level to help activate the street.
- b. To create rhythms and patterns on building facades that provide visual interest and reflect the uses within the building.
- c. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.

3. Entrances

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

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9.7.3.3 Primary Building Form Standards

A. Applicability

All development in all the Master Planned Context Zone Districts

B. Generally Applicable Standards

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

~~In addition to the neighborhood context-specific standards included in this article, all development must comply with the general design standards in Article 10.~~

~~One building form and the associated standards shall be selected for each structure on a zone lot.~~

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

~~Unenclosed uses shall comply with all building form standards as applicable.~~

~~For multiple buildings on a zone lot, see Article 10, Division 10.3.~~

C. District Specific Standards Summary

~~The districts allow a variety of building forms appropriate for the Master Planned Context, as set out~~
The maximum number of structures per zone lot and building forms allowed by Zone District is summarized below:

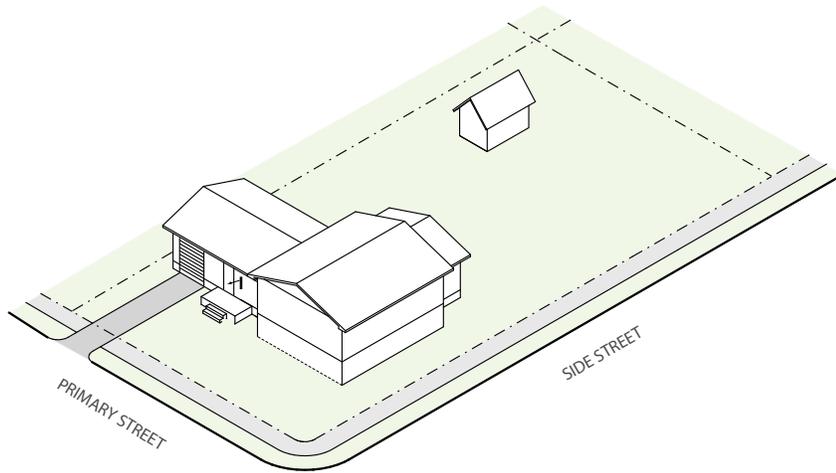
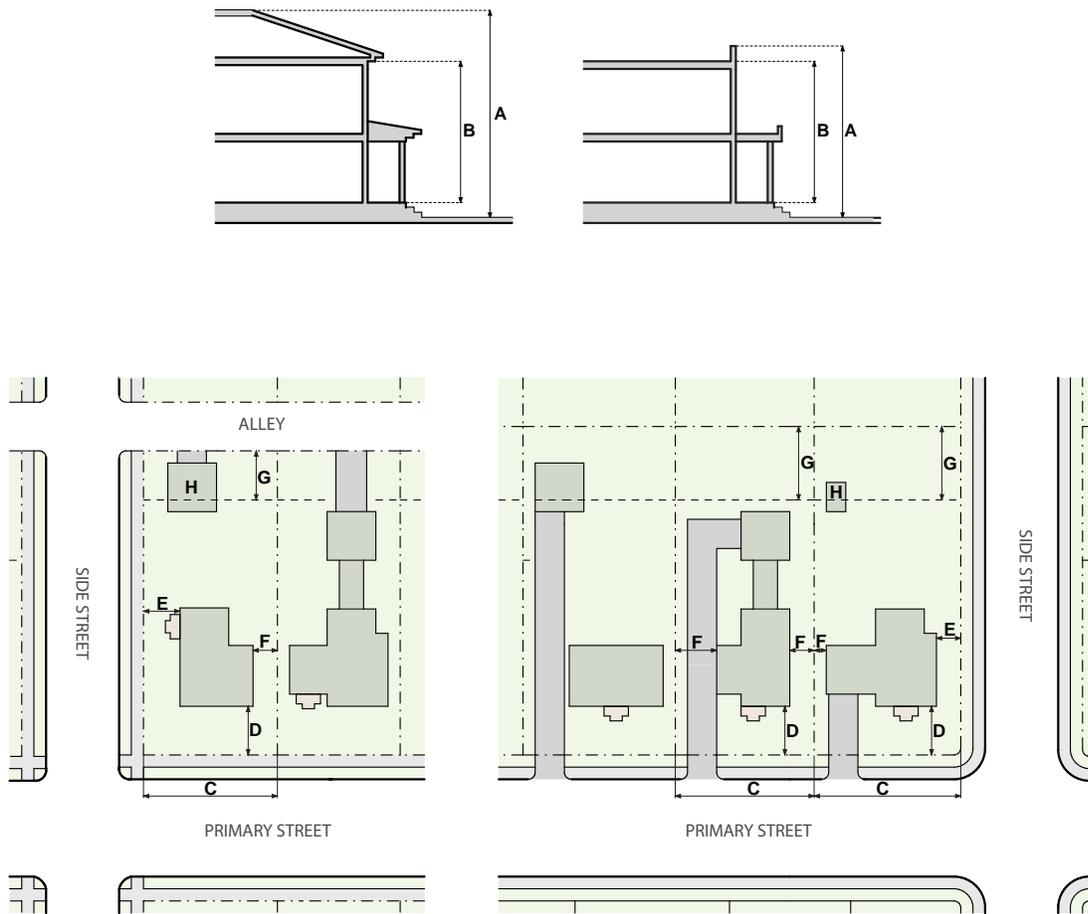
<u>Master Planned (M-) Neighborhood Context Zone Districts</u>		<u>Max Number of Primary Structures per Zone Lot</u>	<u>Building Forms</u>													
			Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Courtyard Apartment	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Industrial
<u>Row House (RH)</u>	M-RH-3	<u>no max</u>		■	■	■	■		■	■						
<u>Residential Mixed Use (RX)</u>	M-RX-5	<u>no max</u>		■	■	■	■		■	■	■	■			□	
	M-RX-5A	<u>no max</u>	■	■	■	■	■	■	■	■	■				□	
<u>Commercial Corridor (CC)</u>	M-CC-5	<u>no max</u>										■	■	■	■	
<u>Commercial Mixed Use (MX)</u>	M-MX-5	<u>no max</u>				■	■		■	■	■	■	■	■	■	
<u>Industrial Mixed Use (IMX)</u>	M-IMX-5, -8, -12	<u>no max</u>								■	■	■	■	■	■	■
<u>General Mixed Use (GMX)</u>	M-GMX	<u>no max</u>	■	■	■	■	■	■	■	■	■	■	■	■	■	■

■ = Allowed □ = Allowed subject to limitations.

9.7.3.4 District Specific Standards

A. Suburban House

Not to Scale. Illustrative Only.

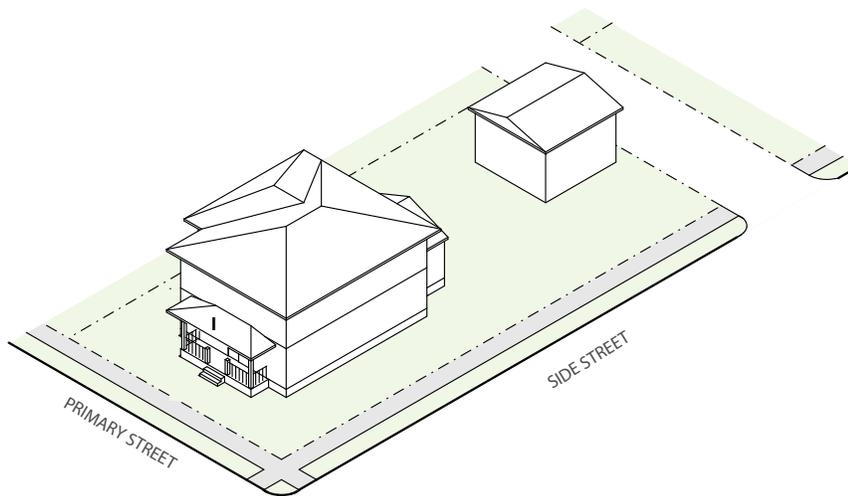
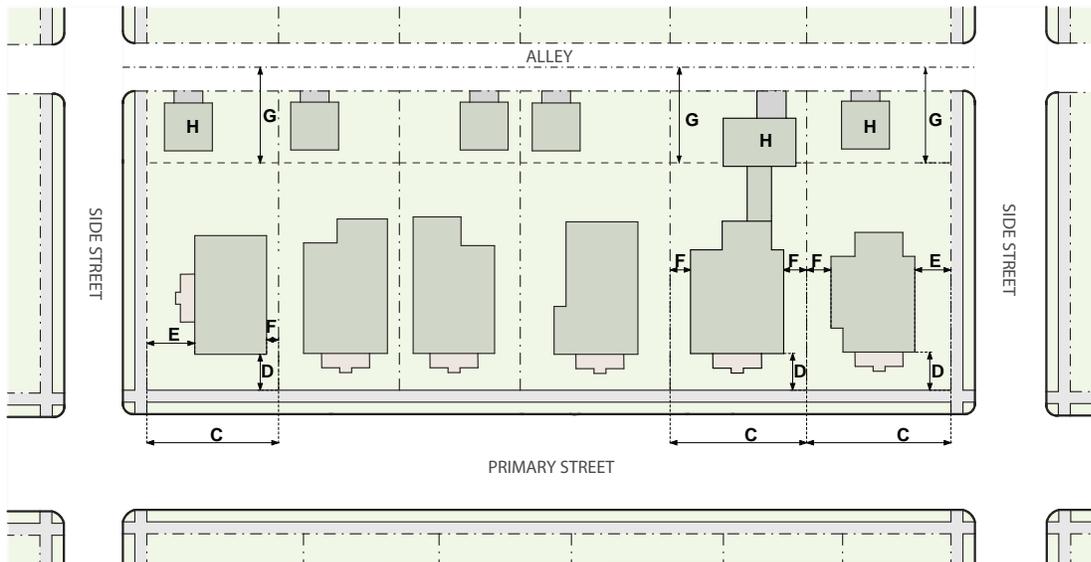
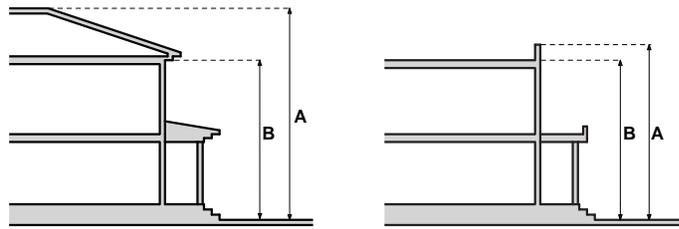


SUBURBAN HOUSE

		M-RX-5A M-GMX
HEIGHT		
A	Stories (max)	2.5
A	Feet (max)	35'
B	Side Wall Height (Max)	30'
SITING		
ZONE LOT		
	Zone Lot Size (min)	3,000 ft ²
C	Zone Lot Width (min)	25'
	Dwelling Units per Primary <u>Residential</u> Structure (max)	1
SETBACKS		
D	Primary Street (min)	10'
E	Side Street (min)	10'
F	Side, interior (min)	3'
G	Rear (min)	10'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	50%
PARKING		
	Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 SF
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3-37.6
ACCESSORY STRUCTURES		
H	Detached Accessory Structures Allowed	see Sec. 9.7.4
		M-RX-5A M-GMX
DESIGN ELEMENTS		
BUILDING CONFIGURATION		
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing</u> facade of the <u>dwelling primary structure</u> or 16'; whichever is greater
	Attached Garage Allowed	<u>Front facing garage doors</u> shall not project <u>forward of any part of a Primary Street facing facade of a primary structure</u> , which for purposes of this form, may include a front porch.
GROUND STORY ACTIVATION		
I	Pedestrian Access, Primary Street	Entry Feature
<u>See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>		

B. Urban House

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URBAN HOUSE

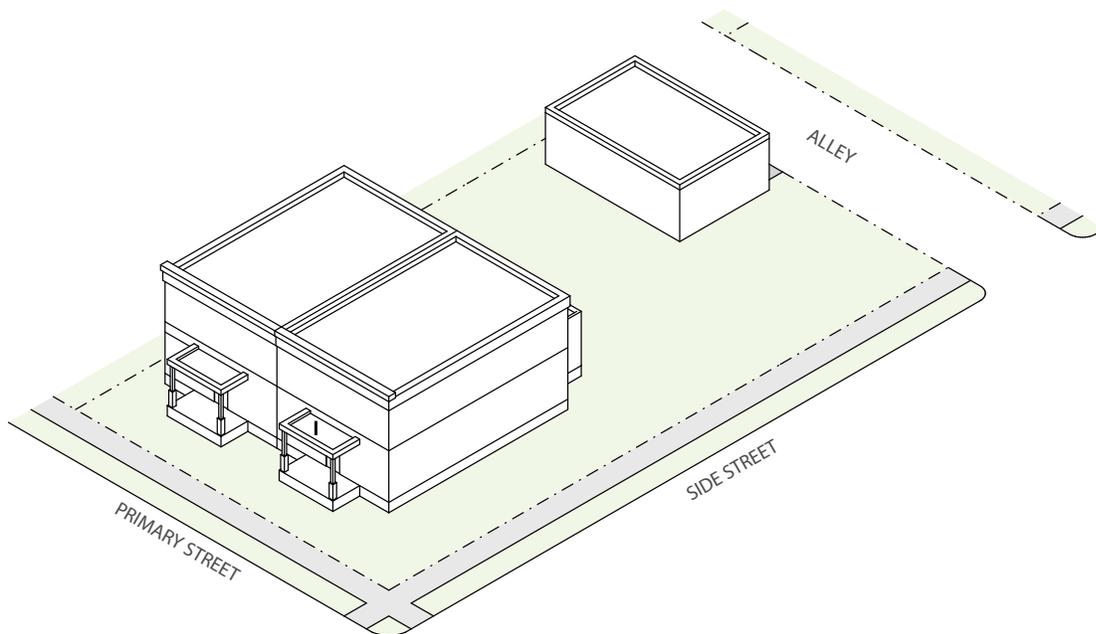
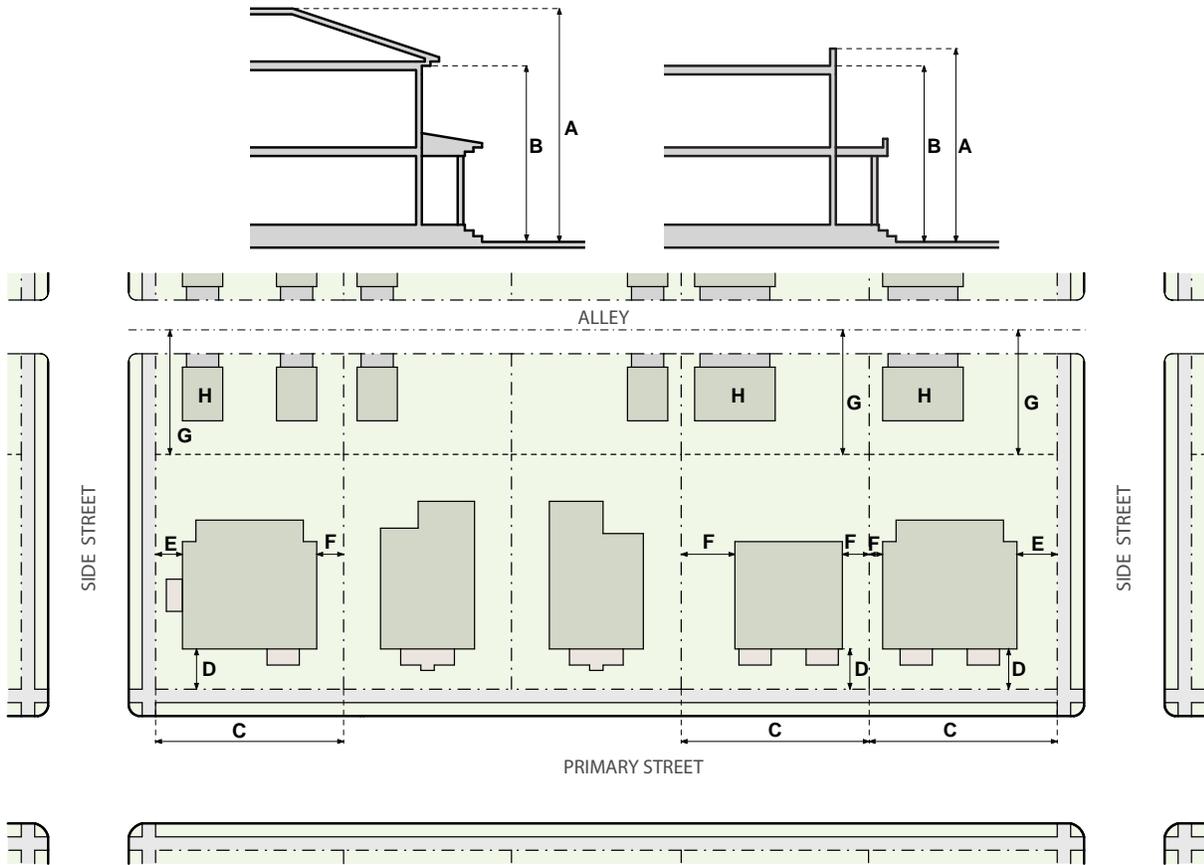
HEIGHT		M-RH-3 M-RX-5, M-RX-5A, M-GMX
A	Stories (max)	2.5
A	Feet (max)	40'
B	Side Wall Height (Max)	34'

SITING		M-RH-3 M-RX-5, M-RX-5A, M-GMX
ZONE LOT		
	Zone Lot Size (min)	3,000 ft ²
C	Zone Lot Width (min)	25'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	1/2
SETBACKS		
D	Primary Street (min)	10'
E	Side Street (min)	10'
F	Side, interior (min)	3'
G	Rear (min)	0'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	75%
PARKING		
	Parking and Drive Lot Coverage in Primary Street Setback (max)	2 Spaces and 320 SF
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3-37.6
ACCESSORY STRUCTURES		
H	Detached Accessory Structures Allowed	see Sec. 9.7.3-24

DESIGN ELEMENTS		M-RH-3 M-RX-5, M-RX-5A, M-GMX
BUILDING CONFIGURATION		
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing</u> facade of the <u>dwelling primary structure</u> or 16', whichever is greater
	Attached Garage Allowed	<u>Front facing garage doors shall not project forward of any part of a Primary Street facing facade of a primary structure.</u>
GROUND STORY ACTIVATION		
I	Pedestrian Access, Primary Street	Entry Feature
	<u>See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>	

C. Duplex

Not to Scale. Illustrative Only.



DUPLEX

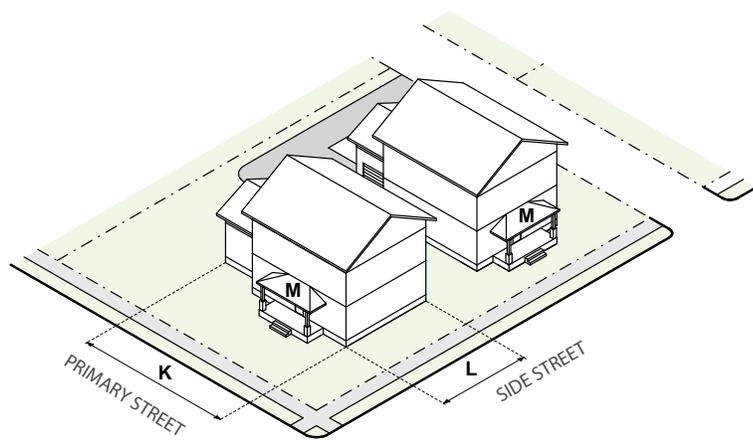
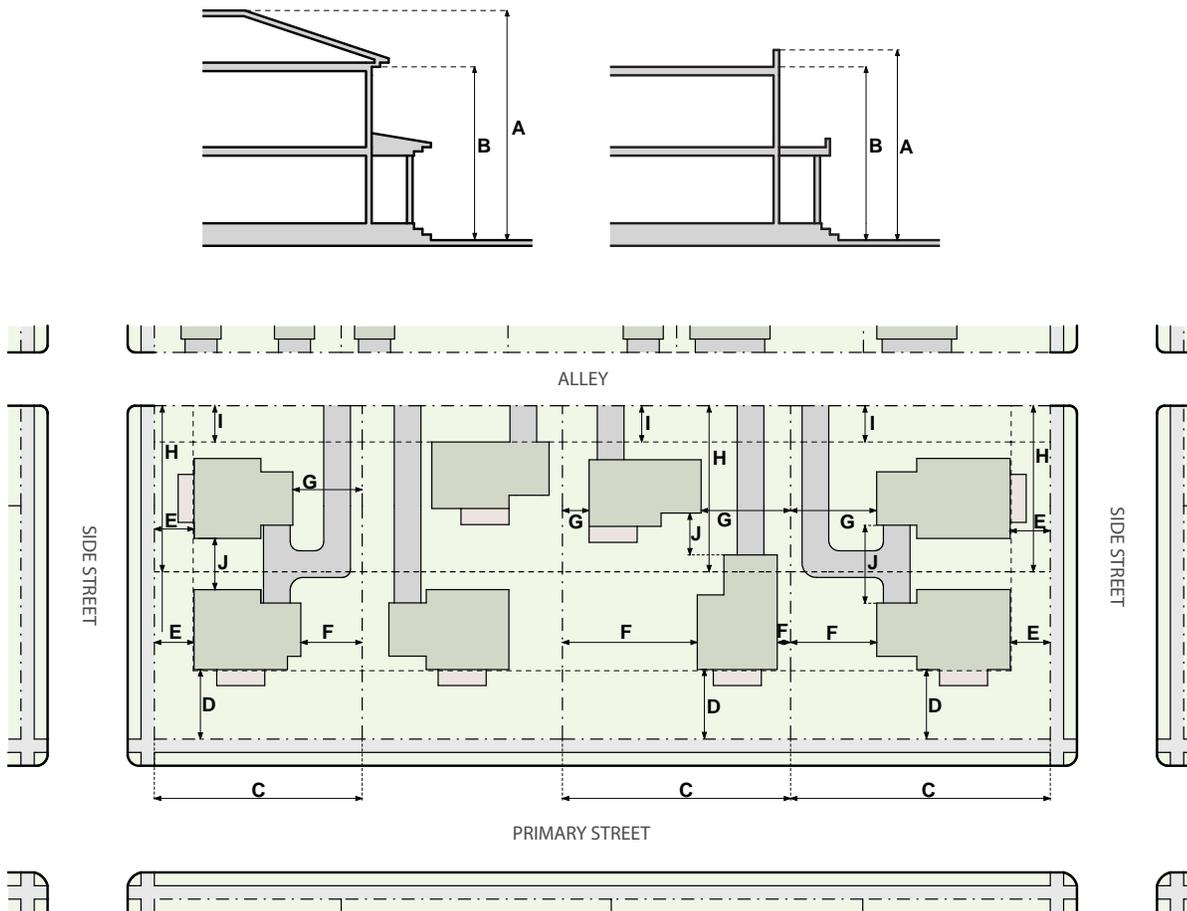
HEIGHT		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
A	Stories (max)	2.5	2.5
A	Feet (max)	40'	40'
B	Side Wall Height (Max)	34'	34'

SITING		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
ZONE LOT			
	Zone Lot Size (min)	4,000 ft ²	4,000 ft ²
C	Zone Lot Width (min)	45'	45'
	Dwelling Units per Primary <u>Residential</u> Structure (min/max)	2/2	2/2
SETBACKS			
D	Primary Street (min)	10'	10'
E	Side Street (min)	10'	10'
F	Side, interior (min)	5'	5'
G	Rear (min)	0'	0'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	75%	na
PARKING			
	Parking and Drive Lot Coverage in Primary Street Setback (max)		50%
	Vehicle Access		From alley; or Street access allowed when no alley present See Sec <u>9.7.3-37.6</u>
ACCESSORY STRUCTURES			
H	Detached Accessory Structures Allowed		see Sec. <u>9.7.3-24</u>

DESIGN ELEMENTS		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
BUILDING CONFIGURATION			
	Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)		35% of the entire width of the <u>front Primary Street facing</u> facade of the <u>dwelling primary structure</u> or 16', whichever is greater
	Attached Garage Allowed		<u>Front facing garage doors</u> shall not project <u>forward of any part of a Primary Street facing facade of a primary structure.</u>
GROUND STORY ACTIVATION			
I	Pedestrian Access, Primary Street		Entry Feature
	<u>See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Excep-tions</u>		

D. Tandem House

Not to Scale. Illustrative Only.



TANDEM HOUSE

HEIGHT	M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
	A Stories (max)	2.5
A Feet (max)	40'	40'
B Side Wall Height (Max)	34'	34'

SITING	M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
	ZONE LOT	
Zone Lot Size (min)	4,500 ft ²	4,500 ft ²
C Zone Lot Width (min)	50'	50'
Dwelling Units per Primary Residential Structure (min/max)	1	1
SETBACKS		
D Primary Street (min)	10'	10'
E Side Street (min)	10'	10'
F Side, interior, for Primary Structure #1 (min one side/min combined)*	5'/15'	5'/15'
G Side, interior, for Primary Structure #2 (min one side/min combined)*	5'/15'	5'/15'
H Rear, for Primary Structure #1, as a % of lot depth (min)	50%	50%
I Rear, for Primary Structure #2 alley/no alley (min)	5'/10'	5'/10'
J Required Separation Between Primary Structures (min)	6'	6'

PARKING		
Parking and Drive Lot Coverage in Primary Street Setback (max)	50%	
Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3-37.6	
ACCESSORY STRUCTURES		
Detached Accessory Structures Allowed	see Sec. 9.7.3-24	

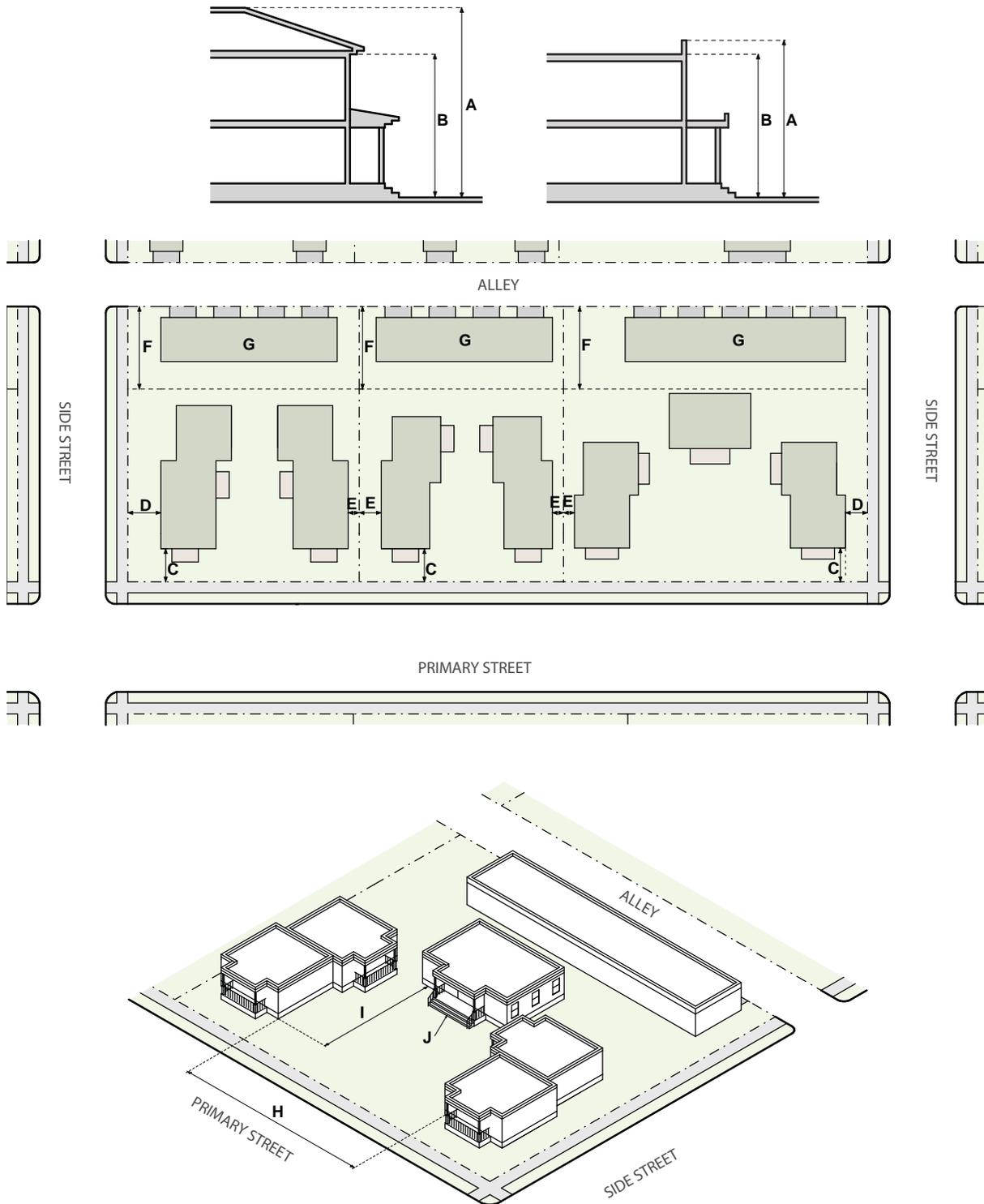
DESIGN ELEMENTS	M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
	CONFIGURATION	
K Overall Structure Width (max)	36'	36'
L Overall Structure Length (max)	42'	42'
Primary Street Facing Attached Garage Door Width in first 50% of lot depth(max)	35% of the entire width of the <u>front Primary Street facing</u> facade of the <u>dwelling primary structure</u> or 16', whichever is greater	
Attached Garage Allowed	<u>Front facing garage doors</u> shall not project forward of any part of a <u>Primary Street facing facade of a primary structure.</u>	
GROUND STORY ACTIVATION		
M Pedestrian Access, Primary Street	Primary Structure #1: Entry Feature Primary Structure #2: No Requirement	

See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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

E. Garden Court

Not to Scale. Illustrative Only.



GARDEN COURT

HEIGHT		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
A	Stories (max)	2.5	2.5
A	Feet (max)	40'	40'
B	Side Wall Height (Max)	34'	34'

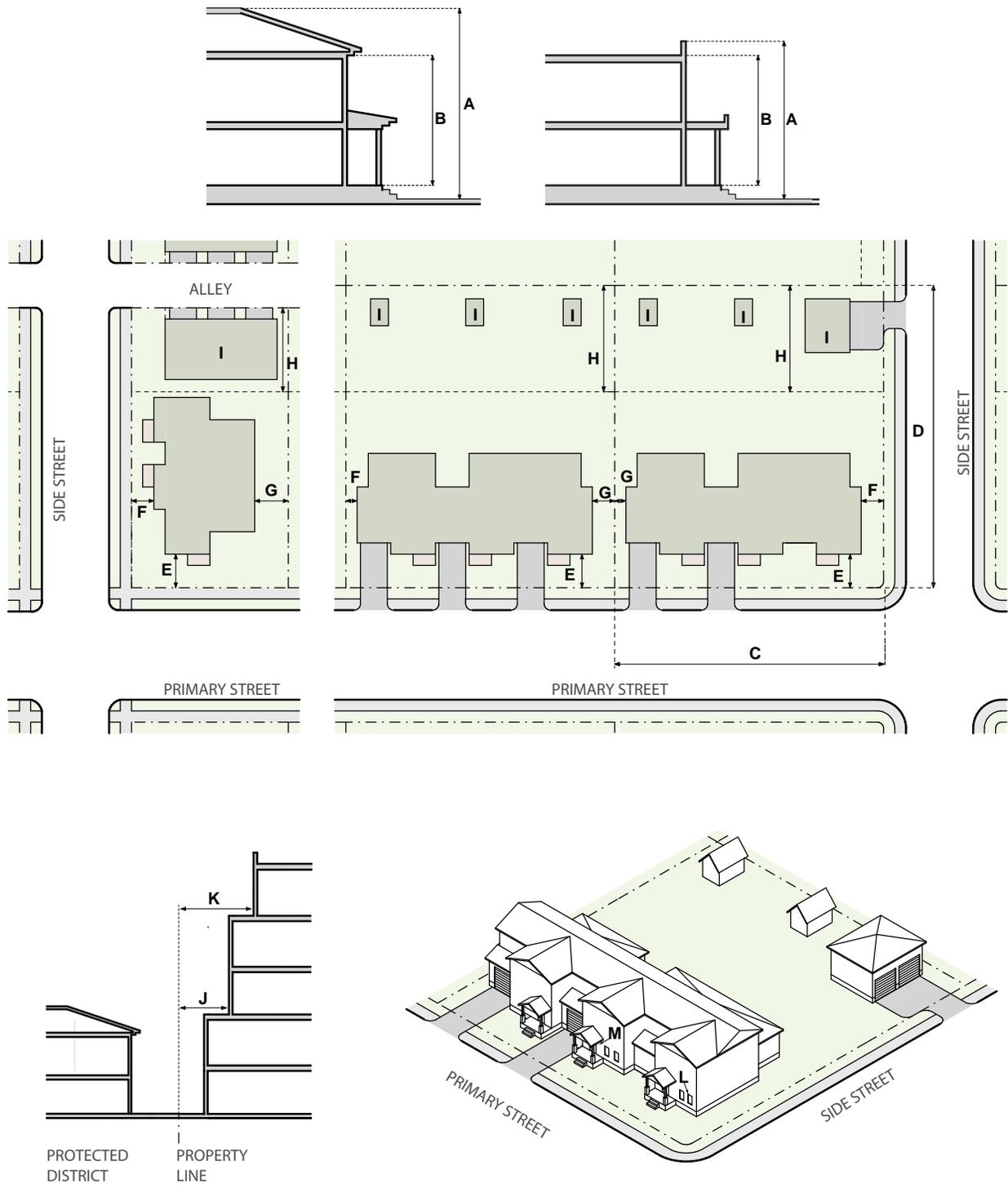
SITING		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
ZONE LOT			
	Zone Lot Size (min)	6,000 ft ²	na
SETBACKS			
C	Primary Street (min)	10'	10'
D	Side Street (min)	10'	10'
E	Side, interior (min)	5'	5'
F	Rear alley/no alley (min)	5'/15'	0'/0'
	Building Coverage <u>per Zone Lot</u> , including all accessory structures (max)	75%	na
PARKING			
	Surface Parking Location	No surface parking between building and Primary Street	
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3-37.6	
ACCESSORY STRUCTURES			
G	Detached Accessory Structures Allowed	see Sec. 9.7.3-24	

DESIGN ELEMENTS		M-RH-3	M-RX-5 M-MX-5 M-RX-5A, M-GMX
H	Street-Facing Courtyard Width (min)	15'	15'
I	Street-Facing Courtyard Depth (min)	30'	30'
	Garden Court Design Standards	See Sec. 9.7.5.2	
GROUND STORY ACTIVATION			
J	Pedestrian Access, Primary Street	Each dwelling unit shall have a ground story Entrance. At least two Entrances shall be facing Primary Street and all others shall face the interior courtyard.	

See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

F. Town House

Not to Scale. Illustrative Only.

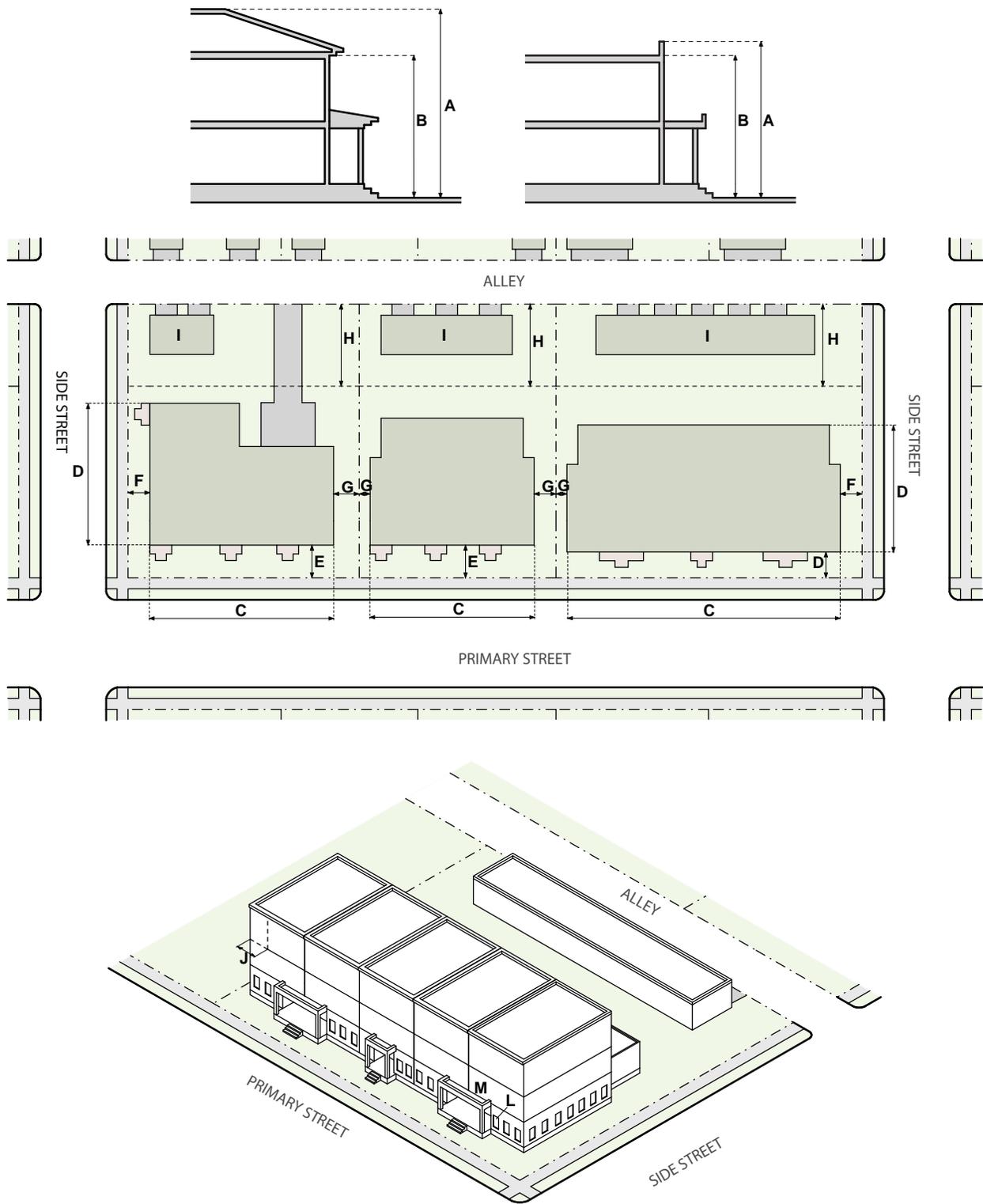


TOWN HOUSE

HEIGHT		M-RMX-5A M-GMX
A	Stories (max)	
A	Feet (max)	65'
SITING		M-RMX-5A M-GMX
ZONE LOT		
	Zone Lot Size (min)	na
	Dwelling Units per Primary Residential Structure (min/max)	3/na
REQUIRED BUILD-TO		
C	Primary Street (min % within min/max)	50% 0'/80'
SETBACKS		
E	Primary Street (min)	10'
F	Side Street (min)	10'
G	Side, interior (min)	5'
	Side, interior, adjacent to Protected District (min)	10'
H	Rear, alley/no alley (min)	10'/20'
PARKING		
	Surface Parking Setback (min)	See Section 9.7.7.5
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3.37.6
ACCESSORY STRUCTURES		
I	Detached Accessory Structures Allowed	see Sec. 9.7.3.24
DESIGN ELEMENTS		M-RMX-5A M-GMX
BUILDING CONFIGURATION		
	Primary Street-Facing Attached Garage Door Width (max per unit)	16'
GROUND STORY ACTIVATION		
L	Transparency, Ground Story, Primary Street (min)*	20%
M	Pedestrian Access	Entrance or Pedestrian Connection
See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions		
* Applies only to street-facing portions of building facade located within 80' of the Primary and/or Side Street		

G. Row House

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ROW HOUSE

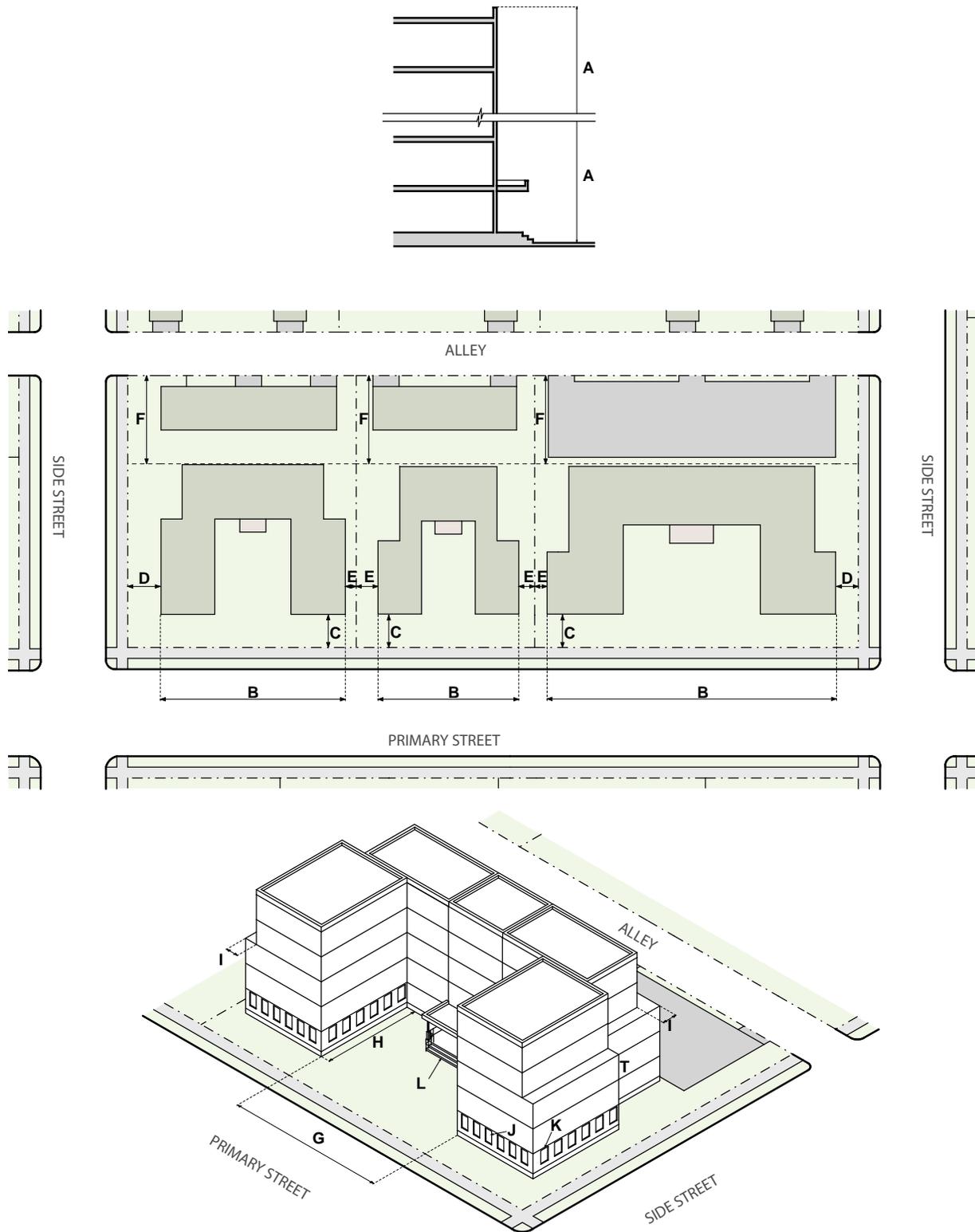
HEIGHT		M-RH-3	M-RX-5 M-RX-5A	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
A	Stories (max)	3		5
A	Feet (max)	55'	70'	70'
B	Side Wall Height (max)	49'	na	na

SITING		M-RH-3	M-RX-5 M-RX-5A	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
ZONE LOT				
	Zone Lot Size (min)	6,000 ft ²	na	na
	Dwelling Units per Primary Residential Structure (min/max)	3/10	3/na	3/na
REQUIRED BUILD-TO				
C	Primary Street (min % within min/max)	na	60% 0'/15'	60% 0'/15'
D	Side Street (min % within min/max)	na	na	na
SETBACKS				
E	Primary Street (min)	10'	0'	0'
F	Side Street (min)	10'	0'	0'
G	Side, interior (min)	5'	0'	0'
	Side, interior, adjacent to Protected District (min)	na	5'	5'
H	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	na	5'/10'	5'/10'
PARKING				
	Surface Parking Location	Not allowed between the building and the Primary Street		
	Vehicle Access	From alley; or Street access allowed when no alley present See Sec 9.7.3-37.6		
ACCESSORY STRUCTURES				
I	Detached Accessory Structures Allowed	see Sec. 9.7.3-24		

DESIGN ELEMENTS		M-RH-3	M-RX-5 M-RX-5A	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
BUILDING CONFIGURATION				
J	Upper Story Setback Above 27' adjacent to Protected District, Rear, alley/Rear, no alley /Side, interior (min)	15'/20'/25'	15'/20'/25'	15'/20'/25'
K	Upper Story Setback Above 51', adjacent to Protected District, Rear, alley/Rear, no alley/Side Interior (min)	na	na	30'/35'/40'
	Street facing garage door width per Primary Structure (max)	20'	20'	20'
GROUND FLOOR ACTIVATION				
L	Transparency, Ground Story, Primary Street (min)	20%	20%	20%
M	Pedestrian Access, Primary Street	Entrance or Pedestrian Connection See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions		

H. Courtyard Apartment

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COURTYARD APARTMENT

HEIGHT		M-RX-5 M-RX-5A	M-MX-5 M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
A	Stories (max)		5	8	12
A	Feet (max)	70'	70'	100'	140'

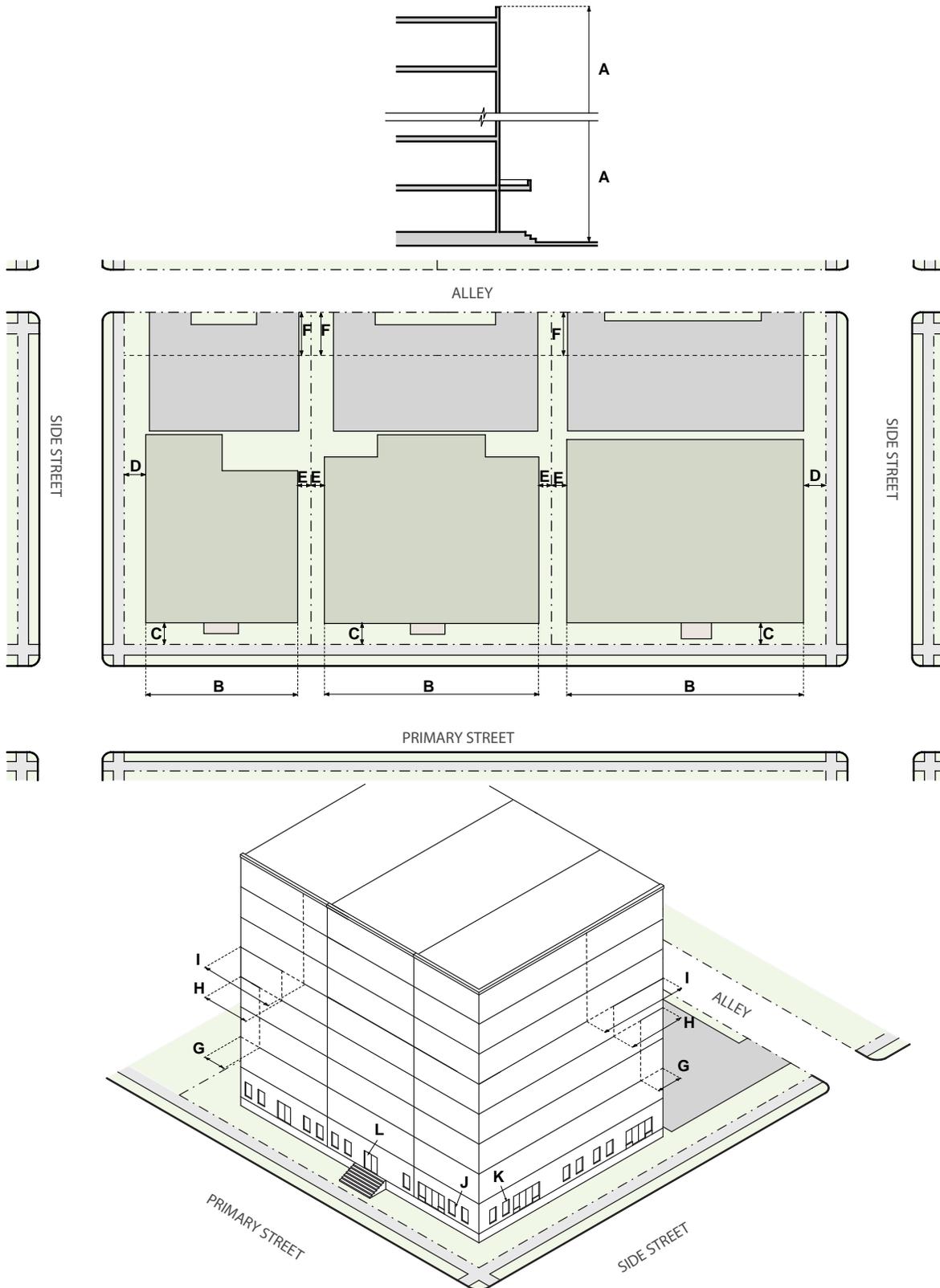
SITING		M-RX-5 M-RX-5A	M-MX-5 M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
REQUIRED BUILD-TO					
B	Primary Street (% within min/max)*	50% 0'/15'	50% 0'/15'	60% 0'/15'	50% 0'/15'
SETBACKS					
C	Primary Street (min)	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'
E	Side, interior (min)	0'	0'	0'	0'
	Side, interior, adjacent to Protected District (min)	10'	10'	10'	10'
F	Rear (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	5'/10'	5'/10'	5'/10'	5'/10'
PARKING					
	Surface Parking Location	Not allowed between the building and the Primary Street			
	Vehicle Access	Shall be determined as part of Site Development Plan Review			

DESIGN ELEMENTS		M-RX-5 M-RX-5A	M-MX-5 M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
CONFIGURATION					
G	Street-Facing Courtyard Width (min)	15'	15'	15'	15'
H	Street-Facing Courtyard Depth (min)	30'	30'	30'	30'
I	Upper Story Setback Above 27', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	15/20/25'	15/20/25'	15/20/25'	15/20/25'
	Upper Story Setback Above 51', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	30/35/40'	30/35/40'	30/35/40'
	Upper Story Setback Above 70', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	na	90'/90'/90'	90'/90'/90'
GROUND STORY ACTIVATION					
J	Transparency, Ground Story, Primary Street (min)	30%	30%	30%	30%
K	Transparency, Ground Story, Side Street (min)	25%	25%	25%	25%
L	Pedestrian Access, Primary Street	Entrance			

*Courtyard Width counts toward the required Build-To

I. Apartment

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APARTMENT

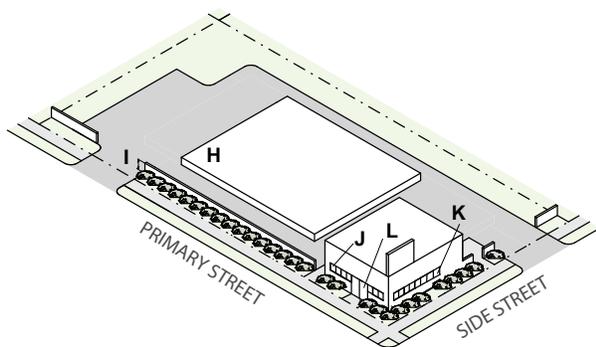
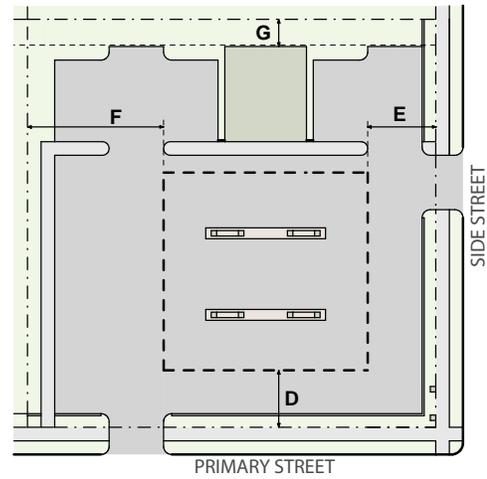
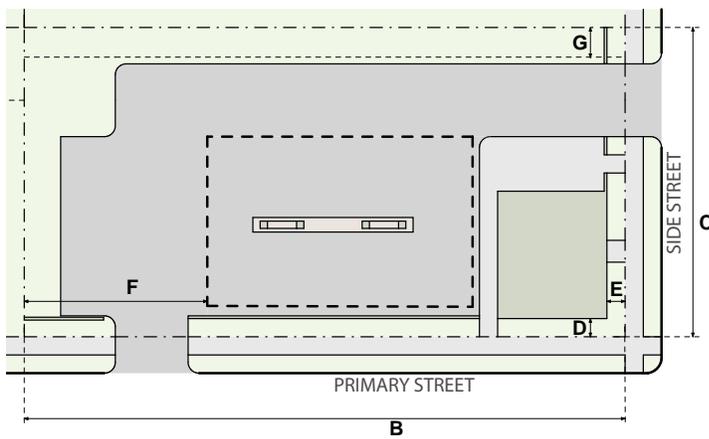
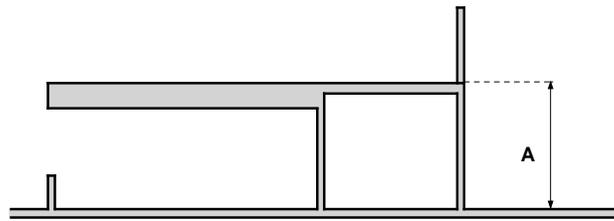
		M-CC-5			
		M-RX-5	M-MX-5	M-IMX-12	
HEIGHT		M-RX-5A	M-IMX-5	M-IMX-8	M-GMX
A	Stories (max)	5	5	8	12
A	Feet (max)	70'	70'	100'	140'

		M-CC-5			
		M-RX-5	M-MX-5	M-IMX-12	
SITING		M-RX-5A	M-IMX-5	M-IMX-8	M-GMX
ZONE LOT					
Permitted Uses			Residential Uses Only		
REQUIRED BUILD-TO					
B	Primary Street (% within min/max)	50%	50%	60%	50%
		0'/20'	0'/15'	0'/15'	0'/15'
SETBACKS					
C	Primary Street (min)	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'
E	Side, interior (min)	0'	0'	0'	0'
		Side, interior, adjacent to Protected District (min)			
		10'	10'	10'	10'
F	Rear (min)	0'	0'	0'	0'
		Rear, adjacent to Protected District, alley/no alley (min)			
		5'/10'	5'/10'	5'/10'	5'/10'
PARKING					
Surface Parking Location			Not allowed between the building and the Primary Street		
Vehicle Access			Shall be determined as part of Site Development Plan Review		

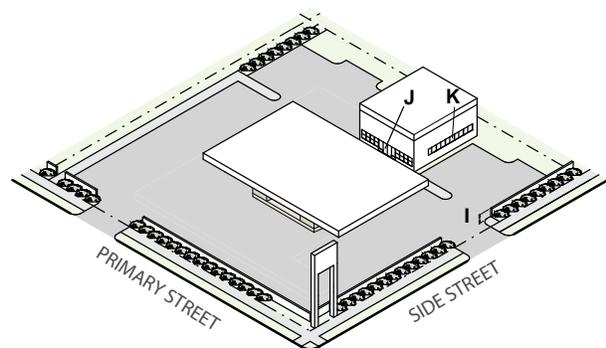
		M-CC-5			
		M-RX-5	M-MX-5	M-IMX-12	
DESIGN ELEMENTS		M-RX-5A	M-IMX-5	M-IMX-8	M-GMX
CONFIGURATION					
G	Upper Story Setback Above 27'; adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	15'/20'/25'	15'/20'/25'	15'/20'/25'	15'/20'/25'
H	Upper Story Setback Above 51'; adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	30'/35'/40'	30'/35'/40'	30'/35'/40'
I	Upper Story Setback Above 70'; adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	na	90'/90'/90'	90'/90'/90'
GROUND STORY ACTIVATION					
J	Transparency, Ground Story, Primary Street (min)	30%	30%	30%	30%
K	Transparency, Ground Story, Side Street (min)	25%	25%	25%	25%
L	Pedestrian Access, Primary Street	Pedestrian Connection			

J. Drive Thru Services

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OPTION - A



OPTION - B

DRIVE THRU SERVICES

	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	M-CC-5 M-GMX
HEIGHT		
A Stories (max)	3	3
A Feet, pitched or flat roof (max)	45'	45'

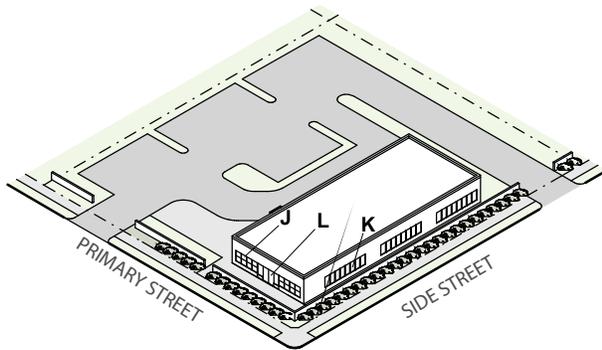
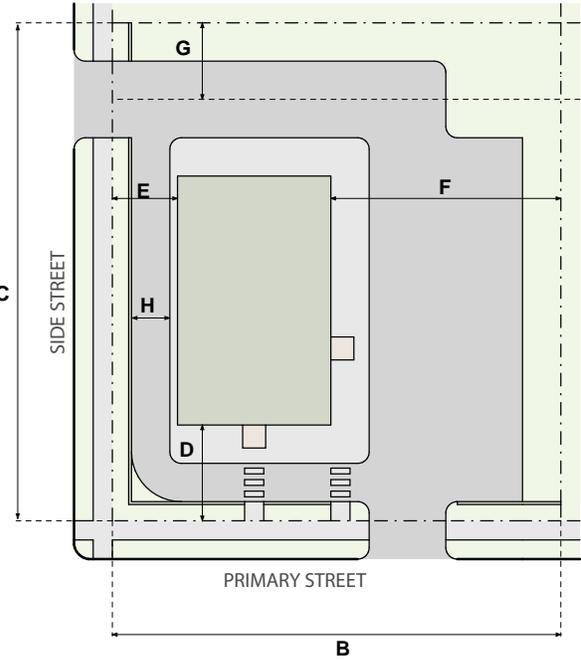
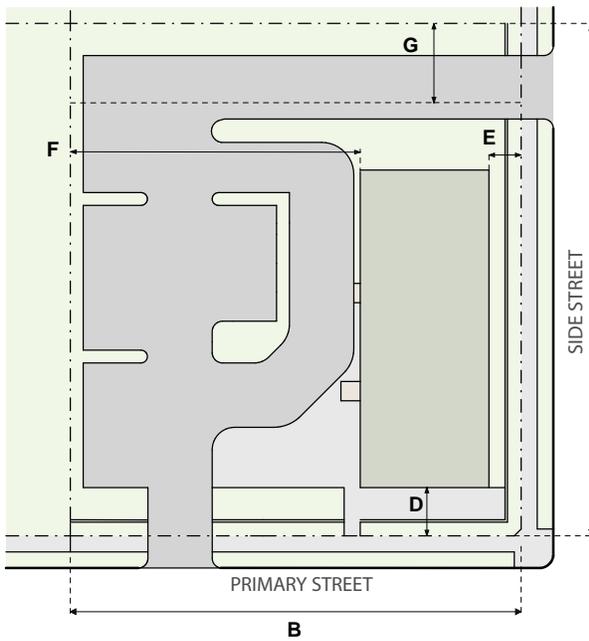
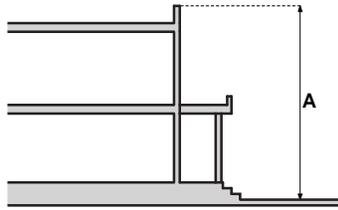
	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-CC-5 M-GMX Option A	M-IMX-5 M-IMX-8 M-IMX-12 M-CC-5 M-GMX Option B	M-CC-5 M-GMX Option C
SITING			
USE RESTRICTION	Automobile Services, Light and/or Primary Use with Accessory Drive Thru Uses, excluding Eating/Drinking Establishments		
REQUIRED BUILD-TO			
B Primary Street (min % within min/max)*	50% 0'/15'	50% 0'/15'	na
C Side Street (min % within min/max)*	50% 0'/15'	na	na
SETBACKS			
D Primary Street (min)	0'	0'	0'
E Side Street (min)	0'	0'	0'
F Side Interior (min)	0'	0'	0'
Side Interior, adjacent to Protected District (min)	10'	10'	10'
G Rear (min)	0'	0'	0'
Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING			
Surface Parking Location between building and Primary Street/Side Street	Not Allowed/Allowed	Allowed/Allowed	Allowed/Allowed

	M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-CC-5 M-GMX Option A and Option B	M-CC-5 M-GMX Option C
DESIGN ELEMENTS		
BUILDING CONFIGURATION		
H *Canopy	Building shall be used to meet a portion of the Primary and Side Street Build-To. Canopy may count toward Required Build-To if it is aligned with the required Garden Wall	na
I Screening Required	Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of building within 0'/15, following the standards of Article 10, Section 10.5.4.3	See Article 10
Upper Story Setback Above 27', adjacent to Protected District , Rear, alley/ Rear, no alley /Side interior (min)	10'/15'/25'	15'/25'/25'
GROUND STORY ACTIVATION		
J Transparency, Ground Story, Primary Street (min)	40%	40%*
K Transparency, Ground Story, Side Street (min)	25%	
L Pedestrian Access, Primary Street	Pedestrian Connection	

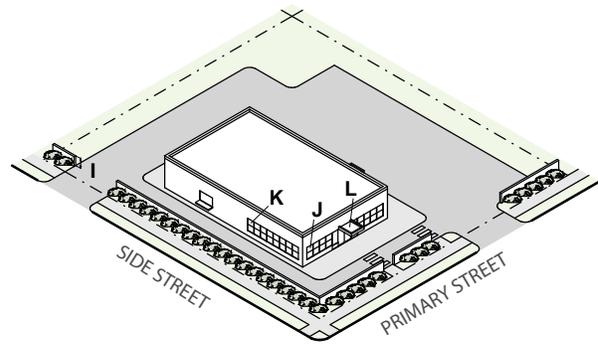
* Applies only to street-facing portions of building facade located within 80' of the Primary and/or Side Street

K. Drive Thru Restaurants

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OPTION - A



OPTION - B

DRIVE THRU RESTAURANT

		M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
HEIGHT		
A	Stories (max)	3
A	Feet, pitched or flat roof (max)	45'

		M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-MX-12 M-GMX Option A	M-CC-5 M-IMX-5 M-IMX-8 M-MX-12 M-GMX Option B	M-CC-5 M-GMX Option C
SITING		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only		
USE RESTRICTION		Eating/Drinking Establishment Primary Use with Accessory Drive Thru Use Only		
REQUIRED BUILD-TO				
B	Primary Street (min % within min/max)	50% 0'/10'	50% 0'/25'	na
C	Side Street (min % within min/max)	50% 0'/10'	50% 0'/15'	na
SETBACKS				
D	Primary Street (min/max)	0'/na	0'/na	0
E	Side Street (min/max)	0'/15'	0'/na	0'
F	Side Interior (min)	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	0'
G	Rear (min)	0'	0'	0'
	Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	0'/10'
PARKING				
	Surface Parking Location between building and Primary Street/Side Street	Not allowed / Not allowed	Not allowed / Not allowed	Allowed/Allowed
	Drive Through Lane Location	Not allowed between building and street	Allowed between building and street	na
H	Drive Through Lane Width (max)	12'	12'	na
I	Drive Thru Lane Screening	Garden Wall, following the standards of Article 10, Section 10.5.34.3	Garden Wall, following the standards of Article 10, Section 10.5.34.3	na

		M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX Option A and Option B	M-CC-5 M-GMX Option C
DESIGN ELEMENTS			
BUILDING CONFIGURATION			
	Upper Story Setback Above 27', adjacent to Protected District , Rear, alley/ Rear, no alley and Side interior (min)	15'/25'	15'/25'
GROUND STORY ACTIVATION			
J	Transparency, Ground Story, Primary Street (min)	40%	40%*
K	Transparency, Ground Story, Side Street (min)	25%	25%*
L	Pedestrian Access, Primary Street	Pedestrian Connection	Pedestrian Connection

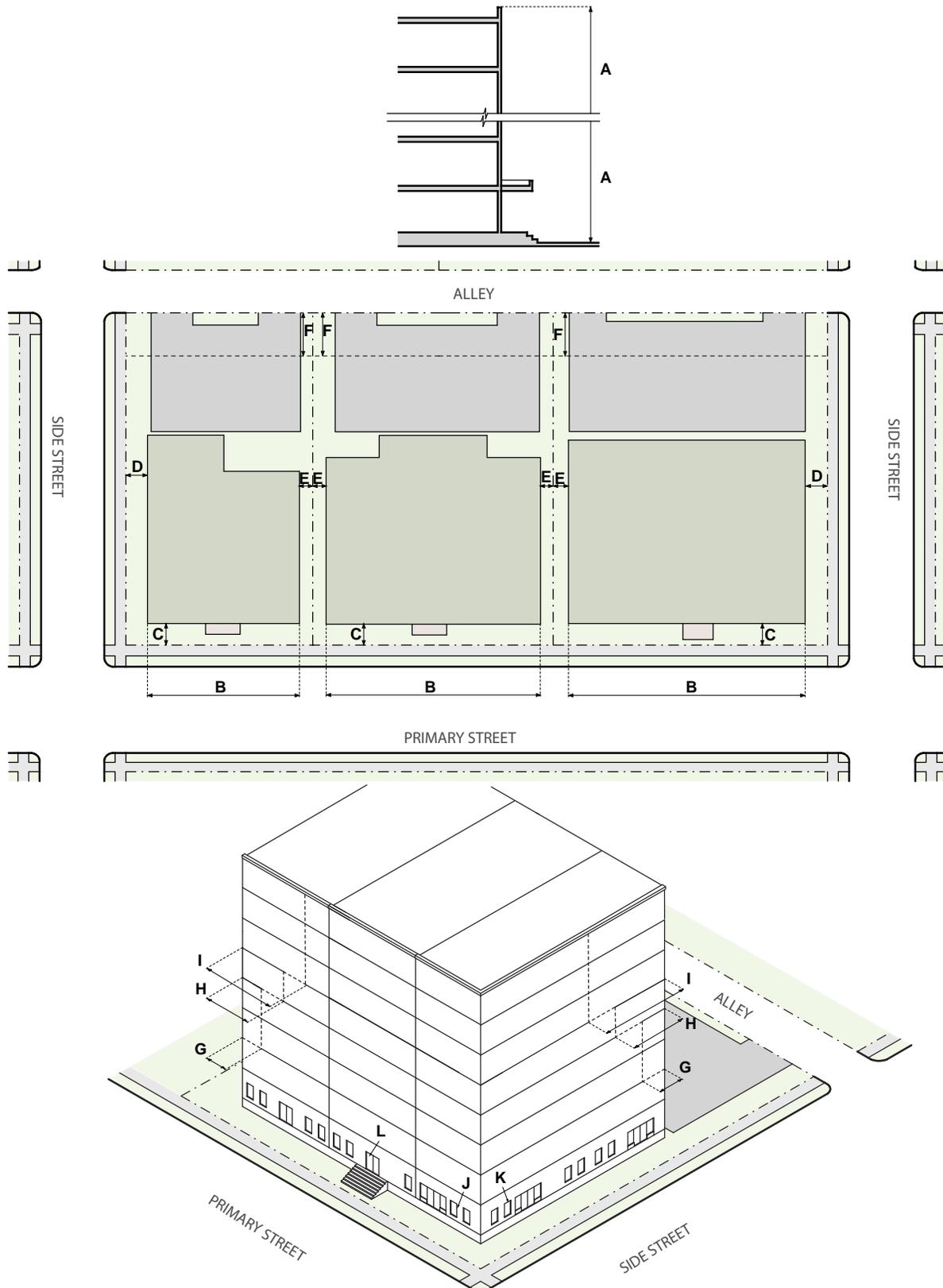
See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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

Amendment: 1, 5

L. General

Not to Scale. Illustrative Only.



GENERAL

		M-RX-5* M-RX-5A* M-MX-5			
HEIGHT		M-CC-5	M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
A	Stories (max)	5	5	8	12
A	Feet (max)	70'	70'	100'	140'

		M-RX-5* M-RX-5A* M-MX-5			
SITING		M-CC-5	M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
REQUIRED BUILD-TO					
B	Primary Street (% within min/max)	na	na	na	na
SETBACKS					
C	Primary Street (min)	0'	0'	0'	0'
D	Side Street (min)	0'	0'	0'	0'
E	Side, interior (min)	0'	0'	0'	0'
	Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'
F	Rear (min)	0'	0'	0'	0'
	Rear, adjacent to Protected District, alley/no alley (min)	5'/10'	5'/10'	5'/10'	05'/10'
PARKING					
	Surface Parking Location	Surface parking allowed between building and street			
	Screening Required	See Article 10, Section 10.5.4.3			
	Vehicle Access	Access determined as part of Site Development Plan Review			

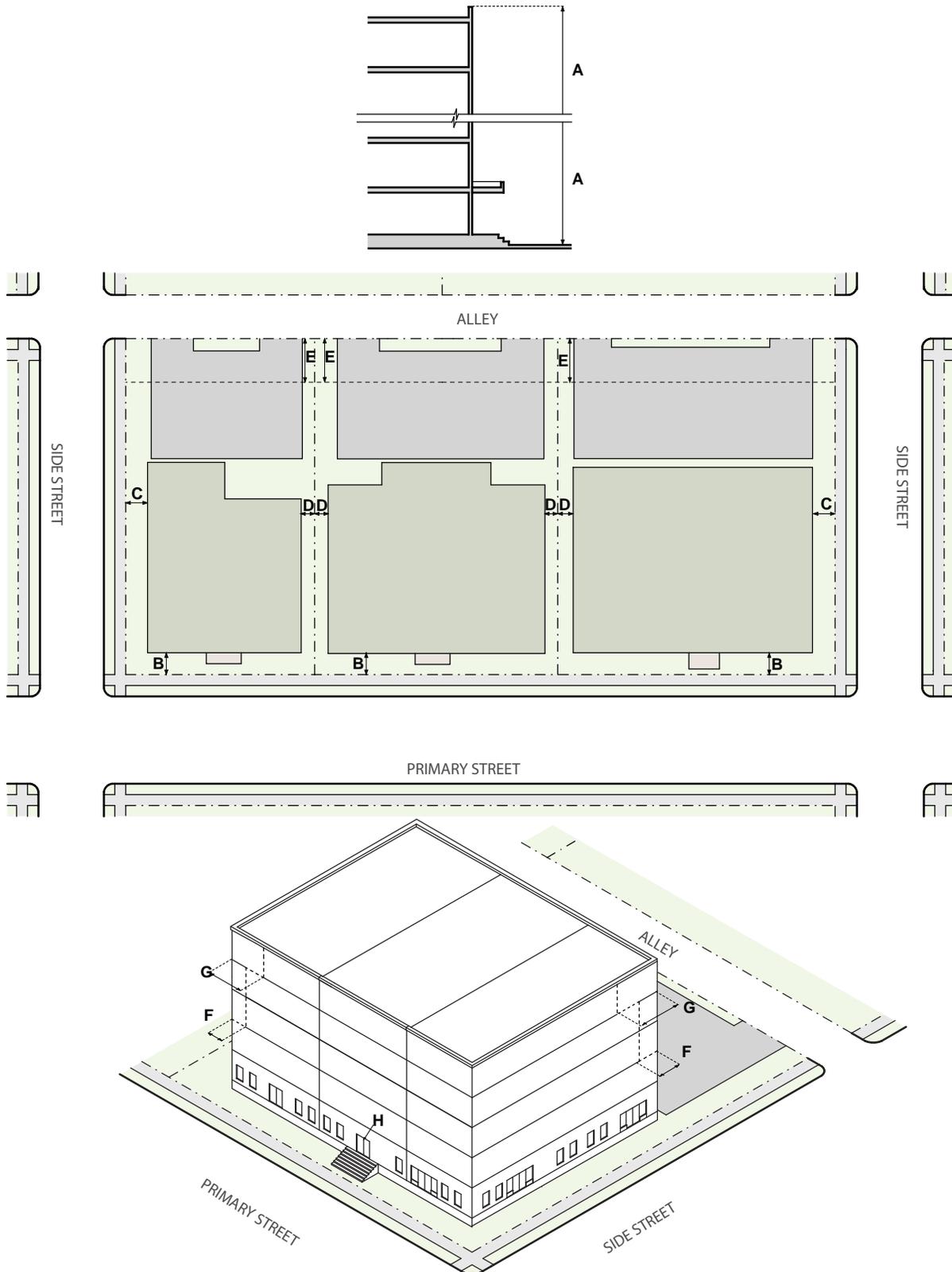
		M-RX-5* M-RX-5A* M-MX-5			
DESIGN ELEMENTS		M-CC-5	M-IMX-5	M-IMX-8	M-IMX-12 M-GMX
CONFIGURATION					
G	Upper Story Setback Above 27', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	15'/20'/25'	15'/20'/25'	15'/20'/25'	15'/20'/25'
H	Upper Story Setback Above 51', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	30'/35'/40'	30'/35'/40'	30'/35'/40'	30'/35'/40'
I	Upper Story Setback Above 70', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	na	90'/90'/90'	90'/90'/90'
GROUND STORY ACTIVATION					
J	Transparency, Ground Story, Primary Street (min)	40%**	40%**	40%**	40%**
K	Transparency, Ground Story, Side Street (min)	25%**	25%**	25%**	25%**
L	Pedestrian Access, Primary Street	Pedestrian Connection			

* Form is permitted only on corner zone lots where at least one of the intersecting streets is an arterial or collector street, according to the functional street classifications adopted by the Public Works Department.

**Applies only to buildings located within 80' of a Primary and/or Side Street.

M. Industrial

Not to Scale. Illustrative Only.



INDUSTRIAL

				M-IMX-12
HEIGHT		M-IMX-5	M-IMX-8	M-GMX
A	Stories (max)	5	8	8
A	Feet, pitched or flat roof (max)	70'	110'	110'
	Feet, pitched or flat roof, within 175' of a Protected District (max)	na	75'	75'

				M-IMX-12
SITING		M-IMX-5	M-IMX-8	M-GMX
ZONE LOT				
	Floor Area Ratio (FAR) (max)	na	na	na
USE				
	Use Restrictions	Industrial, Manufacturing & Wholesale Primary Uses Only		
SETBACKS				
B	Primary Street (min)	20'	20'	20'
C	Side Street (min)	10'	10'	10'
		Can reduce to 5' on lot less than 100ft in width on the long side of the block		
D	Side Interior (min)	0'	0'	0'
	Side Interior adjacent to Protected District (min)	10'	10'	10'
E	Rear (min)	0'	0'	0'
	Rear Setback adjacent to Protected District (min)	10'	10'	10'
PARKING				
	Primary Street Setback (min)	10'	10'	10'
	Side Street Setback (min)	5'	5'	10'
	Setback adjacent to Protected District (min)	10'	10'	20'

				M-IMX-12
DESIGN ELEMENTS		M-IMX-5	M-IMX-8	M-GMX
F	Upper Story Setback Above 27', adjacent to Protected District, alley/no alley and side, interior (min)	20'/25	20'/25	20'/25
G	Upper Story Setback Above 51', adjacent to Protected District, alley/no alley and side, interior (min)	35'/40'	35'/40'	35'/40'
	Upper Story Setback Above 70', adjacent to Protected District, Rear, alley/Rear, no alley and Side Interior (min)	na	90'/90'/90'	90'/90'/90'

SECTION 9.7.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

9.7.4.1 **Applicability**

All detached accessory structures in all the Master Planned Context Zone Districts

9.7.4.2 **General Standards**

~~General Allowance - Building Form Standards Required - Accessory structures shall comply with the provisions of this Section 3.3.4, and the permitted building form standards of the particular Zone District in which the accessory structure is located. Accessory structures may be designed, erected, used, or occupied only by permitted accessory uses.~~

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

B. **Detached Accessory Structures Specifically Allowed**

The following detached accessory structures are specifically allowed: ~~subject to compliance with all applicable standards, including but not limited to all applicable building form standards stated in Articles 3 through 9 of this Code.~~

1. **Buildings:**

Sheds, utility buildings, playhouses, Patios, cabanas, pool houses, Porches, and guard houses

2. **Underground Structures:**

Swimming pools, storm and fallout shelters

3. **Unenclosed Structures:**

a. Carports ~~and off-street parking areas~~

b. Decks, gazebos, arbor/trellis, Gates, swimming pools and other recreational and play facilities for the use of residents, non-commercial barbecues, outside fireplaces, and eating areas

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

d. Solar and photo-voltaic energy systems

~~Ground- or Roof-Mounted Solar Energy Collection Devices~~

~~Flush mounted solar panels may encroach any distance into a required setback space.~~

~~Flush mounted solar panels are exempt from application of any maximum building or structure height standard otherwise applicable in the subject Zone District.~~

4. **Fences, Walls and Retaining Walls**

All accessory fences, walls and retaining walls shall comply with the fence and wall standards in Division 10.5, instead of this Section 9.7.4, Detached Accessory Building Form Standards.

5. **Accessory Structures Not Specifically Listed ~~as Allowed~~**

a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in Article 11 or this Section.

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

- c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the Zone District, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
- d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of structures accessory to a use by right, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 9.7.4.

9.7.4.3 **Supplemental Standards**

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

1. **Gross Floor Area**

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

2. **Building Coverage**

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

3. **Permitted Number [Moved]**

~~In a Residential Zone District, the number of detached accessory structures with vehicle access doors on a single zone lot shall not exceed one per dwelling unit. Any number of other types of detached accessory structures may be located on the same zone lot, subject to the limits in this section.~~

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

1. **Required Building Materials**

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

2. **Access and Contiguity**

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

9.7.4.4 **District Specific Standards Summary**

[The maximum number of structures per zone lot and building forms allowed by Zone District is summarized below:](#)

<u>Master Planned (M-) Neighborhood Context Zone Districts</u>		<u>Max Number of Detached Accessory Structures per Zone Lot</u>	<u>Building Forms</u>		
			<u>Detached Accessory Dwelling Unit</u>	<u>Detached Garage</u>	<u>Detached Accessory Structures</u>
<u>Rowhouse (RH)</u>	<u>M-RH-3</u>	no max*	■	■	■
<u>Residential Mixed Use (RX)</u>	<u>M-RX-5, -5a</u>	no max*	■	■	■
<u>Commercial Corridor (CC)</u>	<u>M-CC-5</u>	no max			■
<u>Mixed Use (MX)</u>	<u>M-MX-5</u>	no max			■
<u>Industrial Mixed Use (IMX)</u>	<u>M-IMX-5, -8, -12</u>	no max			■
<u>General Mixed Use (GMX)</u>	<u>M-GMX</u>	no max	■	■	■

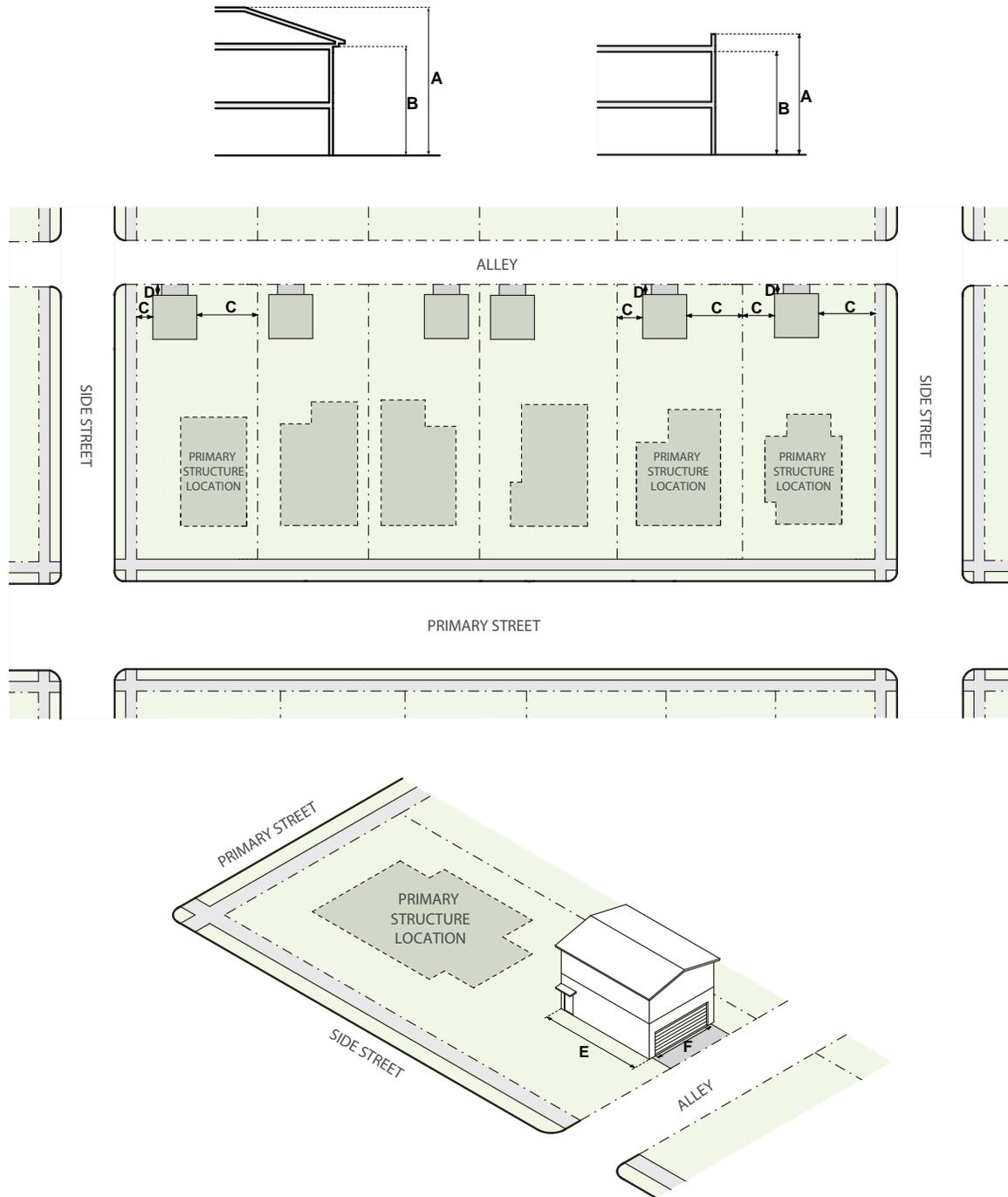
■ = Allowed *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5

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9.7.4.5 District Specific Standards

A. Detached Accessory Dwelling Unit

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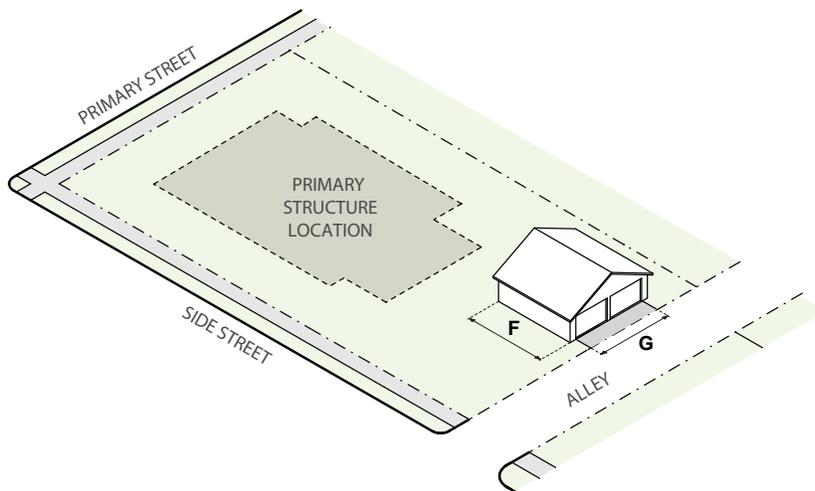
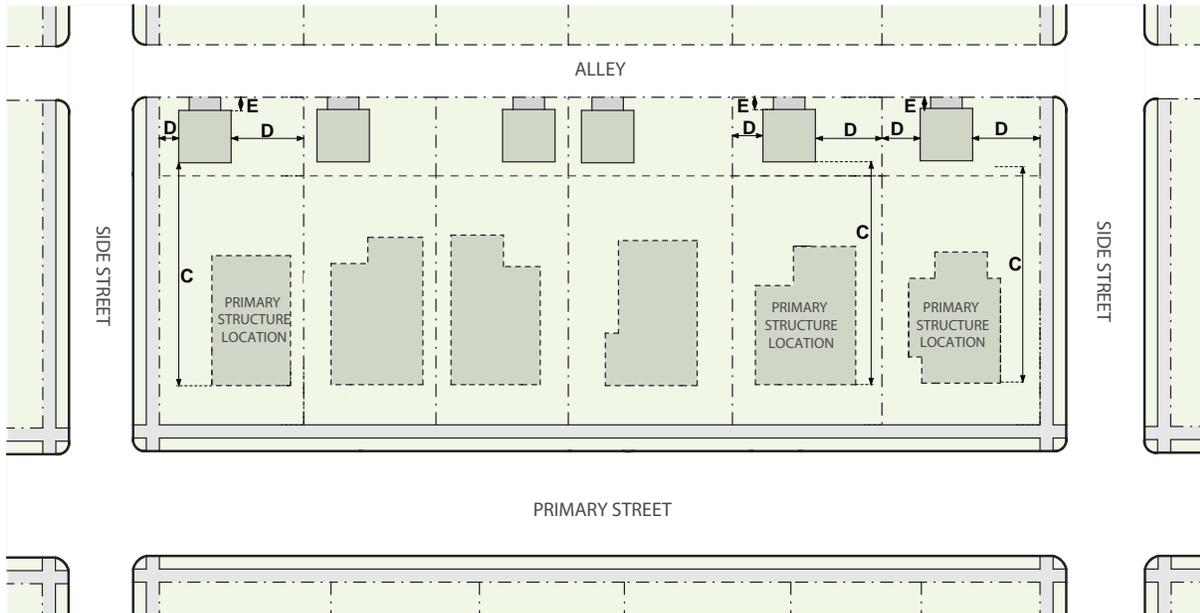


DETACHED ACCESSORY DWELLING UNIT

		M-RH-3 M-RX-5 M-RX-5A M-GMX
HEIGHT		
A	Stories (max)	2
A	Feet (max)	35'
B	Side Wall Height (max)	25'
SITING		
USE RESTRICTION		Accessory Uses Only, including accessory dwelling units and home occupations. See Section 9.7.5 for permitted Accessory Uses
ZONE LOT		
Zone Lot Size for ADU (min)		3,000 ft ²
Building Coverage Credit (Lesser of)		50%/500 ft ²
An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the Detached Accessory Dwelling Unit form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached ADU building, up to a maximum credit of 500 ft ² . To qualify, the ADU form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the ADU form shall be used for vehicle parking.		
Detached Accessory Dwelling Unit Location		Located in the rear 35% of the zone lot depth
Additional Standards		See Section 9.7.4
USE		
Allowed Number of Dwelling Units (min/max)		0/1
SETBACKS		
C	Side Interior and Side Street (min)	5'
Accessory Dwelling Unit forms exceeding one story or 17' shall be located adjoining the southern most side setback line		
D	Rear (min)	0'
PARKING		
Parking Access (see Sec. 5.3.4 for exemptions)		From alley; or Street access allowed when no alley present
		M-RH-3 M-RX-5 M-RX-5A M-GMX
DESIGN ELEMENTS		
CONFIGURATION		
Building Footprint (max)		1,000 ft ²
E	Horizontal Dimension (max)	36'

B. Detached Garage

Not to Scale. Illustrative Only.



DETACHED GARAGE

HEIGHT		M-RH-3 M-RX-5 M-RX-5A M-GMX
A	Stories (max)	1.5
A	Feet, pitched roof (max)	20'
A	Feet, flat roof (max)	12'
B	Side Wall Height (max)	10'

SITING		M-RH-3 M-RX-5 M-RX-5A M-GMX
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USE RESTRICTION Accessory Uses Only, excluding accessory dwelling unit where permitted. See Division 9.7.5 for permitted Accessory Uses

ZONE LOT		M-RH-3 M-RX-5 M-RX-5A M-GMX
	Building Coverage Credit (lesser of)	50% / 500 ft ²
		An exemption from the maximum building coverage shall be given for a portion of the zone lot area occupied by the detached garage form. The exemption shall be in the amount of 50% of the area of the zone lot occupied by the detached garage building, up to a maximum credit of 500 ft ² . To qualify, the detached garage form shall be separated by at least 15' from the primary dwelling on the zone lot and at least 80% of the ground floor GFA of the building form shall be used for vehicle parking.

Allowed Number of Dwelling Units (min/max) 0/0

Additional Standards See Section 9.7.4

SETBACKS

C	<u>Front Setback (min), from primary structure façade</u> <u>Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'
D	Side Interior (min), for structure entirely in rear setback area*	0'
D	Side Interior (min), for structure not entirely in rear setback area	5'
	Side Street (min)	5'
E	Rear (min)	0'

DESIGN ELEMENTS		M-RH-3 M-RX-5 M-RX-5A M-GMX
-----------------	--	--------------------------------------

BUILDING CONFIGURATION

	Building Footprint (max)	864 ft ² per unit**
F	Horizontal Dimension (max)	no max
	Allowed Number of Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	no max
G	Cumulative Width of All Primary Street Facing Vehicular Access Doors in the front 50% of the lot depth (max)	no max

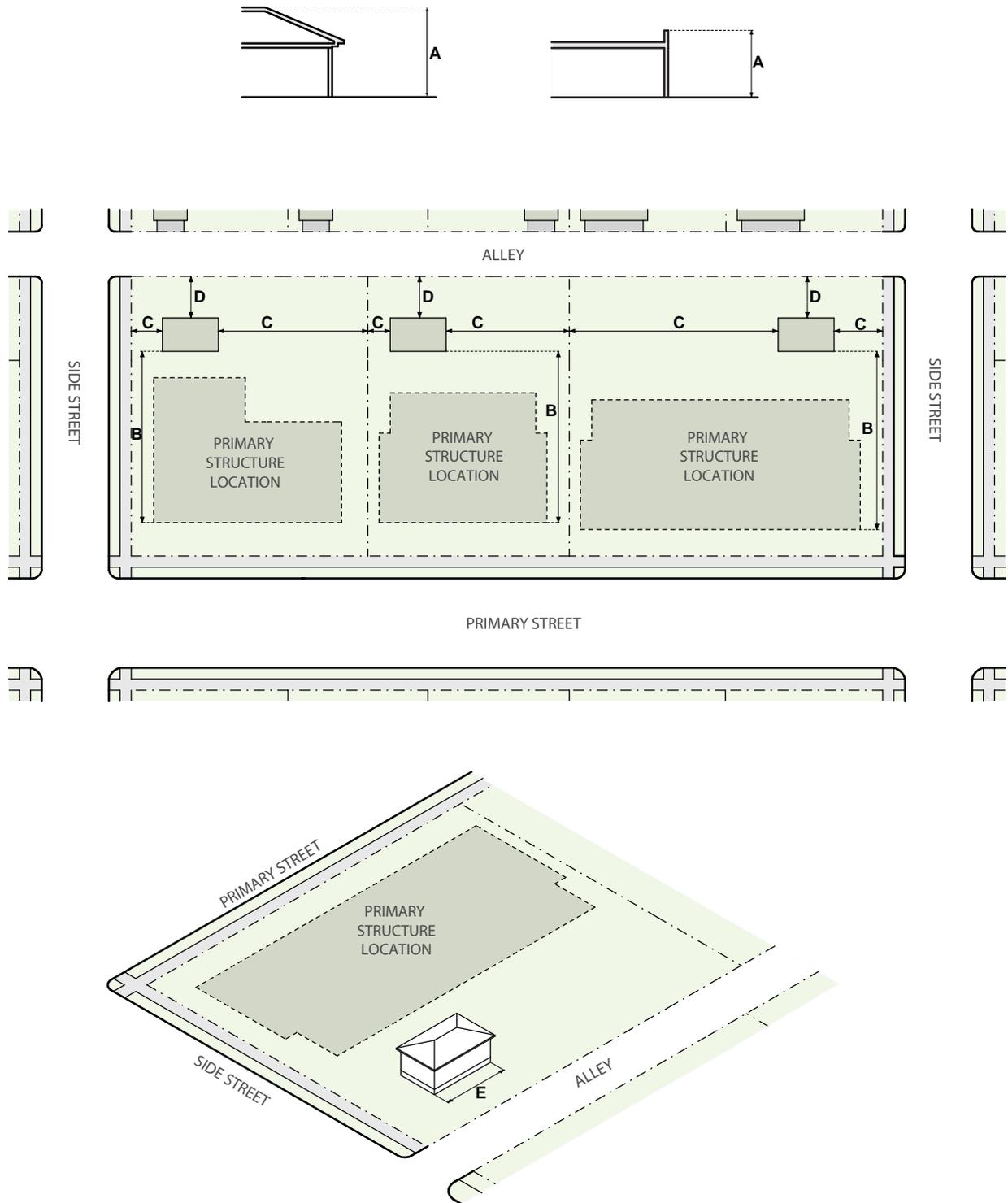
[See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions](#)

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

**When used with the Urban House building form, the permitted building footprint for a detached garage may be increased to 1,000 ft²

C. Detached Accessory Structures

Not to Scale. Illustrative Only.



DETACHED ACCESSORY STRUCTURES

	M-RH-3 M-RX-5, M-RX-5A M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
HEIGHT	
A Stories (max)	1
A Feet, pitched or flat roof (max)	17'

	M-RH-3 M-RX-5, M-RX-5A M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
SITING	
ZONE LOT	
Permitted Uses	Accessory Uses Only
Allowed Number of Dwelling Units (min/max)	0/0
SETBACKS	
B <u>Front Setback (min), from primary structure front façade Setback from Primary Street Facing Facade of Primary Structure (min)</u>	10'
C Side Interior and Side Street (min)	5'
D Rear (min)	5'
Rear, when garage doors face alley	5'

	M-RH-3 M-RX-5, M-RX-5A M-CC-5 M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12 M-GMX
DESIGN ELEMENTS	
BUILDING CONFIGURATION	
Building Footprint (max)	1,000 ft ²
E Horizontal Dimension (max)	36'
Gross Floor Area (max)	Shall not Exceed 10% of the Zone Lot Area
<u>See Sections 9.7.5 - 9.7.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions</u>	

SECTION 9.7.5 SUPPLEMENTAL DESIGN STANDARDS GENERAL

9.7.5.1 Site Development Plan Review Standards and Criteria

Site development plan review shall be based on the following standards and criteria:

A. General Design Criteria

1. Continue Denver's physical character, including mixed use development, access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
2. Provide an adaptable and interconnected transportation system that encourages multiple modes of transportation, disperses traffic, and provides streets that accommodate multiple transportation modes including motor vehicles, transit, bicycles and pedestrians.
3. Use man-made and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and interconnections.
4. Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
5. Create spatial definition of the streets with buildings and landscaping to promote pedestrian activity.
6. Design early phases of development so as to promote long-term quality and character.
7. Encourage housing in a range of densities, sizes, and types.
8. Be consistent with an approved GDP, if applicable.

B. Site Design Criteria

1. Locate, screen, and buffer service, storage, delivery and refuse areas to minimize the view from streets, adjacent zone lots, and open spaces.
2. Minimize the visual impacts of parking areas, parking structures, and residential garages on streets, open spaces, and adjoining development.
3. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts, and circulation drives.
4. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and transit facilities.
5. Site and design the use or utilize other technology to reduce potential adverse impacts between otherwise potentially incompatible uses.
6. Incorporate required water quality and stormwater management features into the overall site design.

C. Building Design Criteria

1. Create buildings that provide human scale and interest through use of varied forms, materials, details, and colors.
2. Provide architecturally finished and detailed elevations for all exposures of the building with the primary facade, typically the street-facing elevation, having appropriate architectural expression.
3. Provide a primary building entrance facing or clearly visible from the public sidewalk.
4. Use durable materials that complement Denver's tradition as a city of brick and masonry

9.7.5.2 Garden Court

- A. The courtyard portion of the Garden Court building form shall include all of the following characteristics:
 - 1. Located at natural grade;
 - 2. Visually and physically accessible from the primary street; may be secured for private use;
 - 3. Open to the sky; and
 - 4. Bounded on not less than 3 sides with related building facades on the same parcel.
- B. The courtyard portion of the Garden Court building form area may be used for any of the following:
 - 1. Single or multiple entries, or access to single or multiple entries, to uses within the buildings; or
 - 2. Public or private landscaped area; may also include entries.
- C. Vehicular access is not permitted through the Garden Court area.

9.7.5.3 Courtyard

- A. The courtyard portion of the Courtyard Apartment building form is intended primarily for pedestrian use and shall include all of the following physical characteristics:
 - 1. No more than one-half story above or below grade at the zone lot line adjoining the primary street; may be on the structure;
 - 2. Visually and physically accessible from the primary street; may be secured for private use;
 - 3. Open to the sky; and
 - 4. Bounded on not less than 3 sides with connected building facades.
- B. The courtyard portion of the Courtyard Apartment building form may be used for any of the following:
 - 1. Single or multiple entries to uses within the building;
 - 2. Public or private landscaped area;
 - 3. Outdoor seating area; or
 - 4. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, or integrally colored concrete with a module of not more than 4 feet.

9.7.5.4 Pedestrian Access

A. Entrance

Where required in Master Planned Context Zone Districts, an operable Entrance to a building that provides a clear, obvious connection between the Primary Street and the primary uses within the building. An entrance shall be located either on the Primary Street facing facade or located on a facade other than a Primary Street facing facade but within 15 feet of the zone lot line abutting the Primary Street. An entrance shall be one of the following three types:

- a. Door - An entrance on the same plane as the building facade.

- b. Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
- c. Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

B. Entry Feature

Where required in Master Planned Context Zone Districts, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. An entry feature shall be one of the following:

1. Door
2. Gates
3. Front Porch
4. Front Stoop
5. Front Terrace
6. Canopy
7. Arcade

C. Pedestrian Connection

Where required in Master Planned Context Zone Districts, a Pedestrian Connection shall provide a clear and obvious, uninterrupted and publicly accessible route connecting the Primary Street and the Entrance, or when an Entrance is not required, the primary uses within the building. The Pedestrian Connection shall consist of:

1. Fully paved and maintained surface not less than 5 feet in width
2. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
3. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. Crosswalks not exceeding 25 feet in length providing pedestrian connections across drive lanes within parking areas.

SECTION 9.7.6 DESIGN STANDARD ALTERNATIVES

9.7.6.1 Required Build-To Alternatives

Garden Wall and Pergola alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard. If used in combination, the alternatives may count toward no more than 25% of the requirement.

A. Garden Walls

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

1. Garden Walls must be between 30" and 42" in height with the following exceptions;
 - a. Decorative and/or structural piers may exceed the allowable height range Seating incorporated into the wall may be a minimum of 18" in height and may be accessed from both sides of the wall without an intervening division
 - b. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42" and 84"

2. Allowed Materials are limited to Masonry or an Ornamental Metal Fence with Masonry Piers spaced at not more than 25' with landscaping.
3. An Administrative Adjustment to required material is permitted to better match primary building. See Article 12.
4. Garden Walls used as a Required Build-To Alternative may also be used to count toward Perimeter Landscaping Requirements in Section 10.5.4.3.

B. Pergola

In all Master Planned Context Zone Districts, a pergola, consisting of an arbor or passageway of columns, may count toward 30% of the Required Build-To minimum percentage when meeting the following standards:

1. Pergola structure shall be no less than 24" deep perpendicular to the property line
2. Pergola structure shall maintain at least 8' between structure and grade over any public Rights-of-Way or pedestrian walkways
3. Pergola structure shall be made of metal or other durable materials suitable for an urban environment and shall have a minimum 6 inch vertical dimension
4. Pergola structure must be supported by vertical columns, posts or piers not less than 15 feet on center
5. Pergola structures and plant materials must maintain at least 75% open area for clear visual sight lines between the public Rights-of-Way and the interior of the property between the heights of 42" and 84" above grade
6. Garden walls, seating and/or landscaping may be incorporated between the vertical supports

C. Arcades

In all Master Planned Context Zone Districts, Arcades may count toward 100% of the Required Build-to when all of the following conditions are met:

1. They extend no more than two stories in height,
2. The exterior face of the arcade column line is within the build-to zone,
3. The arcade column line generally continues the wall plane of the building above,
4. The average depth of the arcade is no less than 6 feet clear as measured from the interior face of the columns,
5. The average depth of the arcade is no more than 2/3 of its average clear height as measured from the front face of the columns
6. The interior wall of the arcade must meet the required Ground Story Activation Standards or Alternatives.

9.7.6.2 Ground Story Activation

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard. If used in combination, the alternatives may count toward no more than 80% of the transparency requirement. In the M-MX and M-IMX Zone Districts, the Wall Design alternative may count toward 100% of the Side Street transparency requirement, provided the wall design elements are applied to the entirety (100%) of the length and height of the ground story wall .

- 1. Windows Outside the Zone of Transparency**
Windows at the ground story but located outside the zone of transparency may count toward 40% of the transparency requirement, provided the windows comply with Article 13, Section 13.1.3.2.A.3.
- 2. Display Cases and Automated Teller/Ticket Machines**
The wall area of the following features, when located within the required zone of transparency, may count toward a maximum of 40% of the total transparency requirement:
 - a. Recessed or wall mounted display cases at least 4 feet in height
 - b. Walk-up automated teller machines.
- 3. Wall Design**
Wall designs that provide visual interest and pedestrian scale may count toward 50% of Primary Street and 50% of Side Street transparency requirements if they provide a minimum of three (3) of the following elements occurring at intervals no greater than 25' horizontally and 10' vertically:
 - a. Expression of structural system and infill panels through change in plane not less than 3"
 - b. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters
 - c. System of horizontal and vertical reveals not less than 1" in width/depth
 - d. Variations in material module, pattern and/or color
 - e. System of integrated architectural ornamentation
 - f. Green screen or planter walls
 - g. Translucent, fritted, patterned or colored glazing
- 4. Outdoor Eating/Serving Areas**
Accessory outdoor eating/serving areas located between the building and the Primary Street zone lot line may count toward 60% of the transparency requirement. Outdoor Dining/Seating located between the building and Side Street zone lot line may count toward 80% of the transparency requirement.
- 5. Permanent Art**
Non-Commercial art or graphic design of sufficient scale and orientation to be perceived from the public right of way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall may count toward no more than 40% of the transparency requirement.

SECTION 9.7.7 DESIGN STANDARD EXCEPTIONS

9.7.7.1 Height Exceptions

- A. No occupied part of any building shall be constructed above the permitted height; however, unoccupied building features such as spires, towers, flagpoles, antennas, chimneys, flues and vents, cooling towers, enclosures for tanks and elevator penthouses serving the roof including any vertical or sloped screen walls may extend a maximum of 28 feet above the permitted height of the building.
- B. Unoccupied building features, excluding spires, towers, flagpoles and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height.
- C. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of

12 feet above the permitted height of the building. The aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.

- D. Flush-mounted solar panels, as defined in Article 13, may exceed the maximum permitted height of a building.

9.7.7.2 Bulk Plane and Upper Story Setback Exceptions

In all Zone Districts the following exceptions to any applicable bulk plane or upper story setback are permitted: eaves, spires, unoccupied towers, flagpoles, antennas, chimneys, flues, vents, flush mounted solar panels, evaporative coolers, or accessory water tanks.

9.7.7.3 Required Build-To Exceptions

Civic Uses are not required to meet the Primary Street and Side Street Build-To standard.

9.7.7.4 Building Coverage Exception

- A. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
- B. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

9.7.7.5 Setback Permitted Encroachments

Permitted encroachments into required setback areas include:

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Belt courses, sills, lintel and pilasters	All districts	18"	18"	18"	18"
Brick and Stone veneers above finished grade	All districts	6"	6"	6"	6"
Cornices, eaves, gutters	All districts	3'	3'	3'; if setback is less than 5': 2'	5'
Chimneys and fireplace insert vents, not exceeding 6' in width	All districts	18"	18"	18"	18"
Outside stairways	All districts	5'	3'	3'	10'
Porches: unwall porches, terraces, decks, patios, porches (including 2-story) and exterior balconies	All districts	8'	0	0	5'
Above-grade stairways associated with front porches	All districts	any distance, provided, minimum 1' between right-of-way and bottom step	0	0	0

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Access ramps for the handi-capped, provided no alternative location is available and provided the ramp construction is compatible with the character of the structure, as determined by the Zoning Administrator	All districts	any distance	any distance	any distance	any distance
Building elements, such as awnings, designed and intended to control light entering a building and being a permanent part of such building	All districts	5'	3'	3'	10'
Building elements, such as awnings, designed and intended to control light entering a building but not a permanent part of such building	All districts	any distance	any distance	any distance	any distance
Canopies	All districts	any distance	0	0	0
Enclosed structure or part of an enclosed structure that is below the grade of any setback space, except as otherwise restricted by this Code	All districts	any distance	any distance	any distance	any distance
Window well and/or emergency basement egress areas	All districts	Any distance for any width, provided the provisions of Division 10.56 (Site Grading Standards) and Section 10.4.5.26 (Retaining Walls General Requirements) are met	Each may be no more than 3' in width as measured perpendicular to the side interior/side street zone lot line and 4' in length as measured parallel to the side interior/side street zone lot line	Any distance for any width, provided the provisions of Division 10.56 (Site Grading Standards) and Section 10.4.5.26 (Retaining Walls General Requirements) are met	
Gas and electric meters	All districts	18"	18"	18"	18"
Utility pedestals, transformers or other similar equipment, excluding mechanical equipment, not exceeding 3' in height	All districts	any distance	any distance	any distance	any distance
Basketball goals on a fixed post	All districts	any distance	any distance	any distance	any distance
Ground mounted evaporative coolers located behind the front of the primary structure and screened from adjacent properties and public rights-of-way, and not to exceed the noise standards of D.R.M.C. Section 36-6	All districts	0	3'	3'	0
Ground mounted air conditioning units or other similar mechanical equipment, except evaporative coolers, subject to review according to Section 12.4.2, Zoning Permit Review with Informational Notice	All districts	none	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice	subject to Zoning Permit Review with Informational Notice
Flush mounted solar panels	All districts	any distance	any distance	any distance	any distance

	ZONE DISTRICTS	PERMITTED ENCROACHMENTS INTO REQUIRED SETBACKS (MAX)			
		PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
Surface Parking for the Town House building form	All M-RX-5A and M-GMX Districts	Not allowed	Not allowed	Not allowed	Not allowed

9.7.7.6 Vehicle Access

A. Applicability

1. This Section’s alley access requirements shall apply only to suburban house, duplex house, tandem house, town house, or row house building forms.
2. For all other building form development allowed in a ~~Suburban (S-)~~ Master Planned Context Zone District, vehicle access shall be determined as part of site development plan review.

B. Vehicle Access From Alley Required - Exceptions

Where applicable, any newly constructed driveway, driving aisle, garage, carport, or other parking facility shall be accessed solely from an alley if the zone lot is bounded by an alley, unless:

1. The alley is not provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;
2. The alley is less than 12 feet in width;
3. At least 60 percent of the existing dwelling units on the same face block are served by driveways, driving aisles, or other parking facilities accessed directly from a primary street; or
4. The Department of Public Works prohibits the use of the alley for vehicular access to the zone lot based upon a determination that the alley cannot safely or operationally accommodate additional vehicular traffic.

SECTION 9.7.8 REFERENCE TO OTHER DESIGN STANDARDS

9.7.8.1 Article 10: General Design Standards

Refer to the following Divisions for other applicable design standards

- A. Parking and Loading: Division 10.4
- B. Landscaping, Screening, Fences and Walls: Division 10.5
- C. Site Grading: Division 10.6
- D. Outdoor Lighting: Division 10.7
- E. Signs: Division 10.10

SECTION 9.7.9 USES AND REQUIRED MINIMUM PARKING

9.7.9.1 ~~Applicability (Overview - summary us and parking table)~~

- A. ~~This Section 9.7.9 sets forth the land uses allowed, the required zoning procedure and the required minimum parking for all the Master Planned Context Zone Districts.~~
- B. ~~Unlisted Uses~~—Uses not listed ~~in the Use Table~~ are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to ~~the procedures and criteria in~~ Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. **(moved here)**
- C. ~~For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.~~

~~The Summary Use and Parking Table below sets forth the general land use classifications, land use categories, and specific types of primary, accessory and temporary land uses allowed within the Master Planned Context Zone Districts.~~

~~In addition, required off-street parking and off-street bicycle amounts are stated for each specific primary use type allowed within each Zone District. See Article 10, Division 10.4, Parking, for additional vehicle and bicycle parking requirements and standards.~~

9.7.9.2 ~~Organization - Summary Use and Parking Table~~

A. **Organized by Primary, Accessory and Temporary Uses**

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

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

1. **Primary Use Classifications**

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

- a. Residential Uses
- b. Civic, Public & Institutional Uses
- c. Commercial Sales, Service & Repair Uses
- d. Industrial, Manufacturing & Wholesale Uses
- e. Agriculture

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

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

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

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

9.7.9.3 Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

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

B. Permitted, Limited, Not Permitted

1. Permitted Use - No Use Limitations Apply (“P”)

A “P” in a table cell indicates that the use is permitted in the respective Zone District, and is not subject to use limitations ~~or standards~~.

2. Permitted Use - Subject to Use Limitations ~~and Standards~~ (“L”)

“L” in a table cell indicates the use is permitted in the Zone District subject to compliance with the use limitations ~~and standards~~ referenced in the last column of the use table (“Applicable Use Limitations”). ~~Applicable Use Limitations—The last column of the table, entitled “Applicable Use Limitations,” contains one or more cross-references to use limitations and standards applicable to the specific use, as indicated by a “L” cell entry in the Summary Use and Parking Table. Applicable limitations and standards specific to the use are found in Article 11, of this Code.~~

3. Uses Not Permitted (“NP”)

“NP” in a table cell indicates that the use is not permitted in the specific Zone District.

C. Zoning Procedure

1. Use Subject to Zoning Permit Review (“ZP”)

“ZP” in a table cell indicates that the use is permitted in the respective Zone District only if reviewed and approved according to the requirements in Section 12.4.1, Zoning Permit Review.

2. Use Subject to Zoning Permit Review with Informational Notice (“ZPIN”)

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

3. Use Subject to Zoning Permit with Special Exception Review (“ZPSE”)

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

4. Uses Where More Than One Zoning Procedure Is Indicated

Where a table cell shows more than one zoning procedure applies to a use, for example “L-ZP/ZPIN”, the referenced use limitation (last table column) will indicate which zoning procedure applies in a specific case. For example, a table cell may indicate “L-ZPIN/ZPSE”

for a use. This means that the ZPIN zoning procedure will apply, unless the applicable use limitation specifies the ZPSE zoning procedure is triggered (e.g., by proximity to a Protected District).

Unlisted Uses (moved)

Uses not listed in the Use Table are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to the procedures and criteria in Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.

Compliance with Other Code Provisions Required

The establishment of all uses is subject to compliance with all applicable design and development standards stated in this Code, including but not limited to the Zone District building form and design standards found in this Article 3, and the standards stated in Article 10, General Design Standards.

Applicable Procedures Prior to Establishment of Use

A Zoning Permit is required prior to establishment of any use permitted by this Code. See Article 12, Zoning Procedures & Enforcement, and Sections 12.4.1, Zoning Permit Review and 12.4.2, Zoning Permit Review with Informational Notice.

The development or establishment of a permitted use may also require Site Development Plan Review prior to issuance of a Zoning Permit. Please refer to Section 12.4.3, Site Development Plan Review, to determine whether site plan review is applicable to a particular use or development. Site Plan Review may occur prior to, or concurrent with, any other applicable review procedure, such as Special Exception Review or Zoning Permit Review.

9.7.9.4 District Specific Standards Allowed Uses by District and Minimum Parking Requirements

KEY: 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
* = Need Not be Enclosed

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 AND STANDARDS
		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	
RESIDENTIAL PRIMARY USE CLASSIFICATION							
Household Living	Dwelling, Single Unit • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Two Unit • Vehicle: 1/unit	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Multi-Unit • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Mixed Use • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Dwelling, Live / Work • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.2.3
Group Living	Assisted Living Facility • Vehicle: .75/unit • Bicycle: No requirement	P-ZPIN	P-ZP	P-ZP	P-ZP	NP	
	Community Correctional Facility • Vehicle: .0.125/unit • Bicycle: No requirement	NP	NP	NP	NP	NP	
	Nursing Home, Hospice • Vehicle: .75/unit • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	NP	
	Residence for Older Adults • Vehicle: .75/unit • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Residential Care Use, Small or Large • Vehicle: .0.125/unit • Bicycle: No requirement	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.45
	Shelter for the Homeless • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.2.56
	Student Housing • Vehicle: 1/unit • Bicycle: 1/ 4 units (80/20)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
CIVIC, PUBLIC & INSTITUTIONAL PRIMARY USE CLASSIFICATION							
Basic Utilities	Utility, Major Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.3.1
	Utility, Minor Impact* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.2

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		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	
Community/ Public Services	Community Center • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	§ 11.3.3
	Day Care Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Facility, Neighborhood • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (60/40)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Postal Processing Center • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Public Safety Facility • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	L -ZP	L -ZP	P-ZP	P-ZP	P-ZP	§ 11.3.5
	Hospital	NP	NP	NP	NP	NP	
	Correctional Institution	NP	NP	NP	NP	NP	
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	NP	NP	NP	NP	NP	
	Library • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Museum • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	City Park • No Parking Requirements	NP	NP	NP	NP	NP	
	Open Space - Recreation • Vehicle: .375/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Open Space - Conservation • No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
Education	Elementary or Secondary School • Vehicle- Elementary: 1/1,000 s.f. GFA • Bicycle-Elementary: 1/ 10,000 s.f. GFA (0/100) • Vehicle- Secondary: 1/1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	University or College • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Vocational or Professional School • Vehicle: 1/ 1,000 s.f. GFA • Bicycle: 1/ 10,000 s.f. GFA (0/100)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.3.6
Public and Religious Assembly	All Types • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§ 11.3.8

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		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5		
COMMERCIAL SALES, SERVICES, & REPAIR PRIMARY USE CLASSIFICATION							
Adult Business	All Types	NP	NP	NP	NP	NP	
Arts, Recreation & Entertainment	Arts, Recreation and Entertainment Services, Indoor • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Arts, Recreation and Entertainment Services, Outdoor* • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	SE	SE	SE	SE	L-ZP	§ 11.4.2
	Sports and/or Entertainment Arena or Stadium*	NP	NP	NP	NP	L-ZP	§ 9.7.10.1.A
Nonresidential Uses in Existing Business Structures In Residential Zones)		NP	NP	not applicable			
Parking of Vehicles	Parking, Garage • No Parking Requirements	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Parking, Surface* • No Parking Requirements	L-ZP	L-ZP	L-ZP	L-ZP	P-ZP	§ 11.4.5
Eating & Drinking Establishments	All Types • Vehicle - MS only: 2.0 / 1,000 sf. GFA • Vehicle: 3.75/ 1,000 s.f. GFA • Bicycle: 1/3,000 s.f. GFA (0/100)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.6
Lodging Accommodations	Bed and Breakfast Lodging • Vehicle: 1/guest room or unit • Bicycle: 1/4 guest room or unit (80/20)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Lodging Accommodations, All Others • Vehicle: 1/ guest room or unit • Bicycle: 1/4 guest room or unit (80/20)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
Office	Dental / Medical Office or Clinic • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.7
	Office, All Others • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	P-ZP	P-ZP	P-ZP	P-ZP	

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		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Sales and Services, Household Pets Only • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.9
	Animal Sales and Services, All Others • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/20,000 s.f. GFA (60/40)	NP	NP	NP	NP	L-ZP	§ 9.7.10.1.B.1
	Body Art Establishment • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.10
	Food Sales or Market • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Liquor Store, Including Drugstores Licensed to Sell Liquor • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.12
	Pawn Shop • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	NP	NP	NP	NP	
	Retail Sales, Service & Repair -- Outdoor* • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	NP	NP	NP	L-ZP	§ 11.4.14
	Retail Sales, Service & Repair - Firearms Sales • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	NP	P-ZP	NP	P-ZP	
	Retail Sales, Service & Repair, All Others • Vehicle: 1.875/ 1,000 s.f. GFA • Bicycle: 1/10,000 s.f. GFA (60/40)	NP	P-ZP	P-ZP	P-ZP	P-ZP	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection Facility • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	§11.4.15
	Automobile Services, Light • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.16; § 11.4.17
	Automobile Services, Heavy Vehicle: .5/ 1,000 s.f. GFA Bicycle: No requirement	NP	NP	NP	NP	L-ZP	§ 11.4.16; § 11.4.18
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing; Pawn Lot or Vehicle Auctioneer* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.19
	Heavy Vehicle/ Equipment Sales, Rentals. & Service* • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	NP	L-ZP	§11.4.20

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		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5		
INDUSTRIAL, MANUFACTURING & WHOLESALE PRIMARY USE CLASSIFICATION							
Communications and Information	Communication Services • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZPSE	L-ZPSE	L-ZPSE	P-ZP	§ 11.5.1
	Telecommunications Towers* • No Parking Requirements	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	L-ZPSE	§ 11.5.2
	Telecommunications Tower - Alternative Structure* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.5.2
	Telecommunication Facilities -- All Others* • No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.5.2
Industrial Services	Contractors, Special Trade - General • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.4.45.3.A
	Contractors, Special Trade - Heavy/ Contractor Yard*	NP	NP	NP	NP	L-ZP	§ 9.7.10.2.A
	Food Preparation and Sales, Commercial • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	P-ZP	P-ZP	P-ZP	P-ZP	
	Laboratory, Research, Development and Technological Services • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	P-ZP	P-ZP	P-ZP	
	Service/Repair, Commercial • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.5.5
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	P-ZPIN	P-ZP	P-ZPIN	P-ZP	
	Manufacturing, Fabrication & Assembly -- General • Vehicle: .5 / 1,000 s.f. GFA • Bicycle: No requirement	NP	NP	NP	NP	P-ZP	§ 11.5.6; § 11.5.7
	Manufacturing, Fabrication & Assembly -- Heavy	NP	NP	NP	NP	NP	
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	NP	NP	NP	NP	L-ZP	§ 9.7.10.2.B
	Sand or Gravel Quarry*	NP	NP	NP	NP	L-ZP	§ 9.7.10.2.B
	Wind Energy Conversion Systems* • No Parking Requirements	L-ZPIN/ ZPSE	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.5.8

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		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	
Transportation Facilities	Airport*	NP	NP	NP	NP	NP	
	Helipad, Helistop, Heliport* No Parking Requirements	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZP	§ 11.5.9
	Railroad Facilities*	NP	NP	NP	NP	P-ZP	
	Railway Right-of-Way* No Parking Requirements	P-ZP	P-ZP	P-ZP	P-ZP	P-ZP	
	Terminal, Station or Service Facility for Passenger Transit System • Vehicle: .5/ 1,000 s.f. GFA • Bicycle: No requirement	P-ZP	P-ZP	P-ZP	P-ZP	L-ZP	§ 11.5.10
	Terminal, Freight, Air Courier Services	NP	NP	NP	NP	L-ZP	§ 9.7.10.2.C
Waste Related Services	Automobile Parts Recycling Business*	NP	NP	NP	NP	NP	
	Junkyard*	NP	NP	NP	NP	NP	
	Recycling Center	NP	NP	NP	NP	L-ZPIN	§ 9.7.10.2.D
	Recycling Collection Station	NP	NP	NP	NP	P-ZP	
	Recycling Plant, Scrap Processor	NP	NP	NP	NP	NP	
Wholesale, Storage, Warehouse & Distribution	Solid Waste Facility	NP	NP	NP	NP	NP	
	Automobile Towing Service Storage Yard*	NP	NP	NP	NP	NP	
	Mini-storage Facility Vehicle: .5/ 1,000 s.f. GFA Bicycle: No requirement	NP	NP	L-ZP	L-ZP	P-ZP	§ 11.5.11
Wholesale, Storage, Warehouse & Distribution	Vehicle Storage, Commercial* Vehicle: .5/ 1,000 s.f. GFA Bicycle: No requirement	NP	NP	NP	NP	NP	
	Wholesale Trade or Storage, General Vehicle: .5/ 1,000 s.f. GFA Bicycle: No requirement	NP	NP	NP	NP	P-ZP	
Wholesale, Storage, Warehouse & Distribution	Wholesale Trade or Storage, Light Vehicle: .5 / 1,000 s.f. GFA Bicycle: No requirement	NP	L-ZPSE	L-ZP/ZPIN/ ZPSE	L-ZP/ZPIN/ ZPSE	L-ZP/ZPIN/ ZPSE	§ 11.5.13
AGRICULTURE PRIMARY USE CLASSIFICATION							
Agriculture	Agriculture, Limited*	NP	NP	NP	NP	NP	
	Aquaculture*	NP	NP	NP	NP	P-ZP	
	Garden, Urban* Vehicle: .5 / 1,000 s.f. GFA Bicycle: No requirement	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.6.1
	Greenhouse Vehicle: .5 / 1,000 s.f. GFA Bicycle: No requirement	NP	NP	P-ZP	P-ZP	P-ZP	
	Husbandry*	NP	NP	NP	NP	NP	
	Nursery, Plant*	NP	NP	NP	NP	P-ZP	

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		M-RH-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 RESIDENTIAL USES USE CLASSIFICATION							
Accessory to Primary Residential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Accessory Dwelling Unit Accessory to Single-Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.2
	Domestic Employee	L	L	L	L	L	§ 11.7; § 11.8.3
	Garden	L	L	L	L	L	§ 11.7; § 11.8.4
	Greenhouse	NP	NP	L	L	L	§ 11.7; § 11.8.5
	Keeping of Household Animals	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	L / L-ZPIN	§ 11.7; § 11.8.6
	Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles	L	L	L	L	L	§ 11.7; § 10.9
	Kennel or Exercise Run	L	L	L	L	L	§ 11.7; § 11.8.7
	Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 11.8.8
	Off-Street Parking of Vehicles in Garages on Zone Lots by Non-Residents of Zone Lot	NP	NP	L	L	NP	§ 11.7; § 10.9
	Second Kitchen Accessory to Single Unit Dwelling Use	L-ZP	L-ZP	L-ZP	L-ZP	NP	§ 11.7; § 11.8.9
	Vehicle Storage, Repair and Maintenance	L	L	L	L	NP	§ 11.7; § 10.9
	Yard or Garage Sales	L	L	L	L	L	§ 11.7; § 11.8.10
Unlisted Accessory Uses	L - Applicable in all Zone Districts					§ 11.7; § 11.8.1	
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)	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	NP	L	L	L	§ 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	§ 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	NP	L	L	L	L	§ 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

KEY: 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
 *= Need Not be Enclosed

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 AND STANDARDS
		M-RH-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 (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Garden	L	L	L	L	L	§ 11.7; § 11.10.9
	Greenhouse	L	L	L	L	L	§ 11.7; § 11.10.9
	<u>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</u>	NP	NP	Not Applicable			
	Occasional Sales, Services Accessory to Places of Religious Assembly*	L	L	L	L	L	§ 11.7; § 11.10.10
	Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§ 11.7; § 11.10.11
	Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*	NP	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	L-ZPIN/ ZPSE	§ 11.7; § 11.10.12
	Outdoor Retail Sale and Display*	NP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.7; § 10.8
	Outdoor Storage*	NP	NP	NP	NP	L-ZP	§ 11.7; § 10.8
	Rental or Sales of Adult Material Accessory to a Permitted Bookstore Retail Sales Use	NP	L	L	L	L	§ 11.7; § 11.10.13
Unlisted Accessory Uses	L - Applicable in all Zone Districts					§11.7; §11.10.1	

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* = Need Not be Enclosed

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 AND STANDARDS
		M-RH-3	M-RX-5 M-RX-5A	M-CC-5	M-MX-5	M-IMX-5 M-IMX-8 M-IMX-12 M-GMX	
HOME OCCUPATION CLASSIFICATION							
Home Occupations (Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation)	Child Care Home, Large (7-12)	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	L-ZPIN	§ 11.9; §11.9.3.6
	Home Occupations , All <u>Other</u> Types	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§ 11.9
	<u>Unlisted Home Occupations</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>L-ZPIN</u>	<u>§ 11.9; § 11.9.4;</u>
TEMPORARY USE CLASSIFICATION							
Temporary Uses (Parking is Not Required for Temporary Uses Unless Specifically Stated in this Table or in an Applicable Use Limitations)	Ambulance Service - Temporary	NP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.2
	Amusement / Entertainment - Temporary*	NP	NP	NP	NP	L-ZP	§11.11.3
	Bazaar, Carnival, Circus or Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.4
	Building or yard for construction materials*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.5
	Concrete, Asphalt, and Rock Crushing Facility*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.6
	Fence for Demolition or Construction Work	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.7
	Health Care Center	L-ZP	L-ZP	P-ZP	P-ZP	P-ZP	§11.11.8
	Noncommercial Concrete Batching Plant*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.9
	Outdoor Retail Sales - Pedestrian / Transit Mall*	NP	NP	NP	NP	L-ZP	§11.11.10
	Outdoor Retail Sales*	NP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.11
	Outdoor Sales, Seasonal*	NP	<u>L-ZPIN</u>	L-ZP	L-ZP	L-ZP	§11.11.12
	Parking Lot Designated for a Special Event*	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.13
	Retail Food Establishment, Mobile*	NP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.14
	Temporary Construction Office	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.15
	Temporary Office - Real Estate Sales	L-ZP	L-ZP	L-ZP	L-ZP	L-ZP	§11.11.16
Tent for Religious Services	NP	NP	NP	NP	L-ZP	§11.11.17	
Unlisted Temporary Uses	L - Applicable in all Zone Districts					§11.11.1	

SECTION 9.7.10 APPLICABLE USE LIMITATIONS ~~AND STANDARDS~~

9.7.10.1 Commercial Sales, Services, and Repair Uses

A. Arts, Entertainment and Recreation Uses

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, Sports and/or Entertainment Arena or Stadium uses, where permitted with limitations, shall comply with the following ~~standards~~limitations:

- a. All sports and/or entertainment arena or stadium uses shall be a minimum of 500 feet from a Residential Zone District. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6.
- b. The minimum spacing requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

B. Retail Sales, Service and Repair

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, Animal Services and Sales, All Others uses, where permitted with limitations, shall comply with the following limitations:

- a. Wild or dangerous animal boarding and breeding services are prohibited.
- b. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.
- c. Overnight accommodations are allowed.
- d. Where located abutting a Residential Zone District, a minimum 50 foot wide landscaped buffer shall be provided, as approved by the Zoning Administrator. Such buffer is intended to substantially mitigate potential adverse effects from the animal service use, including but not limited to noise and odor.

9.7.10.2 Industrial, Manufacturing and Wholesale Uses

A. Industrial Services

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, a contractors, special trade/heavy use, where permitted with limitations, shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

B. Mining and Extraction and Energy Producing Systems

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, where permitted with limitations, mining and extracting and energy producing system uses shall comply with the following limitations:

- a. **Oil, Gas, Production, Drilling**
Oil gas, production, drilling uses area limited to geophysical services only. As part of the Site Development Plan review process, the Zoning Administrator shall determine the separation between the proposed use and any adjacent Residential Zone District based on the external effects of the proposed use.

b. Sand or Gravel Quarry

A sand or gravel quarry use shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

C. Transportation Facilities

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, where permitted with limitations, Terminal , Freight, Air Courier Service uses shall comply with the following limitations;

- a. Any terminal proposed after January 11, 1991, shall be a minimum of 500 feet from a Residential Zone District; provided, however, this 500-foot spacing requirement does not apply to an increase of an existing use of less than 15 percent gross floor area or gross site area.
- b. The 500-foot spacing requirement may be reduced by the Zoning Administrator for an expansion greater than 15 percent gross floor area or gross site area of an existing facility if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

D. Waste Related Services

1. All M-IMX and M-GMX Zone Districts

In the M-IMX and M-GMX Zone Districts, where permitted with limitations, waste related service uses shall comply with the following limitations:

a. Recycling Center

The recycling center facility shall be located at least 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

b. Enclosure and Screening Required

The recycling center, facility ~~shall comply with the screening and enclosure requirements of Section 9.1.3.9 shall be completely enclosed by a solid wall or fence meeting the minimum requirements of Section 10.5.7.3.~~

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ARTICLE 10. GENERAL DESIGN STANDARDS

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INTRODUCTION TO ARTICLE 10

- A. Article 10, [General Design Standards](#) contains general design standards that apply throughout the city and are not unique to a Neighborhood Context or Special Context, including general standards for parking, landscaping, site grading, outdoor lighting, and signs.
- B. Article 10, [General Design Standards](#) is comprised of separate Divisions that present all regulations related to a single subject matter. For example, Division 10.4, [Parking and Loading](#) includes all regulations related to the provision of off-street parking and loading, including exceptions and exemptions from minimum requirements and minimum design for the layout of parking areas.
- C. All development shall comply with this Article 10's general design standards in addition to compliance with a Zone District's more specific building form and design standards, and with applicable use ~~standards and~~ limitations. Each Division in Article 10, [General Design Standards](#) includes an applicability provision as to what specific types of development activity trigger application of the Division's standards.

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DIVISION 10.1 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

In addition to the zoning design standards applicable to development under this Code, design standards found in other parts of the Denver Revised Municipal Code may apply. An applicant for development is encouraged to investigate whether these other standards may apply, and to work with Community Planning and Development and other agencies to determine how all applicable standards interplay with applicable zoning regulations. Other applicable design standards include, but are not limited to:

- 10.1.1 Chapter 49 (Streets, Sidewalks and Other Public Ways), D.R.M.C., regarding the designation of Parkways and the establishment of Parkway setbacks for buildings and structures.
- 10.1.2 Chapter 30 (Landmark Preservation), D.R.M.C., regarding the designation of landmarked structures and historic districts;
- 10.1.3 Chapter 10 (Buildings and Building Regulations), D.R.M.C., regarding the establishment of view plane protection areas, which may restrict the height of structures more stringently than the applicable zoning.
- 10.1.4 Chapter 8 (Animals), D.R.M.C., regarding licensing and permitting for the keeping of animals, including but not limited to dogs, cats, livestock, and fowl, within the City of Denver.
- 10.1.5 Chapter 56 (Utilities), D.R.M.C., regarding water, drainage, sanitary and floodplain regulations affecting land development.
- 10.1.6 Chapter 57 (Vegetation), D.R.M.C., regarding maintenance of landscaping in general, and maintenance of plantings in the public rights-of-way.
- 10.1.7 Chapter 27 (Housing), D.R.M.C., regarding requirements for certain developments to include a minimum number of moderately priced affordable housing units.
- 10.1.8 Chapter 24 (Health and Sanitation), Article XI (Medical Marijuana Dispensaries) for regulations relating to the establishment and operation of medical marijuana retail dispensaries, a type of retail sales and service land use.

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DIVISION 10.2 GENERAL SITE DESIGN AND FACILITY STANDARDS

SECTION 10.2.1 INTENT

This Division's general site design and facility standards are intended to supplement the more specific Zone District building and design standards found in Articles 3 through 9 ~~of this Code~~ 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 ~~Article 10~~ design standard shall apply, unless otherwise expressly stated.

SECTION 10.2.3 GENERAL SITE DESIGN AND FACILITY STANDARDS

All development shall provide, as applicable:

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

loading zones and access to other facilities in order to give disabled residents an increased level of mobility;

10.2.3.10 Adequate identification of buildings, particularly in developments where two or more buildings use one street address or where two or more buildings are located on private streets or drives. For these cases, this Section's standards shall apply to all existing and future projects and shall require the following:

- A. The installation of temporary signs identifying each individual building at the beginning stage of its construction;
- B. The installation of permanent identifying signs on each building that will allow quick identification by emergency service personnel and visitors; and
- C. The installation of legible maps at the main vehicle entry points and/or signs showing all private streets or drives and their alignment throughout the project.

DIVISION 10.3 MULTIPLE BUILDINGS ON A SINGLE ZONE LOT

SECTION 10.3.1 INTENT

This Division's standards are intended to provide design flexibility in the siting of multiple buildings on a single zone lot, while assuring the siting of such multiple buildings results in adequate air, light, and pedestrian access and circulation, and mitigates any potential adverse impact on adjacent properties,

SECTION 10.3.2 APPLICABILITY

This Section's design standards shall apply to all development on a single zone lot containing multiple primary buildings. Refer to Division 1.2, Zone Lots and Section 13.1.2.1, Zone Lot - Rules of Measurement for standards pertaining to zone lots.

SECTION 10.3.3 COMPLIANCE WITH BUILDING FORM STANDARDS

10.3.3.1 General Rule - Compliance Required

All buildings shall meet the Height, Siting, and Design Element Form Standards required by the Zone District except as allowed in Section 10.3.3.2, [Compliance with Build-to Ground Story Activation Standards below](#).

10.3.3.2 Compliance with Build-to Ground Story Activation Standards

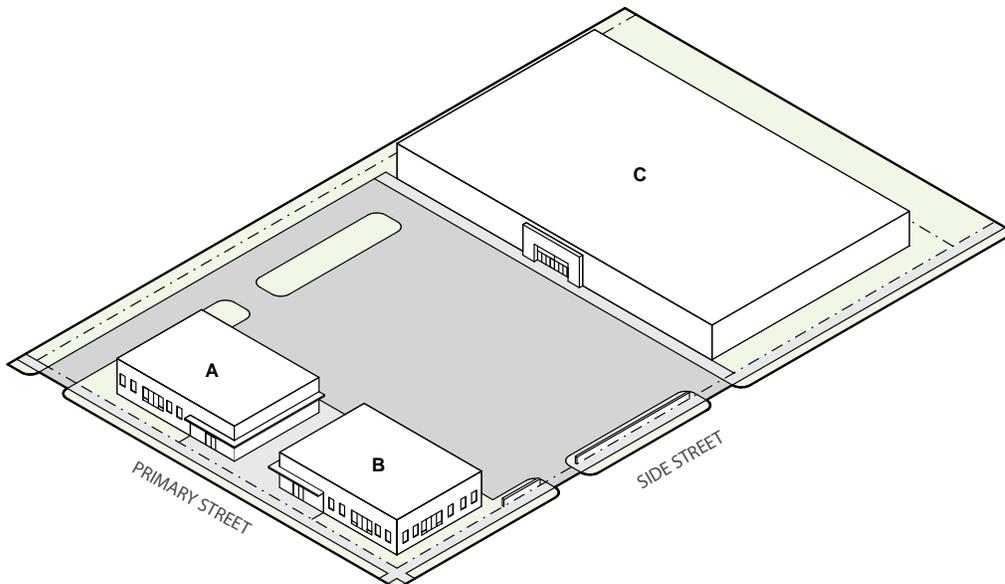
A. General Rule

When Primary and Side Street Build-to, Surface Parking Location, and Ground Story Activation Standards are met, additional buildings on the site are not subject to the Build-to, Surface Parking Location, and Ground Story Activation requirements.

1. For example, in [the Figure 10.3-1 below](#), if buildings "A" and "B" comply with the required Primary and Side Street Build-to and with the Ground Story Activation Standards, then building "C" may be sited with more flexibility on the zone lot and need not comply with the build-to or Ground Story Activation standards.

Figure 10.3-1

Not to Scale. Illustrative Only.



B. Exception for Phased Development

When multiple buildings on the zone lot will be developed in phases, and the first phase(s) of development would not meet applicable build-to, surface parking location, and ground-story activation standards as required above, an applicant shall reserve an area along the street frontage for future building phases that will comply with such standards, provided the following conditions are met:

1. The reserved area shall include the entire zone lot frontage abutting the Primary Street or Side Street for a depth of no less than 60 feet, measured from the zone lot line except for approved vehicular access lanes.
2. Parking of vehicles is not allowed within the reserved area.
3. Water quality and detention/retention facilities, or utilities, are not allowed within the reserved area.
4. The reserved area shall be improved with at least 50% live landscape material.
5. Required pedestrian access and circulation shall be provided.

SECTION 10.3.4 PEDESTRIAN ACCESS & CIRCULATION

10.3.4.1 Intent

This Section's Pedestrian Access & Circulation standards are intended to:

- A. Provide safe, convenient pedestrian access and circulation patterns within and between developments.
- B. Create a continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk (rather than drive) between destinations.
- C. Create a friendlier, more inviting environment by providing a pedestrian network that offers clear circulation paths from the parking areas to building entries.

10.3.4.2 Exemptions

Development in the following Zone Districts is exempt from compliance with this Section 10.3.4's Pedestrian Access & Circulation standards except as specifically stated:

A. Exemption for All CMP Districts

Development in all Campus (CMP) Zone District is exempt. Pedestrian access and circulation shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Section.

B. Exemption for I-A, -B and I-B Zone Districts

Development in the I-A, -B and I-B Zone Districts is exempt.

C. Partial Exemption for I-MX and M-IMX Zone Districts

Development in the all I-MX and M-IMX Zone Districts shall comply with the standards requiring one or more pedestrian connections between the primary entrances to buildings on the site and the public sidewalk system along streets adjacent to the development (or to the curb of an abutting street where there are no public sidewalks). Compliance with all other standards in this Section 10.3.4 is encouraged, but not mandatory.

10.3.4.3 Required Pedestrian Connections

An on-site system of pedestrian walkways shall be designed to provide direct access and convenient connections to and between the following:

- A. Primary entrances to each primary building, including pad site buildings;
- B. All parking areas or parking structures;

- C. All site amenities or public gathering places;
- D. The public sidewalk system along the perimeter streets adjacent to the development (or to the curb of an abutting street where there are no public sidewalks); and
- E. Public and private sidewalks on adjacent properties that extend to adjoining land uses, developments, and public facilities such as parks, greenways, schools, recreational facilities and public office buildings.

10.3.4.4 Minimum Walkway Width

- A. All on-site pedestrian walkways shall provide not less than 5 feet clear walking area. In all locations where the edge of the pedestrian walks are directly abutted by parking spaces, an additional 3 feet of walkway width must be provided to accommodate vehicle overhangs.
- B. Where walkways are included on parking islands and medians that include landscape requirements, the required walkway width must be clear of low branching trees, vegetation and similar impediments.
- C. Where walkways occur along buildings walls, the required walkway width must be clear of door swings, exterior display, shopping cart storage, low branching trees and similar impediments.

10.3.4.5 Walkways Through Vehicle Areas

At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials distinguished by their color, texture, or height.

SECTION 10.3.5 MINIMUM SPACING BETWEEN BUILDINGS

Except as otherwise allowed for the Tandem House building form, the minimum spacing between any two primary buildings located on the same zone lot shall be 10 feet. The required spacing between such buildings shall be measured as the minimum distance between any two exterior building walls of the buildings. Development in a U Campus (CMP) Zone District is exempt but shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Section.

SECTION 10.3.6 ACCESSIBILITY BY EMERGENCY VEHICLES

Multiple buildings on a single zone lot shall be arranged to provide accessibility for emergency vehicles, as required by the Denver Fire Code, Chapter 5, and associated Denver amendments.

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DIVISION 10.4 PARKING AND LOADING

SECTION 10.4.1 INTENT

The intent of Parking Standards, in conjunction with the building form standards ~~according to~~ ~~in~~ Articles 3- through 9 ~~of this Code~~, is to:

- 10.4.1.1 Balance the provision of adequate off-street parking to meet demand with city-wide objectives to encourage pedestrian-friendly environments and the use of multiple modes of transportation, including mass transit and bike parking requirements to reduce vehicle parking demand.
- 10.4.1.2 Provide a variety of mechanisms to meet parking needs while promoting development and reinvestment in existing buildings, including historic structures.
- 10.4.1.3 Recognize, through parking reductions, the parking efficiencies gained through mixed use development, mixed income development, development proximate to rail and bus transit, and their impact on parking demand.
- 10.4.1.4 Promote bicycle use by providing safe and convenient bike parking through minimum requirements for type of bike parking facility and amount of bicycle spaces.
- 10.4.1.5 Encourage comprehensive, efficient, multi-site parking strategies.
- 10.4.1.6 Minimize the visual impacts of parking areas, structures and garages on streets, open spaces, and adjoining development.
- 10.4.1.7 Design surface parking and parking structures to be visually compatible with the surrounding development, convenient for users, and mitigate the negative impact of vehicle noise, headlights, lighting and mechanical systems.
- 10.4.1.8 Integrate the function and appearance of parking structures into building groups so as to minimize negative impacts on public space and the pedestrian environment.
- 10.4.1.9 Design parking structure facades to reflect the predominant fenestration patterns of area buildings and to the extent possible wrap street facing elevations with active uses, especially at street level.

SECTION 10.4.2 GENERAL OBLIGATION

10.4.2.1 Vehicle and Bicycle Parking Required

- A. The owner and operator of any land area, structure, or primary use that generates a vehicle and bicycle parking requirement under this Code shall have joint and several responsibility for providing all parking required by this Division 10.4.2 and maintaining that parking in accordance with the provisions of this Division.
- B. For land, structures, or primary uses, occupied or operated on June 25, 2010, the number of existing off-street parking spaces shall not be reduced below the minimum number of spaces required under this Division 10.4.2, unless otherwise exempt according to Section 10.4.2.2.B., Exemption for Change in Use in Existing Building Built Prior to 1967.

10.4.2.2 Vehicle and Bicycle Parking Required for Expansion or Change in Use

A. Vehicle and Bicycle Parking Required for Expansions and Changes in Use

If land area, structures, or primary uses are enlarged, expanded or changed, the following amounts of parking shall be provided:

- 1. If such land area, structures, or primary uses are enlarged or expanded, parking (in addition to any existing spaces) shall be provided for the additional increment only; or

2. If such land area, structures, or primary uses are changed from one primary use to any other primary use allowed by this Code which requires more parking spaces than the previous primary use, there shall be provided:
 - a. No additional parking spaces if the new use's parking requirement does not exceed the previous use parking requirement by more than 25 percent; or
 - b. Additional off-street parking spaces shall be provided for any new use in excess of 125 percent of the overall requirement for the previous use.
 - c. A credit may be taken against the minimum number of vehicle parking spaces required by this subsection in the amount of 1 space for each 25 feet of abutting street frontage, up to a maximum credit of 4 vehicle parking spaces.

B. Exemption for Change in Use in Existing Buildings Built Prior to 1967

In all Mixed Use **Commercial** Zone Districts, buildings (1) which were built before 1967 consistent with the required build-to requirements of this Code, and (2) meet the minimum height requirement for the Zone District as applicable, shall be exempt from providing additional parking in the event of a change of use.

10.4.2.3 Fee for Required Parking Allowed

Required parking may be available as free parking, contract parking, or on an hourly or daily fee basis.

SECTION 10.4.3 AMOUNT OF PARKING REQUIRED RATIOS

10.4.3.1 General Provisions

A. Gross Floor Area for Purposes of Calculating Parking Amounts

For the purposes of complying with this Division's required parking, 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.

B. "Unit" for Purposes of Calculating Parking Amounts

For purposes of complying with this Division's required parking, the term "unit" shall mean, as applicable, either:

1. A dwelling unit in a household living use, as "dwelling unit" ~~according to is defined in Article 13, Rules of Measurement & Definitions of this Code; or~~
2. A habitable room, which may or may not contain kitchen or bathing facilities, intended for occupancy by a resident in a group living use.

C. Parking Categories ~~(contains reformatting)~~

1. Purpose ~~--Parking Category Table~~

Parking categories are used to determine the minimum amount of parking spaces required for a specific primary use.

2. Unclassified Uses

If for any reason the parking category of any primary use cannot be determined for the purpose of establishing the number of required vehicle parking spaces, the parking category of such use shall be determined by the Zoning Administrator according to ~~the procedures stated in~~ Section 12.4.6, Code Interpretation, Determination of Unlisted Uses.

3. Parking Category Table

The following parking categories apply to all primary uses allowed by this Code.

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
Residential		
Household Living	Dwelling, Single Unit	No Requirement
	Dwelling, Two Unit (includes provision of two units on one zone lot in a tandem house form)	Multi-Family/Lodging
	Dwelling, Multi-Unit	Multi-Family/Lodging
	Dwelling, Mixed Use	Multi-Family/Lodging
	Dwelling, Live / Work	Multi-Family/Lodging
Group Living	Assisted Living Facility	Residential Medium
	Community Correctional Facility	Residential Low
	Nursing Home, Hospice	Residential Medium
	Residence for Older Adults	Residential Medium
	Residential Care Use, Small or Large	Residential Low
	Shelter for the Homeless	Commercial Low
	Student Housing	Multi-Family/Lodging
Civic, Public and Institutional		
Basic Utilities	Utility, Major Impact	Commercial Low
	Utility, Minor Impact*	Commercial Low
Community/Public Services	Community Recreational Facility	Public Use Low
	Day Care Center	Public Use Medium
	Postal Facility	Commercial Medium
	Public Safety Facility	Public Use Medium
	Hospital	Public Use High
	Correctional Institution	Public Use Medium
Cultural/Special Purpose/Public Parks & Open Space	Cemetery	No Requirement
	Library	Public Use Medium
	Museum	Public Use Medium
	Performing Arts Center	Public Use Medium
	City Park	No Requirement
	Open Space - Recreation	Public Use Low
	Open Space - Conservation	No Requirement
Education	Elementary School	Public Use Medium
	Secondary School	Public Use High
	University or College	Public Use Medium
	Vocational or Professional School	Public Use Medium
Public and Religious Assembly	All Types	Public Use Low

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
Commercial Sales, Services and Repair		
Adult Business	All Types	Commercial Medium
Arts, Entertainment & Recreation	Recreation and Entertainment Services, Indoor	Commercial Medium
	Recreation and Entertainment Services, Outdoor	Commercial Medium
	Sports and/or Entertainment Arena or Stadium	Public Use Medium
	Theater and/or Performance Space	Public Use Medium
Parking of Vehicles	Parking, Garage	No Requirement
	Parking, Surface	No Requirement
Eating & Drinking Establishments	All Types	Commercial High
Lodging Accommodations	Bed and Breakfast Lodging	Multi-Family/Lodging
	Lodging Accommodations, All Others	Multi-Family/Lodging
Office	Dental / Medical Office or Clinic	Commercial Medium
	Office, All Others	Commercial Medium
Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)	Animal Services and Sales, Household Pets Only	Commercial Medium
	Animal Services and Sales, All Others	Commercial Medium
	Body Art Establishment	Commercial Medium
	Food Sales or Market	Commercial Medium
	Pawn Shop	Commercial Medium
	Pay Day Lending Services	Commercial Medium
	Retail Sales, Service & Repair -- Outdoor	Commercial Medium
	Retail Sales, Service & Repair, Special: Includes Gun Sales	Commercial Medium
Retail Sales, Service & Repair, All Others	Commercial Medium	
Vehicle / Equipment Sales, Rentals, Service & Repair	Automobile Emissions Inspection	Commercial Low
	Automobile Gas / Service Station	Commercial Low
	Automobile Wash, Laundry, Detail or Polishing Shop	Commercial Low
	Automobile Repair Garage	Commercial Low
	Automobile / Motorcycle / Light Truck Sales, Rentals, Leasing	Commercial Low
	Automobile Pawn Lot or Vehicle Auctioneer	Commercial Low
Heavy Vehicle/ Equipment Sales, Rentals & Service	Commercial Low	
Industrial, Manufacturing and Wholesale		
Communications and Information	Communication Services	Commercial Low
	Telecommunications Towers*	No Requirement
	Telecommunication Facilities -- All Others	No Requirement
Industrial Services	Contractors, Special Trade -- General	Commercial Low
	Food Preparation and Sales, Commercial	Commercial Low
	Laboratory -- Research & Development, Technological Services	Commercial Low
	Service/Repair, Commercial	Commercial Low

USE CATEGORY	SPECIFIC PRIMARY USE	PARKING CATEGORY
Manufacturing and Production	Manufacturing, Fabrication & Assembly -- Custom	Commercial Low
	Manufacturing, Fabrication & Assembly -- General	Commercial Low
	Manufacturing, Fabrication & Assembly -- Heavy	Commercial Low
Mining & Extraction and Energy Producing Systems	Oil, Gas -- Production, Drilling*	Commercial Low
	Sand or Gravel Quarry	Commercial Low
	Wind Energy Conversion Systems*	No Requirement
Transportation Facilities	Airport	No Requirement
	Helipad, Helistop, Heliport	No Requirement
	Railway Facilities	Commercial Low
	Railway Right-of-Way	No Requirement
	Terminal, Station, or Service Facility for Passenger Transit System	Commercial Low
	Terminal, Freight, Air Courier Services	Commercial Low
Waste Related Services	Automobile Parts Recycling Business	Commercial Low
	Junkyard	Commercial Low
	Recycling Center	Commercial Low
	Recycling Collection Station	Commercial Low
	Recycling Plant, Scrap Processor	Commercial Low
	Solid Waste Facility	Commercial Low
Wholesale, Storage, Warehouse & Distribution	Automobile Towing Service Storage Yard	Commercial Low
	Contractors, Special Trade - Heavy, Yard	Commercial Low
	Container Storage (Mini-Storage)	Commercial Low
	Heavy Equipment Sales or Rentals	Commercial Low
	Storage Services	Commercial Low
	Vehicle Storage, Commercial	Commercial Low
	Wholesale Trade, General, and/or Storage of Toxic and/or Hazardous Materials	Commercial Low
	Wholesale Trade, Light, and/or Storage of Nontoxic and/or Nonhazardous Materials	Commercial Low
Agriculture		
Agriculture	Agriculture, Limited	Commercial Low
	Aquaculture	Commercial Low
	Garden, Urban	Commercial Low
	Greenhouse	Commercial Low
	Husbandry	Commercial Low
	Nursery, Plant	Commercial Low

10.4.3.2 Amount of Vehicle Parking Required - Location - Combined Spaces

A. Minimum Amount Required - Calculation

1. All primary uses ~~according to subject to~~ this Division's parking requirements shall provide the minimum number of vehicle parking spaces consistent with the context-specific parking ratios ~~according to found in~~ Articles 3 through 9 ~~of this Code~~.
2. Except when shared parking is allowed (see Section 10.4.4.3), when a zone lot is used for a combination of uses, the minimum vehicle parking requirement shall be the sum of the requirements for each use.
3. In determining the number of vehicle parking spaces required, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.

B. Maximum Vehicle Parking for Transit Oriented Development

1. Applicability

- a. This subsection's maximum vehicle parking standards shall apply only to uses located within 1/4 mile of the outer boundary of a rail transit station, except those uses within a CMP District.
- b. If a structure or use is exempt ~~under~~ ~~according to~~ Section 10.4.4.1, Parking Exemptions, from minimum parking requirements, this subsection's maximum parking standard shall still apply, based on the minimum amount otherwise required for such use or structure absent any exemption.

2. Maximum Vehicle Parking Permitted

- a. Surface parking spaces shall not exceed 110 percent of the minimum parking spaces required by the context-specific ratios ~~according to in~~ Articles 3 through 9, or by this Division.
- b. Parking spaces provided in an underground or structured parking garage shall not count toward the maximum number of spaces permitted.

C. Vehicle Parking Location

1. Located on Same Zone Lot as Primary Use Served

Vehicle parking spaces shall be located on the same zone lot as the primary use for which provided, except as otherwise allowed in this ~~subsection~~, Section 10.4.4.3, ~~(Shared Parking)~~, or Section 10.4.6, ~~(Use and Maintenance of Parking Areas)~~.

2. Off-Site Vehicle Parking

Required vehicle parking spaces may be located on a zone lot different than the primary use for which provided ("off-site vehicle parking"), subject to compliance with the following standards:

- a. 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 use permit until the parking deficiency is remedied.
- b. Off-site parking shall be located within a walking distance of 1,500 feet from the use served by the remote parking.
- c. In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the zone lot will count toward the vehicle parking requirement. Although allocated to a specified zone lot, said spaces need not be reserved for said specified zone lot.

3. “Walking Distance” Defined

For the purposes of this Division 10.4, “walking distance” shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

D. Combined Use of Vehicle Parking Area

1. Parking spaces required by each of two or more primary uses located on the same zone lot need not be separated, and may be used jointly.
2. In the event a shared parking entity has been formed and is fully operational, the entire area within the district shall be considered a single zone lot for the purposes of calculating and locating parking.

10.4.3.3 Amount of Bicycle Parking Required

A. Applicability to Downtown Zone Districts & Cherry Creek North (C-CCN) Zone District

1. The bicycle parking requirements in this Section 10.4.3.3 shall not apply in the D-C, D-TD, or D-CV Zone Districts. See ~~Article 8~~, Section 8.3.1.5, Off-Street Parking Requirements, for applicable bicycle parking standards for these districts.
2. The bicycle parking requirements in this Section 10.4.3.3 shall not apply in the C-CCN Zone District. See ~~Article 7~~, Section 7.2.5.5, Off-Street Parking Requirements for applicable bicycle parking standards for the C-CCN Zone District.

B. Minimum Amount Required - Calculation

1. The parking categories listed in Section 10.4.3.1.C are used to determine the minimum amount of bicycle parking spaces required for a specific primary use, and the proportion of required bicycle parking spaces that must be accommodated in an enclosed versus fixed rack (outdoor) bicycle parking facility. The context-specific bicycle parking ratios and facility requirements are found in Articles 3 through 9.
2. When a primary use’s required amount of bicycle parking is less than 2 spaces, the use shall provide a minimum of 2 bicycle parking spaces in a fixed rack bicycle parking facility.
3. In determining the number of bicycle parking spaces required, fractional spaces are rounded to the nearest whole number, with one-half counted as an additional space.
4. All required spaces “per square feet” are measured as gross floor area, unless otherwise specified.
5. For residential uses, the bicycle parking requirement shall be calculated separately for separate residential buildings.
6. Where any building or zone lot contains two or more uses having different bicycle parking requirements, the bicycle parking requirements for each use shall apply proportionally to the extent of that use’s gross floor area in the building or on the zone lot.

C. Required Types of Bicycle Parking Facilities

In order to meet the minimum required bike parking spaces, there are two types of bicycle parking facilities that may be required. The description and minimum standards for each type of bicycle parking facility are as follows. Such facilities may be placed on private property or within the public right-of-way. Facilities in the public right-of-way shall be approved by Public Works.

1. Enclosed Bicycle Parking Facility

An enclosed bicycle parking facility shall be provided through various methods provided it meet the following minimum standards:

- a. Shall provide enclosed bicycle storage in lockers, a room within a building, or within a parking structure.
- b. All types of enclosed bicycle storage shall be easily accessible to public entrances and walkways, secure, well lighted and weather resistant.
- c. Each storage space shall provide a minimum of 15 square feet in area. The Zoning Administrator may reduce the minimum area up to 6 square feet if a more efficient layout is provided.

2. Fixed Bicycle Rack Parking Facility

A fixed bicycle rack parking facility shall be provided through various methods provided it meet the following minimum design standards:

- a. Fixed bicycle racks shall be securely anchored.
- b. Fixed bicycle racks must be publicly accessible to building entrances and walkways.
- c. Spacing of the racks shall provide clear and maneuverable access.
- d. Where two bikes can be locked on both sides without conflict, each side can be counted as one required space.

D. Reductions in Required Amount by Administrative Adjustment

The Zoning Administrator may adjust the bicycle parking requirement in one of the following ways as described below according to [Section 12.4.5](#), ~~the Administrative Adjustment review process and criteria stated in Section 12.4.5.~~

- 1. A reduction in the overall number of bicycle parking spaces required for a primary use, up to a maximum 20% reduction, A reduction in the overall number of spaces does not change the proportional (%) distribution of the required spaces to an enclosed or fixed bicycle rack parking facility; or,
- 2. An adjustment in the number of bicycle parking spaces that must be provided in either an enclosed or fixed bicycle rack parking facility, up to a maximum 20% adjustment, provided any reduction in the number of spaces provided in one type of parking facility shall be providing in the other type of parking facility.
 - a. For example: When a total of 20 bicycle parking spaces is required and 10 shall be provided in an enclosed storage facility and 10 shall be provided in a fixed bicycle rack parking facility, the Zoning Administrator may grant an adjustment to the amount that must be enclosed, resulting in a reduction from the original 10 enclosed spaces to 8 enclosed spaces. That would require a total of 12 spaces in a fixed bicycle rack parking facility.

E. Summary of Bicycle Parking Requirements by Neighborhood Context

Bicycle parking ~~is required based on the provided according to a~~ specific primary uses’s assigned parking category, ~~as set forth in the parking category table in according to~~ Section 10.4.3.1.C, [Parking Categories above](#). The bicycle parking standards are then varied by neighborhood context, as set forth in the tables below.

SUBURBAN NEIGHBORHOOD CONTEXT AND I-A, -B-INDUSTRIAL ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/5 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a

SUBURBAN NEIGHBORHOOD CONTEXT AND I-A, B-INDUSTRIAL ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Commercial High	1/5,000 sq. ft. GFA	0%/100%
Commercial Medium	1/20,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/20,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

URBAN EDGE NEIGHBORHOOD CONTEXT		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/5 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/5,000 sq. ft. GFA	0%/100%
Commercial Medium	1/20,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/20,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

URBAN NEIGHBORHOOD CONTEXT AND MASTER PLANNED CONTEXT		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/4 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/3,000 sq. ft. GFA	0%/100%
Commercial Medium	1/10,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/10,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

GENERAL URBAN NEIGHBORHOOD CONTEXT AND ALL I-MX ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/4 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/3,000 sq. ft. GFA	0%/100%

GENERAL URBAN NEIGHBORHOOD CONTEXT AND ALL I-MX ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Commercial Medium	1/10,000 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/10,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

URBAN CENTER NEIGHBORHOOD CONTEXT (EXCLUDING C-CCN ZONE DISTRICT) AND CAMPUS ZONE DISTRICTS		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/2 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/1,500 sq. ft. GFA	0%/100%
Commercial Medium	1/7,500 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/5,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

DOWNTOWN NEIGHBORHOOD CONTEXT - D-LD, D-GT, D-AS ZONE DISTRICTS ONLY		
Parking Category	Minimum Bicycle Parking Spaces Required	% Parking Spaces Provided in Enclosed Bicycle Parking Facility /Fixed Bicycle Rack Parking Facility
Multi-unit/Lodging	1/2 units	80%/20%
Residential Low	No Requirement	n/a
Residential Medium	No Requirement	n/a
Commercial High	1/1,000 sq. ft. GFA	0%/100%
Commercial Medium	1/7,500 sq. ft. GFA	60%/40% Retail, sales, service and repair uses: 20%/80%
Commercial Low	No Requirement	n/a
Public Use High	1/5,000 sq. ft. GFA	0%/100%
Public Use Medium	1/10,000 sq. ft. GFA	0%/100%
Public Use Low	No Requirement	n/a

SECTION 10.4.4 PARKING EXCEPTIONS

10.4.4.1 Bicycle and Vehicle Parking Exemptions

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

A. Small Zone Lots

In all Mixed Use **Commercial** Zone Districts, buildings on zone lots which are equal to or smaller than 6,250 square feet in area on June 25, 2010 shall be exempt from providing parking otherwise required by this Division.

B. Ground-Floor Retail Uses in Mixed Use Projects

In a Mixed Use Commercial Zone District, but not including MS-2, MS-2x, MX-2, MX-2x, MX-2A, and MS-2x Zone Districts, a maximum of 5,000 square feet of gross floor area per building devoted to one or more of the following uses, when such use(s) is located on the ground floor of a multi-story mixed use building, shall be exempt from parking requirements:

1. Retail sales, service, or repair uses, provided no single retail sales, service, or repair use is more than 10,000 square feet of gross floor area;
2. Food sales or market, provided no single food sales or market use is more than 10,000 square feet of gross floor area; or
3. Eating or drinking establishment, provided no single eating or drinking establishment is more than 3,500 square feet of gross floor area.

C. Historic Structures

1. Required parking for Historic Structures shall be the lesser of the following:
 - a. The number of parking spaces required for the land use and located on site as of August 1, 2007, or for structures designated after August 1, 2007, as of the date of designation; or
 - b. The number of parking spaces required for the land use under this Code.
2. Parking spaces required to serve the Historic Structure that are located off of the zone lot as of August 1, 2007, need not be retained unless the provision of off-site parking spaces is a condition resulting from the quasi-judicial decision of the city council (e.g., as a condition or waiver attached to a rezoning approval).
3. Additions to Historic Structures shall be parked in accordance with this Division, and may be eligible for exemption according to under Section 10.4.2.2, Vehicle and Bicycle Parking for Expansion or Change in Use, above. The parking spaces for an addition to a Historic Structure are in addition to the number of parking spaces required according to this under Section 10.4.4.1.C.1 above. Off street parking requirements for the addition may be met off of the zone lot according to the standards for off-site parking in Section 10.4.3.2.C.2, Off-Site Vehicle Parking.
4. In the D-LD Zone District, this subsection C. shall have no force and effect, and Section 8.3.1.5, Off-Street Parking Requirements, shall govern the parking of Historic Structures.

D. Preservation of Existing Trees

If, in order to comply with standards in this Article 10 for the landscaping of parking areas and with this Division 10.4. Parking and Loading, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces. Requests for this exception from the minimum parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

10.4.4.2 Vehicle Parking Reductions

A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

1. Reductions Not Applicable to Accessible Parking

The number of parking spaces required for persons with disabilities shall not be reduced and the number of accessible parking spaces shall be calculated based on the number of vehicle parking spaces required not including any reduction.

2. Maximum Reduction Allowed

The total number of vehicle parking spaces required on an area-wide basis shall not be reduced by more than 50% under any one or combination of this subsection's permitted reductions, except that reduced parking approved as part of a General Development Plan shall not result in more than a 75% reduction in the required parking for the entire GDP area.

3. Informational Notice Required for Certain Reduction Requests

Except for parking reductions requested as part of a General Development Plan, a request for greater than a 25% reduction in the required amount of parking shall be reviewed according to ~~procedures stated in~~ Section 12.4.2, Zoning Permit Review with Informational Notice.

B. Vehicle Parking Reduction for Affordable Housing and Senior Housing

1. Main Street Zone Districts

An alternative parking ratio of 0.25 vehicle parking spaces per unit for the following types of affordable and senior housing may be used in a Main Street (MS) Zone District instead of the minimum parking ratios according to stated in Articles 3 through 9, at the applicant's option:

- a. Housing that is affordable for persons with 40 percent area median income and below;
- b. Units under 550 square feet in gross floor area;
- c. Single room occupancy hotels, according to as defined in Article 13, Rules of Measurement and Definitions of this Code;
- d. Boarding and rooming homes; or
- e. Other special needs housing with similar reduced parking demand, as approved by the Zoning Administrator.

2. All Other Zone Districts

- a. Upon compliance with the provisions of Article IV (Affordable Housing), Chapter 27 (Housing), of the Denver Revised Municipal Code, a 20 percent reduction in the total number of required parking spaces shall be granted.
- b. An alternative parking ratio of 0.25 vehicle parking spaces per unit may be used instead of the minimum parking ratios according to stated in Articles 3 through 9, at the applicant's option, for single room occupancy (SRO) hotels, as that use is defined according to in Article 13, Rules of Measurement and Definitions of this Code.

C. Vehicle Parking Reduction for Proximity to Multi-Modal Transportation Options

In a Suburban (S-), Urban Edge (E-), Urban (U-), or General Urban (G-) Zone District, the Zoning Administrator may grant up to a 25 percent reduction in the required parking if the use or structure is located within 1/4 mile of the outer boundary of a rail transit station or 1/4 mile of an enhanced transit corridor as defined in Blueprint Denver.

D. Vehicle Parking Reduction for On-Site Car and Bike Sharing Programs

The Zoning Administrator may approve a reduction in the number of required vehicle parking spaces for the provision of car and bike sharing programs, as follows:

1. Reduction for Car Sharing

Residential units in a residential project, a mixed-use project with a residential component, or in the Campus Zone Districts where an active car-sharing program is made available to residents in the same building where the residential units are located. The Zoning Administrator may reduce vehicle parking requirements by 5 spaces for each 1 car share space available.

2. Reduction for Bike Sharing

Nonresidential projects, the nonresidential component of a mixed-use project, or in the Campus Zone Districts where participation in the City of Denver Bike Share Program is made available to project occupants, and where bikes from the program are available in the same building or on the same zone lot where the project is located, or in the public right-of-way adjacent to the subject zone lot. The Zoning Administrator may reduce vehicle parking requirements by 1 space for each 5 bike share parking spaces.

E. Parking Reduction for Assisted Living Facilities

1. The Zoning Administrator may decrease the required amount of parking for assisted living facility uses in any Zone District by up to 0.5 space per unit, ~~according to Section 12.4.2, subject to the~~ Zoning Permit with Informational Notice ~~review process in Section 12.4.2.~~
2. The Zoning Administrator may approve such increase or reduction only upon finding that the assisted living facility generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors.
3. If a reduction is permitted under this provision, no additional parking reduction otherwise available under this Code shall be granted.

10.4.4.3 Shared Vehicle Parking

A. Applicability

Subject to this Section 10.4.4.3's requirements, an applicant may request shared parking to meet the minimum vehicle parking requirements for mixed use developments, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.

B. Process for Review and Approval

Requests for shared parking shall be processed according to ~~Section 12.4.3, the procedures for~~ Site Development Plan Review ~~stated in Article 12.4.3 of this Code.~~ In addition to the requirements for a Site development plan, requests for shared parking shall comply with this Section's standards and criteria.

C. Shared Parking Analysis Required

A parking analysis shall be submitted as part of the Site development plan application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a Qualified Professional. A shared parking study shall, at a minimum:

1. Address the intensity and type of activities and the composition of uses;
2. Hours of operation of the uses;
3. The rate of turnover for proposed shared spaces;
4. Distances of shared parking spaces from the uses they serve; and
5. The anticipated peak parking and traffic loads for the site.
6. Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.
7. If the shared parking spaces are located on a different zone lot than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 1,500 feet from the use served. See Section 10.4.3.2.C.3 for the definition of "walking distance."

10.4.4.4 Off-Site Car Sharing Program

A. Applicability

Subject to this Section 10.4.4.4, an applicant may request to meet a portion of a primary use's minimum vehicle parking requirements through participation in an off-site car sharing program.

B. Process for Review and Approval

Requests for participation in an off-site car sharing program to meet minimum parking requirements shall be processed according to ~~Section 12.4.3 the procedures for~~ Site Development Plan Review ~~stated in Article 12.4.3 of this Code~~. In addition to the requirements for a site development plan, such requests shall comply with this subsection's standards and criteria.

C. Standards for Off-Site Car Sharing Programs

At a minimum, participation in an off-site car sharing program to meet minimum parking requirements shall comply with the following standards:

1. The car sharing program is located within a walking distance no greater than 1,500 feet of the zone lot containing the subject primary use;
2. The car sharing program is either in existence or being developed concurrently with the proposed development; and
3. The car sharing program has the capacity to meet a portion of the vehicle parking needs of the subject use(s).

10.4.4.5 Withdrawal from Participation in Plans or Programs

Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.4.5, including but not limited to participation in a car-sharing or bike-sharing program, shared parking plan, or off-site parking agreement, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division and the applicable Zone District parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.

SECTION 10.4.5 DESIGN OF PARKING LOTS AND STRUCTURES

10.4.5.1 Vehicle Parking Layout

A. Applicability

All off-street parking spaces shall meet the following parking layout standards, except that mechanized parking spaces are exempt.

B. Dimensions of Parking Spaces and Parking Modules

1. Standard Parking Space Dimensions

All standard parking spaces shall be a minimum of 8.5 feet wide and 17.5 feet long, except for 0 degree (parallel) parking stalls, which shall be a minimum of 22 feet long, and except as allowed in paragraph 2 below. In a parking structure, stall dimensions shall be measured from the surface of an adjacent pillar, post, or column closest to the parking stall. A parking space in a parking structure shall be a minimum 8.5 feet wide as measured from the surface of any adjacent pillar/post/column, to be considered a standard space. Any parking space less than 8.5 feet as measured herein shall be considered a compact space. Standard parking spaces shall comply with all parking layout standards in Table A ~~and Figure 10.4-1 below~~.

2. Compact Parking Space Dimensions

All compact spaces shall be a minimum of 7.5 feet in width and 15.5 feet in length, except for 0 degree (parallel) parking stalls, which shall be a minimum of 18 feet long. When provided in a parking garage, compact spaces may be used only where the layout of the structure requires such spaces at the end of a row or to accommodate a column. No more than 2 compact parking spaces may abut each other, and no more than 10 percent of the total parking spaces provided may be compact. All compact parking spaces shall be clearly and visibly striped and labeled (e.g., by a sign) for compact car use only. Other than the stall width and lengths allowed in this paragraph, compact parking spaces shall comply with all other parking layout standards in Table A [and Figure 10.4-1 below](#).

3. Compliance with Table A/Figure [10.4-1 A](#) Standards

Off-street parking spaces shall be laid out in accordance with the standards shown in Table A and Figure [10.4-1 A below](#).

4. Public Alley Access Ways

a. Adjustments to Parking Space Length Dimensions

If a public alley is allowed to be used as the aisle or access to adjoining parking spaces, the spaces or projection must be lengthened as necessary to provide a total alley or aisle width of 20 feet for 30-degree through 75-degree angle parking and 23 feet for 90-degree angle parking. This requirement shall apply to all new uses and developments except single-unit and two-unit dwellings.

b. Garage Door Setback

When a public alley is allowed to be used as the access to a parking garage, any garage door that faces the alley shall be setback at least 5 feet from the zone lot line abutting the public alley.

5. Permitted Parking Angles and Parking Space Dimensions

a. Parking angles between 0 and 30 degrees are not allowed. Other angles between 30 and 90 degrees are allowed and the dimensions for those angles shall be determined through interpolation.

b. For other than 90 degree parking, the minimum aisle width for two-way traffic shall be 20 feet. "Aisles" mean the part of the parking lot that directly abut parking stalls and are used for vehicular access to the parking stalls. A minimum of 5 feet of backout space shall be provided at ends of parking rows unless the aisle is 30 feet or more in width.

6. Internal Drive Dimensions

Internal drives shall be a minimum width of 10 feet for one-way traffic and shall be a minimum width of 20 feet for two-way traffic. "Internal drives" mean the part of a parking area used for vehicular circulation, but which do not abut parking stalls in a manner that allows their use for vehicular access to the parking stalls. The Zoning Administrator may reduce the minimum internal drive width standard when necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow zone lots. Any such request for reduction shall be reviewed according to Section 12.4.5, Administrative Adjustments.

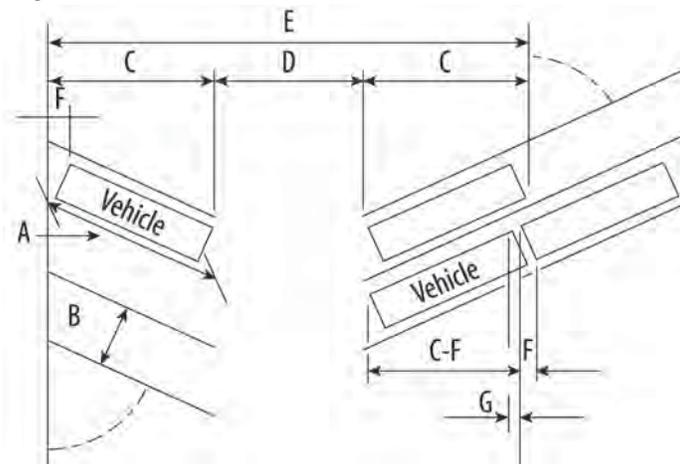
7. Vehicular Access to Parking from the Public Right-of-Way

a. Curb cuts for vehicular access from the public right-of-way and vehicle stacking space on the parking lot proximate to any entry pay station or other control device are subject to review by Public Works according to Section 10.4.5.2, [Vehicular Access](#). "Vehicular Access from the public right-of-way" means the part of the parking lot used for vehicles to transition between the public right-of-way and the parking lot.

- b. Access to and egress from each parking space shall be obtained with no more than a standard two-movement entrance or exit from the parking space by a vehicle parking there.

TABLE A: DIMENSIONS OF PARKING SPACES & MODULES							
Parking Angle	Stall Length (A)	Stall Width (B)	Projection (C)	Aisle (D)	Module (E)	Interlock Reduction (F)	Overhang Allowance (G)
0°	22 ft	8.5 ft	8.5 ft	13	27 ft	--	--
30°	17.5 ft	8.5 ft	15 ft	13	41 ft	2 ft	1.5 ft
45°	17.5 ft	8.5 ft	17 ft	13 ft	47 ft	2 ft	2 ft
60°	17.5 ft	8.5 ft	18 ft	16 ft	52 ft	1.5 ft	2 ft
75°	17.5 ft	8.5 ft	18.5 ft	18 ft	55 ft	1 ft	2.5 ft
90°	17.5 ft	8.5 ft	17.5 ft	23 ft	58 ft	--	2.5 ft

Figure 10.4-1



10.4.5.2 Vehicular Access

- A. Access from the public right-of-way to all parking areas shall comply with the *Public Works Access Control* manual, as amended. Parking areas shall be provided with entrances and exits located to minimize traffic congestion and the effect of headlights at night.
- B. Controlled access parking areas (e.g., gated or other access control) shall be designed to accommodate anticipated queuing of vehicles entirely on private property and not in the public right-of-way.

10.4.5.3 Surface Parking Design Standards

- A. Parking spaces shall be graded for proper drainage and provided with an all weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material, except that for single-unit dwellings, the minimum paving shall consist of an adequate thickness of road base material as determined by the Zoning Administrator. Surface material may include pervious materials with a pervious surface of no greater than 15%. Parking spaces shall be provided with screening of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles. See [Article 10](#), Division 10.5, Landscaping, Fences, Walls and Screening, for minimum parking lot landscaping and screening standards.

- B. All parking areas shall be designed to enable all vehicle maneuvers to occur on private property and not in the public right-of-way.
- C. Parking spaces shall be provided with curbs or wheel stops located so that no part of parked vehicles will extend beyond the zone lot line or more than 2 feet into any landscaped area or reduce a sidewalk or pedestrian walkway to less than 5 feet in width.

10.4.5.4 Parking Structure Design Standards

The following design standards shall apply to all parking garage structures:

- A. Facade openings that face any public right-of-way or publicly accessible open space shall be vertically and horizontally aligned and all floors fronting on such facades shall be level.
- B. Parking structures shall be designed to conceal the view of all parked cars and internal light sources from adjacent public rights-of-way and publicly accessible open space for the full height of the structure.

10.4.5.5 Accessible Vehicle Parking

All primary uses subject to this ~~Division 10.4 Section 10.4.5.5~~ shall provide accessible parking for disabled persons that complies, in terms of amount and dimensions, with the Americans with Disability Act (ADA) standards, as amended from time to time.

10.4.5.6 Tandem Parking

A. Where Allowed

1. Tandem parking is allowed in a residential development, but may not be used to provide guest parking.
2. Tandem parking is allowed in a nonresidential development where attendant parking is provided on the zone lot.
3. Tandem parking is allowed in a nonresidential development where parking on the zone lot is subject to a tandem parking management program, as approved by the Zoning Administrator. For purposes of this provision, a “tandem parking management program” means a formal program undertaken by a property owner or property manager to mitigate the potential adverse effects of tandem parking on vehicle owners and other parking area users. Elements of a tandem parking management program include, but are not limited to: (a) a secured vehicle key storage system located near the tandem parking area; (b) a vehicle key management system administered by on-site personnel; (c) reserved tandem program where specific individuals share specific tandem spaces; or (d) a fleet/motor pool vehicle management program.

B. Design Standards

1. A maximum of 2 parking spaces may be provided in tandem.
2. Two parking spaces in tandem shall have a combined minimum dimension of 8.5 feet in width and 35 feet in length.
3. It must be possible to get any vehicle in or out of a tandem space by moving only 1 vehicle.
4. In a residential development, both parking spaces shall be assigned to the same residential unit.

10.4.5.7 Packed Parking

Packed parking, where it can provide more efficient surface parking through the reduction of maneuvering area when an attendant is used to park vehicles, is allowed subject to compliance with the following standards:

- A. An attendant shall be provided to park vehicles during all business hours of the primary use.
- B. All maneuvering, stacking, parking and loading for packed parking must be accomplished on private property.
- C. The area of each packed parking space shall be no less than 150 square feet.
- D. An access lane of no less than 23 feet in width must be provided through the packed parking area.

10.4.5.8 Attendant Shelters or Pay Stations

An attendant shelter or pay station may be provided on the same zone lot as a surface parking lot. If provided, an attendant shelter or pay station shall comply with the building form standards in the applicable Zone District, as applicable, in addition to the following design standards. In case of any conflict with an applicable building form standard, the building form standard shall apply .

- A. Maximum Number of Attendant Shelters Permitted: 1 attendant shelter building.
- B. Maximum Number of Pay Stations Permitted: 1 pay station for each 50 surface parking spaces.
- C. Minimum Setback: An attendant shelter shall be setback a minimum of 20 feet from any boundary of the surface parking lot abutting a Protected Zone District.

10.4.5.9 Reference to Other Applicable Design Standards

- A. Lighting**
All off-street parking space lighting shall meet the standards of Division 10.7, Outdoor Lighting.
- B. Landscaping**
Landscaping standards shall apply to all surface parking areas according to Division 10.5, Landscaping, Fences, Walls and Screening.

SECTION 10.4.6 USE AND MAINTENANCE OF PARKING AREAS

10.4.6.1 General Use and Maintenance Standards

Off-street parking space, including the spaces in which vehicles shall be parked as well as all drive aisles and access drives, shall be maintained and used in compliance with the following standards:

- A. Off-street parking space shall not be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies.
- B. No cleaning or maintenance of parking lots in a Residential Zone District utilizing motorized equipment may be performed between 11:00 p.m. and 6:30 a.m. each day.
- C. Loudspeaker or other amplified systems shall not be used in off-street parking areas.
- D. For additional standards applicable to the parking of vehicles, see Division 10.9, Parking, Keeping and Storage of Vehicles.

10.4.6.2 Flexibility in Use of Accessory Parking Areas

- A. Intent**
The intent of this Section 10.4.6.2's provisions is to provide flexibility in a property owner's use of accessory parking spaces when such spaces are not fully utilized by the owner for the subject primary use(s). These provisions allow for the limited sharing of otherwise unused or under-utilized accessory parking spaces to satisfy parking demand in areas near the subject parking area where the supply of on-street or off-street parking may be insufficient to meet such demand.

B. Duty to Maintain Adequate Parking for Subject Use

At all times, regardless of the option for flexible use allowed under this subsection, the property owner shall maintain adequate parking during all operating hours to serve the primary use(s) for which the parking spaces are provided.

C. Flexible Use of Accessory Parking Spaces Allowed

1. At any time when accessory parking spaces are not needed to meet the parking demand of the subject use (e.g., when the primary use is closed for business), the owner may make available any unused or under-utilized parking spaces to serve the parking needs of one or more primary uses not located on the same zone lot.
2. Such unused or under-utilized parking spaces may be made available for a fee, at the owner's option.
3. When such unused or under-utilized parking spaces are made available to serve the parking needs of one or more primary uses not located on the same zone lot, and such service depends on the use of a shuttle or valet to access the unused or under-utilized parking spaces, such flexible parking use shall require approval of a zoning permit according to Section 12.4.2, Zoning Permit Review with Informational Notice.
4. Use of such unused or under-utilized parking spaces to meet the minimum parking requirements of one or more primary uses not located on the same zone lot as such parking spaces shall be reviewed according to Section 10.4.3.2C.2, Off-Site Vehicle Parking.

SECTION 10.4.7 LOADING

10.4.7.1 Intent

The intent of this Section's loading standards is to assure the provision of adequate off-street areas to allow vehicle to access, circulate, and service one or more primary uses on the zone lot.

10.4.7.2 Applicability

The regulations set forth in this Article shall apply and govern in all Zone Districts except in all the SU, TU, TH, RH, MU, RO, or MS Zone Districts or where specifically excluded in applicable Zone District regulations.

10.4.7.3 Loading Space Required (contains new section numbering)

- A. The duty to provide and maintain off-street loading spaces shall be the joint and several responsibility of the operator and owner of the structure for which off-street loading spaces are required to be provided.
- B. No new structure shall be designed, erected, altered, used or occupied unless the off-street loading space required is provided, and the number of off-street loading spaces for structures actually used, occupied and operated on June 25, 2010 shall not be reduced below the minimum number of spaces required by this Division. If such occupied structures are enlarged or expanded, there shall be provided for the increment only the amount or number of off-street loading spaces that would be required as if the increment were a separate structure.

10.4.7.4 Location On-Site (contains new section numbering)

Except as otherwise allowed by this Division, off-street loading spaces shall be located on the same zone lot as the structure for which provided.

10.4.7.5 Amount Required (contains new section numbering)

- A. At least the following amounts of off-street loading space, plus an area or means adequate for maneuvering, ingress and egress entirely within zone lot boundaries, shall be provided on the zone lot of the subject use served, except as provided in Section 10.4.7.68, Exceptions to Allow

On-Street Loading Spaces below. Backing to or from a public right-of-way for loading maneuvering is prohibited unless Public Works expressly approves such movements as part of a Site development plan.

- B. Except for loading spaces serving multi-unit dwelling uses, each loading space shall be at least 10 feet wide, 26 feet long and 14 feet high, except that warehousing uses shall have loading spaces at least 35 feet long with the same width and height as required for other loading spaces.
- C. Offices, hotels, multi-family dwellings, and all other uses except those listed below:

SQUARE FEET OF GROSS FLOOR AREA	REQUIRED NUMBER OF SPACES
Up to 25,000	None
25,001 to 250,000	1
250,001 to 500,000	2
500,001 to 750,000	3
750,001 and above	4

- D. Sale at retail, wholesale and warehousing:

SQUARE FEET OF GROSS FLOOR AREA	REQUIRED NUMBER OF SPACES
Up to 15,000	None
15,001 to 50,000	1
50,001 to 200,000	2
200,001 to 350,000	3
350,001 and above	4

- E. If the provision of off-street loading spaces creates site or building development problems on buildings requiring only one space, the Zoning Administrator may permit the temporary use of the required off-street parking spaces for loading operations in lieu of the off-street loading space.

10.4.7.6 Exceptions to Allow On-Street Loading Spaces (contains new section numbering)

- A. The Zoning Administrator may refer a proposed loading plan to the Public Works Department for review where such plan meets the following conditions:
 - 1. The proposed development requires two or more off-street loading spaces; and
 - 2. The site area is unusually small or irregularly shaped so that the reasonable development of the zone lot with the required off-street loading spaces is difficult to achieve.
- B. The Manager of Public Works, or his designee, may upon review of the proposed plan, permit up to two on-street loading spaces provided the following conditions are satisfied:
 - 1. The provision of on-street loading spaces will not create adverse impacts on traffic or pedestrian movement; and
 - 2. One loading space ten feet wide and 26 feet long or two loading spaces ten feet wide and 20 feet long are provided on site.

10.4.7.7 Maintenance (contains new section numbering)

All off-street loading space shall be maintained in compliance with the regulations for the maintenance of off-street parking space ~~according to as established in~~ Section 10.4.6, Use and Maintenance of Parking Areas.

DIVISION 10.5 LANDSCAPING, FENCES, WALLS AND SCREENING

SECTION 10.5.1 INTENT

The intent of this Division's landscaping, fences, walls, and screening standards is to:

- A. Establish an attractive landscaped edge and screening adjacent to street right-of-way and residential.
- B. Increase Denver's urban tree canopy, reduce heat island effects, and improve air quality.
- C. Preserve existing trees and vegetation.
- D. Promote and enhance the community's appearance as viewed from the public realm.
- E. Improve site permeability and reduce stormwater runoff.
- F. Incorporate required water quality and storm water management features into the overall site and landscape design in way that is attractive and a positive part of an integrated landscape design.
- G. Mitigate visual impacts on surrounding properties, open spaces, and public rights-of-way arising from roof-top mechanical equipment, outdoor storage of materials and waste, surface parking lots, and other similar outdoor uses and activities.

SECTION 10.5.2 GENERAL STANDARDS: LANDSCAPING, FENCE, WALL, AND SCREENING

10.5.2.1 Corner Triangles

Corner triangles are areas at intersection corners of streets or alleys that are required to be free from all items over 30 inches in height, except for traffic control devices and equipment. Any landscaping, fence or wall within the corner triangle shall be approved by Public Works.

10.5.2.2 Maintenance

A. Responsibility

The owner of the property, his successors, heirs and assignees are responsible for the proper maintenance of required landscaping, fences, walls and screening.

B. Continuous Maintenance Required

Required landscaping, fences, walls and screening must be continuously maintained including necessary watering, weeding, pruning pest control and replacement of dead or diseased plant material or damaged fence and wall materials.

C. Replacement of Planting Material

Replacement of dead or diseased plant material shall be of the same type of plant material as set forth in the approved landscape plan. Replacement of dead or diseased plant material shall occur within 30 days of such event during the growing season of April 1 to October 1. At all other times, replacement shall occur within 45 days of the start of the following growing season. In no event shall replacement time exceed one year.

D. Irrigation

1. Landscaped areas must have a properly designed irrigation system providing full coverage on all plant material areas from drip irrigation lines, impulse sprinklers, pop-up and surface spray sprinklers or other means appropriate for the area to be irrigated.
2. The applicant or a qualified irrigation specialist, must certify, either on the required landscape plan or in a written statement attached to the plan, that the proposed irrigation system is adequate.

SECTION 10.5.3 TREE PRESERVATION - RESIDENTIAL ZONE DISTRICTS

10.5.3.1 Applicability - Preservation of Established Trees in Residential Primary and Side Street Setbacks

As a condition of any permit to demolish or construct any building containing a single unit dwelling, two-unit dwelling, or multi-unit dwelling in a Residential Zone District, the owner of the zone lot shall be required to preserve any established tree not otherwise diseased or decayed within the primary and side street setback areas of the zone lot.

10.5.3.2 Preservation Measures Required

In order to protect an established tree from damage or destruction and to enhance the tree's chance of survival after construction activities on the zone lot are completed, the owner shall take and maintain throughout the course of demolition or construction the following measures:

- A. Erect and maintain temporary fencing surrounding the area beneath the tree in order to mitigate the chance of impact injuries to the tree during demolition or construction;
- B. Refrain from operating construction equipment or storing construction materials beneath the canopy of the tree or engaging in other activities that would cause the undue compaction of the soil in the tree's root zone; and
- C. Refrain from any excavation beneath the canopy of the tree that would cause undue destruction of the tree's roots.

10.5.3.3 Permit for Tree Removal

The owner may be relieved from the requirements of this Section only upon obtaining a permit for tree removal from the City Forester according to the provisions of Sections 57-20(b) and 57-25 of the D.R.M.C.

10.5.3.4 Definition of "Established Tree"

See Article 13, [Rules of Measurement and Definitions](#) for a definition of "established tree."

SECTION 10.5.4 GENERAL SITE AND SURFACE PARKING LOT LANDSCAPING STANDARDS

10.5.4.1 Applicability and Exceptions

A. Applicability

1. This Section 10.5.4's ~~general site and surface parking lot landscaping standards~~ shall apply to development in all Zone Districts, except residential development in all SU or TU Zone Districts.
2. Whenever the alteration or expansion of an existing building, or a change of use, triggers an additional parking requirement, the entire parking area for the primary use shall be landscaped according to this Section.
3. See Section 8.8.2 for Parking Lot Landscaping applicable to the Downtown Context
4. See Rules and Regulations for the Landscaping of Parking Areas and the Streetscape Design Manual for additional provisions and definitions.

B. Exceptions

1. Process for Exception Requests

All requests for exceptions from the general site and surface parking landscaping requirements shall be reviewed according to Section 12.4.5, ~~the procedures for~~ Administrative Adjustments ~~in Section 12.4.5 of this Code~~.

2. Exception for Physical Limitations

If the Zoning Administrator determines that, because of physical limitations imposed by the location and arrangement of existing buildings or by site dimensions, it is impossible or impractical to meet the requirements of this Section, the Zoning Administrator may:

- a. Allow part or all of the landscaped area required to be provided elsewhere on the zone lot; or
- b. Waive part or all of such requirements altogether, provided that the standards are implemented to the fullest extent possible, given the physical limitations.

3. Exception for Excessive Improvement Costs

If the site development plan is necessitated by an addition to the gross floor area of an existing building, the Zoning Administrator may waive certain of the landscape requirements on the basis that the cost of meeting such requirements exceeds 50 percent of the cost of constructing the building addition. This waiver may be granted only if the applicant provides the Zoning Administrator with an itemization of the landscape improvements and costs necessary to meet the requirements, together with an estimate prepared by a licensed contractor, of the construction cost of the building addition.

4. Exception for Preservation of Existing Trees

- a. Preservation of existing trees may count toward landscape requirements of the Code.
- b. If, in order to comply with both (1) these standards for the landscaping of parking areas, and (2) the off-street parking requirements, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces.

10.5.4.2 General Site Landscaping Standards

A. **Applicability Landscaping of On-Site Open Areas**

1. **Zone Districts**

Section 10.5.4.1, Applicability and Exceptions shall apply except this Section 10.5.4.2 does not apply in the I-A, -B Zone Districts and in the I-MX Zone Districts when using an Industrial Building Form.

2. **Open Area Applicable**

This Section 10.5.4.2 ~~general site landscaping Standards~~ shall apply to the following areas on a site, as applicable:

- a. All open areas within a required build-to range (e.g., the area located within the 0 to 15 feet build-to range along the primary street required for an apartment building form in a U-MX Zone District); and
- b. All open areas within a required minimum setback.

3. **Open Area Defined**

For purposes of this Section 10.5.4.2, “open area” shall mean areas not occupied by either: building(s); a required entrance and/or pedestrian connection; on-site pedestrian walkways no wider than 5 feet; or surface parking areas. “Open area” shall also not include area dedicated to permanent outdoor amenities related to the primary use, such as an outdoor eating and serving area.

B. **General Standard Live Material and Planting Required**

1. A minimum of 50% of each required landscape area shall be landscaped with live planting material.
2. Trees and shrubs in the Urban Center and Downtown contexts 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 the design standards according to ~~of~~ Section 10.5.4.3, Perimeter Surface Parking Lot Landscaping Standards.

C. **Exemptions**

1. **Exemption for Encroachments**

The area occupied by any allowed encroachment into a build-to or setback area shall not be included in the calculation of live material and planting required in paragraphs A and B. above.

2. **Exemption to Comply with Other City Laws**

Areas within a build-to or setback area on a site that other City laws require to be kept free of live planting material shall not be included in the calculation of live material and planting required in paragraph B. above.

10.5.4.3 Perimeter Surface Parking Lot Landscaping Standards

A. Applicability

Section 10.5.4.1. Applicability and Exceptions shall apply.

B. Perimeter Surface Parking Lot Landscaping Standards Adjacent to Street Right-of-Way

1. General Standards Requirements

- a. A perimeter planting strip shall be provided within zone lot boundaries between the boundary of any surface parking lot and street rights-of-way. See Figure 10.5-1.
- b. To the maximum extent feasible, on-site drainage required for a zone lot shall be integrated into the perimeter planting strip.
- c. Alternatives to required landscape, fence and wall materials may be allowed to better match primary building materials used on the site according to Section 12.4.5. the Administrative Adjustment procedures and criteria in Section 12.4.5 Administrative of this Code.

2. Context and District Specific Standards Requirements

CONTEXT	MINIMUM WIDTH OF PERIMETER PLANTING STRIP	PLANTINGS REQUIRED <u>SEE FIGURE 10.5-2</u>	GARDEN WALL REQUIRED	GARDEN WALL HEIGHT	GARDEN WALL MATERIALS	PEDESTRIAN CONNECTION REQUIRED
Suburban Industrial I-A and I-B I-MX with Industrial Building Form	10'	1 canopy tree for every 25' of linear frontage Spacing of trees may vary, the maximum spacing is 40'	No Can reduce landscape width to 5' if provide a garden wall	Min 30" Max 42"	Masonry or Ornamental fence with masonry piers spaced not more than 25'	Yes
Urban Edge Urban General Urban Campus <u>Master Planned I-MX Zone Districts with General Building Form</u>	5'	1 canopy tree for every 25' of linear frontage Spacing of trees may vary, the maximum spacing is 40'	Yes	Min 30" Max 42"	Masonry or Ornamental fence with masonry piers spaced not more than 25'	Yes
Urban Center	0'	NA	Yes	Min 30" Max 42"	Masonry or Ornamental fence with masonry piers spaced not more than 25ft	Yes
Downtown	See Article 8, <u>Downtown Neighborhood Context</u>					

Figure 10.5-1

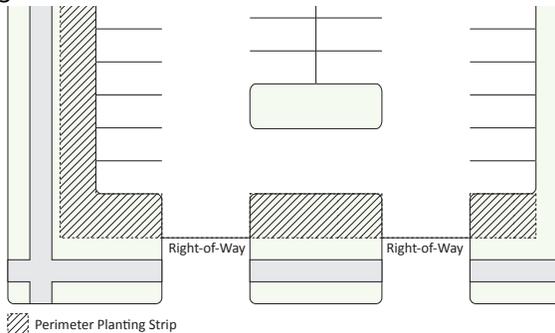
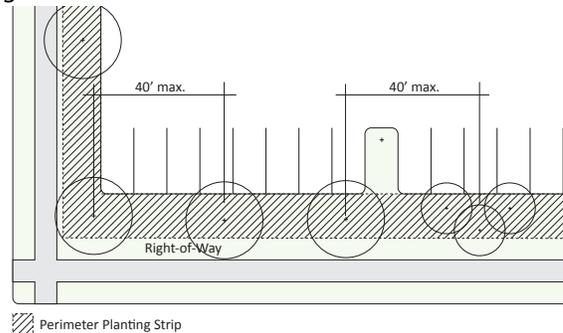


Figure 10.5-2



C. Perimeter Surface Parking Lot Landscaping Standards Adjacent to Residential Use or Zone District

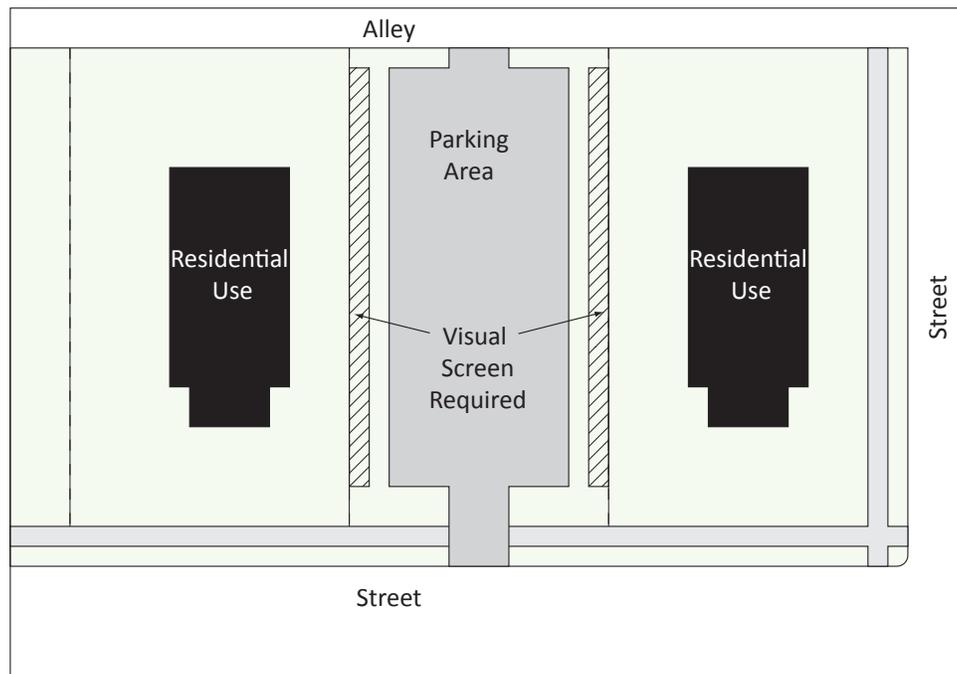
1. General Standards Requirements

- a. All parking areas shall have a visual screen on each perimeter zone lot line abutting a Residential Use or Zone District, unless separated by an alley, which is intended to protect ground-level and below-ground-level windows from headlight glare and the direct emission of vehicle exhaust. See Figure 10.5-3.
- b. The requirements of this Section may be reduced or varied by the Zoning Administrator if conditions exist that meet the intent of the regulation or there is formal agreement from the adjacent residential property owner.

2. Specific Standards Requirements

SCREENING REQUIRED	MINIMUM WIDTH OF PLANTING STRIP	PLANTING REQUIRED	FENCE OR WALL MATERIAL STANDARDS
One or more of the following: 6' tall opaque fence or wall; or An earth berm and plantings (Suburban Context only)	5'	1 canopy tree for every 25 linear feet Spacing of trees may vary, the maximum spacing is 40'	Fences or walls used to meet these screening requirements shall be of wood, composite materials, brick, masonry, metal/iron bars, textured or aggregate concrete. • Chain link or wire mesh may be used only in combination with plant material of sufficient density to create an opaque screen. • Corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited not permitted. • Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

Figure 10.5-3



10.5.4.4 Interior Surface Parking Lot Landscaping Standards

A. Applicability

[Section 10.5.4.1. Applicability and Exceptions shall apply.](#) Interior landscaping is required for surface parking lots with more than 20 parking spaces.

B. General Standards Requirements

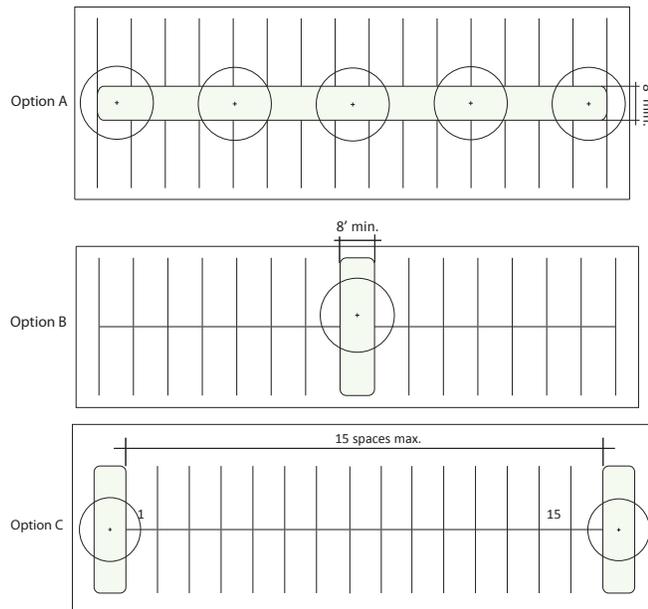
Interior landscaping required by this Section for surface parking lots shall include, at a minimum, the following design and material elements:

1. Required landscaping and trees shall be sited to achieve maximum shading of parked vehicles.
2. Landscaping that abuts the length of a parking space shall provide a brick paver, mulched edges, or similar technique to provide a clear landing area for persons entering and exiting their parked vehicles.
3. When a landscape island is required every 15 contiguous parking spaces, the Zoning Administrator may vary the maximum increment, provided the spacing and layout of the landscape islands meet the intent of the regulation.
4. On-site drainage required for a zone lot shall, to the maximum extent feasible, be incorporated into parking lot landscaped areas.

C. Specific Standards Requirements

	LANDSCAPED AREA REQUIRED	PLANTINGS REQUIRED	PLANTING AREA DESIGN REQUIREMENTS SEE FIGURE 10.5-4
20 parking spaces or less		No requirement	
21-100 parking spaces	5% of surface parking stalls (exclusive of circulation)	1 canopy tree for every 50 linear feet of double loaded row of parking	Minimum Area: 400 square feet Minimum Width: 8 6 feet Configuration: Option A or Option B
101 or more parking spaces	5% of surface parking stalls (exclusive of circulation)	1 canopy tree and 6 shrubs for every 200 sf of required landscaped area	Minimum Width: 8 6 feet Configuration: Option A or Option C

Figure 10.5-4



10.5.4.5 Plant Material Standards

When required by this Division, plant materials shall meet the following minimum standards:

- A. Live materials are required for all landscaped areas. No artificial trees, shrubs, turf or plants may be used to fulfill the landscaping requirements of these standards. All live material must be kept continuously maintained in live and growing condition.
- B. Applicants are encouraged to incorporate drought-resistant plants and shrubs into required landscaping areas, including but not limited to ornamental grasses.
- C. Planting areas must be covered by ground covers or low growing shrubs.
- D. Non-live ground covers in planting areas may include the materials allowed in right-of-way planting areas, plus gravel, tree bark, bark mulch, or materials approved by the Zoning Administrator. Plain concrete and asphalt paving are not acceptable non-live ground covers.
- E. Where live ground covers are used exclusive of non-live ground covers, herbaceous ground covers and shrubs must be planted on center according to their mature size.
- F. A shade or canopy tree means a deciduous tree which branches high enough to not obstruct vehicle movement.
- G. All material must be planted in accordance with industry standards. All materials planted under the provisions of these standards must meet the following conditions:
 - 1. Deciduous trees are at least 2-inch caliper measured 4 inches above the ground;
 - 2. Ornamental and flowering trees are at least 1 and 1/2 inches caliper measured 4 inches above the ground;
 - 3. Evergreen trees are at least 5 feet tall;
 - 4. Evergreen spreaders and broadleaf evergreens are 5-gallon size minimum, with spreads no less than 18 to 24 inches;
 - 5. Shrubs are 5-gallon size minimum, with heights no less than 2 to 3 feet; and
 - 6. Vines are 1 gallon in size, minimum.
- H. In addition to the above requirements, all plant materials must meet the current standards of the American Association of Nurserymen.
- I. Planting strips or areas, walkways, fences, walls or hedges must be protected from vehicles and maintenance equipment by curbs, bollards, wheelstops, headers or other means.

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SECTION 10.5.5 FENCES AND WALLS

10.5.5.1 Fence and Wall Standards – Residential Zone Districts

A. **Applicability**

Where proposed in a Residential Zone District when this Code does not expressly require such fence or wall for landscaping, screening or other purposes, ~~this Section 10.5.5's the following general~~ requirements shall apply.

B. **Maximum Height**

The maximum height when forward of any street facing ~~Primary Structure Facade building wall~~ ~~Fences and walls not exceeding shall be 4 feet 42 inches in height and when located at or behind any street facing Primary Structure Facade shall be 6 feet.~~ ~~Fences not exceeding 6 feet in height may be built anywhere on the zone lot except forward of any adjacent front wall or walls of a residential structure.~~ See Figure 10.5-5. See Article 13, Rules of Measurement and Definitions for fence and wall height measurement (moved). The maximum height requirement shall be subject to the following exceptions:

1. **Corner Lots**

Fences not exceeding 6 feet in height on a corner lot where a residential structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a residential structure, except where a shorter height is required to assure clear corner triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Triangles above).

2. **Corner Triangle**

A shorter height may be ~~erected on any part of the zone lot, except where a shorter height is~~ required to assure corner triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Triangles, above).

3. **Schools, Parks and Open Space**

Elementary or Secondary Schools; City public Parks and playgrounds, or Open Space. Recreation or Conservation uses are allowed to have ~~may erect~~ open-mesh fences with no maximum height to any height on any part of the zone lot.

4. **Exception for Over-Height Fences and Walls –**

~~Residential Zone Districts~~ ~~Where permitted in a Residential Zone District, notwithstanding the regulations limiting the height of fences and walls established by this Code;~~ The Zoning Administrator may grant a permit for over-height fences and walls upon application in specific cases, according to Section 12.4.2 subject to the Zoning Permit Review with Informational Notice procedures in Section 12.4.2 of this Code and subject to compliance with the following standards:

- a. The proposed fence or wall shall not adversely affect traffic safety or appropriate use of adjacent property.
- b. An over-height fence or wall in the Primary Street front setback shall be less than 50 percent solid over its entire area.
- c. The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.
- d. The fence is not out of scale with other fencing on the block.
- e. The fence shall not detract from the safety or pedestrian character of the right-of-way.
- f. The fence shall not be located in any Primary Street front setback area adjacent to a designated Parkway.

C. Setback Encroachment Allowed

Fences and walls may encroach into any setback area any distance, unless within a Parkway Setback established in D.R.M.C. Chapter 49.

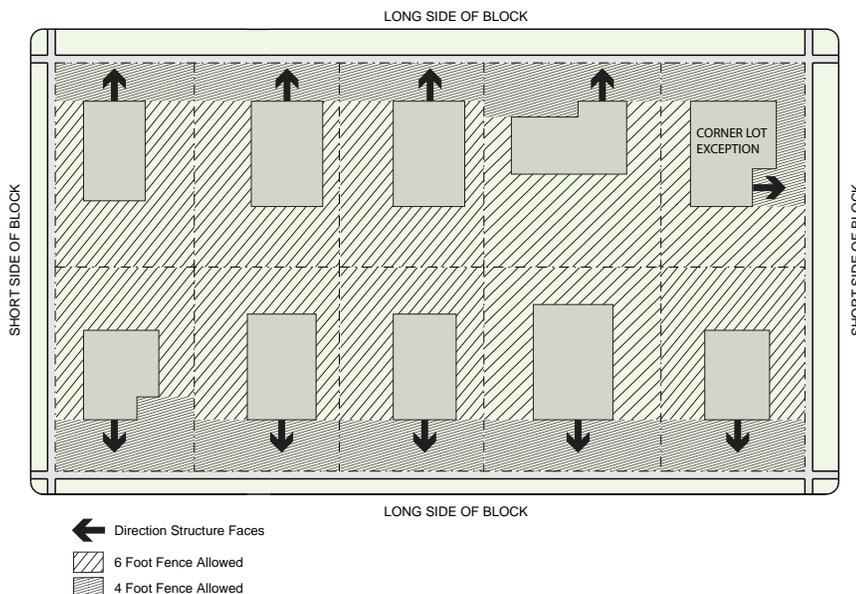
D. Fence and Wall Material Standards - All Zone Districts

In all Zone Districts, except as otherwise specified in this Code, all fences and walls shall meet the following minimum materials standards. Fences, planter boxes, and walls shall be of All fences and walls shall be constructed of one or more of the following materials (corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited):

1. Wood
2. Composite materials
3. Brick
4. Masonry
5. Metal/iron bars (ornamental fence)
6. Textured or aggregate concrete
7. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create an opaque screen.
8. Fences located on top of retaining walls in the front set back must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.
9. Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

Fences and walls within 5 feet of the south side of a public sidewalk (+/- 30 degrees) shall have 50% open surface area.

Figure 10.5-5



10.5.5.2 **Mixed Use Commercial Zone Districts, OS-B and OS-C**

A. Applicability

When this Code does not expressly require such fence or wall for landscaping, screening or other purposes, the following general requirements shall apply in the following Zone Districts:

1. Mixed Use Commercial Zone Districts, except in all I-MX Zone Districts.
2. OS-B and OS-C

B. Maximum Height

The maximum height when forward of any street facing Primary Structure Facade is 4 feet and when at or behind any street facing Primary Structure Facade is 6 feet. See Figure 10.5-6. See Article 13, Rules of Measurement and Definitions for fence and wall height measurement. The maximum height requirement shall have the following exceptions:

1. Corner Lots

Fences not exceeding 6 feet in height on a corner lot where a structure is oriented to the short dimension of an oblong block may be built to the zone lot line along the short dimension of the block except along the zone lot line or area in front of any wall of a structure, except where a shorter height is required to assure clear corner triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Triangles).

2. Corner Triangles

A shorter height may be required to assure corner triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Triangles).

3. Schools, Parks and Open Space

Elementary or Secondary Schools; City Parks; or Open Space, Recreation or Conservation uses are allowed to have open-mesh fences with no maximum height on any part of the zone lot.

4. Exception for Over-Height Fences and Walls

The Zoning Administrator may grant a permit for over-height fences and walls upon application in specific cases, according to Section 12.4.2 Zoning Permit Review with Informational Notice and subject to compliance with the following standards:

- a. The proposed fence or wall shall not adversely affect traffic safety or appropriate use of adjacent property.
- b. An over-height fence or wall in the Primary Street setback shall be less than 50 percent solid over its entire area.
- c. The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.
- d. The fence is not out of scale with other fencing on the block.
- e. The fence shall not detract from the safety or pedestrian character of the right-of-way.
- f. The fence shall not be located in any Primary Street setback area adjacent to a designated Parkway.

C. Setback Encroachment Allowed

Fences and walls may encroach into any setback area any distance, unless within a Parkway Setback established in D.R.M.C. Chapter 49.

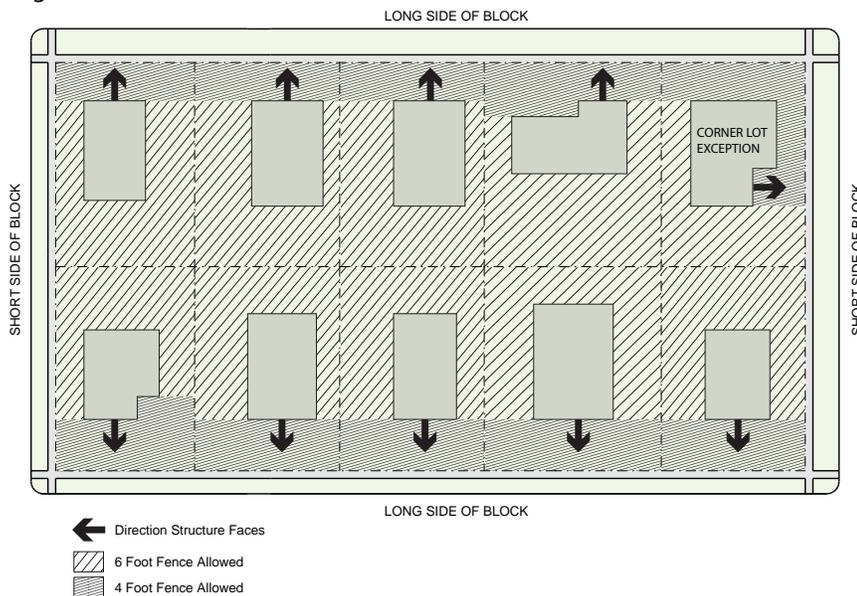
D. Material Standards

In all Zone Districts, except as otherwise specified in this Code, all fences and walls shall meet the following minimum materials standards: Fences, planter boxes, and walls shall be of

All fences and walls shall be constructed of one or more of the following materials (corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited):

1. Wood
2. Composite materials
3. Brick
4. Masonry
5. Metal/iron bars (ornamental fence)
6. Textured or aggregate concrete
7. Chain link or wire mesh ~~may be used only in combination with plant material of sufficient density to create an opaque screen.~~
8. Fences located on top of retaining walls in the front set back must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.
9. Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

Figure 10.5-6



10.5.5.3 ~~Fence and Wall Standards~~– I-A, and I-B and I-MX Zone Districts

A. **Applicability**

~~Where proposed in the I-A, I-B or I-MX Zone District when this Code does not expressly require such fence or wall for landscaping, screening or other purposes, the following general requirements shall apply.~~

B. **Maximum Height**

1. **Within the Setback Area**

~~The maximum height shall be 7 feet and shall only be open wall or fences, chain link, or wire mesh.~~

2. **Outside the Setback Area**

~~The maximum height shall be 10 feet.~~

3. **Corner Triangles**

~~A shorter height may be required to assure corner triangles at intersecting streets and alleys (see Section 10.5.2.1, Corner Triangles).~~

4. **Schools, Parks and Open Space**

~~Elementary or Secondary Schools; City Parks; or Open Space, Recreation or Conservation uses are allowed to have open-mesh fences with no maximum height on any part of the zone lot.~~

5. **Exception for Over-Height Fences and Walls**

~~The Zoning Administrator may grant a permit for over-height fences and walls upon application in specific cases, according to Section 12.4.2 Zoning Permit Review with Informational Notice and subject to compliance with the following standards:~~

- a. ~~The proposed fence or wall shall not adversely affect traffic safety or appropriate use of adjacent property.~~
- b. ~~An over-height fence or wall in the Primary Street setback shall be less than 50 percent solid over its entire area.~~
- c. ~~The fence or wall is necessary to provide security, privacy, or protection from traffic impacts such as noise or lights.~~
- d. ~~The fence is not out of scale with other fencing on the block.~~
- e. ~~The fence shall not detract from the safety or pedestrian character of the right-of-way.~~
- f. ~~The fence shall not be located in any Primary Street setback area adjacent to a designated Parkway.~~

~~In the I-A and I-B Zone Districts, open walls or fences or chain link security fences not exceeding 7 feet in height may be erected on any portion of any required setback area.~~

C. **Setback Encroachment Allowed**

~~Fences and walls are permitted in the required setback areas but shall only be a maximum height of 7 feet and shall only be open wall or fences, chain link, or wire mesh.~~

D. **Materials Standards**

~~In all Zone Districts, except as otherwise specified in this Code, all fences and walls shall meet the following minimum materials standards: Fences, planter boxes, and walls shall be of All fences and walls shall be constructed of one or more of the following materials (corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited):~~

1. Wood
2. Composite materials

3. Brick
4. Masonry
5. Metal/iron bars (ornamental fence)
6. Textured or aggregate concrete
7. Barbed wire or razor wire if approved by the Fire Department.
8. Chain link or wire mesh. ~~When located forward of the Primary Street facing facade it may be used only in combination with plant material of sufficient density to create an opaque screen.~~
9. Fences located on top of retaining walls in the front set back must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.
10. Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.

10.5.5.4 Nonconforming Fence and Wall Materials - All Zone Districts

In all Zone Districts, notwithstanding the Nonconforming Structure provisions in Article 12, Zoning Procedures and Enforcement of this Code, existing fences and walls that have been constructed of prohibited materials or other materials not approved by the Zoning Administrator may not be maintained, and any such fences and walls shall be immediately reconstructed of approved materials or removed; provided, however, if such fence or wall is required by some other provision of the Revised Municipal Code, such fence or wall shall be reconstructed with approved materials.

~~Fence and Wall Materials - Within 200 feet of a Residential District
Within 200 feet of a Residential District:~~

~~The materials used for fences and walls located within 200 feet of a Residential Zone District shall consist of wood, brick, masonry, wire mesh, metal/iron bars not exceeding 1 and 1/2 inches in diameter, or other materials similar in quality and durability approved by the Zoning Administrator. If any part of a fence is located within 200 feet of a Residential Zone District, the provisions of this Section shall apply to the entire fence.~~

SECTION 10.5.6 RETAINING WALL REQUIREMENTS

10.5.6.1 Applicability

This Section 10.5.6's retaining wall requirements shall apply to all new development, except in the I-A or I-B Zone Districts.

10.5.6.2 Retaining Wall Standards

- A. When provided, retaining walls in the primary street setback area shall be built to a maximum height of 4 feet and successive walls shall be built provided that they are separated by at least 4 feet.
- B. In any area of the zone lot other than the primary street setback, retaining walls may be built to any height.
- C. Fences located on top of retaining walls in the front set back must be 50 percent or more open for any portion of the fence that is more than 4 feet above the lowest grade at the base of the retaining wall.

SECTION 10.5.7 SPECIFIC SCREENING REQUIREMENTS

10.5.7.1 Applicability

Development in all Zone Districts, except in the I-A and I-B Zone Districts and except for residential development in a SU or TU Zone District, shall comply with this Section 10.5.7's screening standards.

10.5.7.2 ~~General Screening~~ Required by Specific Requirements Use Limitations (Moved from 10.5.7.3)

- A. Wherever this Code requires screening as a condition or limitation on an allowed use, such screening ~~shall may~~ be comprised of landscaping, fences, or walls of a design and density adequate to screen the use or activity from adjacent residences, rights-of-way, city parks, and open spaces.
- B. Fence and wall materials ~~required used~~ for screening shall comply with the material requirements of the Zone District in which it is located. ~~shall be of wood, composite materials, brick, masonry, metal/iron bars, textured or aggregate concrete.~~
~~Chain link or wire mesh may be used only in combination with plant material of sufficient density to create an opaque screen.~~
~~Corrugated or sheet metal, salvaged doors, tires, car doors, or other discarded materials are prohibited.~~
~~Other materials of similar quality and durability but not listed herein may be used upon approval by the Zoning Administrator.~~

10.5.7.3 Screening of Rooftop Equipment

Rooftop mechanical equipment, shall be screened from ground level view, as viewed from an abutting Primary Street. Screening shall be of a material similar in quality and appearance to other areas of the building facade. For example, a parapet wall may be used to screen rooftop equipment. Development in a Campus (CMP) Zone District is exempt but shall be reviewed as part of Site Development Plan approval and shall meet the intent of this Section.

10.5.7.4 Screening of Outdoor Trash Storage Areas - Multi-Unit and Nonresidential Development

- A. Outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be placed either flush or behind the front facade of the principal building. In a MS Zone District, all outdoor trash and recycling collection and storage areas shall be setback at least 20 feet from a named or numbered street, or from an adjacent Residential Zone District.
- B. All outdoor trash and recycling collection and storage areas accessory to a multi-unit dwelling or nonresidential development shall be fully enclosed by screening comprised of a solid fence or wall a minimum of 6 feet tall. The side of the screening from which collection is made may remain open or may be enclosed with a fence or wall containing an opening (e.g., gate) for access.
- C. Fence and wall materials shall comply with the material requirements of the Zone District in which it is located. ~~design standards in Section 10.5.5.2, Fences and Wall Materials, of this Code.~~

DIVISION 10.6 SITE GRADING STANDARDS

SECTION 10.6.1 INTENT

The maintenance of natural site contours helps to preserve neighborhood characteristics as viewed from the street and minimize potential adverse impacts of grade changes and retaining walls on adjacent properties.

SECTION 10.6.2 APPLICABILITY

All development subject to a Block Sensitive Primary Street Setback requiring a zoning permit or site development plan application ~~in accordance with~~ according to Article 12, Zoning Procedures and Enforcement of this Code shall be required to meet the site grading standards provided in this Section, except that development located on a zone lot or lots that comprise at least one complete face block, where development of the entire face block is under the control of a single property owner or master developer, is exempt from this Division 10.6.

SECTION 10.6.3 REFERENCE TO GENERAL DRAINAGE STANDARD

Site grading shall not adversely impact adjacent properties as stated in Section 10.11.3, Change in Drainage Patterns.

SECTION 10.6.4 QUALIFIED PROFESSIONAL CERTIFICATION REQUIRED FOR EXCEPTIONS

Any exception to the setback area grading standards in this Division 10.6 shall be requested in writing by the applicant, and shall include a report prepared by a Qualified Professional certifying that the exception is necessary and will not result in adverse drainage or grading impacts on abutting properties.

SECTION 10.6.5 PRIMARY STREET SETBACK AREA GRADING STANDARDS

Re-grading of the primary street setback area shall not result in a difference between original and finished grade of more than 1 foot at any point that is within 10 feet of the zone lot line, except as specifically permitted below:

- 10.6.5.1 Site grade may be altered by more than 1 foot if the Zoning Administrator finds the grade change is necessary to provide proper site drainage and avoid adverse effects on adjacent properties.
- 10.6.5.2 Only when required by Public Works, “proper site drainage” may include installation of up to a 4-foot high berm and/or above-ground walls, and/or up to 6 feet of excavation below street grade. All such drainage structures shall be sited to be hidden and/or screened with landscaping. Any retaining wall shall have an architectural finish of equal or better quality than the primary building’s architectural finish, as determined by the Zoning Administrator. Above-ground walls shall be finished on both sides and be limited to 24 inches tall on at least one side abutting a pedestrian access.
- 10.6.5.3 Site grade may be altered by more than 1 foot to allow for required or permitted landscaping and retaining walls under this Code, and where such landscaping/retaining walls restore finished grade closer to the Front Primary Base Plane. See Article 13 for definition of the term “finished grade” and the rule of measurement for Front Primary Base Plane. This exception shall not be used to allow a grade change to accommodate an unenclosed porch, raised or sunken patio, or any other similar building feature within 10 feet of the front property line.
- 10.6.5.4 Where parking access is allowed from the street, site grade may be altered by more than 1 foot for 50% or 20 feet of the linear lot frontage (whichever is less) to allow for excavation associated with a driveway where the front setback area is raised above the level of the street.

SECTION 10.6.6 SIDE INTERIOR SETBACK AREA GRADING STANDARDS

Re-grading of side, interior setback areas is not permitted except as described below:

- 10.6.6.1 Site grade may be altered if the Zoning Administrator finds the grade change is necessary to provide proper site drainage and avoid adverse effects on adjacent properties. “Proper site drainage” may include those features according to ~~stated in~~ Section 10.6.5.2.
- 10.6.6.2 Site grade may be altered to allow for window well and/or emergency basement egress areas that are each no more than 3 feet in depth as measured perpendicular to the side property line and 4 feet in length as measured parallel to the side property line.

DIVISION 10.7 OUTDOOR LIGHTING

SECTION 10.7.1 INTENT

These outdoor lighting standards are intended to:

- A. Eliminate adverse impacts of light through glare and spillover;
- B. Provide attractive lighting fixtures and layout patterns that contribute to unified exterior lighting design of development; and
- C. Provide exterior lighting that promotes safe vehicular and pedestrian access to and within a development, while minimizing impacts on adjacent properties.

SECTION 10.7.2 APPLICABILITY

A. General Applicability to All Development

1. Unless specifically exempted below, all existing and proposed development shall meet the provisions of this Division.
2. Buildings lawfully existing as of the June 25, 2010 may be renovated or repaired without modifying outdoor lighting in conformance with this Division, provided there is no increase in gross floor area in the building or the impervious area of the site.
3. Where a building existed as of the June 25, 2010, and the building is enlarged in gross floor area or impervious area on the site by 50% percent or 10,000 square feet, whichever is less, outdoor lighting as specified in this Division shall be provided.

B. Exemption for Outdoor Active Recreational Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, ball diamonds, playing fields, tennis courts, and other similar outdoor active recreational uses (both public and private facilities unless otherwise restricted by this Code) are exempt from the outdoor lighting standards stated in this Division and shall only be required to meet the following standards:

1. Limits on Cutoff Angle

Cutoff from a lighting source that illuminates an outdoor active recreational use may exceed an angle of 90 degrees from the pole, provided that the light source is shielded to prevent light and glare spillover to an adjacent Protected District.

2. Maximum Permitted Illumination at the Property Line

The maximum permitted illumination at the property line shall be 2 footcandles.

SECTION 10.7.3 PROHIBITED LIGHT SOURCES

The following light fixtures and sources shall not be used:

- A. Low-pressure sodium and mercury vapor light sources;
- B. Cobra-head-type fixtures having dished or drop lenses or refractors; and
- C. Searchlights and other high-intensity narrow-beam fixtures, except as part of a permitted special event.

SECTION 10.7.4 DESIGN REQUIREMENTS

10.7.4.1 Purpose and Applicability

Outdoor lighting shall primarily be used to provide safety, while secondarily accenting key architectural elements and to emphasize landscape features. All lighting fixtures designed or placed to illuminate any portion of a site shall meet this Section's requirements.

10.7.4.2 Fixture (Luminaire) Requirements

A. Full Cutoff Lighting Fixtures Required

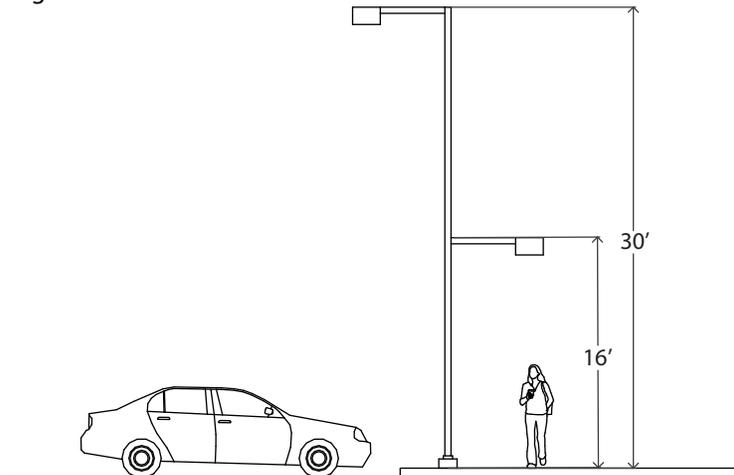
The light source shall be concealed by a full cutoff lighting fixture so that the light source is not visible from any street right-of-way or adjacent properties. In order to direct light downward and minimize the amount of light spill into the night sky and onto adjacent properties, all lighting fixtures shall be cutoff fixtures.

B. Fixture Height

Lighting fixtures shall not exceed the following maximum heights:

OUTDOOR LIGHTING LOCATION	FIXTURE HEIGHT (MAXIMUM AS MEASURED TO THE TOP OF THE FIXTURE FROM GRADE)
Within 50 feet of a Residential Zone District	16 feet (See Figure 10.7-1)
Surface Parking Area -MU, -RH, -RO, -RX, -TH Districts -CC, I-A, I-B, I-MX, M-IMX Districts All other districts	24 feet 35 feet 30 feet (See Figure 10.7-1)

Figure 10.7-1



C. Mounting

Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

D. Accent Lighting

Only lighting used to accent architectural features, landscaping or art may be directed upward, provided that the fixture shall be located, aimed, or shielded to minimize light spill into the night sky.

10.7.4.3 Light Source (Lamp) Requirements

A. Allowed Light Sources

Allowed light sources shall be limited to:

1. Incandescent
2. Fluorescent
3. Metal halide

4. Color-corrected high-pressure sodium
5. LED
6. Magnetic induction lamps (Phillips QL)
7. Other light sources approved by the Zoning Administrator that meet the intent of this subsection to require light sources that provide energy efficiency gains and emit white or near-white light that assures a safe pedestrian and vehicle environment.

B. Exemption

Holiday lighting displays are exempt from these light source restrictions.

10.7.4.4 Limit Lighting to Periods of Activity

The use of sensor technologies, timers or other means to activate lighting during times when it will be needed is encouraged to conserve energy, provide safety and promote compatibility between different land uses. Lower lighting levels at off-peak times are encouraged as a safety measure.

SECTION 10.7.5 SPECIFIC LIGHTING STANDARDS

10.7.5.1 Security Lighting

- A. Building-mounted security light fixtures such as wall packs shall not project above the fascia or roof line of the building and shall be shielded.
- B. Security fixtures such as wall-packs shall not be substituted for appropriate parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.
- C. Security fixtures shall be mounted and oriented to avoid glare onto adjacent rights-of-way or Residential Zone Districts.

10.7.5.2 Canopy Area Lighting

All development that incorporates a canopy area over fuel sales, drive-through lanes or similar installations shall install either a full cutoff lighting fixture or a fully shielded lighting fixture, as those terms are defined in Article 13 of this Code.

10.7.5.3 Entrances in Nonresidential and Multi-Unit Dwelling Development

All entrances to buildings used for nonresidential purposes and open to the general public, and all entrances in multi-unit residential buildings containing more than 4 units shall be lighted with low intensity fixtures not to exceed 8 footcandles to ensure the safety of persons and the security of the building.

10.7.5.4 Parking Area Lighting

Refer to the *Rules and Regulations for the Landscaping of Parking Areas*, or any subsequently adopted document that regulates lighting illumination levels.

SECTION 10.7.6 GLARE PROHIBITED

Lighting shall be oriented to avoid glare onto rights-of-way in a manner that may distract or interfere with the vision of drivers, bicyclists or pedestrians, and shall be oriented to avoid glare onto adjacent Residential Zone Districts.

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DIVISION 10.8 OUTDOOR SALES, DISPLAY, STORAGE AND WASTE DISPOSAL

SECTION 10.8.1 INTENT

This Division's standards are intended to mitigate potential adverse visual and public health impacts on surrounding uses and neighborhoods, and to mitigate potential impacts on pedestrian safety and vehicle circulation from the placement and operation of outdoor sales, display, storage and waste disposal areas. These standards manage and contain the location of on-site outdoor sales and display, require outdoor storage to be screened from public rights-of-way and adjacent uses, and provide for control of any potentially adverse external impacts from outdoor storage and waste disposal.

SECTION 10.8.2 APPLICABILITY

- 10.8.2.1 This Division 10.8 shall apply to any merchandise, material, or equipment stored outside of a fully-enclosed building.
- 10.8.2.2 Where merchandise, material, or equipment is stored outside in an I-B [Industrial Zone](#) District, the provisions of this Division shall not apply except for ~~standards the general standards for outdoor storage and waste disposal according to~~ in Section 10.8.4.1, [General Standards for Outdoor Storage and Waste Disposal](#), below.

SECTION 10.8.3 OUTDOOR SALES & DISPLAY

10.8.3.1 Outdoor Sales and Display Defined

For purposes of this Division, "outdoor sales and display" means the provision of outdoor areas for the display of products actively available for sale. The outdoor location of soft drink or similar vending machines shall be considered outdoor display. Outdoor 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 subject to the standards in Section 10.8.4 below). Temporary outdoor sales and displays are regulated as temporary uses and structure ~~according to, see Article 11,~~ Division 11.11, Temporary Use and Structure Limitations ~~and Standards, for applicable regulations.~~

10.8.3.2 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 10.8.3.

10.8.3.3 Location and Placement Standards

- A. Outdoor sales and display areas are permitted adjacent to the building façade containing an entrance, and shall extend no further from such facade than the inside edge of the required fire access lane or drive aisle abutting such facade.
- B. Outdoor sales and display areas shall not exceed 20 feet in height.
- C. Outdoor sales and display areas shall not obstruct the ingress/egress paths to the public way. Display of highly combustible goods shall be located at least 5 feet from ingress/egress paths.
- D. Outdoor sales and display areas shall not obscure visibility of exits or address numbers (premises identification) from the primary street frontage.
- E. If located beneath building projections, the sales and display areas area shall be protected by sprinklers if the primary building is protected by sprinklers.
- F. Outdoor sales and display areas shall be located such that ADA standards are met.

SECTION 10.8.4 OUTDOOR STORAGE & WASTE DISPOSAL

Where permitted by this Code, outdoor storage and waste disposal activities shall comply with the following standards.

10.8.4.1 General Standards for Outdoor Storage and Waste Disposal

- A. No materials or wastes shall be deposited upon a zone lot in such form or manner that they may be transferred off the zone lot by natural causes or forces.
- B. All materials or wastes that may cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in closed containers.
- C. The following limitation shall apply to the above-ground storage of certain materials:
 1. No flammable gases or solids, combustible or flammable liquids or explosives shall be stored in bulk above ground except that:
 - a. Railroad locomotive fueling, fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks, provided they are located a minimum of 1,000 feet from a Protected District protected use.
 - b. Vaulted tanks as approved by the Fire Department may be located above ground.
 - c. The parking of railroad tank cars containing explosive or flammable materials shall be located at least 1,000 feet from a protected use. The 1,000-foot spacing may be reduced by the Zoning Administrator with review and concurrence of the Fire Department, provided the owner proves by a preponderance of the evidence that the proposed storage facility will not create a hazard for nearby protected uses.
 - d. For purposes of this provision only, a “protected use” is any residential use, a hospital, or an auditorium or other building used for public assembly.
- D. Liquefied petroleum gases shall be stored no closer to any boundary line of a zone lot on which they are located than that allowed by the Denver Fire Code.
- E. Explosives shall be stored no closer to any boundary line of the zone lot on which they are located than that allowed by the Denver Fire Code.

10.8.4.2 Specific Requirements for Outdoor Storage

Outdoor storage is permanent storage on a zone lot that is more intensive than outdoor display and sales, with such outdoor storage typically remaining outdoors overnight. 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 10.8.4.2. Outdoor storage is broken in two categories, and regulated, as follows:

A. Limited Outdoor Storage

1. “Limited outdoor storage” is defined as 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. Shopping cart storage areas located within a surface parking lot for the convenience of the primary land use’s customers are exempt from this Section 10.8.4.2’s location and screening standards.

2. Limited outdoor storage shall only be permitted in the Mixed Use **Commercial** Zone Districts following approval of a site development plan illustrating the extent of the permitted area for limited outdoor storage, and provided the plan meets the standards below:
 - a. Limited outdoor storage shall not be more than 12 feet in height and shall be fully screened from view from the public right-of-way, public parking areas, or adjacent Residential Zone Districts by a 100 percent opaque visual barrier or screen. Chain-link fencing with slats inserted may be considered acceptable for this screening, except where located abutting or across the street from a Residential Zone District. See also Section 10.5.5, Fences and Walls.
 - b. All limited outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District.
 - c. Limited outdoor storage shall be located behind the front facade of the principal building.
 - d. Limited outdoor storage may be located to the side of a building, provided it is not located within the required side interior or side street setback.
 - e. Vehicles awaiting repair may be stored up to 14 days within the required screened storage area.

B. General Outdoor Storage

1. "General outdoor storage" is defined as salvage yards, vehicle storage yards, overnight outdoor storage of shipping containers, lumber, pipe, steel, junk and other similar merchandise, material, or equipment.
2. General outdoor storage shall only be permitted in the I-A and I-B Zone Districts following review of a site development plan illustrating the extent of the permitted area for general outdoor storage, and provided the plan meets the standards below.
 - a. All general outdoor storage shall be located at least 15 feet from the public right-of-way and any abutting Residential Zone District.
 - b. No general outdoor storage shall be permitted in a primary or side street setback area or otherwise forward of the primary street facing facade of a principal building on the zone lot.
 - c. General outdoor storage may be located in a side interior or rear setback area.
 - d. General outdoor storage shall be screened by a 100 percent opaque visual barrier or screen. Such screening shall be high enough to completely conceal all outdoor storage from view from adjacent rights-of-way and any adjacent Residential Zone District. See also Section 10.5.5, Fences and Walls.

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DIVISION 10.9 PARKING, KEEPING AND STORAGE OF VEHICLES

SECTION 10.9.1 PARKING / STORAGE ON RESIDENTIAL ZONE LOTS

The parking/storage on a residential zone lot in a Residential Zone District of any of the following vehicles is prohibited, except that such vehicles may be parked on a residential zone lot only to render services to the subject zone lot and only for the duration necessary to render such services:

- 10.9.1.1 Tow trucks;
- 10.9.1.2 Large-Scale Motor Vehicles and Trailers ~~(see Article 13 for definition of this term);~~
- 10.9.1.3 Stake body trucks;
- 10.9.1.4 Cube or box vans;
- 10.9.1.5 Backhoes;
- 10.9.1.6 Vehicles towing trailers carrying machinery and supplies; or
- 10.9.1.7 Other similar specialized vehicles.

SECTION 10.9.2 PARKING OF VEHICLES ON PUBLIC RIGHT-OF-WAY ADJACENT TO RESIDENTIAL USES

The vehicles listed below are prohibited from parking for a period of time longer than that noted below during any given week on a public right-of-way adjacent to any zone lot in a Residential Zone District, or which contains a single unit dwelling use or multi-unit dwelling use. This prohibition does not apply where such vehicle is engaged in rendering services in the immediate area, or where such vehicle is parked adjacent to a motel or hotel where the vehicle operator is a guest.

- 10.9.2.1 A 2-hour period:
 - A. A truck exceeding 6,000 pounds empty weight; or
 - B. A bus exceeding 6,000 pounds empty weight or 22 feet in length; or
 - C. An automobile trailer not attached to a licensed vehicle; or
 - D. A truck-tractor or semi-trailer; or
 - E. A disabled or inoperable vehicle.
- 10.9.2.2 A 24 hour period:
 - A. A truck with an attached camper having a combined overall length exceeding 22 feet; or
 - B. A recreational vehicle exceeding 22 feet in length; or
 - C. An automobile trailer attached to a licensed vehicle.

SECTION 10.9.3 KEEPING OF MOTOR VEHICLES ACCESSORY TO A DWELLING UNIT

10.9.3.1 Number of Motor Vehicles Accessory to a Dwelling Unit

On any zone lot occupied by a dwelling unit, on any public right-of-way bordering or within the same block on which the dwelling unit is located, or on any public right-of-way bordering or within all adjoining blocks (See figure 2), there shall be, in total, parked and/or stored no more than 1 motor vehicle per licensed driver residing in the dwelling unit plus 1 additional motor vehicle per dwelling unit.

10.9.3.2 Number of Trailers Permitted on a Zone Lot Containing a Single Unit Dwelling

Trailers shall be limited by the following:

- A. Permitted number: 2;
- B. Maximum length: 22 feet; and
- C. Each trailer shall be designed to have and be used for a substantially different purpose.

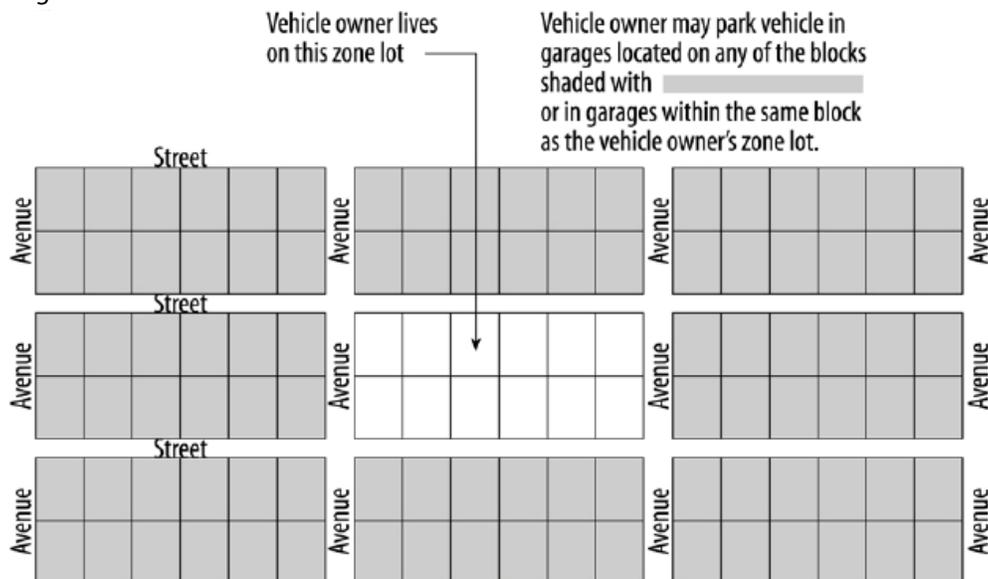
10.9.3.3 Number of Motorcycles Accessory to a Dwelling Unit

On any zone lot occupied by a dwelling unit, there shall be parked and/or stored no more than one motorcycle per driver licensed to operate a motorcycle residing in such dwelling unit plus one additional motorcycle per dwelling unit. Such motorcycles shall be in addition to the total number of motor vehicles allowed above.

10.9.3.4 Off-Street Parking of Motor Vehicles in Garages on Zone Lots by Non-Residents of the Zone Lot

- A. Motor vehicles may be parked/stored only within completely enclosed garages on zone lots not occupied by the owner of such vehicle if:
 - 1. The subject garage is located on a zone lot in the same block as the zone lot on which the said motor vehicle owner resides; or
 - 2. The subject garage is located on a zone lot in a block that is immediately adjacent to the block that contains the zone lot on which the said motor vehicle owner resides. [See Figure 10.9-1.](#)
- B. However, this provision does not permit the use of garages by non-resident owners of the zone lot containing the subject garage to use such garage for parking/storage, nor does this provision allow the use of the subject garage for the repair of vehicles either by the non-resident owner of the said zone lot containing the subject garage, or the non-resident owner of the said vehicle.

Figure 10.9-1



10.9.3.5 Motor Vehicle Repair and Maintenance Accessory to a Dwelling Unit

- A. Occupants of a dwelling unit may perform engine, transmission and other similar repairs of their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. inside a completely enclosed garage structure located on the same zone lot as the dwelling unit, excluding, however, any auto body and fender work, or the painting of motor vehicles;
- B. Occupants of a dwelling unit shall not repair motor vehicles belonging to another person or persons that do not reside in the same dwelling unit;
- C. Occupants of a dwelling unit may perform customary maintenance on their personally owned motor vehicles from 8:00 a.m. to 9:00 p.m. outdoors on a driveway or parking area located on the same lot as the dwelling unit. For the purpose of this Section “customary maintenance” is defined as: washing; polishing; fluid changes; greasing; tire changing; brake repair; muffler replacement; engine tune-up; flushing of radiators; and other activities of minor repair and servicing;
- D. Occupants of a dwelling unit performing vehicle maintenance and repair shall not permit vehicle fluids to be discharged onto any land, driveway or parking area; and
- E. Occupants of a dwelling unit shall immediately remove all external evidence of vehicle repair and maintenance activities.

10.9.3.6 Parking or Storage of Inoperable Vehicles in Residential Zone Districts

The parking or storage of inoperable motor vehicles in any residential Zone District shall be limited by all of the following:

- A. Occupants of a dwelling unit may store their personally owned inoperable motor vehicle and/or auto parts on the same zone lot as the dwelling unit, provided, however, that said vehicle and/or auto parts shall be stored inside a completely enclosed garage structure;
- B. Parked or stored inoperable motor vehicles shall not occupy off-street parking spaces required by this Division;
- C. Parked or stored inoperable motor vehicles are limited to one such vehicle per dwelling unit; and
- D. Parked or stored inoperable motor vehicles shall be included in the calculation of the total maximum number of vehicles permitted for a dwelling unit.

10.9.3.7 Parking / Storage of Trailers, Trucks, RVs On Private Property in Certain Residential Districts

The following regulations shall apply to properties located in a Protected District Zone District and to residential uses located in the Master Planned (M-) Zone Districts:-

- A. The vehicles listed below shall not be parked or stored on a zone lot:
 - 1. Large-Scale Motor Vehicles and Trailers (~~see definition in Article 13~~); or
 - 2. An automobile trailer exceeding 22 feet in length;
 - 3. A bus or motorized recreation vehicle exceeding 22 feet in length; or
 - 4. A truck-tractor or semi-trailer.
- B. **Exceptions**
 - 1. An automobile trailer or motorized recreational vehicle of any length may be stored within a completely enclosed structure located so as to comply with all the requirements for the location of structures on the zone lot.

2. Automobile trailers not exceeding 22 feet in length; and detached camper units, ~~and buses or motorized recreational vehicles not exceeding 22 feet in length~~ shall be parked or stored only on the rear one-half of the zone lot. If the rear one-half of the zone lot does not abut an alley, such vehicles may be parked or stored on the front one-half of the zone lot if located so as to comply with front and side setback requirements for structures and screened from the street and adjacent properties by a solid, sight-obscuring fence as high as the maximum height permitted in the district.
3. The owner of a school, religious assembly or pre-school may apply for a temporary permit to park one or more buses or vans on the property containing the subject use. Such vehicle must be used primarily to transport religious assembly members and/or school and pre-school children or students. The Zoning Administrator shall utilize the procedures ~~according to~~ ~~in~~ Section 12.4.2, Zoning Permit Review with Informational Notice, in processing such a request and shall approve or deny applications for such permits on the basis of the following criteria:
 - a. The number of buses or vans involved is justified by the method of operation and the size of the Religious Assembly, school or preschool.
 - b. The proposed parking area is located away from abutting residential structures and will have a minimal impact on the character of surrounding residential properties.
 - c. If the parking area is located adjacent to residential structures, adequate screening and landscaping will be installed to reduce or eliminate the visual impact of the bus on adjoining residents.

In approving a permit the Zoning Administrator may attach conditions for the protection of adjoining owners and residents.

DIVISION 10.10 SIGNS

SECTION 10.10.1 INTENT

The intent of this Division 10.10 is to:

- 10.10.1.1 Enhance the appearance and economic value of the visual environment by regulating and controlling the type, location, and physical dimensions of signs and sign structures;
- 10.10.1.2 Preserve locally recognized values of community appearance, and safeguard and enhance property values;
- 10.10.1.3 Reduce hazards that result from signs that obscure or distract the vision of motorists, bicyclists, and pedestrians;
- 10.10.1.4 Recognize that signs are a useful means of visual display for the convenience of the public and for the efficient communications of commercial and noncommercial speech; and
- 10.10.1.5 Allow flexibility in the size, type and location of signs identifying the use and location of large facilities.

SECTION 10.10.2 SCOPE

This Article shall govern and control the erection, remodeling, enlarging, moving, operation and maintenance of all signs by permitted uses within all zoning districts established by this chapter. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations.

SECTION 10.10.3 SIGNS PERMITTED IN ALL DISTRICTS

10.10.3.1 Signs Not Subject to a Permit

The following signs may be erected in all districts without a permit:

- A. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the signs are required or authorized;
- B. Signs limited in content to name of occupant and address of premises; signs of danger or a cautionary nature which are limited to: wall and ground signs; not more than 2 per street front for each use by right, or 2 for each dwelling unit; not more than 4 square feet per sign in area; not more than 10 feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- C. Signs in the nature of cornerstones, commemorative tables and historical signs which are limited to: ground signs; not more than 2 per zone lot; not more than 6 square feet per sign in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- D. Signs which identify by name or number individual buildings within institutional or residential building group complexes and which are limited to: wall and ground signs; not more than 4 signs per building; not more than 20 square feet per sign in area; not more than 12 feet in height above grade; may be illuminated from a light source which does not flash, blink or fluctuate and if directly illuminated does not exceed 25 watts per bulb; shall not be animated;
- E. Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a

period of not more than 60 consecutive days nor more than 60 days in any 1 year; and may be of any type; number; area; height; location; illumination or animation;

- F. Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot.
 - 1. Shall be limited to:
 - a. Window signs;
 - b. Banners with commercial advertising copy;
 - c. Wall signs or posters which have been treated so as to be shielded from the elements (water, wind, sun, etc.);
 - d. Streamers which are attached to vehicles located in the front row only of retail car lots when said vehicular sales lot is located on an arterial street and is not across from a residential Zone District; and
 - e. Window graphics consisting of paint or decals applied directly to glazing; and
 - 2. Shall meet the following conditions:
 - a. Shall be maintained in a clean, orderly and sightly condition;
 - b. Shall be placed in/on ground level windows/walls only (except for streamers);
 - c. Shall be limited in placement to 45 days for sign or copy;
 - d. May be illuminated only from a concealed light source;
 - e. Illumination shall not flash, blink or fluctuate;
 - f. Shall not be animated;
 - g. Shall be placed only on the business structure (except for streamers);
 - h. Shall not exceed 50 percent of the maximum use by right permitted sign area for the permitted use on the zone lot, plus either 65 percent of the unused permitted permanent sign area or 60 percent of the ground level window area, whichever is greater, neither of which is to exceed 75 square feet.
 - 3. The Zoning Administrator may allow additional temporary signage area up to 100 square feet upon application in specific cases providing that the procedure outlined in Section 12.4.2, Zoning Permit Review With Informational Notice, is satisfied.
 - 4. All portable signs regardless of location are specifically not allowed.
 - 5. Parked motor vehicles and/or trailers are not allowed to be intentionally located so as to serve as an advertising device for a use by right, product or service.
- G. Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to: wall, window and ground signs; 1 sign per zone lot; not more than 5 square feet in area per face; not more than 6 feet above grade; no illumination; and no animation;
- H. Signs commonly associated with and limited to information and directions relating to the permitted use on the zone lot on which the sign is located, provided that each such sign is limited to wall, window and ground signs; not more than 100 square inches per sign in area, except that notwithstanding other limitations of Division 10.10, golf course tee box signs may contain up to 8 square feet of sign area of which 1 square foot may be devoted to advertising; not more than 8 feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated except that gauges and dials may be animated to the extent necessary to display correct measurement;
- I. Political and noncommercial signs on residential property.
 - 1. Political and noncommercial signs may be erected on any zone lot.

2. Political and noncommercial signs shall be limited to the following types:
 - a. Wall signs;
 - b. Window signs; and
 - c. Ground signs not more than 6 feet above grade.
3. The size of each political or noncommercial sign erected on any zone lot shall not exceed the area of 8 square feet.
4. Political and noncommercial signs shall meet the following conditions:
 - a. Shall be maintained in a clean, orderly, and sightly condition;
 - b. Shall not be illuminated;
 - c. Shall not be animated;
 - d. Shall not flash, blink, or fluctuate
- J. Political or noncommercial signs erected on commercial property shall be subject to the conditions, limitations, and restrictions, applicable to temporary commercial signs ~~according to as set forth in~~ Section 10.10.3.1.F, except that Section 10.10.3.1.F.2.c. shall not apply.
- K. Signs that identify a business which was a permitted use on a zone lot but that, under threat of a government entity exercising its powers of eminent domain, has relocated.
The sign shall be limited:
 1. To 32 square feet and shall not be more than 6 feet above grade;
 2. In content to the name of the business, the business logo, the new location of the business and when the business will re-open, or that it has re-opened, at the new location;
 3. To wall or ground signs set back a minimum of 5 feet from the front line of the zone lot, provided, however, that a wall sign attached to structural wall of a building need not meet setback requirement; and
 4. To being posted for 180 days or 60 days after the business has re-opened at its new location, whichever is shorter.

10.10.3.2 Signs Subject to a Permit

Upon application to and issuance by the department of zoning administration of a permit therefore, the following signs may be erected and maintained in all zoning districts:

- A. Signs which are not visible from any public right-of-way or from any level whatsoever of any other zone lot; may be illuminated but such illumination shall not be visible beyond the boundaries of the zone lot on which the sign is located; shall not be animated;
- B. Signs identifying home occupations ~~where such home occupations are permitted in section 11.2.3. Signs identifying home occupations are also according to Section 11.9.2.F;~~
- C. Signs displaying only the name and address of a subdivision or of a planned building group of at least 8 buildings each containing a use or uses by right and limited to: wall and ground signs; 1 per street front; not more than 20 square feet per face in area; not more than 6 feet in height above grade; may be illuminated only from a concealed light source which does not flash, blink or fluctuate; shall not be animated;
- D. Signs consisting of illuminated buildings or parts of buildings which do not display letters, numbers, symbols or designs and limited to: illumination from a concealed light source which may not flash or blink, but may fluctuate by a change of color or intensity of light, provided that

each change of color or dark to light to dark cycle shall have a duration of 1.5 minutes or longer; shall not be animated;

- E. Signs giving parking or traffic directions and other directional information commonly associated with and related to the permitted use on the zone lot on which the sign is located; provided that such signs are limited to: wall and ground signs; 1 sign for every 1,000 square feet of land area up to 10,000 square feet, thereafter only 1 additional sign for every 5,000 square feet; not more than 4 square feet per face in area, not more than 6 feet in height above grade; may be illuminated from a concealed light source which does not flash, blink or fluctuate: shall not be animated;
- F. Signs on canopies or awnings located over public rights-of-way or into any required front setback space; limited in content to name of building, business and/or address of premises; no sign shall exceed 10 square feet per face in area. All such canopies and awnings over public rights-of-way are subject to approval by the department of public works.
- G. Off-premise signs identifying new residential developments within the city as regulated by the following provisions. Notwithstanding the provisions of Section 10.10.1720 (outdoor general advertising devices), off-premise signs identifying new residential developments in the city shall:
 - 1. Be limited in area to 32 square feet per face and shall not be more than 6 feet in height above grade,
 - 2. Be limited in content to the name of the project, the name of the developer or construction company and/or directional information or symbols,
 - 3. Be limited to wall signs or ground signs which set back a minimum of 5 feet from every street right-of-way line,
 - 4. Be limited to 2 signs on each side of a public street for each 600-foot length of right-of-way with a minimum spacing of 100 feet between signs,
 - 5. Be limited to no more than 6 signs per project,
 - 6. Utilize a concealed light source if illuminated and shall not flash, blink, fluctuate or involve animation;
 - 7. Be valid for a period not to exceed 1 year during the construction, development, original rent-up or sales period;
 - 8. Shall not be renewed for more than 3 successive periods for the same project.
- H. Signs which identify a structure containing any use by right other than a single unit dwelling. Such signs shall be:
 - 1. Limited in content to the identification by letter, numeral, symbol or design of the use by right and/or its address;
 - 2. Attached to a fence or wall located on the front line of the zone lot or within the front setback area;
 - 3. Limited in number to 1 sign per street front for each structure;
 - 4. Regulated by the sign provisions for the Zone District in which the zone lot is located except that the requirements of this Section will take priority in case of a conflict;
 - 5. Counted as a part of the total sign area permitted on the zone lot;
 - 6. Limited in height to 6 feet above grade; and

7. Attached to a fence or wall so that the display surface is parallel to and extends forward no further than 6 inches beyond the front plane of the wall or fence.
 8. If illuminated at all, illuminated only from a concealed light source which does not flash, blink or fluctuate and shall not be animated.
- I. Inflatables, balloons and/or streamers/pennants shall be allowed as a promotion of a special event only. Advertising of a product or service in this manner shall not be allowed except as a part of the promotion of the special event. The Zoning Administrator shall issue a summons and complaint for inflatables, balloons, streamers / or pennants emplaced without a permit and shall not issue a permit for said location for the next event application. Inflatables and balloons may be shaped/formed as a product and may have commercial copy; streamers/pennants shall not have any commercial logos or copy; and shall meet the following conditions:
1. Shall be limited in placement to 5 days;
 2. Shall be placed on the zone lot as determined by the Zoning Administrator;
 3. Shall be limited to no more than 1 permit per quarter per zone lot; and
 4. Streamers and/or pennants shall not exceed in measurement 2 times the zone lot front line measured in linear feet (the property address front line shall be used for this calculation); and shall be counted as part of the maximum allowed temporary sign area at a ratio of 1 linear foot to 1 square foot of temporary signage allowed.
- J. Signs which are works of art as defined by Section 20-86 of the Denver Revised Municipal Code. Such signs shall be primarily artistic in nature, but up to 5 percent of the sign may be the name or logo of a sponsoring organization. The percentage of the sign devoted to the sponsoring organization may be increased up to 10 percent of the sign if the Zoning Administrator, with input from the director of the mayor's office of art, culture and film, determines the portion of the sign devoted to the sponsor does not detract from the artistic quality of the sign.
- K. Off-premises identification sign. A sign identifying a public facility which is located on a different zone lot than that containing the sign. The number, location, height, size and illumination of such signs shall be approved by the director of planning and the Zoning Administrator or their designated representatives; however, in no case shall such sign exceed 10 feet in height or 40 square feet in area. A decision to approve such signs must be based on a favorable evaluation of their compatibility with nearby structures and signs. The installation of such identification signs shall not reduce the size or number of other signs permitted on a specific site by other provisions of Division 10.10.

10.10.3.3 Signs Subject to a Comprehensive Sign Plan

Notwithstanding more restrictive provisions of Division 10.10, signs, large facilities may have signs according to an approved comprehensive sign plan for the facility.

A. Intent

The intent of these provisions is to allow flexibility in the size, type and location of signs identifying the use and location of large facilities. Flexibility is generally offered because these facilities often have a need for additional or different types of signage due to the complexity of the issues and varied physical layout of the facility. This flexibility is offered in exchange for a coordinated program of signage ensuring a higher standard of design quality for such signs. This process should mitigate any possible adverse impacts of large facility signs on surrounding uses. The flexibility in size, type and location of signs identifying the use and location of certain large facilities is not a matter of right, and a proposed comprehensive sign plan for a large facility must be reviewed pursuant to the provisions of this Section 10.10.3.3.

B. Description of Qualifying Uses

These provisions shall apply to large facilities located on a zone lot in non-residential Zone Districts. Such facilities must have a minimum ground floor area of 50,000 square feet, or a minimum zone lot area of 100,000 square feet. They may consist of 1 or more buildings but the site must consist of contiguous zone lots. Street or alleys do not destroy the contiguity of adjacent zone lots for the purpose of this Section 10.10.3.3.

C. Process to Establish Comprehensive Sign Plan

1. Plan Submittal

The following items and evidence shall be submitted to the Zoning Administrator to explain a proposed comprehensive sign plan for a facility:

- a. A site plan or improvement survey of the facility drawn to scale showing existing and proposed buildings, parking areas, landscaped areas, drainage swales, detention ponds, adjoining streets and alleys. A comprehensive sign plan may be a component of a general development plan;
- b. Scaled drawings showing the elevations of existing and proposed buildings and structures that may support proposed signage.
- c. Design descriptions of all signs including allowable sign shapes, size of typography, lighting, exposed structures, colors, and materials, and any information on the frequency of changeable graphics.
- d. All information on sign location shall also be provided: wall elevations drawn to scale showing locations of wall, window, projecting and roof signs, and site plans drawn to scale showing allowable locations and heights of ground signs;
- e. Calculations of sign area and number.

2. Notice

The Zoning Administrator shall see that the notices are placed on the property by the applicant no later than 15 days after receipt of the application for the proposed plan. The Zoning Administrator shall also send notice of the proposed plan to the neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The Zoning Administrator shall also send notices to the city council members in whose district the large facility is located and to the at large council members. Such notice shall require that written comments be submitted to the Zoning Administrator by those persons having a concern with respect to the proposal within 30 days of the date of notification. If the facility site falls within a district designated for preservation or the area of a structure designated for preservation pursuant to the provisions of Chapter 30 of the Revised Municipal Code, the Zoning Administrator shall notify the Landmark Preservation Commission regarding the proposal.

3. Forwarding of a Proposed Comprehensive Sign Plan

The Zoning Administrator shall consider the concerns expressed by members of the public, neighborhood organizations and council members, and shall evaluate the proposed plan according to the criteria listed below and shall send the proposed plan and a recommendation for approval, denial or approval with conditions to the planning board.

4. Criteria for Review

The criteria for reviewing proposed comprehensive sign plans are as follows:

- a. The sign plan shall exhibit design excellence, inventiveness and sensitivity to the context.
- b. Signs shall not be oriented or illuminated so that they adversely affect the surrounding area, particularly existing nearby residential uses or structures. Examples

of adverse effects are glare from intense illumination, and large signs or structures which visually dominate and area.

- c. Roof signs shall not be allowed unless such signs are designed to appear as an integral part of the building to which they are attached. Such roof signs shall not extend above any building height limit or zoning bulk plane. No flashing, blinking, fluctuating, animated or portable roof sign is allowed.
- d. The comprehensive sign plan shall include design guidelines to ensure that all features of the proposed signage, including the illumination, support structure, color, lettering, height, and location, shall be designed so that it will be an attractive and complimentary feature of the building which it serves.
- e. Sign design should reflect the existing or desired character of the area. As an example, in a district in which night-time entertainment is concentrated, the intent of this Section 10.10.3.3 is to encourage exciting, iconographic, and inventively illuminated signage.
- f. Signs shall be professionally designed and fabricated from quality, durable materials.
- g. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as part of an approved sign plan.

5. Review by the Planning Board

- a. The Planning Board shall hold a meeting and shall require that notices be placed on the property by the applicant at least 15 days prior to the meeting. The planning board shall also send notice of the proposed plan to registered neighborhood organizations which are registered pursuant to the provisions of Article III, Chapter 12 of the Revised Municipal Code and whose boundaries are within 3,000 feet of the boundary line of the zone lot of the large facility. The planning board shall also send notices to the council members in whose district the large facility is located, and to the at large council members. Such notices shall be sent at least 30 days prior to the hearing.
- b. The planning board shall review the Zoning Administrator's recommendation, the concerns of the public and the criteria for review, and shall adopt a recommendation for denial, approval or approval with conditions. The planning board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the adoption of the recommendation.

6. Action

The Zoning Administrator shall take action on the proposed comprehensive sign plan within 15 days after the receipt by the Zoning Administrator of the planning board's recommendation. The Zoning Administrator's action, which shall be approval, approval with conditions or denial of the proposed plan, shall take into consideration the criteria for review, the recommendation of the planning board as well as public input. Upon taking action, the Zoning Administrator shall notify the applicant, appropriate council members and any registered neighborhood organization which expressed concerns over the plan, either in writing or at the planning board public hearing, of the action taken.

D. Changes to the Plan

Any sign changes or additions requested for the facility after the approval of the comprehensive sign plan, must be reviewed according to the provisions of this Section 10.10.3.3.

E. Effect of the Comprehensive Sign Plan Approval

Once a comprehensive sign plan is approved for a large facility, all signs for that facility shall be reviewed to ensure compliance with the sign plan before a permit is issued.

F. Other Permitted Signs

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the comprehensive sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the comprehensive sign plan.

G. Projecting Signs

Projecting signs may be allowed as part of the sign plan if they conform to the purpose of Section 10.10.4216, Special Provisions for the D-C, D-TD, D-LD, D-CV and D-AS Zone Districts. Except in districts for preservation or on structures for preservation, determination of compliance with 10.10.4216 shall be made by the Zoning Administrator. In districts for preservation or on structures for preservation determination of compliance with 10.10.4216 shall be made by the Landmark Preservation Commission or the Lower Downtown Design Review Board as appropriate.

H. Animation

Flashing, blinking, moving or fluctuating signs shall not be allowed except when the sign is a projecting sign which is readable from the 16th Street Mall, in which case the provisions of 10.10.4216.4.B.3 shall apply.

I. Rules and Regulations

The planning board has the authority to adopt rules and regulations concerning its review of comprehensive sign plans.

J. Fee

The fee for review of a comprehensive sign plan for large facilities is \$500.00 per facility.

SECTION 10.10.4 SIGN AREA MEASUREMENT

10.10.4.1 General

The area of a sign shall be measured in conformance with the regulations ~~according to set forth in~~ this Section, provided that the structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign. Where a sign has 2 or more display faces, the area of all faces shall be included in determining the area of the sign unless the display faces join back to back, are parallel to each other and not more than 48 inches apart, or form a V type angle of less than 90 degrees.

10.10.4.2 Sign With Backing

The area of all signs with backing or a background material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

10.10.4.3 Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

10.10.4.4 All Other Signs or Combinations Thereof

The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof

constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations: the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of a similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing.

SECTION 10.10.5 SINGLE UNIT ZONE DISTRICT SIGN STANDARDS RESIDENTIAL SIGNS (-SU-)

10.10.5.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted ~~under~~ according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by ~~Section 11.2.3.A.2.f.11.9.2.F.~~
- B. The sign standards contained within this Section apply to the following Zone Districts:

SUBURBAN	URBAN EDGE	URBAN
S-SU-A	E-SU-A	U-SU-A
S-SU-D	E-SU-B	U-SU-A1
S-SU-F	E-SU-D	U-SU-A2
S-SU-Fx	E-SU-D1	U-SU-B
S-SU-F1	E-SU-Dx	U-SU-B1
S-SU-I	E-SU-D1x	U-SU-B2
S-SU-lx	E-SU-G	U-SU-C
	E-SU-G1	U-SU-C1
		U-SU-C2
		U-SU-E
		U-SU-E1
		U-SU-H
		U-SU-H1

10.10.5.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.
Sign Types	Wall, window and ground.
Maximum Number	2 signs for each front line of the zone lot on which the use by right is located.
Maximum Sign Area	Public and Religious Assembly or Elementary or Secondary School: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 80 square feet of total sign area for each zone lot. All Others: Each use by right other than Religious Assembly or school: 20 square feet or 2 square feet of sign area for each 1,000 square feet of zone lot area not, however, to exceed 60 square feet of total sign area for each zone lot and provided that no one sign shall exceed 20 square feet.
Maximum Height Above Grade	Wall and window signs: 20 feet; Ground signs: 6 feet;
Location	Wall and window signs shall be set back from the boundary lines of the zone lot on which they are located the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign. Ground signs shall be set in at least 10 feet from every boundary line of the zone lot.
Illumination	May be illuminated but only from a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink or fluctuate.
Animation	Shall not be animated.

10.10.5.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 12 square feet plus 1 square foot per acre not to exceed 50 square feet for each zone lot or designated land area.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source, shall not flash, blink or fluctuate and shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- G. Animation: Shall not be animated.

SECTION 10.10.6 MULTI-UNIT ~~ZONE DISTRICT SIGN STANDARDS~~ RESIDENTIAL

10.10.6.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted ~~under~~ according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section ~~11.2.3.A.2.f.11.9.2.F.~~
- B. The sign standards contained within this Section apply to the following Zone Districts:

SUBURBAN	URBAN EDGE	URBAN	GENERAL URBAN	SPECIAL
S-TH-2.5 S-MU-3 S-MU-5 S-MU-8 S-MU-12 S-MU-20	E-TU-B E-TU-C E-TH-2.5 E-MU-2.5	U-TU-B U-TU-B2 U-TU-C U-RH-2.5 U-RH-3A	G-RH-3 G-MU-3 G-MU-5 G-MU-8 G-MU-12 G-MU-20 G-RO-3 G-RO-5	EMP-H2 EMP-E12 EMP-ENT M-RH-3

10.10.6.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.
Sign Types	Wall, window and ground.
Maximum Number	2 signs for each front line of the zone lot on which the use by right is located.
Maximum Sign Area	Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used. <u>University or College: The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</u> <u>All Others:</u> 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet.
Maximum Height Above Grade	Wall and window signs: 25 feet; Ground signs: 12 feet;
Location	Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign. Ground signs: Shall be set in at least 5 feet from every boundary line of the zone lot.
Illumination	May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.
Animation	Shall not be animated.

10.10.6.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination of temporary signs: May be illuminated but only from a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m. and shall not flash, blink or fluctuate.
- G. Animation of temporary signs: Shall not be animated.

SECTION 10.10.7 CAMPUS ZONE DISTRICT SIGN STANDARDS

10.10.7.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted ~~under~~ according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section ~~11.2.3.A.2.f.11.9.2.F~~.
- B. The sign standards contained within this Section apply to the following Zone Districts: CMP-H, CMP-H2, CMP-EI, CMP-EI2 and CMP-ENT

10.10.7.2 Permanent Signs

Permanent signs shall comply with the following standards:

	<u>CMP-H CMP-EI</u>	<u>CMP-H2 CMP-EI2</u>	<u>CMP-ENT</u>
Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operations, services offered and events.	<u>Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.</u>	<u>Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.</u>
Sign Types	Wall, window and ground.	<u>Wall, window, ground and arcade.</u>	<u>Wall, window, ground and arcade.</u>
Maximum Number	2 signs for each front line of the zone lot on which the use by right is located.	<u>Each use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use is located.</u>	<u>Each use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.</u>

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT
Maximum Sign Area	<p><u>University or College:</u> The following regulations shall apply to the contiguous Campus only: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p><u>Lodging Accommodations:</u> On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p><u>All Others:</u> 20 square feet or two square feet of sign area for each 1,000 square feet of zone lot area; however, not to exceed 96 square feet of total sign area for each zone lot and provided that no 1 sign shall exceed 32 square feet.</p>	<p><u>Dwelling, Multiple Unit:</u> 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p><u>University or College:</u> The following regulations shall apply to the contiguous Campus only. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p><u>Lodging Accommodations:</u> On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p><u>All Others:</u> 20 square feet or the total permitted sign area for each use by right or conditional use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> • For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used. • For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use. 	<p><u>Dwelling, Multiple Unit:</u> One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p><u>All Others:</u> 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> • For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100 feet of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used. • For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100 feet of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.

	CMP-H CMP-EI	CMP-H2 CMP-EI2	CMP-ENT
Maximum Height Above Grade	Wall and window signs: 25 feet; Ground signs: 12 feet:	<u>Wall, window and arcade signs:</u> <ul style="list-style-type: none"> <u>Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25 feet.</u> <u>Lodging accommodations, office and bank: The roof line of the building to which the sign is attached.</u> Ground signs: 25 feet.	Wall and window signs: <u>The roof line of the building to which the sign is attached.</u> Ground and arcade signs: 32 feet.
Location	Wall and window signs: Shall be set in from the boundary lines of the zone lot on which it is located, the same distance as a building containing a use by right; provided, however, wall signs may project into the required setback space the permitted depth of the sign. Ground signs: Shall be set in at least 5 feet from every boundary line of the zone lot.	<u>Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.</u> <u>Ground signs: Shall be set in at least 5 feet from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front</u>	<u>Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with Section 49-436. In no case shall there be more than 5 signs applied to any street front.</u>
Illumination	May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.	<u>May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate</u>	<u>May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.</u>
Animation	Shall not be animated.	<u>Shall not be animated</u>	<u>Shall not be animated</u>

10.10.7.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

A. Permitted sign types:

- CMP-H, CMP-H2, CMP-EI, CMP-EI2: Wall and ground.
- CMP-ENT: Wall, ground and window.

B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.

C. Permitted sign area:

- CMP-H2 and CMP-EI2: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
- CMP-H and CMP-EI: 15 square feet plus 1 square foot per acre not to exceed 100 square feet for each zone lot or designated land area.
- CMP-ENT: The greater number of the following: 100 square feet; or 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided however, that the total area of all signs on the zone lot shall not exceed 200 square feet.

D. Permitted maximum height above grade:

- CMP-H, CMP-H2, CMP-EI, CMP-EI2: 12 feet.

2. CMP-ENT: 25 feet.
- E. Permitted location of temporary signs: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination of temporary signs:
 1. CMP-H, CMP-H2, CMP-EI, CMP-EI2: May be illuminated but only from a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m. and shall not flash, blink or fluctuate.
 2. CMP-ENT: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation of temporary signs: Shall not be animated.

10.10.7.4 Joint Identification Signs - CMP-H2 and CMP-EI2

Subject to the conditions hereinafter set forth and upon application to and issuance a zoning permit therefore, joint identification signs are permitted for 3 or more primary uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.8 RESIDENTIAL MIXED USE ZONE DISTRICT SIGN STANDARDS

10.10.8.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted ~~under~~ according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I and signs identifying home occupations as regulated by Section ~~11.2.3.A.2.f.11.9.2.F~~.
- B. The sign standards contained within this Section apply to the following Zone Districts:

URBAN EDGE	URBAN	GENERAL URBAN	URBAN CENTER	MASTER PLANNED
E-RX-5	U-RX-5	<u>G-RO-3</u> <u>G-RO-5</u> G-RX-5	C-RX-5 C-RX-8 C-RX-12	M-RX-5 <u>M-RX-5A</u>

10.10.8.2 Permanent Signs

Permanent signs shall comply with the following standards:

Conents	Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.
Sign Types	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.
Maximum Sign Area	<p>Dwelling, Mmultiple Unit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p><u>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</u></p> <p>All Others: Each use by right or conditional use other than dwelling, multiple unit, lodging accommodations and university or college. 20 square feet or the total permitted sign area for each use by right or conditional use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used. For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.
Maximum Height Above Grade	Wall, window and arcade signs: <ul style="list-style-type: none"> Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25 feet. Lodging accommodations, office and bank: The roof line of the building to which the sign is attached. Ground signs: 25 feet.
Location	Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.
	Ground signs: Shall be set in at least 5 feet from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.

Illumination	May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.
Animation	Shall not be animated.

10.10.8.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.8.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration of~~ a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.9 MIXED USE 2X AND MAIN STREET 2X ZONE DISTRICT SIGN STANDARDS SIGNS (-RX-, -MX-2X-, -MS-2X-)

10.10.9.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right or conditional use in the district in which the signs are located; shall be located on the same zone lot as the use by right or conditional use and shall be clearly incidental, customary and commonly associated with the operation of the use by right or conditional use; provided, however, that no sign of any type shall be erected or maintained for or by a single unit dwelling except signs permitted ~~under~~ according to Sections 10.10.3.1.A, 10.10.3.1.B, 10.10.3.1.E, 10.10.3.1.G, 10.10.3.1.I, and signs identifying home occupations according to as regulated by Section ~~11.2.3.A.2.f.11.9.2.F.~~
- B. The sign standards contained within this Section apply to the following Zone Districts: S-MX-2x; E-MX-2x; E-MS-2x; U-MX-2x; U-MS-2x

10.10.9.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right or conditional use by name, use, hours of operation, services offered and events.
Sign Types	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.
Maximum Sign Area	<p>Dwelling, Mmultiple Uunit: 20 square feet or 1 square foot of sign area for each dwelling unit in a multiple unit dwelling not, however, to exceed 96 square feet of total sign area for any use and not more than 32 square feet of sign area to be applied to any 1 street front.</p> <p>Lodging Accommodations: On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street frontage separately and, provided further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front. No sign shall exceed 300 square feet in size.</p> <p><u>University or college. The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area, and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</u></p> <p>All Others: Each use by right or conditional use other than dwelling, multiple unit, lodging accommodations and university or college. 20 square feet or the total permitted sign area for each use by right or conditional use shall be determined by one of the following provisions; not, however, to exceed 192 square feet of total sign area for any 1 use and not more than 96 square feet of sign area to be applied to any 1 street front:</p> <ul style="list-style-type: none"> For a zone lot having but 1 use by right or conditional use. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that in computing the area of such signs not more than 2 street fronts, 1 contiguous with the other shall be used. For a zone lot having 2 or more uses by right or conditional uses. 20 square feet plus 1 square foot of sign area for each 2 horizontal linear feet of that portion of the building frontage occupied by the use by right or conditional use.
Maximum Height Above Grade	<p>Wall, window and arcade signs:</p> <ul style="list-style-type: none"> Dwellings, multiple unit and all uses by right other than lodging accommodations, office and bank: 25 feet. Lodging accommodations, office and bank: The roof line of the building to which the sign is attached. <p>Ground signs: 25 feet.</p>
Location	<p>Wall, window and arcade signs: Shall be set back from the boundary lines of the zone lot on which located the same distance as a building containing a use by right or conditional use; provided, however, wall signs may project into the required setback space the permitted depth of the sign.</p> <p>Ground signs: Shall be set in at least 5 feet from every boundary line of the zone lot. In no case shall there be more than 1 ground sign applied to any street front.</p>

Illumination	May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.
Animation	Shall not be animated.

10.10.9.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or conditional use or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 20 square feet or 2 square feet of sign area for each acre of zone lot or designated land area not to exceed 150 square feet.
- D. Permitted maximum height above grade: 12 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.9.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, joint identification signs are permitted for 3 or more uses by right or conditional uses on the same zone lot as the signs, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 wall sign or 1 ground sign for each front line of the zone lot.
- C. Permitted sign area: 1 square foot of sign area for each 2 linear feet of street frontage; provided, however, that the total sign area shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a front setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a front setback for structures, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.10 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 1 SIGN STANDARDS MIXED USE, MAIN STREET 2, AND INDUSTRIAL MIXED USE SIGNS (-MX-, -MS-2, -IMX-, -IMX-)

10.10.10.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the following Zone Districts:

SUBURBAN	URBAN EDGE	URBAN	GENERAL URBAN	URBAN CENTER	SPECIAL
S-CC-3x S-CC-5x S-MX-2 S-MX-3 S-MX-5 S-MX-8 S-MX-12	E-CC-3x E-MX-2, -2A E-MX-3, -3A E-MS-2	U-MX-2 U-MX-3 U-MS-2	G-MX-3	C-MX-3 C-MX-5 C-MX-8 C-MX-12 C-MX-16 C-MX-20	M-GMX M-MX-5 M-IMX-5 M-IMX-8 M-IMX-12

10.10.10.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.
Sign Types	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.
Maximum Sign Area	<p>Lodging Accommodations: On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that the the total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>All Others: Each use by right other than a Lodging Accommodations, Universities and colleges 50 square feet, or, the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> • For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used. • For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200 feet of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter.
Maximum Height Above Grade	Arcade signs: 20 feet. Ground signs: 32 feet. Wall or window signs: The roof line of the building to which the sign is attached.
Location	Shall be set in at least 5 feet from every boundary line of the zone lot in Zone Districts requiring structural setbacks; provided, however, wall signs may project into the required setback space the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front.
Illumination	May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
Animation	Shall not be animated.

10.10.10.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area in Zone Districts requiring structural setbacks.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.10.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
 - 1. 100 square feet; or
 - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot, provided however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot in Zone Districts requiring structural setbacks.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.11 MIXED USE COMMERCIAL ZONE DISTRICTS-TIER 2 CORRIDOR, MAIN STREET 3-12, AND (-CC-, MS-3-12, D-, I-A, I-B)

10.10.11.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the following Zone Districts:

SUBURBAN	URBAN EDGE	URBAN	GENERAL URBAN	URBAN CENTER	SPECIAL
S-CC-3 S-CC-3x S-CC-5 S-CC-5x S-MS-3 S-MS-5	E-CC-3 E-CC-3x E-MS-3 E-MS-5	U-MS-3 U-MS-5	G-MS-3 G-MS-5	C-MS-5 C-MS-8 C-MS-12	<u>M-CC-5</u>

10.10.11.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.
Sign Types	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.
Maximum Sign Area	<p>Dwelling, Mmultiple Uunit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>All Others: Each use by right other than multiple unit dwellings, hospitals, Universities and colleges- 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> • For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100 feet of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used. • For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100 feet of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter.
Maximum Height Above Grade	Wall and window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32 feet.

Location	Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436 . In no case shall there be more than 5 signs applied to any street front.
Illumination	May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
Animation	Shall not be animated.

10.10.11.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: No limitations.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.; shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.11.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
 - 1. 100 square feet; or
 - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.12 **INDUSTRIAL ZONE DISTRICTS SIGN STANDARDS**

10.10.12.1 **General**

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to the I-A, I-B and I-MX Zone Districts.

10.10.12.2 **Permanent Signs**

Permanent signs shall comply with the following standards:

	I-A AND I-B	I-MX
Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/ or any sign or signs that do not come within the definition of off-site commercial sign.	Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.
Sign Types	Wall, window, ground and arcade.	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.	Each use by right or conditional use may have the greater number of the following: 5 signs; or 2 signs for each front line of the zone lot on which the use by right or conditional use is located.

<p>Maximum Sign Area</p>	<p>Dwelling, Multiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>All Others: Each use by right other than multiple unit dwellings, hospitals, Universities and colleges: 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> •For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100 feet of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used. •For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100 feet of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. 	<p>Lodging Accommodations: On zone lots having a linear street frontage of 100 feet or less, 100 square feet; on zone lots having a linear street frontage of more than 100 feet, 1 square foot of sign for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than 300 square feet of sign area be applied to any 1 street front and no sign shall exceed 300 square feet in size.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>All Others: Each use by right other than multiple unit dwellings, hospitals, Universities and colleges: 50 square feet, or the total permitted sign area of each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> •For a zone lot having but 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other shall be used. •For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200 feet of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter.
<p>Maximum Height Above Grade</p>	<p>Wall and window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32 feet.</p>	<p>Arcade signs: 20 feet. Ground signs: 32 feet. Wall or window signs: The roof line of the building to which the sign is attached.</p>
<p>Location</p>	<p>Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Section 49-436. In no case shall there be more than 5 signs applied to any street front.</p>	<p>Shall be set in at least 5 feet from every boundary line of the zone lot in Zone Districts requiring structural setbacks; provided, however, wall signs may project into the required setback space the permitted depth of the sign. In no case shall there be more than 5 signs applied to any street front.</p>
<p>Illumination</p>	<p>May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.</p>	<p>May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.</p>
<p>Animation</p>	<p>Shall not be animated.</p>	<p>Shall not be animated</p>

10.10.12.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area: 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: No limitations.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.; shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.12.4 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
 - 1. 100 square feet; or
 - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

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SECTION 10.10.13 DOWNTOWN ZONE DISTRICT SIGN STANDARDS CORE AND THEATER DISTRICT SIGNS (D-C AND D-TD)

10.10.13.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right
- B. Provided, however, that off-site advertising devices may be allowed in the D-TD district pursuant to a district sign plan ~~under the provisions of~~ according to Section 10.10.154.
- C. The sign standards contained within this Section apply to the following Zone Districts: D-LD; D-CV; D-GT; D-AS; D-C; and D-TD.

10.10.13.2 Permanent Signs

Permanent signs shall comply with the following standards:

	D-LD; D-CV; D-GT; D-AS	D-C; D-TD
Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and prices of products and services; and/or any sign or signs that do not come within the definition of off-site commercial sign.	Identification by letter, numeral, symbol or design of the use by right by name and use, hours of operation, services and products offered, events and prices of products and services.
Sign Types	Wall, window, ground and arcade.	Wall, window, ground and arcade.
Maximum Number	Each use by right or conditional use may have the greater number of the following: 5 signs; or 3 signs for each front line of the zone lot on which the use by right or conditional use is located.	Ground level uses by right with street frontage for each separate building: Each use by right may have 3 for each street front of the use by right plus 1 additional sign for each 100 feet of street frontage in excess of 200 feet. All other uses by right combined for each separate building: 1 sign plus 1 sign for each front line of the zone lot on which the building is located.

<p>Maximum Sign Area</p>	<p>Dwelling, Mmultiple Unit: One square foot of sign area for each dwelling unit in a multiple unit dwelling; not, however, to exceed 192 square feet of total sign area for any use and not more than 64 square feet of sign area to be applied to any 1 street frontage.</p> <p>Hospitals: 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot not, however, to exceed 96 square feet of sign area to be applied to any 1 street front and not more than 2 street fronts, 1 contiguous with the other, shall be used.</p> <p>University or College: The following regulations shall apply to the campus. 2 square feet of sign area for each 5 linear feet of street frontage of the zone lot; provided, however, that: The total area of all signs along any 1 street front shall not exceed 150 square feet of sign area; and no sign over 50 square feet shall be located within 100 feet of the zone lot line or campus boundary.</p> <p>All Others: Each use by right other than multiple unit dwellings, hospitals, Universities and colleges. 80 square feet, or the total permitted sign area for each use by right shall be determined by one of the following provisions; provided, however, that no sign shall exceed 200 square feet in area nor shall the total sign area of any use exceed 600 square feet:</p> <ul style="list-style-type: none"> • For a zone lot having but 1 use by right. 1.5 square feet of sign area for each linear foot of front line of the zone lot for the first 100 feet of the front line and 1 square foot of sign area for each linear foot of zone lot front line thereafter; provided, however, in computing the area of such signs, the measurements of not more than 2 front lines, 1 contiguous with the other, shall be used. • For a zone lot having 2 or more uses by right. For each use by right 2.5 square feet of sign area for each horizontal linear foot of that portion of building frontage occupied by the use by right, for the first 100 feet of building frontage, then .5 square foot of sign area for each horizontal linear foot of building frontage thereafter. 	<p>Ground level uses by right with street frontage: Sign area shall be based on 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet and the sign area permitted by this Section shall not be combined with the sign area permitted by any other Section of this chapter:</p> <p>Zone lot with 1 use by right: 2 square feet of sign area for each linear foot of the front line of the zone lot. All measurements shall be applied to each street front separately.</p> <p>Zone lot with more than 1 use by right: 4 square feet of sign area for each linear foot of that portion of the building frontage occupied by a ground level use by right. The resulting sign area is to be applied only to that portion of the building occupied by the use by right and all measurements shall be applied to each street front separately.</p> <p>Uses by right other than ground level uses by right with street frontage: 1 square foot of sign area for each foot of the front line of the zone lot on which the building is located or 3 percent of the exterior wall surface of the building whichever is greater. All measurements shall be applied to each building front separately.</p>
<p>Maximum Height Above Grade</p>	<p>Wall and window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32 feet.</p>	<p>Wall or window signs: The roof line of the building to which the sign is attached. Ground and arcade signs: 32 feet.</p>
<p>Location</p>	<p>Shall be set back at least 5 feet from every boundary line of the zone lot in districts requiring a setback for structures; otherwise need not be set back from the boundary lines of the zone lot. Wall signs may project into the required setback space the permitted depth of the sign. In districts not requiring a building setback, wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C. Ssection 49-436. In no case shall there be more than 5 signs applied to any street front.</p>	<p>No setback is required from any boundary line of the zone lot. Wall signs attached to walls which are adjacent to a street right-of-way line may project into the right-of-way in accordance with D.R.M.C., Section 49-436.</p>
<p>Illumination</p>	<p>May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.</p>	<p>May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.</p>
<p>Animation</p>	<p>Shall not be animated.</p>	<p>Signs shall not be animated.</p>

10.10.13.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than 1 successive period at the same location.

- A. Permitted sign types: Wall, window or ground.
- B. Permitted maximum number: 2 signs for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area:
 - 1. **D-C and D-TD:** 64 square feet for each front line of the zone lot or designated land area on which the signs are located. Computations shall be made and sign area shall be applied to each front line separately.
 - 2. **D-LD, D-CV, D-GT, and D-AS:** 64 square feet for each front line of the zone lot or designated land area on which located, but not more than 32 square feet per sign.
- D. Permitted maximum height above grade:
 - 1. **D-C and D-TD:** 20 feet.
 - 2. **D-LD, D-CV, D-GT, and D-AS:** 25 feet.
- E. Permitted location: No limitation.
- F. Permitted illumination:
 - 1. **D-C and D-TD:** May be illuminated but only from a concealed light source; and shall not flash, blink or fluctuate.
 - 2. **D-LD, D-CV, D-GT, and D-AS:** May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. to 6:00 a.m.; shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.13.4 Joint Identification Signs **for D-LD; D-CV; D-GT; and D-AS**

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a **zoning** permit therefore, joint identification signs are permitted for three or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
 - 1. 100 square feet; or
 - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.

- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed 25 watts per bulb.
- G. Animation: Shall not be animated.

SECTION 10.10.14 ~~SIGN PLAN FOR D-TD DOWNTOWN THEATER DISTRICT~~ ~~SIGN PLAN (D-TD)~~

10.10.14.1 Signs Subject to a District Sign Plan

Notwithstanding more restrictive provisions of this Division 10.10, signs, the D-TD district may have signs in accordance with a single approved district sign plan.

10.10.14.2 General Purpose

- A. Facilitate the creation and recognition of a unique downtown theater district and build on the character of the Denver Performing Arts Complex.
- B. Provide flexibility in the size, type and location of signs in exchange for a higher standard of design quality for signs within the district sign plan.
- C. Mitigate any possible adverse impacts of large format sign installations on surrounding uses.

10.10.14.3 Description of Qualifying Uses

These provisions shall apply to the D-TD district and signs may be erected, altered and maintained for a use by right in the district and may be used for outdoor general advertising devices, including, but not limited to, City of Denver services and events.

10.10.14.4 Permitted Sign Types

Wall, window, ground, arcade, and projecting.

10.10.14.5 Permitted Maximum Number

There is no maximum number of signs within the district sign plan.

10.10.14.6 Permitted Maximum Sign Area

No maximum signage area within the district sign plan.

10.10.14.7 Permitted Maximum Height Above Grade

- A. Wall, window, projecting and arcade signs may extend above the roof line of the building to which the sign is attached and must be in conformance with the approved district sign plan.
- B. Ground signs: Maximum of 50 feet.

10.10.14.8 Permitted Location

No setback for signage is required from any boundary line of the zone lot. Signs attached to walls that are adjacent to a street right-of-way line may project into the right-of-way in accordance with [D.R.M.C. Ssection 49-436](#).

10.10.14.9 Permitted Illumination

May be illuminated; and may flash, blink or fluctuate.

10.10.14.10 Animation Allowed

Signs may be animated.

10.10.14.11 Permitted Sign Contents

As a matter of public necessity, the city must protect children and non-consenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. When such displays are thrust indiscriminately upon

unwilling audiences of adults and children, such displays constitute assaults upon individual privacy. Therefore, signs subject to the district sign plan shall not be displayed or exhibited in a manner that exposes to public view from the street or sidewalk any of the following:

- A. Any material that exposes to public view any pictorial material that is obscene;
- B. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal or gratification;
- C. Any pictorial material depicting a person's genitals, pubic hair, perineum, anus, or anal region; or
- D. Any pictorial material depicting explicit sexual acts.

10.10.14.12 Process to Establish a District Sign Plan

- A. Plan submittal. The applicant will submit the following items to community planning and development to establish a district sign plan for the D-TD district:
 - 1. A site plan or improvement survey of the district drawn to scale showing existing and proposed buildings within the D-TD district, residential uses within existing and proposed buildings, parking areas, landscaped areas, streets and alleys, and residential uses adjacent to the D-TD district boundary;
 - 2. The district sign plan will include all properties within the D-TD district and clearly identify all buildings which are and are not participating within the district sign plan.
 - 3. The district sign plan will address design review for signage subject to the plan.
 - 4. A map of the D-TD district clearly identifying all landmark buildings, landmark districts, and designated parkways.
 - 5. Scaled drawings or other images showing the elevations of existing and proposed buildings within the D-TD district.
 - 6. Design descriptions of all allowable sign types, including sign shape, size typography, lighting, exposed structure, colors, and materials, and any information on the frequency of changeable graphics.
 - 7. All information on allowable sign locations shall be provided: wall elevations or other images drawn to scale showing locations of wall, window, arcade, and projecting signs, and site plans drawn to scale showing locations and heights of ground signs.
 - 8. Calculations of total sign area per building face.
 - 9. Other items identified by community planning and development as necessary to establish the district sign plan consistent with the stated purposes of this Section.
- B. Information review. Community planning and development will review information received in the applicant's submittal and forward a recommendation to planning board within 21 days from submittal of a complete application for a district sign plan.
- C. Notice to others. The planning board shall send notice of the proposed plan to neighborhood organizations which are registered pursuant to the provisions of Section 12-94 of the Revised Municipal Code and whose boundaries are within 200 feet of the boundary line of the D-TD district. The planning board shall also send notices to council members whose boundaries are within 200 feet of the boundary of the D-TD district. Notices to registered neighborhood organizations and council members shall be sent at least 30 days prior to the hearing.
- D. Adoption or amendment of a district sign plan. The planning board shall review the community planning and development recommendation, public comment, the criteria for review, and make

a final decision to approve, approve with conditions or deny the submittal for a district sign plan.

10.10.14.13 Criteria for Review

The criteria for reviewing the district sign plan are as follows:

- A. Signs shall be oriented or illuminated so that they do not adversely affect existing nearby residential uses or structures. Examples of adverse effects may include but are not limited to glare from intense illumination, and large signs or support structures that visually dominate an area to the detriment of existing or proposed land uses.
- B. Heights, scales and locations of all sign types for buildings within the district will be evaluated taking consideration of possible impacts on adjacent buildings and uses.
- C. Signage, as part of the district sign plan, shall not encroach closer than 240 feet of the centerline of 17th Street.
- D. Roof mounted signs are not allowed within the district sign plan.
- E. Freestanding outdoor general advertising devices may be limited in close proximity to landmark structures, landmark districts, and designated parkways.
- F. Internally illuminated, translucent face box signs are not allowed within the district sign plan.
- G. All signage, subject to the district sign plan, shall be located above first floor commercial storefronts.
- H. All features of the sign, including the illumination, support structure, color, lettering, height, and location, shall be designed to be complementary to the architecture and architectural features of the building on which it is located, as applicable.
- I. Sign design should reflect the existing or desired character of the area. The intent of this subsection is to encourage exciting, iconographic, and inventively illuminated signage to enhance the theater district.
- J. Signs shall be designed and fabricated from quality, durable materials.
- K. Projecting signs must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building. There is no limit as to the number of projecting signs within the district sign plan.
- L. Signs for accessory uses, which are prohibited by other provisions of Division 10.10, are allowed as a part of an approved district sign plan.
- M. A maximum of one district sign plan may be adopted for the D-TD district.

10.10.14.14 Minor Deviations to the District Sign Plan

Sign proposals shall conform to an approved district sign plan, provided however, that community planning and development may authorize minor deviations from the district sign plan for individual signs when such deviations appear necessary in light of technical or engineering considerations, and provided that the council members and registered neighborhood organizations whose boundaries are within 200 feet of the boundary of the D-TD district are first notified. Minor deviations for individual signs shall not be permitted if any of the following circumstances result:

- A. Signs are oriented or illuminated so that they adversely affect existing nearby residential uses or structures.
- B. A change in allowable heights of signs greater than 2 feet above the maximum height above grade or 0 feet below the minimum height above grade.
- C. A projection greater than 6 inches of the maximum allowance.

- D. A change in signage type, illumination or animation allowed within the district sign plan.
- E. Signs exceeding the specifications of the district sign plan and not allowed ~~under~~ according to Section 10.10.~~4514~~.15, require an amendment to the district sign plan.

10.10.14.15 Other Permitted Signs

Signs described and regulated by Section 10.10.3.2.E, signs giving parking or traffic directions, and inflatables and balloons and/or streamers/pennants as described and regulated by Section 10.10.3.2.I, need not be included in the district sign plan. However, other signs permitted by Section 10.10.3.2, signs subject to a permit, must be included in the district sign plan.

10.10.14.16 Rules and regulations

The Planning Board has the authority to adopt rules and regulations concerning the review of the district sign plan.

10.10.14.17 Fee

The fee for review for the initial district sign plan is \$500.00 per acre or \$5,000.00, whichever is less. The fee for review for an amendment of the district sign plan is \$250.00 per acre or \$2,500.00, whichever is less.

SECTION 10.10.15 SPECIAL PROVISIONS FOR D-GT ~~SIGNS IN THE DOWN-TOWN GOLDEN TRIANGLE DISTRICT (D-GT)~~

10.10.15.1 General

The provisions of this Section 10.10.~~4615~~ shall apply to the D-GT district, except that portion of the district north of 13th Avenue on Broadway and Lincoln Street. The other Sections of this Division 10.10 shall remain in full force and effect in the D-GT district, and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a projecting sign may be submitted pursuant to the provisions of this Section, in which case this Section will be applicable with respect to the issuance of sign permits.

10.10.15.2 Purpose

The purpose of this Section is to create the policy for a system of signs that project perpendicular to the face of the wall or building to which they are attached, or at a 45-degree angle to the corner of a building where the user occupies at least part of 2 building frontages.

10.10.15.3 Intent

To accomplish this purpose, it is the intent of this ordinance to encourage and to authorize the use of signs and street graphics which are:

- A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.
- C. Appropriate to and expressive of the business or activity for which they are displayed.
- D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation.
- E. Employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography, and materials.
- F. Of high quality, durable materials appropriate to an urban setting.

10.10.15.4 Permitted Maximum Sign Area

The other Sections of this Division 10.10 pertaining to the D-GT district are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area. For these purposes, a cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

10.10.15.5 Projecting Graphics Permitted

For the purposes of this Section, a projecting graphic is a sign or street graphic attached to and projecting from the wall of a building at 90 degrees, or the corner of a building at 45 degrees. The projecting graphic may be two- or three-dimensional, and regular or irregular in form.

- A. The following limitations apply to projecting graphics:
1. Each user may display 1 projecting graphic adjacent to every street upon which the user has frontage and an entry or 1 projecting sign at the corner of a building where the user has 2 frontages, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.
 2. Projecting graphics may project no more than 5 feet out from a building.
 3. The bottom of any projecting graphic must be at 8 feet above the sidewalk or ground floor finished floor level, whichever is higher while the top of any projecting graphics may be no higher than 15 feet above the sidewalk or ground level finished floor level, whichever is higher.
 4. Projecting graphics shall be mounted no less than 6 inches away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.
 5. Allocation of allowable sign volume. For users that are located at the street level and have entries with direct access to a public sidewalk, court or plaza, or users located in the basement or on the second floor, that have entries at the street level with direct access to a public sidewalk, court or plaza, the allowable projecting sign volume will be allocated on the following basis:
 - a. Users that occupy at least 8 feet but no more than 20 feet of linear building frontage may have up to 12 cubic feet of projecting sign volume.
 - b. Users that occupy more than 20 but no more than 50 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume.
 - c. Users that occupy over 50 linear feet of building frontage may have up to 50 cubic feet of projecting sign volume.
 - d. Users that occupy over 50 linear feet of building frontage, that are located in the D-GT Zone District on either Broadway or Lincoln Streets and are south of 13th Avenue, may have up to 70 cubic feet of projecting sign volume.
 - e. Users occupying corner locations may base the maximum allowable volume of their signage on the length of the actual building frontage on which the sign is placed, or on the length of either frontage if a corner location is chosen.
- B. Calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form constructed to enclose the primary form of the sign.
- C. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the Zoning Administrator. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign.

- D. No dimension (height, width, or depth) shall be considered to be less than 1 foot and 0 inches for the purposes of calculating sign volume.
- E. Projecting signs are prohibited for users without direct street access on the street level.
- F. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may additionally be restricted by the dimensions of the building facade on which signage is to be located and the relationship to other tenant signage on the same facade:
 - 1. Signs shall not exceed the height of the parapet of the building on which mounted.
 - 2. Signs shall not be placed less than 8 feet apart

10.10.15.6 Illumination

Illumination of graphics as defined herein shall be permitted by direct, indirect, neon tube, light-emitting diode (LED), and fluorescent illumination for users with over 20 linear feet of frontage. Users with fewer than 20 linear feet of frontage may have direct external illumination only. The following additional provisions also apply to the illumination of street graphics:

- A. Color of light. Graphics as defined herein may use a variety of illuminated colors.
- B. Fully internally-illuminated plastic sign boxes with internal light sources are prohibited.
- C. Flashing illumination, animated graphics, and signs that blink, fluctuate or change graphics or messages more than once an hour are prohibited.

SECTION 10.10.16 SPECIAL PROVISIONS FOR ~~SIGNS IN THE D-C, D-TD, D-LD, D-CV, AND D-AS~~ DISTRICTS

10.10.16.1 General

The provisions of this Section 10.10.~~12~~16 shall apply to the D-C, D-TD, D-LD, D-CV, and D-AS districts. The other provisions of this Division 10.10 (Signs) shall remain in full force and effect in the D-C, D-TD, D-LD and D-AS districts, and there is no requirement that proposed signs be submitted for approval pursuant to this Section. However, an application for a sign may be submitted pursuant to the provisions of this Section in which case this Section will be applicable with respect to the issuance of the sign permit.

10.10.16.2 Purpose

The purpose of this Section is to create the policy for a comprehensive and balanced system of signs and street graphics to facilitate the enhancement and improvement of the D-C, D-TD, D-LD and D-AS districts through the encouragement of urban, innovative signs and street graphics which will aid in the creation of a unique downtown shopping and commercial area, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. To accomplish these purposes, it is the intent of this Section to encourage and to authorize the use of signs and street graphics which are:

- A. Compatible with and an enhancement of the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- B. Compatible with and an enhancement of the architectural characteristics of the buildings on which they appear when considered in terms of scale, proportion, color, materials and lighting levels.
- C. Appropriate to and expressive of the business or activity for which they are displayed.

- D. Creative in the use of unique 2 and 3 dimensional form, profile, and iconographic representation; employ exceptional lighting design and represent exceptional graphic design, including the outstanding use of color, pattern, typography and materials. Signage which simply maximizes allowable volume in rectangular form is strongly discouraged.
- E. Of high quality, durable materials appropriate to an urban setting.

10.10.16.3 Permitted Maximum Sign Area

The other provisions of this Division 10.10 (Signs) pertaining to the D-C, D-TD, D-LD and D-AS districts are applicable, and the sign area allowable under this Section shall be deducted from the permitted maximum sign area. A cubic foot of sign or graphic volume is considered to be equivalent to a square foot of sign area.

10.10.16.4 Projecting Graphics Permitted

A projecting graphic is a sign or street graphic attached to and projecting from the wall of a building and not in the same plane as the wall.

- A. The following limitations apply to projecting graphics:
 - 1. Each use may display 1 projecting graphic adjacent to every street upon which the use has frontage, provided that the approval of the manager of public works has been given pursuant to the provisions of Section 49-436 of the Revised Municipal Code.
 - 2. Projecting graphics must clear sidewalks by at least 8 feet in height and may project no more than 7 feet out from a building.
 - 3. Projecting graphics shall be mounted no less than 6 inches and no more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) which are adjacent to it on the building facade.
 - 4. Allocation of allowable sign volume. For uses that are located at the street level and have entries with direct access to a public sidewalk, court or plaza the allowable projecting sign volume will be allocated on the following basis:
 - a. Uses that occupy up to 49 linear feet of building frontage may have up to 30 cubic feet of projecting sign volume. However, to avoid crowding of signage types, uses that occupy less than 30 linear feet of exterior building frontage will be limited to utilizing either a projecting sign as allowed under these regulations, or any other non projecting sign types as currently allowed.
 - b. Uses that occupy between 50 and 74 linear feet of building frontage may have up to 64 cubic feet of projecting sign volume.
 - c. Uses that occupy 75 linear feet or more of building frontage may have up to 96 cubic feet of projecting sign volume.
 - d. Uses occupying corner locations may base the maximum allowable volume of their signage on the length of the 1 actual building frontage on which it is placed.
 - 5. The calculation of sign volume. The volume of a projecting sign will be calculated as the volume within a rectilinear form that could be constructed to enclose the primary form of the sign. Minor sign elements may project beyond the primary boundaries of this volume at the discretion of the review committee. Minor elements will be defined as those parts of the sign which add to the design quality without adding significantly to the perceived volume and mass of the sign. No dimension (height, width or depth) shall be considered to be less than 1'-0" for the purposes of calculating sign volume.
 - 6. Multiple projecting signs. The total sign volume allowed for a single use may be broken into multiple projecting signs, not to exceed 1 per 25 linear feet of the actual building

- frontage adjacent to a public walk, court or plaza only at the discretion of the review committee based on the following criteria:
- a. Multiple signs significantly enhance the creative impact of the signage concept.
 - b. Multiple signs are not detrimental to the building, the surrounding context or the signage opportunities of adjoining uses.
7. Allocation of sign volume for buildings with multiple uses having direct street access. Total combined allowable sign volume for buildings with multiple uses with direct street access may be allocated among the uses based on the following:
- a. Comprehensive sign plan required. No projecting signage for an individual use in a multi-use building will be reviewed or approved without review and approval of a comprehensive sign plan for the entire building. This plan must indicate how tenant sign allowances are to be allocated among all eligible building uses, approximate designated sign locations and allowable types of sign construction and illumination. This sign plan must indicate sizes and locations for all sign types, not just projecting graphics.
 - b. Total sign volume for uses with direct street access shall not exceed the total of individual sign allowances based on the criteria of 10.10.1216.4.A.1, .2, .3, and .4.
 - c. To accommodate uses without direct street access in addition to those with access (b. above), the total allowable sign volume determined by b. may be increased by the following amounts and apportioned among the uses by a comprehensive building sign plan (a. above): 12 cubic feet for building frontage up to 49 lineal feet; 20 cubic feet for building frontage from 50 to 74 lineal feet; and 30 cubic feet for building frontage 75 lineal feet and over.
 - d. Power of attorney required. In situations where maximum sign volumes must be allocated among several tenants, applicants other than the property owner will be required to provide evidence of power of attorney from the property owner authorizing the tenant to provide the comprehensive sign plan and to make application for the requested sign volume.
8. Buildings containing multiple uses without direct street access. In the case where a building contains multiple uses that do not have direct street access, a projecting sign for each individual use without direct access is prohibited. Entry features may contain multiple use identifications, however they must be designed with a unified program of graphics, materials, illumination, etc. For example, the entrance to a multi-use space may utilize a unique entry canopy as a single design feature into which multi-use identification can be incorporated. A single projecting graphic identifying a common identity, such as the name of the building or a retail arcade is also permissible.
- a. Architectural entry canopies, defined as permanent structures that are fully supported by the building facade and are constructed of materials other than fabric or vinyl type materials, may incorporate signage for 1 or more tenants as part of their design, subject to these regulations and committee review. Signage may occur on canopy surfaces which are parallel, perpendicular or at other angles to the building facade to which the canopy is attached. Because canopies are architectural features that may only incidentally incorporate signage, not all the area of the canopy will be counted as signage. The volume of the canopy to be calculated as signage will be confirmed by the review committee per the following criteria:
 - b. The face area of typography and graphics.
 - c. The 2 maximum dimensions of iconographic three-dimensional sign figures.
9. Relationships to the building facade. Maximum projecting sign dimensions, volumes and locations may be additionally restricted by the dimensions of the building facade on

which signage is to be located and the relationship to other tenant signage on the same facade.

- a. Signs shall not exceed the height of the parapet of single story buildings unless it is found by the review committee to meet the criteria in item d., below.
 - b. Signs shall not extend more than 1 story above the building floor on which the use is located unless they are found by the review committee to meet the criteria in item d., below.
 - c. Signs for uses located below street level shall not be located or extend beyond the uppermost part of the second story without the approval of the review committee.
 - d. The following conditions will be taken into account when considering exceptions to items a. and b. above:
 - i. The additional height is found to be a factor in the success of the sign's design.
 - ii. The additional height is not a detriment to overall design of the building facade or its immediate context.
 - iii. The additional height will not overshadow or create glare in adjoining properties.
 - e. Signs shall not be placed less than 25 feet apart unless they are determined to meet the following criteria:
 - i. The signs work together to make a unified and compatible design that is stronger as a group than it would be as a single sign or multiple signs widely separated.
 - ii. The sign group is compatible with the building architecture, reinforcing the design intent of a significant building feature such as a primary entry.
- B. Auxiliary graphics. Auxiliary graphics are elements which are complementary but subsidiary to principal graphics. The following auxiliary graphics are permitted, subject to the limitations set forth herein:
1. Awnings. Signage on fabric or vinyl type non illuminated awnings that is located on a surface of that awning which is perpendicular to the face of the building will not be considered a projecting sign under this ordinance, but will be allowed, subject to staff review, provided that the total area of typography and graphics does not exceed 2 square feet.
 2. Banners.
 - a. Short term banners and flags, which provide information related to a specific, temporary event (not more than 60 days in any 365-day period) are permitted provided that they are no more than 64 square feet. Projection shall not exceed 7'-0".
 - b. Permanent banners and flags which are graphic in nature, providing color and design interest only and do not directly represent actual goods, services, brands or business names are permitted provided that they are no more than 32 square feet. These banners are not subtracted from the allowable sign area. Projection shall not exceed 7'-0".
 3. Illumination. Illumination of graphics as defined herein shall be permitted by direct, indirect, and neon tube illumination. The following additional provisions also apply to the illumination of street graphics:
 - a. Color of light. Graphics as defined herein may use a variety of illuminated colors, provided they do not conflict with traffic signals.
 - b. Flashing illumination and animated graphics are expressly limited to those properties which are contiguous to the 16th Street pedestrian and transit mall. All such

signs must be readable from the 16th Street Mall. Bare bulb illumination is expressly discouraged.

- c. The appropriateness of flashing illumination will be based on the character and uses of the face block, existing uses within the building and the surrounding vicinity, and the protection of public safety.
- d. Use of flashing illumination is limited to entertainment uses such as, by way of example and not by way of limitation, theaters, movie houses, restaurants, and cabarets, and is limited to the times the business is open.
- e. Fully illuminated plastic sign boxes with internal light sources will not be allowed.

10.10.16.5 Design Review Committee

There is hereby created a separate design review committee (DRC) for each of the D-C, D-TD, D-LD and D-AS districts, which shall be composed and comprised as hereinafter set forth, and which shall have the powers and authorities described herein.

- A. Within the D-C and D-TD districts, the DRC shall be comprised of 7 members as follows:
 1. 1 property owner, who owns property in the D-C, or D-TD district;
 2. 2 business operators, who operate businesses in the D-C or D-TD district;
 3. 1 member of Downtown Denver, Inc., nominated by Downtown Denver, Inc.;
 4. 2 design professionals;
 5. 1 resident of Denver, with preference given to a resident of the D-C or D-TD district; and
 6. The Manager, or his designee, who shall serve as an ex- officio member.

Members of the D-C and D-TD DRC shall be nominated by downtown businesses, residents and property owners in the D-C and D-TD districts and shall be appointed by the mayor. The term of membership on the DRC is 3 years with initial appointments being of 3 appointees for 1 year terms, 2 appointees for 2 year terms and 2 appointees for 3 year terms.

- B. Within the D-LD district, the lower downtown design review board shall comprise the DRC.
- C. Within the D-AS district, the planning office staff shall act as the DRC.
- D. Each DRC shall meet monthly or within 14 calendar days of a special request.
- E. Authority is hereby expressly granted to the applicable DRC to review and recommend approval to the Zoning Administrator of applications for signs and street graphics in the applicable district pursuant to the provisions of this Section.

10.10.16.6 Design Review

Applications for sign permits submitted for approval pursuant to the provisions of this Section shall be forwarded to the applicable DRC by the department of zoning administration. The applicable DRC shall prepare a recommendation and submit it to the Zoning Administrator. After taking into consideration the recommendation of the applicable DRC, the Zoning Administrator shall approve or deny the permit, except that the Zoning Administrator may not approve a permit if the lower downtown design review board has recommended denial.

10.10.16.7 Review Provisions

- A. The applicable DRC may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the area, and the committee shall base its compatibility determination on the following criteria:

1. The relationship of the scale and placement of the sign to the building or premises upon which it is to be displayed.
 2. The relationship of colors of the sign to the colors of adjacent buildings and nearby street graphics.
 3. The similarity or dissimilarity of the sign's size and shape to the size and shape of other street graphics in the area.
 4. The similarity or dissimilarity of the style of lettering on the sign to the style of lettering of nearby street graphics.
 5. The compatibility of the type of illumination, if any, with the type of illumination in the area.
 6. The compatibility of the materials used in the construction of the sign with the material used in the construction of other street graphics in the area.
 7. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is suspended and the surrounding buildings.
 8. The proposed signs shall be of high quality, durable materials such as hardwoods, painted wood, metal, stainless steel, painted steel, brass or glass.
- B. Submission of a single sign or multiple sign application:
1. The application for sign permit shall be forwarded to the applicable DRC by the department of zoning administration at least 2 weeks prior to the regularly scheduled DRC meeting.
 2. Recommendations to the Zoning Administrator will be made in writing with reasons for acceptance, rejection, or acceptance with changes within 15 days of each committee meeting; in the event a written recommendation is not made within said 15 days, the application shall be deemed to have a recommendation for rejection.
 3. A graphics plan shall be submitted which shall contain visual representations of the lettering, illumination, color, area and height of graphics and may also indicate the areas and building where they may be placed and located.
 4. Submitted photographic or drawn elevations of a minimum of 266 feet of frontage (context of individual sign) photographic or drawn perspective with the individual sign superimposed and a drawing of the sign at 0.5-inch to 1-inch scale shall be submitted.
 5. Additionally, proof of consent or attempt to get consent, with reasons for failure, of the managers of all properties within the face block must be provided.
 6. The application may also contain such special requirements as approved by the applicable DRC.
- C. Adoption of rules and regulations. Each DRC shall have the authority to adopt rules and regulations concerning its administrative procedures provided that the provisions of Sections 10.10.~~1216~~.7 A and B shall be adhered to.

10.10.16.8 Review of Permit for Flashing Signs

Every permit for a flashing sign issued pursuant to the provisions of this Section 10.10.~~1216~~.8 shall be reviewed 10 years from the date the permit is issued by the department of zoning administration to determine if the flashing sign must be removed or not. In making such review, the review provision set forth in Section 10.10.~~1216~~.7.A shall be followed, and the applicable design review committee (DRC) shall prepare a recommendation and submit it to the zoning administration. After taking

into consideration the recommendation of the applicable DRC, the Zoning Administrator shall determine if the flashing sign must be removed or not.

SECTION 10.10.17 OPEN SPACE, DENVER INTERNATIONAL AIRPORT AND O-1 ZONE DISTRICT SIGN STANDARDS (~~OS, DIA, AND O-1~~)

10.10.17.1 General

- A. Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
- B. The sign standards contained within this Section apply to OS-A, OS-B, OS-C, DIA and O-1 Zone Districts.

10.10.17.2 Permanent Signs

Permanent signs shall comply with the following standards:

Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services and products offered, events and price of products and services.
Sign Types	Wall, window and ground signs.
Maximum Number	1 sign for each front line of the zone lot on which the use by right is located.
Maximum Sign Area	Each use by right shall be permitted a sign area of 20 square feet or the total permitted sign area for any use by right may be determined by 1 or the other of the following provisions provided, however, that the total sign area of any use by right shall not exceed 600 square feet, and no single sign area shall exceed 300 square feet in area: <ul style="list-style-type: none"> • 1 square foot of sign area for each foot of street frontage of the zone lot on which the use by right is located. • 1 square foot of sign area for each acre of the zone lot on which the use by right is located.
Maximum Height Above Grade	Wall and window signs: The roof line of the building to which the sign is attached. Ground signs: 25 feet.
Location	Wall and window signs: Shall be set back from the boundary lines of the zone lot on which it is located the same distance as a structure containing a use by right provided, however, wall signs may project into the required setback space the permitted depth of the sign. Ground signs: Any location provided that the sign is at least 10 feet from any boundary line of the zone lot on which the use by right is located.
Illumination	May be illuminated but only from a concealed light source, and shall not flash, blink or fluctuate.
Animation	Signs shall not be animated.

10.10.17.3 Temporary Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area; each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 1 successive period at the same location.

- A. Permitted sign types: Wall and ground.

- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the signs are located.
- C. Permitted sign area: 32 square feet of sign area for a land area up to 5 acres and 64 square feet of sign area for a land area of 5 acres or more, provided that no sign shall exceed 100 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set back at least 25 feet from all boundary lines of the zone lot or designated land area on which the signs are located.
- F. Permitted illumination: May be illuminated but only from a concealed light source, and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

MOVED Special Provisions For Signs in the D-C, D-TD, D-LD, D-CV, and D-AS Districts

SECTION 10.10.18 CHERRY CREEK NORTH DISTRICT SIGNS ~~STANDARDS (C-CCN)~~

10.10.18.1 Purpose

The purpose of this Section is to create a comprehensive and balanced system of signs and street graphics, to facilitate the enhancement and improvement of the Cherry Creek North district (~~C-CCN~~) through the encouragement of innovative signs and graphics which will aid in the creation of a unique mixed-use neighborhood, facilitate an easy and pleasant communication between people and their environment and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance.

10.10.18.2 General

Signs may be erected, altered and maintained only for and by a use by right in the ~~C-CCN~~ district; shall be located on the same zone lot as the use by right; and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

10.10.18.3 Comprehensive Sign Plan

Projecting signs shall be permitted only after a comprehensive sign plan for the entire building containing a use or uses by right has been approved. Such plan shall indicate how signs are allocated among all the individual uses, approximate designated sign locations, and allowable types of sign construction and illumination.

10.10.18.4 Design Review

In adopting the rules and regulations governing signage, the following criteria shall be utilized. These criteria shall also be the basis of all findings and recommendations regarding signage that the design advisory board shall forward to the Zoning Administrator. Signage shall be:

- A. Compatible with the character of the surrounding district and adjacent architecture when considered in terms of scale, color, materials, lighting levels, and adjoining uses;
- B. Compatible with the architectural characteristics of the buildings on which the signs are placed when considered in terms of scale, proportion, color, materials and lighting levels;
- C. Expressive of the business or activity for which they are displayed;
- D. Creative in the use of two- and three-dimensional forms, iconographic representations, lighting and graphic design, including the use of color, pattern, typography and materials; and

- E. Constructed utilizing high quality, durable materials that meet the physical demands of an urban setting.

10.10.18.5 Signs Subject to a Permit

Section 10.10.3.2 (signs subject to a permit) shall be in full force and effect in the C-CCN district. All signs shall be subject to any additional requirements or standards contained within this Section and shall be subject to review by the Cherry Creek North (CCN) Design Advisory Board.

10.10.18.6 Permitted Contents

Identification by letter, numeral, symbol or design of the use or uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.

10.10.18.7 Permitted Sign Types

Wall, window, ground, projecting and arcade.

10.10.18.8 Permitted Maximum Number

Each use by right may have the greater number of the following:

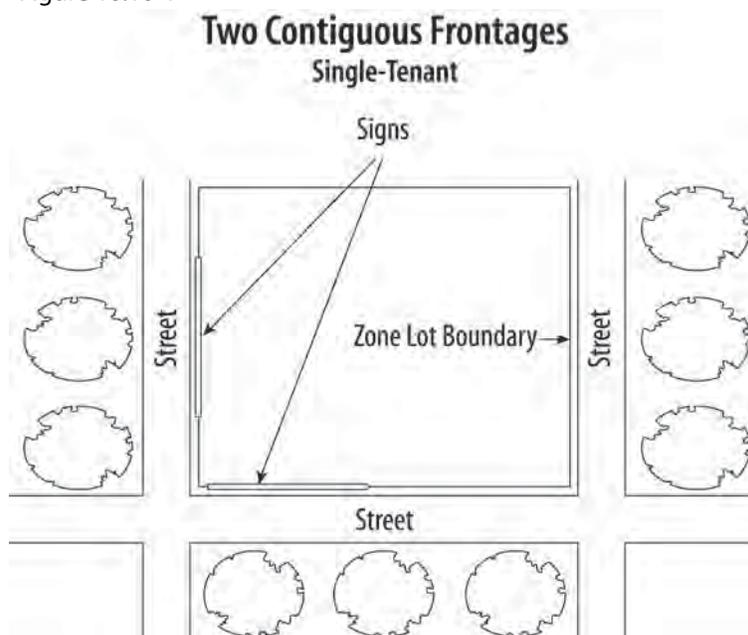
- A. 5 signs; or
- B. 2 signs for each front line of the zone lot on which the use by right is located.

10.10.18.9 Permitted Maximum Sign Area

The permitted maximum sign area for each individual use by right is 50 square feet or the total permitted sign area determined by one of the following provisions, whichever is the greater; provided, however, that no sign shall exceed 200 square feet in area nor shall the total permitted sign area of any single use by right exceed 600 square feet:

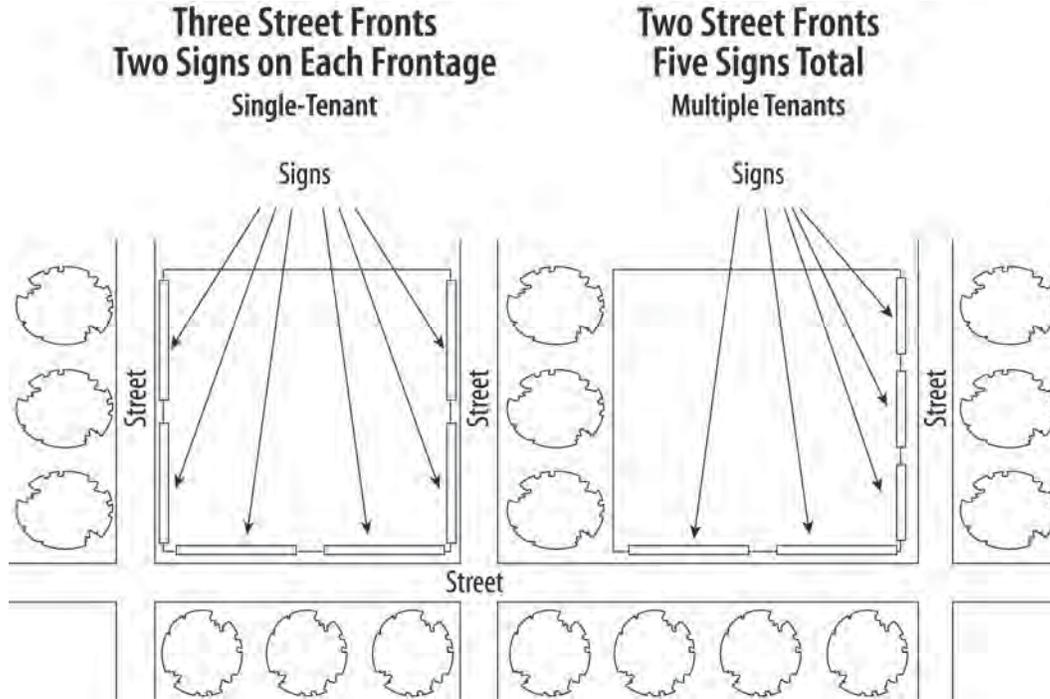
- A. For a zone lot containing only 1 use by right. 1 square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such signs, the measurement of not more than 2 front lines, 1 contiguous with the other, shall be used (~~refer to~~ [illustrative See Figure 10.10-1. below](#)).

Figure 10.10-1



- B. For a zone lot having 2 or more uses by right. For each use by right, 1.5 square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right, for the first 200 feet of building frontage, then 1 square foot of sign area for each linear foot of building frontage thereafter (refer to illustrative See Figure 10.10-2. below).

Figure 10.10-2

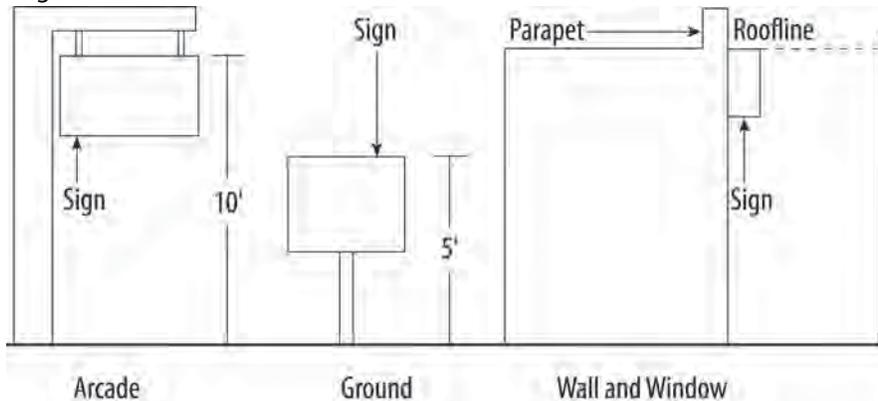


10.10.18.10 Permitted Maximum Height Above Grade

(refer to illustrative See Figure 10.10-3. below)

- A. Arcade signs: 10 feet.
- B. Ground signs: 5 feet.
- C. Wall and window signs: The roof line of the building to which the sign is attached.

Figure 10.10-3



10.10.18.11 Permitted Location

Shall be set in at least 5 feet from every boundary line of the zone lot; provided, however, wall or projecting signs may project into the required setback space the permitted depth of the sign.

10.10.18.12 Permitted Illumination

May be illuminated but shall not flash, blink or fluctuate. Neon lighting is permitted, subject to design review as specified in Section 10.10.4318.4 (design review) above.

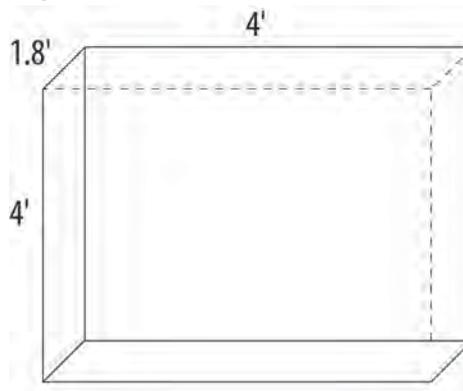
10.10.18.13 Animation Prohibited

Signs shall not be animated.

10.10.18.14 Projecting Signs and Graphics

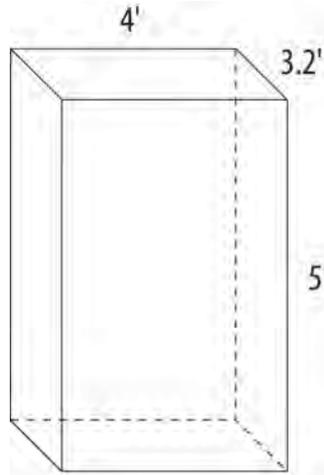
- A. Projecting sign volume. This volume is determined by a calculation using the smallest regular rectilinear geometrical shape encompassing the entire perimeters of the projecting sign. Minor sign elements may project beyond the primary boundaries of this volume subject to design review approval. Minor sign elements are those parts of the projecting sign that add to the design quality without adding significantly to the perceived volume and mass of the projecting sign.
 1. The minimum dimension used in calculating projecting sign volume is 1 foot.
 2. The maximum sign dimension shall be 4 feet.
- B. Permitted maximum projecting sign area. The permitted projecting sign area under this Section shall be deducted from the total permitted maximum sign area for each use as calculated in Section 10.10.4318.9 (permitted maximum sign area) above. For the purposes of this Section, 1 cubic foot of projecting sign or graphic volume shall be considered equivalent to 1 square foot of sign area.
- C. Calculation of permitted maximum projecting sign volume. The maximum allowable size of individual projecting signs shall be based upon the horizontal linear feet of exterior building frontage facing directly upon the public right-of-way by the use by right. Buildings containing more than 1 use by right may be limited by the total allowable projecting sign volume for the building as allocated in a required comprehensive sign plan.
 1. Single uses located at street level having entries and/or windows facing onto a public sidewalk, court or plaza. The total permitted projecting sign volume shall be determined by one of the following provisions:
 - a. Uses by right occupying less than 50 linear feet of building frontage may be permitted up to 30 cubic feet of projecting sign volume, however not to exceed 4 feet in projecting sign height (refer to illustrative See Figure 10.10-4. below).

Figure 10.10-4



- b. Uses by right occupying more than 50 linear feet or more building frontage may utilize up to 64 cubic feet of projecting sign volume, however not to exceed 5 feet in projecting sign height (refer to illustrative See Figure 10.10-4. below).

Figure 10.10-5



- c. For corner locations the maximum permitted volume of the projecting sign shall be calculated using only the length of the building front on which the projecting sign is attached.
 - d. For projecting signs attached directly on the corner of the building the maximum permitted volume of the projecting sign shall be calculated using the length of the longest building front of the 2 building fronts of the building to which the projecting sign is attached.
2. Total maximum permitted projecting sign volume for multiple use buildings. The sum total permitted projecting sign volume of all the uses in a building shall be limited by the following provisions:
 - a. Uses by right with building frontage. The maximum total volume of projecting signs allowed on the exterior of any building frontage facing onto a public street, court or plaza shall not exceed the sum total volume permitted for all the individual uses occupying that frontage and having direct exposure to the street, court or plaza.
 - b. Uses by right without building frontage. In order to accommodate projecting signs for all tenants including those located without direct street level exposure, the sum total volume of permitted projecting sign volume as determined in Section 10.10.1318.14.C.1 may be increased by the following amounts, and apportioned among the building tenants through a comprehensive sign plan:
 - i. 12 cubic feet for building frontages less than 75 linear feet.
 - ii. 20 cubic feet for building frontages 75 linear feet or greater.
- D. Permitted numbers of projecting signs.
1. Permitted numbers of projecting signs for buildings containing a single use by right. Limited to 1 projecting sign for every 25 linear feet of exterior building frontage.
 2. Permitted numbers of projecting signs for buildings containing multiple uses by right. Uses occupying less than 30 linear feet of exterior building frontage are limited to either 1 projecting sign as permitted under these regulations or other non projecting signs as allowed under this Section. For uses occupying 30 or more linear feet of exte-

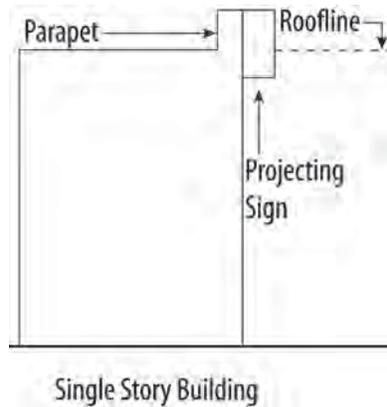
rior building frontage, the permitted number of projecting signs or graphics in Section 10.10.18.14.D.1 shall apply.

- E. Projecting sign location and building attachment. The following limitations shall apply to the location and attachment of projecting signs and graphics to the building wall:
1. Each use by right may display 1 projecting sign or graphic on each building front occupied by the use, provided all other criteria for approval are satisfied as required by Code;
 2. All projecting signs or supporting structures shall be located at least 8 feet above the sidewalk below;
 3. Each projecting sign shall extend not more than 1 foot away from the building wall or the furthest projecting elements (belt courses, sills, etc.) adjacent to such projecting sign on the building facade; and
 4. The maximum projection of signs from the building wall to which it is attached, including all mounting accessories, shall not exceed 4 feet 6 inches as measured perpendicularly from the building wall (~~refer to illustrative See~~ Figure 10.10-6. below).



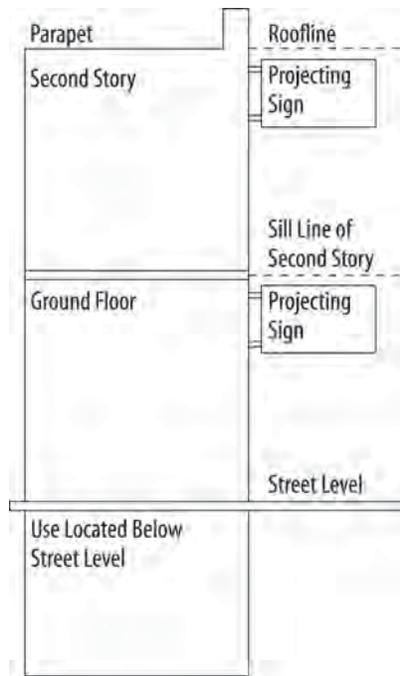
5. Maximum height of projecting signs. Maximum height of projecting signs dimensions, volumes and locations are restricted by the dimensions of the building facade on which projecting signs are located and the separations from other tenant projecting signs on the same building front. Projecting signs shall conform to the criteria in ~~subparagraphs 1. and 2.~~Section 10.10.18.14.E.6 below unless modified by design review in accordance with the criteria described in ~~subparagraph 3.~~Section 10.10.18.14.E.7 below;
6. Projecting signs shall not exceed the height of the parapet of single story buildings (~~refer to illustrative See~~ Figure 10.10-7. below);

Figure 10.10-7



Projecting signs shall not extend above the sill line of the story above the building floor on which the use is located. Projecting signs for uses located below street level shall not be located or extend above the sill line of the second story ([refer to illustrative See Figure 10.10-8. below](#)); and

Figure 10.10-8



7. The following criteria will be considered by the design advisory board in making its recommendation to the Zoning Administrator who shall determine whether to grant an exception to [subparagraphs 1. and 2. Section 10.10.18.14.E.6](#) above:
 - a. The additional height is integral to the projecting sign's design;
 - b. The additional height is compatible with the overall design of the building facade; and
 - c. The additional height does not cast shadows or glare on adjoining properties.

- F. Separations between projecting signs. Projecting signs shall be placed not less than 25 feet apart without design review approval. In making its findings and recommendations for approval the design advisory board shall consider the following criteria for determining the location of multiple projecting sign groups:
 - 1. The projecting signs form a unified and compatible design that is stronger as a group than as a single projecting sign or multiple projecting signs widely separated; and
 - 2. The projecting sign group is compatible with the building architecture and/or reinforces a significant building feature such as a primary entry.
- G. Permitted illumination. Illumination of projecting signs and graphics is restricted as follows:
 - 1. Shall be illuminated by indirect sources, including, but not limited to, incandescent fixtures on the projecting sign mounting bracket, on the building face and shall not flash, blink, or fluctuate;
 - 2. Shall be subject to review and recommendation of the design advisory board to the Zoning Administrator as to compatibility with the building, surrounding district and adjoining uses;
 - 3. Shall not be animated.

10.10.18.15 Banners

In addition to all other permitted signs, temporary commercial banners and flags, projecting perpendicularly from a building wall, and providing information related to a specific, temporary event are permitted subject to the following limitations:

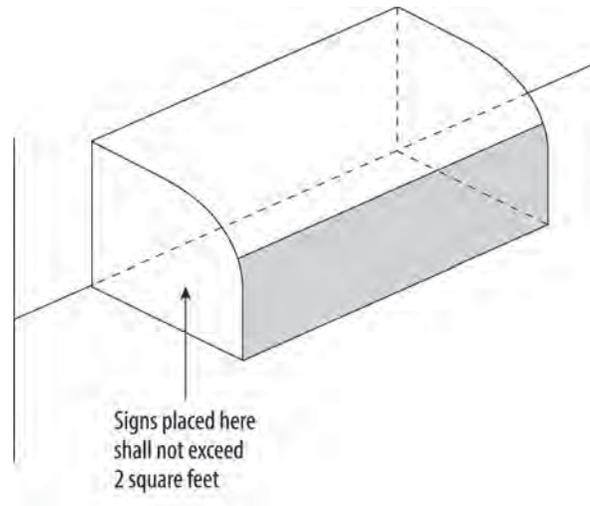
- A. Subject to review and permit;
- B. Displayed for a specifically designated period not exceeding 60 days in aggregate within a specifically designated 365 day period;
- C. Shall not exceed 12 square feet in area per face;
- D. Shall not exceed 1 such banner and/or flag for each 25 linear feet of building frontage.

10.10.18.16 Awnings and Entry Canopies

Signs on the ends of awnings and entry canopies, that are perpendicular to the wall to which such awnings and entry canopies are attached, are projecting signs and graphics if they include text and/or graphics intended to promote an on site use. Such signs and graphics may be permitted subject to the following limitations:

- A. Signs on fabric or vinyl type non illuminated awnings located on a surface perpendicular to the face of the building (side panels) not exceeding 2 square feet, subject to staff review (~~refer to illustrative See~~ Figure 10.10-9. below).

Figure 10.10-9



- B. Architectural entry canopies, which are permanent structures that are fully supported by the building facade and constructed of materials other than fabric or vinyl type materials, may incorporate signs for 1 or more tenants as part of their design. The calculation of the volume of signs on canopies uses the following areas:
 - 1. The face area of typography and graphics.
 - 2. The volume of iconographic three-dimensional sign figures.
- C. Awnings shall be opaque and shall not be backlit.

10.10.18.17 Joint Identification Signs

Subject to the conditions hereinafter set forth and upon application to and issuance ~~by the department of zoning administration~~ of a zoning permit therefore, joint identification signs are permitted for 3 or more uses by right on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs permitted by this Section 10.10.138:

- A. Permitted sign types: Wall and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot.
- C. Permitted area: The greater number of the following:
 - 1. 100 square feet; or
 - 2. 1 square foot of sign area for each 2 linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on each front line of the zone lot shall not exceed 200 square feet.
- D. Permitted maximum height above grade: 25 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot.
- F. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.18.18 Temporary Signs

Signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease or rental of either a use by right or a designated land area not exempted from permitting under Sec-

tion 10.10.13~~8~~.19 (signs not subject to a permit) below, shall be subject to the conditions hereinafter set forth and upon application to and issuance by the Zoning Administrator of a permit therefore. Each such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than one successive period at the same location.

- A. Permitted sign types: Wall, window and ground.
- B. Permitted maximum number: 1 sign for each front line of the zone lot or designated land area on which the sign is located.
- C. Permitted sign area: 32 square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
- D. Permitted maximum height above grade: 20 feet.
- E. Permitted location: Shall be set in at least 5 feet from every boundary line of the zone lot or designated land area.
- F. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.
- G. Animation: Shall not be animated.

10.10.18.19 Signs Not Subject to a Permit

- A. Section 10.10.3.1 (signs not subject to a permit), Sections A through E and G through J shall be in full force and effect in the C-CCN district.
- B. Temporary commercial signs which identify, advertise or promote a temporary activity and/or sale of merchandise or service of a business use located on the same zone lot provided however that nothing in this Section 10.10.13~~8~~.19.B shall allow the use of portable signs or the use of parked motor vehicles and/or trailers as advertising devices. Temporary commercial signs shall be limited as follows:
 - 1. Limited to placement for 45 days;
 - 2. Placed behind or are attached to the inside face of a window;
 - 3. 1 per building frontage for each use facing a public street, walk, plaza or court;
 - 4. Not more than 5 square feet in sign area;
 - 5. Not more than 6 feet in height above grade;
 - 6. Not animated; and
 - 7. Illuminated only from a concealed light source.
- C. Signs that identify or advertise the sale, lease or rental of a particular structure or land area and limited to:
 - 1. Wall, window, and ground signs;
 - 2. No more than 1 sign per zone lot;
 - 3. No more than 5 square feet in area per face;
 - 4. No more than 6 feet above grade;
 - 5. Not illuminated or animated; and

6. Placed within the zone lot and not in the public right-of-way.

SECTION 10.10.19 SPECIAL PROVISIONS FOR SIGNS IN CIVIC CENTER AREA

10.10.19.1 Civic Center Area

Notwithstanding the other provisions of this Division 10.10, the provisions of this Section 10.10.19~~14~~ shall apply to the Civic Center ~~A~~area which is described as follows:

Lots 20--32, Block 206, East Denver, including Out Lot 5;
All of Block 233, East Denver, including Out Lot 4;
All of Block 232, East Denver, including Out Lot 3;
All of vacated Cleveland Place abutting Block 232, a.k.a. "Kenneth M. MacIntosh Park";
Lots 17--23, Block 231, East Denver;
Lots 7--26, Block 244, East Denver, and Side Lot 2 except the N 125 feet of Side Lot 2;
All of Block 267, East Denver, including Out Lot 1;
Lots 9--32, Block 5, Cheesman & Kasslers Addition, together with vacated alley abutting such lots;
Lots 6--40, Block 28, H.C. Browns Addition;
Lots 10--31, Block 37, H.C. Browns Addition;
Lots 10--21, Block 68, H.C. Browns Addition;
Lots 1--20, Block 67, H.C. Browns Addition;
Lots 1--11, Block 66, H.C. Browns Addition;
Lots 1--20 and Lots 31--40, Block 39, H.C. Browns Second Addition;
All of Block 25; Lots 1--8 and 30--40, Block 26, all in H.C. Browns Second Addition;
Lots 1--4 and 37--40, Block 42, H.C. Browns Second Addition;
All of Blocks 21, 22, 23 and 24, Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60 Evans Addition;
Lots 1--4 and 37--40, Block 43, Lots 1--4 and 37--40, Block 44, Lots 1--4 and 37--40, Block 45, Lots 1--4, Block 46, all in Evans Addition, Subdivision of Blocks 43, 44, 45, 57, 58, 59 and 60, Evans Addition;
Lots 1--4, Block 22, Lots 37--40, Block 23, Lots 1--20, Block 21, all in Witters First Addition;
Lots 21--32, Block 20, Evans Subdivision of part of Block 20, Witters First Addition;
The E 125 feet of N 200 feet of Block 20, E 125 feet of Block 11, all in Witters First Addition;
Block 10, Evans and Eberts Subdivision of Block 10, Evans Addition and Block 10 in Witters First Addition; all of Block 9, Evans Subdivision;
Civic Center Park, bounded on the north by West Colfax Avenue, on the east by Broadway Street, on the south by West 14th Avenue and on the west by Bannock Street;
The State Capitol and grounds bounded by East Colfax Avenue on the north, Grant Street on the east, East 14th Avenue on the south and Broadway Street on the west.

10.10.19.2 General

Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located; shall be located on the same zone lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.

10.10.19.3 Purpose

The purpose of this Section is to provide for a required design review of all signs in the Civic Center ~~A~~area, excluding window signs and temporary signs, and to provide design guidelines and recommended sign limitations. The intent of this design review for signs in the Civic Center ~~A~~area is to prevent major visual intrusions into the Civic Center ~~A~~area, to keep signage subordinate to the architecture and to provide information which will assist visitors.

10.10.19.4 Permitted Sign Types and Recommended Limitations on Each

- A. Ground sign. 30 square feet per face, double face is permitted; 15 feet maximum height; if the zone lot has 125 feet or more, excluding parking lots, of street frontage, 1 ground sign is recommended and 2 are permitted; if there are 2 or more uses on the zone lot, no ground sign

is permitted; and a ground sign must be set in a distance of not less than 5 feet from each front line. The proliferation of ground signs is intended to be avoided in the Civic Center ~~A~~area.

- B. Wall sign. If noninternally illuminated, 100 square feet of sign area is permitted for each sign with 2 signs per building frontage permitted; and if internally illuminated, 50 square feet of sign area is permitted for each sign with 1 sign per building frontage permitted. A wall sign may be larger if integrated into the architecture.
- C. Projecting graphics. Projecting graphics are permitted on land in the Civic Center ~~A~~area which is located within the ~~D-CV Zone District Civic Center district~~, and the provisions of ~~s~~Section 10.10.1~~26~~.4.A of this chapter shall be in full force and effect with respect to these projecting graphics.
- D. Window sign. 1 sign per use by right and no more than 5 square feet of sign area.
- E. Temporary signs. The provisions of Section 10.10.3.1.F shall be in full force and effect except that streamers are allowed for special events only, and the sign area must be less than 25 percent of maximum allowed sign area plus 30 percent of unused sign area allowed or 30 percent of the ground level window area with neither to exceed 50 square feet.

10.10.19.5 Additional Limitations on Signs

Backlit awnings are not permitted on the Civic Center ~~A~~area. The total sign area of all ground signs, wall signs and projecting graphics should not exceed 400 square feet.

10.10.19.6 Design Review Committee

The design review committee (DRC) shall be the DRC for the D-C district as provided in ~~s~~Section 10.10.~~12.4~~~~16~~.5.A. The DRC shall have the powers and authorities described in this Section 10.10.~~19~~~~14~~, and shall have the authority to adopt rules and regulations concerning its administrative procedures.

10.10.19.7 Submission of a Single Sign or Multiple Sign Application

- A. The application for a sign permit shall be forwarded to the DRC ~~by the department of zoning administration~~. The DRC meeting to consider the application must be held within 20 days of receiving the application.
- B. Sign design plans shall be submitted which shall contain accurate representations of the sign form and style including lettering, illumination, color and dimensions of each sign on the building or on the zone lot.
- C. The application shall include photographic or drawn elevations of each building facade showing the proposed sign location and size, and a site plan, if needed, showing location and size of other signs to be placed on the zone lot.
- D. The application may also contain such special requirements as required by the DRC.

10.10.19.8 Design Review

The DRC shall prepare a recommendation and submit it to the Zoning Administrator. Recommendations to the Zoning Administrator shall be returned from the DRC to the Zoning Administrator with reasons for approval, denial, or approval with revisions within 15 days of the DRC meeting at which the application is discussed unless resubmission or additional information is required. After taking into consideration the recommendation of the DRC, the Zoning Administrator shall approve or deny the permit.

10.10.19.9 Review Provisions

The DRC may recommend approval of a sign permit for single or multiple uses if the sign(s) is compatible with the theme and overall character to be achieved in the Civic Center ~~A~~area, and the DRC shall base its compatibility determination on the following criteria:

- A. The aesthetic and architectural compatibility of the proposed sign to the building upon which the sign is placed.
- B. The compatibility of the type of illumination, if any, with the type of illumination in the area.
- C. The relationship of the scale, shape, placement and colors of the sign to the building or premises upon which it is to be displayed.
- D. The similarity or dissimilarity of the signage to other signage within the Civic Center Aarea and the compatibility of the materials used in the construction of the signs with other signage in the Civic Center Aarea.
- E. The quality and durability of the materials used in the signs such as steel, aluminum, bronze, and wood.
- F. The impacts of the proposed signs upon adjacent districts or properties.

SECTION 10.10.20 OUTDOOR GENERAL ADVERTISING DEVICES IN THE BILLBOARD USE OVERLAY ZONE DISTRICT

10.10.20.1 Purpose and Applicability

A. Purpose

Upon consideration of a recommendation that an ordinance be enacted for the purpose of preserving and protecting the health, safety and general welfare of the people of the city and their property therein situate, the council finds:

- 1. That the regulation of outdoor general advertising devices within the city is required in the interests of the economic prosperity, civic pride, quality of life and general welfare of the people;
- 2. That it is desirable to preserve and perpetuate uncluttered and natural views for the enjoyment and environmental enrichment of the citizens of the community and visitors hereto;
- 3. That the regulation of outdoor general advertising devices will foster civic pride in the beauty of the city, will enhance the aesthetic values of the city and its economic vitality, will protect property values, will protect and enhance the city's attraction to tourists and visitors and promote good urban design;
- 4. That the regulation of outdoor general advertising devices will strengthen and preserve the municipality's unique environmental heritage and enhance the quality of life of its citizens; and
- 5. That the regulation of outdoor general advertising devices within the city is necessary for the promotion of safety upon the streets and highways in the City and County of Denver.

B. Applicability (formerly named Permitted Zones)

- 1. This Division shall govern and control the erection, remodeling, enlargement, moving, operation and maintenance of all outdoor general advertising devices, also known as "billboards", as they are permitted in the Billboard Use Overlay District (UO-2) in accordance with Section 9.4.4.7 and may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within 660 feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway.
- 2. Outdoor advertising devices may be erected and maintained in the D-TD Zone District but only as permitted by a district sign plan authorized pursuant to Section 10.10.~~1345~~. For

such outdoor advertising devices in the D-TD Zone District, the provisions of this Section 10.10.1917 shall not apply. ~~in the D-TD Zone District pursuant to a district sign plan as authorized under Section 10.10.15.~~

3. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to such devices, except that the provisions of Sections 10.10.1 through 10.10.1916 of this Division 10 shall not apply to such devices.

10.10.20.2 Permits

A. Devices Subject to a Permit

Except as provided in Section 10.10.2017.2.B., every outdoor general advertising device in existence in the City shall have a zoning permit on file with the Zoning Administrator and no outdoor general advertising device shall be erected without a zoning permit issued by the zoning administrator. Failure to obtain a permit when required shall be a violation of this Code.

1. Permit required for new devices. Prior to the erection of a new general outdoor advertising device a permit shall be required.
2. **Annual Permit Required**
All permits for outdoor general advertising devices shall be renewed annually prior to March 31 of each successive year. Permits shall be issued without proration for periods of less than one (1) year.
3. **City Registration Number**
Each permitted device shall be issued a city registration number which shall be displayed on the device in a size, location and manner as prescribed by the Zoning administrator; provided, however, that outdoor general advertising devices existing prior to March 1, 2010, shall have 180 days to be brought into compliance with this requirement. The permittee shall be responsible to ensure that such number is maintained in a readily visible condition.
4. **Fees**
Outdoor general advertising devices shall be charged a fee of \$225.00 at the time of application for a permit for
 - a. A new device;
 - b. Each annual renewal of a permit that has been previously issued; or
 - c. Modification of a device.
5. **Permit to Modify an Existing Device**
Permits shall be required for any modification of an existing outdoor general advertising device; provided, however, that a permit for modification shall not be issued to or obtained by any party other than the current permit holder. "Modification" shall mean any change to the structure or message surface of the device other than as excepted below in Sections 10.10.2017.2.A.5.a., b., and c. No permit shall be required for the following actions by the permit holder for an existing general outdoor advertising device:
 - a. Replacing or changing advertising copy including, without limitation: the addition of an extension as allowed in Section 10.10.2017.6; and wrapping the message surface(s) of a device, including the perimeter edge of the message surface(s)' frame, with advertising copy, provided that the advertising copy faces the same direction as the existing message surface(s) and the total area of advertising copy does not exceed the total message surface allowed by the current permit for the device plus the addition of an extension as allowed in Section 10.10.2017.6;
 - b. Replacing or relocating a message surface on an existing device within 1 foot of the previous message surface; and

- c. Customary maintenance and repair including, without limitation: replacing a part with a like part; any repairs necessary to meet current safety standards; replacing electrical wiring and bulbs; painting and routine replacement of bolts, framing, border and trim.

6. Creation of a New Device

The following shall be treated as creating a new outdoor general advertising device:

- a. Replacing or relocating an existing message surface to a location that is more than 1 foot from the location of the previous message surface;
- b. Adding an additional message surface to an existing device except, however, adding extensions allowed pursuant to Section 10.10.2017.6.

7. Additional Requirements

No permit for a new outdoor general advertising device shall be issued until an existing device or a combination of devices with at least equal square footage of message surface are removed by the applicant from the following areas in the following order:

- a. Those areas described in Sections 10.10.2017.87.K, 10.10.2017.87.L, 10.10.2017.87.Q, 10.10.2017.87.R, 10.10.2017.87.S, 10.10.2017.87.T, and 10.10.2017.87.U, and any area restricted by the provisions of Section 3-23 of the Revised Municipal Code;
- b. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Section 10.10.2017.2.A.7.a, above, then the exchange area shall be any area within 400 feet of a park or a structure or district designated for preservation pursuant to the provisions of Article I of Chapter 30 of the Revised Municipal Code; and
- c. After all of the nonconforming outdoor general advertising devices are removed from the areas listed in Sections 10.10.2017.2.A.7.a and 10.10.2017.2.A.7.b, above, then the exchange area shall be any area subject to the compensatory provisions of the Federal Highway Beautification Act.

B. Devices Not Subject to a Permit

The following outdoor general advertising devices may be erected in all districts without a permit:

- 1. Outdoor general advertising devices required or specifically authorized for a public purpose by any law, statute or ordinance; may be of any type, number, area, height above grade, location, illumination or animation, authorized by the law, statute or ordinance under which the devices are required or authorized.
- 2. Outdoor general advertising devices in the nature of decorations, clearly incidental and customary and commonly associated with any national, local or religious holiday or public health, safety or welfare campaign; provided that such devices shall be displayed for a period of not more than 60 consecutive days nor more than 60 days in any 1 year; and may be of any type, number, area, height, location or illumination.

Permitted Zones

- C. ~~Outdoor general advertising devices may be erected or maintained only in the Billboard Overlay Use District, according to Section 9.4.4.7 of this Code, and may be erected or maintained on a zone lot occupied by a structure containing a use by right; provided, however, it shall be unlawful to erect or remodel within 660 feet of the edge of the right-of-way of a freeway any outdoor general advertising device the face of which is visible from the main-traveled way of the freeway.~~
- D. ~~Outdoor advertising devices may be erected and maintained in the D-TD Zone District but only as permitted by a district sign plan authorized pursuant to section 10.10.1315. For such~~

~~outdoor advertising devices in the D-TD Zone District, the provisions of this Section 10.10.1917 shall not apply.~~

10.10.20.3 Permitted Types

Ground signs or wall signs are permitted types.

10.10.20.4 Permitted Maximum Number

Only 1 outdoor general advertising device will be permitted in 1 location; provided, however, that:

- A. Two outdoor general advertising message surfaces may be placed in 1 location if they are placed on only 1 structure, have their message surfaces facing opposite directions and the message surfaces are not separated by more than 4 feet.
- B. Three outdoor general advertising message surfaces may be placed in 1 location if 1 of the message surfaces is at least 600 square feet in size and neither of the other 2 message surfaces are more than 300 square feet in size, if all 3 such surfaces are placed on only 1 structure, the 2 smaller surfaces face in the opposite direction from the larger surface, the 2 smaller surfaces are not separated from the larger surface by more than 4 feet and no part of either of the smaller surfaces extends beyond the outer edge of the larger surface by more than 3 feet.
- C. Four outdoor general advertising message surfaces may be placed in 1 location in an I-A or I-B Zone District, provided the location is in the Billboard Overlay Use District and provided they are placed on 1 structure, consist of two 300 square foot message surfaces placed side-by-side with two 300 square foot message surfaces placed immediately to the back of the first surfaces, facing the opposite direction, and none of the message surfaces are separated by more than 4 feet.

10.10.20.5 Permitted Maximum Area Per Message Surface

No outdoor general advertising device shall have any single message surface more than 672 square feet in area plus up to an additional 80 square feet for extensions.

10.10.20.6 Permitted Maximum Height

- A. Except as permitted in Section 10.10.~~20.17.76~~.B, no outdoor general advertising device shall exceed a height of 45 feet above grade.
- B. Outdoor general advertising devices which are located within 200 feet of an elevated street or viaduct and whose messages are oriented to that elevated street or viaduct may have a maximum height not to exceed 25 feet above the roadway of such elevated street or viaduct. This measurement shall be made at the point nearest on the elevated street or viaduct from the outdoor general advertising device. Any outdoor general advertising device having a height in excess of 45 feet above grade which device is located within 200 feet of an elevated street or viaduct and whose message is oriented to that elevated street or viaduct shall be lowered or reconstructed to comply with the 45 feet height limitation as set forth in Section 10.10.~~20.17.76~~.~~(A)~~ above or shall be lowered or reconstructed to a height not to exceed 25 feet above the roadway of the elevated street or viaduct if the street or viaduct is still elevated within 1 year after such elevated street or viaduct is lowered or removed.

10.10.20.7 Permitted Location

- A. No outdoor general advertising device with a message surface in excess of 79 square feet shall be located less than 500 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.
- B. No outdoor general advertising device with a message surface less than 80 square feet shall be located less than 300 feet from any other outdoor general advertising device which has a message surface less than 80 square feet on the same or opposite side of the street to which the

message is oriented nor less than 200 feet from any other outdoor general advertising device which has a message surface in excess of 79 square feet on the same or opposite side of the street to which the message is oriented.

- C. In addition to the provisions of Subsections 10.10.2017.87.A and 10.10.2017.87.B, no outdoor general advertising device whose message is oriented to an elevated street or viaduct shall be located less than 500 feet from any other outdoor general advertising device on the same or opposite side of the elevated street or viaduct to which the message is oriented.
- D. No outdoor general advertising device shall be erected within a distance of 400 feet of any public park measured from the inner curb line of the street which bounds the park or from the property line of the park, whichever is closer to the outdoor general advertising device.
- E. No outdoor general advertising device shall be erected within 400 feet of any historic structure.
- F. No outdoor general advertising device shall be located less than 125 feet from a residential district or a single or multiple unit dwelling.
- G. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard from Grove Street to I-25.
- H. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from I-25 to Wazee Street.
- I. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Speer Boulevard/Cherry Creek Channel from Wazee Street to Colorado Boulevard.
- J. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Colfax Avenue to Welton Street.
- K. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Park Avenue/23rd Street from Welton Street to Blake Street.
- L. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 23rd Street/Fox Street from Blake Street to I-25.
- M. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of 22nd Street from its intersection with Delgany Street to Blake Street.
- N. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 22nd Street from Blake Street to Glenarm Place.
- O. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 20th Street from Broadway Street to the center line of vacated Wewatta Street.
- P. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of 21st Street from Broadway Street to Blake Street.
- Q. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of West Colfax Avenue from Federal Boulevard to Osage Street.
- R. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of West and East Colfax Avenue from Osage Street to Park Avenue.
- S. No outdoor general advertising device shall be located within 660 feet of the edge of the right-of-way of Walnut Street viaduct and Auraria Parkway from Colfax Avenue to Speer Boulevard.
- T. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Lincoln Street from Speer Boulevard to Colfax Avenue.

- U. No outdoor general advertising device shall be located within 100 feet of the edge of the right-of-way of Alameda Parkway from Knox Court to Sheridan Boulevard.
- V. Outdoor general advertising devices shall be oriented to only 1 specific street or highway through the construction of 1 or more message surfaces which shall be aligned at a perpendicular angle to the specific street or highway. Outdoor general advertising devices shall not be oriented to local streets with an average daily traffic volume of less than 3,000 vehicles, parking lots, frontage roadways or access ramps to limited access highways.

10.10.20.8 Permitted Structures

The structural members, bracing and frame shall be constructed of noncombustible materials, and no ground outdoor general advertising device shall have more than 2 vertical structural members or poles.

10.10.20.9 Permitted Illumination

No outdoor general advertising device shall flash, blink or fluctuate; outdoor general advertising devices may be illuminated, but only from a concealed light source and shall not be illuminated between the hours of 1:00 a.m. and 6:00 a.m. Outdoor general advertising devices shall not have message surfaces made entirely or partly of light emitting diodes (LEDs). Any general outdoor advertising device with one or more LED message surfaces that was permitted prior to March 1, 2010, shall be considered a nonconforming outdoor general advertising device and shall be allowed to continue in operation and maintained in accordance with the provisions of Section 12.9.2. The LEDs on any such device may not flash, blink or fluctuate, or change in any manner more frequently than once per hour, must be dimmed at dusk and may not be lit between the hours of 1:00 a.m. and 6 a.m.

10.10.20.10 Animation Prohibited

No outdoor general advertising device shall be animated.

10.10.20.11 Nonconforming Devices

See Section 12.9.2., Nonconforming Signs.

**ARTICLE 11. USE LIMITATIONS, STANDARDS AND
DEFINITIONS**

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DIVISION 11.1 INTRODUCTION

SECTION 11.1.1 INTENT

- 11.1.1.1 Article 11 sets forth the limitations ~~and standards~~ specific to primary, accessory and temporary uses allowed under this Code. Limitations ~~and standards~~ in this Article 11 are generally intended to:
- A. Promote continued economic development while mitigating the potential for adverse impacts on surrounding properties, surrounding residential uses and neighborhoods, and the physical environment;
 - B. Implement Comprehensive Plan and Blueprint Denver objectives to promote walkable, pedestrian environments in appropriate neighborhood contexts and Zone Districts;
 - C. Encourage and facilitate the reuse of existing structures;
 - D. Accommodate the special housing needs of segments of the resident population, while balancing those needs with a neighborhood's interest in notification and public input; and
 - E. Encourage and facilitate implementation of sustainable activities or uses that promote long-term energy efficiency and reduce vehicle trips, such as urban agriculture, wind and solar energy facilities, and live-work and home occupation opportunities.
- 11.1.1.2 The hierarchy and structure of the use classifications, categories, and definitions in this Article 11 are intended to aid the City and code users in the interpretation of this Code over time.

SECTION 11.1.2 APPLICABILITY

All primary, accessory, and temporary uses subject to this Article's limitations ~~and standards~~ shall be established, operated, and maintained only in compliance with such limitations ~~and standards~~.

SECTION 11.1.3 ORGANIZATION

Article 11 is organized into divisions and sections that track the organization of the Summary Use and Parking Tables found in Articles 3 through 9, as follows:

- 11.1.3.1 Divisions** in Article 11 correspond to the same order of the use classifications (e.g., residential primary uses) found in the Summary Use and Parking Tables.
- 11.1.3.2 Sections** in Article 11 correspond to the specific use types (e.g., multi-unit dwelling) found within each use classification (e.g., residential primary uses), organized within the sections first by use category (e.g., household living uses) and then by listing in alphabetical order.

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DIVISION 11.2 RESIDENTIAL PRIMARY USE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to primary residential uses allowed across multiple Zone Districts and neighborhood contexts.

HOUSEHOLD LIVING USE CATEGORY

SECTION 11.2.1 DWELLING, TWO UNIT

11.2.1.1 All SU Zone Districts

In all SU Zone Districts, where permitted with limitations:

- A. Two unit dwelling uses that were legally established and are legally maintained on a zone lot shall be considered conforming uses in these districts.
- B. A structure containing such a two unit dwelling use may be modified or demolished and rebuilt in conformity with the building form standards allowed in the applicable single-unit Zone District, or in conformity with the tandem house building form applicable in the U-TU-C Zone District, provided:
 1. The building height shall not exceed the tallest residential building form allowed in the applicable single unit Zone District;
 2. The zone lot shall not be expanded or enlarged, and
 3. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.
- C. Variances may be granted in conformity with Section 12.4.7, Variance.

11.2.1.2 U-SU-A2, -B2, -C2 Zone Districts

In ~~all~~ U-SU-A2, -B2, -C2 ~~Zone~~ Districts, where permitted with limitations, ~~new~~ two-unit dwelling uses may be established ~~in the U-SU-A2, U-SU-B2, and U-SU-C2 Zone Districts~~ only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

SECTION 11.2.2 DWELLING, MULTI-UNIT

11.2.2.1 All SU and TU Zone Districts

In all SU and TU Zone Districts, where permitted with limitations:

- A. Multi-unit dwelling uses that were legally established and are legally maintained on a zone lot shall be considered conforming uses in these districts.
- B. A structure containing such a multi-unit dwelling use may be modified or demolished and rebuilt in conformity with the building form standards allowed in the applicable single-unit or two-unit Zone District, or in conformity with the tandem house or row house building forms applicable in the U-RH-2.5 Zone District provided:
 1. The building height shall not exceed the tallest residential building form allowed in the applicable single unit or two unit Zone District;
 2. The zone lot shall not be expanded or enlarged, and
 3. The number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

- C. Variances may be granted in conformity with Section 12.4.7, Variances, except the number of dwelling units on the zone lot shall not be increased above the number of dwelling units that existed when the use was legally established.

11.2.2.2 U-TU-B2 Zone District

In ~~all the~~ U-TU-B2 Zone Districts, where permitted with limitations, ~~new~~ multi-unit dwelling uses may be established ~~in the U-TU-B2 Zone Districts~~ only on corner zone lots where at least one of the intersecting streets is a collector or arterial street, according to the functional street classifications adopted by the Public Works Department.

SECTION 11.2.3 DWELLING, LIVE/WORK

11.2.3.1 All Zone Districts **(Except I-A, -B Zone Districts)**

In all Zone Districts, ~~except in the I-A, -B Zone Districts~~, where permitted with limitations, ~~a~~ a live/work dwelling's commercial activity may be any nonresidential primary use permitted in the same Zone District that the live/work dwelling is established, subject to compliance with this subsection's limitations. In addition, the following commercial activities, when not otherwise specifically listed as permitted in the applicable Zone District, are allowed in a live/work dwelling use:

- A. Art gallery;
- B. Artist studio;
- C. Professional studio;
- D. Office, not including dental/medical office and clinic; and
- E. Other similar activities as determined by the Zoning Administrator according to Section 12.4.6, Code Interpretation, Determination of Unlisted Uses.

11.2.3.2 **I-A, -B Zone Districts**

In the I-A, -B Zone Districts, where permitted with limitations:

- A. A live/work dwelling's commercial activity shall be limited to an Artist Studio use only.
- B. The dwelling portion of a live/work dwelling use shall be occupied by no more than 4 unrelated persons, or by any number of persons related by blood, marriage, or adoption.
- C. A live/work dwelling use shall not be considered a "Residential Use" or "Residential Zone District" or "Protected Zone District", nor in any other way be accorded residential protection (e.g., separation) against the effects of surrounding industrial uses as may otherwise be required by this Code.

11.2.3.3 All Zone Districts **(Except I-MX, -A, -B; and M-IMX Zone Districts)**

In all Zone Districts where permitted with limitations, except in ~~the I-MX, -A, -B; M-IMX Zone Districts~~ Industrial Mixed Use (the I-MX, and M-IMX,) Zone Districts, any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.

11.2.3.4 All G-RO; **RX Residential Mixed Use Commercial** Zone Districts

In the G-RO Zone Districts and in all ~~Residential Mixed Use (RX)~~ Zone Districts, where permitted with limitations:

- A. The commercial or nonresidential activity shall not exceed 50 percent of the gross floor area of the use.
- B. The commercial activity shall not have more than 2 employees or regular assistants on the premises at one time (such employees or regular assistants may be in addition to residents of the live/work dwelling employed or working in the commercial activity portion of the use).

- C. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs not exceeding 20 square feet in total area.
- D. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.
- E. Nonresidential storage in the live/work dwelling shall be limited to no more than 10% of the space dedicated to the commercial or nonresidential activity.

GROUP LIVING USE CATEGORY

SECTION 11.2.4 RESIDENCE FOR OLDER ADULTS

11.2.4.1 All SU Zone Districts

In all SU Zone Districts, where permitted with limitations, a Residence for Older Adults use shall include no more than 1 dwelling unit per zone lot.

11.2.4.2 All TU Zone Districts

In all TU Zone Districts, where permitted with limitations, a Residence for Older Adults use shall include no more than 2 dwelling units per zone lot.

SECTION 11.2.5 [RENUMBERED] RESIDENTIAL CARE USE, SMALL OR LARGE

11.2.5.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Intent

The intent of these ~~limitations standards~~ for Residential Care Uses is:

1. To develop zoning regulations that apply to housing for special populations and which are humane, equitable and enforceable through the regulation of institutions and facilities only, and not individuals;
2. To support and reinforce the viability and continuation of neighborhoods and communities that provide healthy environments for all their residents;
3. To prevent the “institutionalization” of residential neighborhoods by concentrating residential care uses so as to allow all residents, including the special populations, to reap the benefits of residential surroundings;
4. To increase location opportunities for critically needed residential care facilities, thereby helping to integrate special populations into the mainstream of society;
5. To comply with the principles, policies and regulations of federal and state fair housing legislation;
6. To establish an ongoing, effective process of communication between local neighborhood residents, the operators of residential care facilities and city agencies that regulate such facilities;
7. To encourage and coordinate the use by the regulatory city agencies, as well as by all involved licensing agencies, of common categories and definitions of residential care facilities for special populations; and
8. To promote the dispersing of facilities and beds for special populations thereby preventing individuals from being forced into neighborhoods with concentrations of treatment facilities and beds and thus perpetuating isolation resulting from institutionalization.

B. Designation of Contact Person

The applicant or operator of a residential care use shall designate a staff member who shall be available on a continuous basis to receive questions and concerns from interested neighbors. Any issues not satisfactorily resolved through the applicant and facility staff shall be reported to the Zoning Administrator.

C. Continuation of Certain Existing Uses

1. An institution or any other use operating as a residential care use and existing as of April 1, 1993, shall be classified as a legal, nonconforming use and may continue its operation providing it has a valid zoning permit.
2. Any exterior additions or exterior structural modifications that increase the gross floor area of an existing structure shall require the approval of a zoning permit ~~Zoning Permit Review with Informational Notice~~ according to Section 12.4.2, Zoning Permit Review with Informational Notice.
3. Any increase in the number of permitted residents shall require the approval of a zoning permit Zoning Permit Review with Informational Notice according to Section 12.4.2, Zoning Permit Review with Informational Notice.
4. Any change in the type of resident of a residential care use allowed under the provisions of this section shall meet all applicable requirements except the requirements set forth in Section 11.2.45.1.D.3.

D. ~~Limitations standards~~ for Large Residential Care Use

All Large Residential Care Uses shall comply with the following limitations standards:

1. Owner and operational ~~limitations standards~~

- a. The applicant is the owner or has written approval of the owner of the property.
- b. The applicant and the owner have obtained or will obtain upon granting of the permit any licenses or certification required by the state and/or the city.
- c. The program and operational plan has been or will be approved by a licensing agency appropriate to the special population being served in the facility.
- d. The applicant and the operator will provide adequate measures for safeguarding the public and the facility residents. Such measures shall be appropriate to the special population including intake screening, supervision and security.
- e. The proposed use will not substantially or permanently injure the appropriate use of nearby conforming property.
- f. The number of beds in the proposed facility, in combination with the number of existing correctional institution and residential care use beds within the affected neighborhood, regardless of compliance with the spacing and density requirements set forth in this subsection, shall not substantially or permanently injure the neighborhood or shall not cause or add to the institutionalization of residential neighborhoods which would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.

2. Property and building ~~limitations standards~~

- a. The size and architectural style of new structures or additions to existing structures located in a residential zone shall not be substantially dissimilar from other structures in the surrounding residential neighborhood and shall comply with all other requirements of the Zone District in which they are located.
- b. The applicant and the operator will adequately maintain the building and grounds.

3. Spacing, density, site and other limitations standards

- a. All proposed large residential care uses shall satisfy the following minimum requirements unless specifically exempt by other provisions herein. Provided, however, that the Zoning Administrator may approve the permit for a large residential care use in a location in violation of the spacing and density regulations of this subsection upon a determination that the spacing violation is less than 10 percent of the required spacing and that locating the proposed use will not substantially or permanently injure the neighborhood. Provided, further, that the Zoning Administrator may require up to 200 feet of additional spacing between large residential care uses in impacted neighborhoods.
- b. "Impacted neighborhoods" for the purpose of this subsection shall be those neighborhoods that have more residential care uses within their boundaries than the city-wide average number per neighborhood. Community Planning and Development shall keep records of such "impacted neighborhoods".
- c. All existing large residential care uses and any church containing a shelter that exceeds the limits of this section shall be counted when the following spacing and density requirements are applied.
- d. Spacing and density regulations: (a) A large residential care use shall be a minimum of 2,000 feet from another such use; and (b) No more than two other such uses shall exist within a 4,000 foot radius measured from the proposed use.

4. Minimum lot dimensions

The proposed use shall have a minimum lot size of 6,000 square feet and a minimum lot width of 50 feet.

5. Limitations on external effects

Such use shall comply with the limitations on external effects as established for uses by right in the district in which it is located.

6. Special requirements for Large Residential Care Uses

Certain Large Residential Care uses shall be subject to the following special requirements. In case of conflict with the general requirements of this section, the provisions of this subsection shall apply:

- a. Large Residential Care use in all SU, TU, TH, or RH Zone Districts, other than a Community Corrections Facility or a Shelter for the Homeless, shall be located only in a structure existing on May 24, 1993, and shall be limited to a maximum number of 20 residents. Such structure shall not be enlarged as long as it is used for a Large Residential Care use. In a RO or MU Zone District, Large Residential Care uses, other than a Community Corrections Facility or a Shelter for the Homeless, shall be limited to a maximum of 40 residents.
- b. **Community Corrections Facility** – See Sections 8.9.75.1., Community Corrections Facility, and 9.1.5.4, Community Corrections Facility, for additional limitations standards applicable to Community Correction Facility uses, which are a specific type of Large Residential Care Use.
- c. **Shelter for the Homeless** -- See Section 11.2.5-6, Shelter for the Homeless, for additional limitations standards applicable to Shelter for the Homeless uses, which are a specific type of Large Residential Care Use.

E. Limitations standards for Small Residential Care Use

All Small Residential Care Uses shall comply with the following limitations standards:

1. Owner and operational limitations standards

- a. The applicant is the owner or has the written approval of the owner of the property.

- b. The applicant and the operator have obtained or will obtain upon granting of the permit any licenses or certifications required by the state and/or the city.
2. **Building and site ~~limitations standards~~**
Locating the proposed use in the neighborhood shall not substantially or permanently injure the appropriate use of nearby conforming property, and shall not cause or add to the institutionalization of residential neighborhoods that would prevent all residents, including the special populations, from being able to reap the benefits of residential surroundings.
3. Upon issuance of a permit for a Small Residential Care use, the applicant and the operator shall only be required to comply with:
 - a. ~~Division 10.4, Parking and Loading; sections 10.4.3,~~
 - b. Section 11.2.~~4~~5.1.C.2, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Floor Area Increases in Existing Structures;
 - c. Section 11.2.~~4~~5.1.C.3, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Increases in Number of Permitted Residents;
 - d. Section 11.2.~~4~~5.1.D.4, Minimum lot dimensions; and
 - e. 11.2.~~4~~5.1.D.5, Limitations on external effects.
4. No conditions on the number of staff may be placed on the permit for transitional housing except for a condition requiring at least one staff person on-site.
- F. **[Renumbered] Compliance with Denver Building and Fire Code**
All Residential Care uses shall comply with applicable provisions of the Denver Building and Fire Code.
- G. **Approvals Personal to Applicant/Operator**
The permit for an approved Residential Care use shall automatically expire at such time as the operator specified in the permit no longer operates the Residential Care use at the subject property.

SECTION 11.2.6 **[RENUMBERED] SHELTER FOR THE HOMELESS**

11.2.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. **Limitations for Large Residential Care Use Apply**
Shelter for the Homeless is a specific type of Large Residential Care use and is subject to all of the requirements of Section 11.2.~~4~~5.1.~~ED~~, ~~for Limitations standards~~ for Large Residential Care Use. In addition, all Shelters for the Homeless shall comply with following special requirements. In case of conflict with the requirements of Section 11.2.5.1.D. Limitations standards for Large Residential Care Use, the provisions of this subsection shall apply:
- B. **Number of Beds**
The number of beds in the shelter shall not exceed 200. Notwithstanding the preceding sentence, for shelters having a zoning permit as of January 1, 2005, allowing 200 beds or more, the maximum number of beds in the shelter shall not exceed 350. There shall be no more than 950 beds in permanent homeless shelters in any one council district.
- C. **Increase in Shelter Resident Population**
Except for an increase in the number of beds up to 350, pursuant to Section 11.2.6.1.B, Number of Beds subsection B above, and notwithstanding the restriction of Sections 11.2.~~4~~5.1.C.2, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Floor Area Increases in Existing Structures, and Section 11.2.~~4~~5.1.C.3, Continuation of Certain Existing Uses - Requirement for ZPIN Review for Increases in Number of Permitted Residents, the permanent

increase in the number of Shelter for the Homeless residents or in the amount of floor area of such shelter exceeding 10 percent shall require the approval of a zoning permit ~~Review with Informational Notice~~ according to ~~the procedure established in~~ Section 12.4.2, Zoning Permit with Informational Notice.

D. Operations

1. Overnight sleeping accommodations shall be in undivided sleeping space, offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
2. Such facility may include accessory support services but shall not be operated in such a manner that changes its primary function to a use classified as follows: community corrections facility, hospital, assisted living facility, nursing home, rehabilitation center for the handicapped, or residence for older adults.
3. Waiting areas shall be placed and supervised so that the operation of the shelter will not normally create obstructions or problems in the use of adjacent public rights-of-way.
4. Restroom facilities shall be made available to shelter residents while the shelter is closed. Such facilities may include restroom facilities provided by the city.

E. Spacing Required From a School

Proposed shelters for the homeless shall be located more than ~~five hundred (500)~~ feet from a school meeting all the requirements of the compulsory education laws of the state.

F. Alternative Limitations standards for Shelters Allowed in Religious Assembly Buildings or Buildings Owned by Nonprofit Corporations or Governmental Entities

1. Shelters operated within and by a religious assembly church need not comply with the provisions of this section's Residential Care Use limitations standards provided the following limitations are satisfied:
 - a. Such shelter may be operated for up to 120 days in either consecutive or nonconsecutive order per calendar year with any number of residents, or it may be operated throughout the entire year with one of the following: a maximum of 8 residents or any number of persons bearing to each other a relationship as stated in the definition of "household" in Article 13, Rules of Measurement and Definitions of this Code.
 - b. If such limitation is exceeded, the shelter must comply only with the requirements of Section 11.2.~~45~~.1.D.3, Spacing, density, site and other limitations standards, and need not comply with any other requirements of this section's Residential Care Use limitations standards.
2. Temporary shelters operated in buildings owned by nonprofit corporations or by governmental entities need not comply with the provisions of Paragraph 1.a. above provided the following limitation is satisfied. The Zoning Administrator shall have the power to issue a cease and desist order or otherwise close temporary shelters not meeting these limitations:
 - a. Such temporary shelter may be operated for up to 120 days in either consecutive or nonconsecutive order per calendar year with a maximum of 100 residents. If such limitation is exceeded, the temporary shelter must comply only with the requirements of section 11.2.~~45~~.1.D.3, Spacing, density, site and other limitations standards, and need not comply with any other requirements of Section 11.2.~~45~~. Residential Care Use, Small or Large.

- b. Prior to opening a temporary Shelter for the Homeless in buildings owned by non-profit corporations or by governmental entities, the operator of the temporary Shelter for the Homeless shall submit to the Zoning Administrator evidence:
 - i. That the Denver Department of Human Services is involved in the proposed temporary shelter;
 - ii. That a public meeting relating to opening the temporary shelter was held;
 - iii. That at least ~~seven (7)~~ days prior to the public meeting, notice of such public meeting was given to those neighborhood organizations registered according to D.R.M.C., Section 12-94, whose boundaries encompass or are within ~~seven hundred (700)~~ feet of the proposed use and to the City Council member in whose district the proposed Temporary Shelter will be located, and flyers announcing the public meeting were distributed at least ~~three (3)~~ days prior to such public meeting to all properties within ~~three (3)~~ blocks of the proposed temporary shelter; and
 - iv. That a community oversight committee has been created, consisting of the City Council member in whose district the proposed temporary Shelter for the Homeless is located and at least ~~four (4)~~ persons who reside within ~~one thousand five hundred (1,500)~~ feet of the proposed temporary Shelter for the Homeless, to address neighborhood issues relating to the ongoing operations of the temporary Shelter for the Homeless. The community oversight committee may encourage appropriate parties to enter into a community agreement to address such issues.

G. Suspension of ~~Limitations standards~~ in Emergency

The Zoning Administrator has the authority to suspend the terms of this Section 11.2.6's ~~limitations standards~~ for Shelters for the Homeless in emergency, life threatening situations as determined by the Zoning Administrator in consultation with the Manager.

DIVISION 11.3 CIVIC, PUBLIC AND INSTITUTIONAL PRIMARY USE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific uses within the primary Civic, Public and Institutional Primary Use Classification across multiple Zone Districts and neighborhood contexts.

BASIC UTILITIES USE CATEGORY

SECTION 11.3.1 UTILITY, MAJOR IMPACT

11.3.1.1 ~~All Residential Zone Districts, All CC and MX Zone Districts~~

In all Residential Zone Districts and in the CC and MX Zone Districts ~~(including all I-MX Zone Districts)~~, where permitted with limitations:

- A. Major impact utility uses are limited to water reservoir, which need not be enclosed.

11.3.1.2 ~~OS All Open Space Context Zone Districts~~

In ~~all~~ Open Space ~~(OS) Context~~ Zone Districts, where permitted with limitations:

- A. Major impact utility uses are limited to water reservoir or, in the OS-B Zone District only, water filtration plant is also allowed.

11.3.1.3 ~~All I-A, -B Zone Districts; All Industrial, Downtown Neighborhood Context Zone Districts; All and Open Space Context Zone Districts~~

In all ~~I-A, -B Zone Districts; All Downtown Neighborhood Context Zone Districts; and All Open Space Context Zone Districts Industrial, Downtown (D-), and Open Space (OS) Zone Districts~~, where permitted with limitations:

A. Sanitary Service

All sanitary service utilities shall be located a minimum 500 feet from any Residential Zone District. This requirement may be reduced by the Zoning Administrator if the applicant can prove by a preponderance of evidence that a smaller separation will have no significant effect on the nearby Residential Zone District.

B. Solid Waste Facility

All solid waste facilities must be located in a completely enclosed structure and must be located a minimum of 500 feet from any Residential Zone District.

C. Above-Ground Power, Gas, and Other Facilities

Above-ground facilities include high-voltage transmission lines (115 kilovolts or more), electric substations, gas metering stations, and other similar facilities. The expansion of transmission line capacity shall not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

11.3.1.4 ~~All Industrial I-A, -B Zone Districts~~

In ~~the all Industrial I-A, -B~~ Zone Districts, where permitted with limitations

A. Spacing Required

The following major impact utilities shall be located a minimum of 500 feet from any Residential Zone District:

1. Sewage disposal plant.
2. Incinerator, publicly operated.

3. Electric generation plant, excluding nuclear powered plants.

SECTION 11.3.2 UTILITY, MINOR IMPACT

11.3.2.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Electric substations are prohibited in a Residential Zone District; All MS Zone Districts; All Open Space Context Zone Districts; and all Downtown Neighborhood Context Zone Districts.
- B. In all Zone Districts except a Residential Zone District; MS Zone District; Open Space Context Zone District; or Downtown Neighborhood Context Zone District, if electric substation transformers are exposed, there shall be provided an enclosing fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons or materials.

11.3.2.2 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

- A. A minor impact utility use shall be located not less than 50 feet from the nearest boundary of any zone lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless such utility has been sited and designed to assure its compatibility with adjacent dwelling units.
- B. The adequacy of the siting and design for the purpose of achieving compatibility shall be determined by the Zoning Administrator as part of the zoning permit review.

11.3.2.3 C-CCN Zone District

In the C-CCN Zone District, where permitted with limitations: ~~U~~ utility pumping stations are prohibited.

COMMUNITY/PUBLIC SERVICES USE CATEGORY

SECTION 11.3.3 COMMUNITY CENTER

11.3.3.1 All SU and TU Zone Districts

In all SU and TU Zone Districts, where permitted with limitations: ~~A~~ community center use shall be established and/or operated only in an existing, nonresidential structure originally designed for a nonresidential use and not for residential occupancy.

11.3.3.2 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. A Community Center shall have no outdoor public address system or any type of amplified music or sound device.
- B. Overnight accommodations are prohibited.
- C. All outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier.
- D. No portion of any Community Center that is not in a completely enclosed structure (e.g., basketball or racquet sport courts) shall be located nearer than 50 feet from the boundary of a SU or TU Zone District.
- E. As part of a Community Center use, accessory outdoor recreation or entertainment services facilities are permitted subject to compliance with the following conditions:

1. The proposed facility shall be located on the same zone lot and operated by the same owner and/or operator of the Community Center and the applicant must be either the owner of record or has the permission of the owner of record to operate the proposed outdoor recreational or entertainment services facility.
2. The facility occupies no more than 10 percent of the zone lot on which it is located.
3. Adequate off-street parking is provided by the Community Center to support the needs of the outdoor recreational or entertainment services facility.
4. No other such outdoor recreational or entertainment services facility on a different zone lot is located within 500 feet of the proposed use.
5. The hours of operation shall be 8:00 a.m. to one-half hour after sunset.
6. The facility shall be operated and controlled in such a manner to prevent unauthorized use of the facility outside of the permitted hours of operation.
7. Signs visible from the public rights-of-way are limited to no more than 3 signs providing directional or cautionary information not exceeding 4 square feet per sign in area and not more than 6 feet in height above grade.

SECTION 11.3.4 DAY CARE CENTER

11.3.4.1 All SU and TU Zone Districts

In all SU and TU Zone Districts, where permitted with limitations:

- A. The day care center shall be located either:
 1. In a structure operated by and used as a place for religious assembly; or
 2. Within an existing nonresidential structure originally designed for a nonresidential use and not for residential occupancy; or
 3. Within a structure used or formerly used as an elementary and/or secondary school meeting all the requirements of the compulsory education laws of the state.
- B. Daily operations of the center shall terminate by no later than 10:00 p.m.

SECTION 11.3.5 PUBLIC SAFETY FACILITY

11.3.5.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, ~~An~~ ambulance service use may be established only if located in the same building with a police or fire station.

EDUCATION USE CATEGORY

SECTION 11.3.6 ELEMENTARY OR SECONDARY SCHOOL, UNIVERSITY OR COLLEGE, VOCATIONAL OR PROFESSIONAL SCHOOL

11.3.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. An elementary or secondary school, university or college, or vocational or professional school shall comply with the following limitations:
 1. Permanent outdoor storage is prohibited.

2. Residential accommodations or student housing as an accessory use is prohibited in all Zone Districts except in a Multi-Unit (MU) Zone District or a Mixed Use Commercial Zone District.

11.3.6.2 All MX-2x, ~~-2A~~, -2; MS-2x, -2 Zone Districts

In all MX-2x, ~~-2A~~, -2; MS-2x, -2 Zone Districts, where permitted with limitations:

- A. Classes or other school activities in a vocational or professional school shall terminate by no later than 11:00 p.m.
- B. Repair as a commercial service or the commercial sale of repaired machinery or appliances is prohibited as part of a vocational or professional school use.

SECTION 11.3.7 UNIVERSITY OR COLLEGE

11.3.7.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations: ~~A~~ university or college use shall be limited to those that include residential accommodations for at least 20 percent of its student body or 50 students, whichever is less.

PUBLIC AND RELIGIOUS ASSEMBLY USE CATEGORY

SECTION 11.3.8 PUBLIC OR RELIGIOUS ASSEMBLY, ALL TYPES

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

In all Residential Zone Districts and in all MX-2x, MS-2x Zone Districts, where permitted with limitations: ~~d~~ Daily operations of uses and activities accessory to a primary Public or Religious Assembly use, including but not limited to accessory use activities such as recreation or day care centers, shall be terminated by 11:00 p.m.

11.3.8.2 All SU, TU, TH, RH Zone Districts

In all SU, TU, TH, RH Zone Districts, where permitted with limitations: ~~c~~ Club or lodge use is prohibited.

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

In all SU, TU, TH, RH, MU, RO Zone Districts, where permitted with limitations: ~~c~~ Conference Center use is prohibited.

DIVISION 11.4 COMMERCIAL SALES, SERVICE AND REPAIR PRIMARY USE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific uses within the Commercial Sales, Service, and Repair Primary Use Classification across multiple Zone Districts and neighborhood contexts.

ARTS, ENTERTAINMENT AND RECREATION USE CATEGORY

SECTION 11.4.1 ARTS, RECREATION AND ENTERTAINMENT SERVICES, IN-DOOR

11.4.1.1 ~~All~~ MX-2x, ~~-2A, -2~~; MS-2x, -2 Zone Districts

~~In all MX-2x, -2A, -2; MS-2x, -2 Zone Districts, where permitted with limitations:~~ Seating capacity in a permitted Arts, Entertainment and Recreation, Indoor, use shall be limited to no more than 100 persons.

11.4.1.2 ~~G-RO~~ Zone District

~~In the G-RO Zone District, where permitted with limitations, Arts, Recreation and Entertainment Services, Indoor, uses are limited to the following specific use types (as defined in Section 11.12.4.2.B, Specific Arts, Entertainment & Recreation Use Types and Definitions):~~

- A. Art Gallery;
- B. Artist Studio;
- C. Professional Studio; and
- D. Personal Instruction Studios.

~~I-A and I-B Zone Districts-~~

~~In all Industrial Zone Districts, where permitted with limitations:~~

~~An artist studio or performance studio may include a dwelling unit for the artist(s), designer(s), or teacher(s) associated with the artist or performance studio use. Such dwelling unit shall be occupied by no more than 4 unrelated persons, or by any number of persons related by blood, marriage, or adoption.~~

~~A dwelling unit included in the artist or performance studio use shall not be considered a “residential use” or “residential Zone District” or “protected Zone District”, nor in any other way be accorded residential protection against the effects of surrounding industrial uses as may otherwise be required by this Code.~~

SECTION 11.4.2 ARTS, RECREATION AND ENTERTAINMENT SERVICES, OUT-DOOR

11.4.2.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. If the Arts, Recreation and Entertainment Services, Outdoor use is located within 200 feet of a Residential Zone District, outdoor public address systems and all types of amplified music or sound devices are prohibited.
- B. A racquet/swim club type of outdoor recreation service use shall comply with the following additional standards:

1. All outdoor lighting shall be extinguished when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier; and
2. No portion of any court or swimming pool that is not in a completely enclosed structure shall be located nearer than 50 feet from the boundary of a SU or TU Zone District.
3. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6, [Measurement of Separation or Distance](#).

NONRESIDENTIAL USES IN EXISTING BUSINESS STRUCTURES IN RESIDENTIAL ZONE DISTRICTS USE CATEGORY

SECTION 11.4.3 NONRESIDENTIAL USES IN EXISTING BUSINESS STRUCTURES IN RESIDENTIAL ZONES

11.4.3.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

A. Limited Nonresidential Uses Allowed in Existing Business Structures

1. [Primary Nonresidential Uses Allowed](#)

~~In all Residential Zone Districts, s~~subject to compliance with the conditions stated herein, one or more uses by right allowed in the MS-2x Zone District [in the same neighborhood context as the subject property \(e.g., U-MS-2x\)](#) may be operated as the primary use in an existing commercial or business structure ~~located in any Residential Zone District~~. Any use established according to this Section 11.4.3 shall comply with ~~the all applicable~~ limitations [and use review procedure applicable to stated in this Article 11](#) for such use ~~indicated in use table for the applicable MS-2x Zone District , as well as with any applicable use review procedure for the business use, including but not limited to Special Exception Review or Zoning Permit Review subject to Informational Notice.~~

2. [Accessory Uses Allowed](#)

~~A primary nonresidential use allowed by this Section 11.4.3 may include customary and incidental accessory uses allowed in the MS-2x Zone District in the same neighborhood context as the subject property (e.g., U-MS-2x). Any such accessory use shall comply with all applicable limitations and the use review procedure indicated in the Summary Use Table table for the applicable MS-2x Zone District.~~

B. ~~Limitations~~Conditions

The applicant shall prove by a preponderance of evidence that a nonresidential use proposed under this Section 11.4.3's allowance complies with the following ~~limitations~~conditions:

1. The applicant is the owner of the subject structure.
2. The subject structure was originally designed for a business use and not for residential occupancy.
3. The subject structure was legally erected.
4. For any modifications to the structure that require landmark approval, the modification shall have been reviewed and approved by the Landmark Preservation Commission before submittal for zoning approval.
5. All uses in the structure involved shall comply with the limitations on external effects applicable to uses in the [Zone](#) District in which the structure is located.

6. All uses operated in the structure involved shall comply with Division 10.4, Parking and Loading, ~~requirements~~ for each such use in the MS-2x Zone District; provided, however, that upon proof that full compliance could not be achieved, the Zoning Administrator may waive so much of those requirements as are impossible of fulfillment according ~~to the Administrative Adjustment procedures in~~ Section 12.4.5, Administrative Adjustment.
7. All uses allowed in the structure shall comply with limitations on permitted signs applicable to uses in the MS-2x district.

C. Effect of Approval

1. ~~A nonresidential use allowed under this section shall be personal to the applicant and not transferable. The permit for a nonresidential use approved according to this Section 11.4.3 shall automatically expire at such time as the applicant specified in the permit no longer owns or operates the nonresidential use at the subject property.~~
2. A zoning permit allowing a nonresidential use under this Section 11.4.3 may be rescinded according to Section 12.11.6., Enforcement Powers, Penalties and Remedies, ~~of this Code~~ upon a finding that the structure involved is obsolete or substandard under any applicable ordinance of the City to the extent that the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date of such finding.

PARKING OF VEHICLES USE CATEGORY

SECTION 11.4.4 PARKING, GARAGE

11.4.4.1 D-C and D-TD Zone Districts

In the D-C and D-TD Zone Districts, where permitted with limitations, garage parking use is allowed provided it meets at least one of the following conditions:

- A. The use was operated in a structure before October 10, 1994; or
- B. The use is operated in a structure constructed or converted from other uses after October 10, 1994, that:
 1. Was constructed or converted by or on behalf of a public entity to serve the general public; or
 2. Serves only buildings that do not contain office uses; or
 3. Serves 1 or more buildings that contain office uses and does not contain more than 2 parking space per 1,000 gross square feet of office space in the building or buildings served by the structure. Parking spaces restricted for use by non-office uses within the building or buildings served by the parking structure shall be exempt from such parking ratio restriction.

11.4.4.2 D-GT and D-AS Zone Districts

In ~~at~~the D-GT and D-AS Zone Districts, where permitted with limitations:

- A. Garage parking is limited to enclosed structures, or structures that are enclosed except for portions of the parking structure over 45 feet above grade, provided that any unenclosed parking deck must have screening walls at least 4 feet in height, and further provided that all lighting on the unenclosed parking deck shall be provided with fully shielded fixtures, none of which exceed 6,500 lumens per fixture and which are designed and installed so that they do not project glare off of the zone lot.

- B. Zoning permit review is required according to Section 12.4.2, Zoning Permit Review with Informational Notice, if the parking use is unenclosed and does not meet the criteria of Paragraph A above.

SECTION 11.4.5 PARKING, SURFACE

11.4.5.1 All TU, TH, RH, ~~RO or MU~~, RO Residential Zone Districts

In all TU, TH, RH, ~~RO or MU~~, RO Residential Zone Districts, where permitted with limitations, ~~S~~ surface parking of vehicles as a primary use of land is allowed only to serve a permitted Civic, Public and Institutional Use in the Zone District. Commercial surface parking lots are prohibited.

11.4.5.2 D-C and D-TD Zone Districts

In the D-C and D-TD Zone Districts, where permitted with limitations:

- A. Surface parking lots are allowed only if such use was in existence before May 25, 1990, and has been in continuous use as a parking lot since that date, provided, however, that a temporary use properly permitted under the provisions of this Article 11 shall not destroy the continuity of use; or
- B. The surface parking lot received a use permit between May 25, 1990, and October 10, 1994, and has been in continuous use as a parking lot since the date of such permit, provided, however, that a temporary use properly permitted under the provisions of Article 11 shall not destroy the continuity of use, and complies with all specifications for use and maintenance contained in Ordinance 140, series of 1986 and Ordinance 270, series of 1990; or
- C. Began operation after October 10, 1994, and meets the following conditions:
 - 1. Such use shall not be located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Larimer Street-Market Street alley; and
 - 2. Such use shall not be located where necessary curb cuts will interfere with pedestrian activity on Larimer Street, Curtis Street, Cleveland Place, or on any street frontage facing a light rail line.

11.4.5.3 D-GT Zone District

In the D-GT Zone District, where permitted with limitations:

- A. Surface parking lots constructed after July 1, 1994, and not required to meet the requirements of this Subsection's requirements shall be allowed according to Section 12.4.2, Zoning Permit Review with Informational Notice, and shall only be approved provided that the following limitations conditions are met:
 - 1. Such parking lot shall serve a specific, identified business or residential facility that is an allowed use then permitted and operating in the D-GT district.
 - 2. Any parking lot that is not located on the same zone lot as the use it serves, and that provides amounts of parking beyond those required to meet the minimum parking requirements for such use according to this Article 11 and Division 10.4, Parking and Loading, ~~of this Code~~:
 - a. Shall have some portion of such parking lot located within 200 feet of the zone lot containing the use it serves; and
 - b. Shall not offer parking to the public in return for a fee; and
 - c. Shall include signage stating that parking is available only for the specific, identified business or residential facility that it serves and that public parking is not permitted.

11.4.5.4 ~~All~~ **CMP-H and CMP-EI Zone Districts**

In ~~all the~~ Campus Hospital (CMP-H) and ~~Education/Institutional~~ (CMP-EI) Zone Districts, where permitted with limitations:

- A. Surface parking of vehicles is allowed only to serve a use permitted in the district.
- B. Commercial surface parking lots are prohibited.

EATING AND DRINKING ESTABLISHMENTS USE CATEGORY

SECTION 11.4.6 EATING AND DRINKING ESTABLISHMENTS, ALL TYPES

11.4.6.1 All ~~MS-2, MX-2x, -2A, -2;~~ **MS-2x, -2 Districts**

In all ~~MS-2, MX-2x, -2A, -2;~~ MS-2x, -2 ~~and MX-2x~~ Zone Districts abutting a ~~Single Unit (SU) or Two-Unit (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.

11.4.6.2 All ~~MS-2x and MX-2x,~~ **MS-2x Zone Districts**

In all ~~MS-2x and MX-2x,~~ MS-2x Zone Districts, where permitted with limitations, in addition to compliance with the use limitations in this Section 11.4.6.1 ~~above, 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.

~~If the eating and drinking establishment is less than 50 feet from the nearest boundary of any Protected District, it shall be subject to Special Exception review and the approval of the Board of Adjustment according to the procedures stated in Section 12.4.7 of this Code.~~

OFFICE USE CATEGORY

SECTION 11.4.7 DENTAL/MEDICAL OFFICE OR CLINIC

11.4.7.1 **G-RO Zone District**

In all G-RO Zone Districts, where permitted with limitations: ~~Dental/Medical Office or Clinic use is allowed provided, however, that such use that expands to create a gross floor area exceeding 10,000 square feet shall be reviewed according to subject to Zoning Permit Review with Informational Notice, according to the procedures and criteria stated in~~ Section 12.4.2, ~~Zoning Permit Review with Informational Notice of this Code.~~ 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, the~~ Zoning Permit Review with Informational Notice ~~procedures~~. This limitation shall not apply to rehabilitation centers for handicapped persons.

11.4.7.2 All Zone Districts (Except RO, RX, MX-2x, MS-2x, I-B 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 11.4.8 RETAIL SALES, SERVICE AND REPAIR, ALL SPECIFIC USE TYPES

11.4.8.1 ~~All~~ MX-2x, ~~-2A, -2~~; MS-2x, -2 Zone Districts

In all MX-2x, ~~-2A, and -2x~~; 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.

11.4.8.2 ~~All~~ I-B Industrial Zone Districts

In ~~at~~the I-B Industrial Zone District ("I-B"), where permitted with limitations:

- A. Retail sales are allowed of any commodity manufactured, processed, or fabricated on the premises.
- B. Retail sales are allowed of any commodity that is warehoused only on the premises, but only to the extent that the total floor area utilized by retail sales of all such warehoused commodities shall not exceed 20 percent of the gross floor area of the warehouse.
- C. Retail repair services are allowed of any commodity that is manufactured, processed, fabricated, stored or sold in the I-B Zone District except for the following: vehicle body shop, upholstery or top shop, paint shop, refrigeration and air conditioning service and repair, and disinfecting and pest control service.

SECTION 11.4.9 ANIMAL SERVICES AND SALES, HOUSEHOLD PETS ONLY

11.4.9.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. All sales and services shall be for household pets only. Wild or dangerous animal services and sales are prohibited.
- B. Overnight boarding is allowed within a completely enclosed building; however, animal services or sales uses over 20,000 square feet in gross floor area that use a majority of their gross floor area for retail sales, shall have no more than 15 percent of their gross floor area devoted to overnight boarding.
- C. The use must be completely enclosed except that outdoor animal runs or other areas in which dogs will be allowed outside of an enclosed structure off leash (hereinafter "outdoor run") are allowed subject to compliance with the following conditions:
 1. Outdoor runs, including the addition, expansion, or relocation of an existing outdoor run, shall be reviewed according to ~~the Zoning Permit Review with Informational Notice procedures in~~ Section 12.4.2, ~~Zoning Permit Review with Informational Notice of this Code.~~
 2. Outdoor runs shall not be permitted within 20 feet of a habitable residential structure on a zone lot ~~in zoned to a~~ Single Unit ("SU"), Two Unit ("TU"), Townhouse, ("TH"), or Row House ("RH") Zone District.
 3. The outdoor run may operate only between the hours of 6:30 a.m. and 9:00 p.m.
 4. No more than 25 non-neutered or non-spayed dogs over the age of 6 months may be kept on the premises at any time.
- D. The facilities shall be constructed, maintained and operated so that neither the sound nor smell of any animals boarded or kept on the premises during the time that full enclosure is required

can be discerned on other zone lots provided, however, that existing facilities may continue to be maintained and operated as previously permitted.

SECTION 11.4.10 BODY ART ESTABLISHMENT

11.4.10.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. No more than 2 body art establishments shall be established, operated, or maintained within 1,000 feet of each other.
- B. Body art establishments shall not be established, operated, or maintained within 1,000 feet of any of the following uses:
 1. [Outline Numbering Corrected] Adult Amusement or Entertainment on payment of a fee or admission charge;
 2. Adult Bookstore;
 3. Adult Photo Studio;
 4. Adult theater.
 5. Amusement Center; or
Body art establishment; or
 6. Eating & Drinking Establishment place with adult amusement or entertainment.

SECTION 11.4.11 FOOD SALES OR MARKET

11.4.11.1 All RX Zone Districts

In all ~~Residential Mixed Use~~ (“RX”) Zone Districts, where permitted with limitations:

- A. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, shall occupy no greater than $\frac{1}{4}$ the gross floor area of the structure containing the by-right food sales or market use.
- B. Outdoor storage is prohibited, unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

SECTION 11.4.12 LIQUOR STORE, INCLUDING DRUGSTORES LICENSED TO SELL LIQUOR

11.4.12.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. No liquor store or drugstore licensed to sell package liquors, not existing or operating on August 31, 1997, shall be established, operated, or maintained within 1,000 feet of another liquor store or drugstore licensed to sell package liquors.
- B. No liquor store or drugstore licensed to sell package liquors, not existing or operating on July 31, 2000, shall be established, operated, or maintained within 1,000 feet of a community corrections facility.
- C. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6, Measurement of Separation or Distance.

SECTION 11.4.13 PAWN SHOP

11.4.13.1 All Zone Districts

In all Zone Districts where permitted with limitations:

- A. No pawn shop establishment shall be established, operated, or maintained within 1,000 feet of another pawn shop establishment.
- B. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6, [Measurement of Separation or Distance](#).

~~RETAIL SALES, SERVICE & REPAIR USE CATEGORY~~

SECTION 11.4.14 RETAIL SALES, SERVICES AND REPAIR, OUTDOOR

11.4.14.1 All Mixed Use Commercial Zone Districts

In all Mixed Use Commercial Zone Districts where permitted with limitations: ~~Outdoor Retail Sales~~ only are permitted, and Outdoor Retail Repair or Service uses are prohibited.

11.4.14.2 ~~All~~ Industrial Zone Districts

In ~~the~~ ~~all~~ Industrial Zone Districts, where permitted with limitations:

- A. ~~Special Exception review is required for a~~ All outdoor retail repair and service uses located within 500 feet of a Residential [Zone District](#) or Mixed Use Commercial Zone District [shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review](#).
- B. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.6, [Measurement of Separation or Distance](#).

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

SECTION 11.4.15 AUTOMOBILE EMISSIONS INSPECTION FACILITY

11.4.15.1 ~~All MX-2A, -2; MS-2; and Downtown~~ [Neighborhood Context](#) ~~(D-)~~ Zone Districts

In all ~~MX-2A, -2; MS-2; and Downtown~~ ~~(D-)~~ [Neighborhood Context](#) Zone Districts, where permitted with limitations: ~~All~~ automobile emissions inspection facility uses shall be totally enclosed with no outdoor displays, sales, or storage.

SECTION 11.4.16 AUTOMOBILE SERVICES, LIGHT OR HEAVY

11.4.16.1 All RX Zone Districts

In all ~~Residential Mixed Use (RX)~~ Zone Districts, where permitted with limitations: ~~All~~ automobile services uses shall be completely enclosed.

11.4.16.2 ~~All MX-2A, -2; MS-2~~ Zone Districts

In all ~~MX-2, -2A; MS-2~~ Zone Districts, where permitted with limitations: ~~A~~ automobile wash, laundry, detail or polishing shops (a specific type of Automobile Services, Light use) are prohibited.

11.4.16.3 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Outdoor public address or loudspeaker systems are prohibited.
- B. Rental or sale of motor vehicles is prohibited, [unless otherwise allowed as a primary use in the subject Zone District](#).
- C. Fuel pumps and permitted accessory trailer storage need not be enclosed.

- D. All discarded parts and materials shall be deposited into a completely enclosed container concealed from adjacent properties.
- E. Vehicles being serviced or stored for customers shall not be parked on streets, alleys, public sidewalks or public park strips.
- F. The use shall be provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles; outdoor lighting shall be arranged so it neither unreasonably disturbs occupants of adjacent residential properties nor interferes with traffic.
- G. All outdoor lighting shall be provided with full cut-off fixtures. The use shall extinguish all outdoor lighting that is not fully shielded at close of business or 11:00 p.m., whichever is earlier.
- H. Trailer rentals are permitted as an accessory use subject to the following limitations:
 - 1. One trailer is permitted on the zone lot for each 4,000 square feet of land area in the zone lot, not, however, exceeding 5 trailers at any one time; and
 - 2. Each trailer shall not exceed 8 feet in height, length and width.
- I. A single bay car wash containing either manual or automatic equipment is permitted as an accessory use subject to compliance with the accessory use standards in Division 11.7, [Accessory Use Limitations, and in Division 11.10, Uses Accessory to Nonresidential Uses - Limitations.](#)
- J. An automobile services use may include the sale of compressed natural gas, liquefied petroleum, or other types of fuel for vehicles as regulated by the Denver Fire Code. Any above-ground fuel tanks shall be located a minimum of 1,000 feet from a protected use, as “protected use” is defined by the Denver Fire Code.

SECTION 11.4.17 AUTOMOBILE SERVICES, LIGHT

11.4.17.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Automobile wash, laundry, detail or polishing shops are allowed as a type of Automobile Service, Light, use, subject to compliance with the following standards:
 - 1. An automobile wash, laundry, detail or polishing shop shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards stated in the applicable Zone District.
 - 2. The structure housing the primary use shall be setback a minimum 8 feet from any abutting Residential Zone District.
 - 3. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District.
 - 4. If the zone lot containing the use abuts a SU or TU Zone District, the hours of operation shall be limited to the time period between 7:00 a.m. and 10:00 p.m.
 - 5. The use shall provide, in addition to any other required off-street parking, sufficient hard-surfaced and dust-free space on the same zone lot to accommodate at least 3 vehicles waiting to be washed for each washing stall.

SECTION 11.4.18 AUTOMOBILE SERVICES, HEAVY

11.4.18.1 All Zone Districts

In all Zone Districts, where permitted with limitations: ~~Special Exception~~ review is required according to Section 12.4.9, Zoning Permit with Special Exception Review, for facilities that involve an environmental hazard as determined by the Denver Fire Code, including but not limited to the following:

- A. Vehicle body shop,
- B. Upholstery or top shop, and
- C. Paint shop.

11.4.18.2 All CC, MS; I-MX, ~~A~~; M-IMX, ~~and I-A~~ Zone Districts

In all CC, MS; I-MX, ~~A~~; and M-IMX, ~~and I-A~~ Zone Districts, where permitted with limitations:

- A. The zone lot for all automobile services, heavy, uses shall be enclosed with a solid fence or wall except for the following excluded areas:
 1. The Primary Street frontage front line of the zone lot directly in front of the Primary Street facing front building wall or a Primary Street facing main entrance of the principal primary structure, and in no case shall such fence or wall be required along more than 40 percent of the length of the Primary Street frontage front line of the zone lot described in this Section 11.4.18.2;
 2. The Primary Street frontage front line of the zone lot directly in front of an automobile retail display area; or
 3. Any portion of a zone lot line containing a building wall.
- B. Such fence or wall shall be constructed to a height adequate to conceal any vehicles, equipment, or parts located on the zone lot; provided, the height and location of such wall or fence shall not interfere with clear sight at the intersection with a right-of-way and complies with the Denver Building and Fire Code.
- C. Permitted fence or wall materials shall consist of wood, brick, masonry or other similar durable materials as approved by the Zoning Administrator
- D. Prohibited fence or wall materials include salvaged doors and corrugated or sheet metal.

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

11.4.19.1 All Downtown Neighborhood Context ~~(D)~~ Zone Districts

In all Downtown Neighborhood Context ~~(D)~~ Zone Districts, where permitted with limitations:

- A. The use shall be ~~totally enclosed~~ operated in a Completely Enclosed Structure with no outdoor displays, sales, or storage.
- B. Automobile pawn lots are prohibited.

11.4.19.2 All RX and MS Zone Districts

In all RX and the Main Street ~~(MS)~~ Zone Districts, where permitted by limitations, All automobile services, heavy, uses Automobile / Motorcycle, Light Truck, Sales, Rental and/or Leasing; Pawn Lot or Vehicle Auctioneer uses shall be operated in a Completely Enclosed Structure, totally enclosed with no outdoor displays, sales, or storage.

11.4.19.3 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Outdoor public address or loudspeaker systems are prohibited.
- B. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and provision of services to the extent of installing the foregoing items, making minor mechanical adjustment, washing and polishing vehicles.
- C. The facility shall not include Heavy Automobile Service uses, either as an accessory or primary use, unless otherwise allowed as a primary use in the subject Zone District.
- D. Adjoining Residential Zone Districts shall be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by the establishment of landscaped buffers or an opaque fence or wall at least 5 feet high, by the location of landscaped employee or public parking areas, or by other means to achieve the same protection purpose.
- E. Vehicles being displayed, serviced or stored shall not be parked on streets, alleys, public sidewalks or public park strips.
- F. As permitted, vehicles displayed outside a Completely Enclosed Structure may have individual signs and, when provided, such signs shall be located only inside such vehicles.
- G. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.

SECTION 11.4.20 HEAVY VEHICLE / EQUIPMENT SALES, RENTALS, AND SERVICES

11.4.20.1 All I-MX, ~~-A~~; M-IMX, ~~and I-A~~ Zone Districts

In all I-MX, ~~-A~~; and M-IMX, ~~and I-A~~ Zone Districts, where permitted with limitations:

- A. Heavy Vehicle / Equipment Sales, Rentals and Services uses shall be located 500 feet or more from the nearest boundary of any Residential Zone District existing at the time of application for the use.
- B. This 500 foot spacing requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

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DIVISION 11.5 INDUSTRIAL, MANUFACTURING AND WHOLESALE PRIMARY USE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific uses within the Industrial, Manufacturing and Whole Primary Use Classification across multiple Zone Districts and neighborhood contexts.

COMMUNICATIONS AND INFORMATION USE CATEGORY

SECTION 11.5.1 COMMUNICATION SERVICES

11.5.1.1 All RX, CC, MX, MS Zone Districts

In all ~~Residential Mixed Use (RX), Commercial Corridor (CC), Mixed Use (MX), Main Street (MS)~~ Zone Districts, where permitted with limitations: ~~Where the permitted maximum building height in the Zone District is 3 stories or less, a transmitter shall be reviewed according to is a Special Exception use subject to the procedures in~~ Section 12.4.9, Zoning Permit with Special Exception Review.

11.5.1.2 ~~All Downtown Neighborhood Context (D) Zone Districts~~

In ~~the all~~ Downtown ~~Neighborhood Context (D)~~ Zone Districts, where permitted with limitations: ~~this use is limited to radio and television broadcasting, including transmitter.~~

SECTION 11.5.2 TELECOMMUNICATIONS TOWERS; TELECOMMUNICATIONS TOWER - ALTERNATIVE STRUCTURE; TELECOMMUNICATION FACILITIES - ALL OTHERS

11.5.2.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. ~~Purpose and Intent~~

The ~~purpose-intent~~ of this Section 11.5.2 is to establish regulations for telecommunications facilities ~~to achieve the following. The goals of this section are:~~

1. To protect residential areas and lands by minimizing adverse impacts of towers;
2. To encourage the location of towers in nonresidential Zone Districts;
3. To minimize the total number of towers in the community;
4. To encourage the joint use of new and existing tower locations;
5. To ensure that towers are located in areas that minimize adverse impacts;
6. To ensure towers and antennas are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;
7. To enhance the ability to provide telecommunications services to the community quickly, effectively and efficiently;
8. To consider public health and safety of telecommunications facilities;
9. To avoid damage to adjacent properties from tower failure through careful engineering and locating of tower structures;
10. To encourage the attachment of antennas to existing structures; and

11. To facilitate the provision of telecommunications services throughout the city.

B. Applicability

These regulations shall apply to all towers and antennas as defined, except:

1. Any tower, or antenna, not more than 70 feet in height, owned and operated by a federally licensed amateur radio station operator or used exclusively as a receive only facility.
2. High tension electric transmission or distribution line support towers used as mounts for antennas not more than 12 feet in height above the highest point of the said tower shall be permitted in all Zone Districts and are exempt from the separation requirements contained in this section. However, the requirements in Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities, shall apply.
3. Alternative tower structures not more than 50 feet in height shall be permitted in all Zone Districts subject to:
 - a. ~~The goals of~~ Section 11.5.2.1.A, Intent;
 - b. ~~The design review outlined in~~ Section 11.5.2.1.C.7, Design Review;
 - c. The setback requirements for like structures in the Zone District; and
 - d. ~~The specific requirements for telecommunications support facilities in~~ Section 11.5.2.1.G, Specific Requirements -- Telecommunications Support Facilities.
 - e. If such an alternative tower structure is in, or, as measured from the base of the tower to the nearest part of the Zone District, within 200 feet of a Residential Zone District, MX-2x, -2A, -2; or MS-2x, -2 Zone District, the provisions of Section 12.4.2, Zoning Permit Review with Informational Notice, shall apply.
4. The provisions of this Section 11.5.2.1 shall be of no force and effect in the Open Space Context OS-A, OS-B, and OS-C Zone Districts.

C. General Requirements

1. Not Utilities

Towers, antennas and telecommunications support facilities shall be regulated and permitted pursuant to this Section and shall not be considered utilities.

2. Permitted Uses

Towers, antennas and telecommunication support facilities shall be considered permitted uses and the existence of another structure or use on the same zone lot shall not preclude the installation of towers, antennas and telecommunications support facilities.

3. Towers in Nonresidential Zone Districts

Towers are allowed in nonresidential Zone Districts and shall:

- a. Comply with the regulations contained herein and the Zone District regulations for permitted structures in the Zone District in which it is located. The dimensions of the entire zone lot shall apply and not the dimensions of the leased parcel; and
- b. Have a diameter of not more than 48 inches measured at the base of the tower.

4. Antennas

Antennas not attached to a tower and their associated telecommunications support facilities may be located in any Zone District on:

- a. Any nonresidential structure; or
- b. A multi-unit dwelling structure containing 8 or more dwelling units that is at least 35 feet in height; or

- c. A residential structure other than as provided in b. above, provided any antenna is camouflaged or obscured so as to resemble architectural or natural features commonly associated with the site and district where located.

5. Telecommunications Support Facilities

Telecommunications support facilities shall comply with Section 11.5.2.1.G, [Specific Requirements -- Telecommunications Support Facilities](#).

6. Abandonment

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or towers shall remove the same and the accompanying telecommunications support facilities within 90 days of the issue date of the notice to remove the tower or antenna.

7. Design Review

- a. Antennas, towers, and alternative tower structures, their associated antennas and arrays and telecommunications support facilities shall be subject to design review and approval. Applicants may submit their designs for pre-approval subject to the same procedures outlined herein.
- b. Designs for antennas, towers, alternative tower structures, their associated antennas and arrays and telecommunications support facilities shall be submitted to the Zoning Administrator for design review.
- c. Upon submission of a complete application for design review, the Zoning Administrator shall establish a schedule for processing the application. Design review shall be completed within 30 days of the date designated in the schedule, except that the review period may be extended by an amount of time equal to any delay caused by the applicant or agreed to by the applicant.
- d. In reviewing the design of towers, the goals and requirements set forth in this Section 11.5.2.1 shall be considered. Within 7 days after completion of the design review, the Zoning Administrator shall approve, approve with conditions or deny the application.
- e. A reasonable design review fee shall be assessed at the time of submittal.

D. Specific Requirements -- All Towers, Antennas and Telecommunications Support Facilities

The following standards shall apply to all towers, antennas, and telecommunications support facilities, excluding alternative tower structures not more than 50 feet in height:

1. The design of towers, antennas, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures;
2. Signs shall be limited to those signs required for cautionary or advisory purposes only;
3. The mass of antennas or an antenna on a tower shall not exceed 450 cubic feet per user, with no one dimension exceeding 14 feet per user. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the entire perimeters of the array.

E. Specific Requirements -- Towers

The following standards shall apply to all towers, excluding alternative tower structures not more than 50 feet in height (see Section 11.5.2.1.B.3, [Applicability](#)).

1. Setbacks

The minimum Zone District setback requirements shall apply to all towers.

2. Height

The height and bulk of the tower shall be controlled by the district regulations of the Zone District in which the tower is located but in no case shall it exceed the following maximum heights, measured from the lowest grade within 10 feet of the base of the tower to the highest point of the tower or any antenna attached thereto:

- a. Single users: Not more than 75 feet in height;
- b. Two or more users: Not more than 90 feet in height.

3. Color

Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

4. Screening and Landscaping

If the tower is within 200 feet of a Residential Zone District or Mixed Use Commercial Zone District, the installation shall provide screening and landscaping in accordance with the following:

- a. Unless the Zoning Administrator finds that alternative screening is appropriate to the character of the Zone District and/or landscaping, including existing vegetation, topography or structures, screening shall be provided in one of the following two ways:
 - i. Solid view-obscuring landscaping not less than 6 feet in height and landscaped in accordance with the landscaping requirement of Section 11.5.2.1.E.4.b, [Screening and Landscaping](#); or
 - ii. A finished masonry wall of similar material and/or finish to the primary structures on the site or adjacent properties, in which case landscaping shall not be required.
- b. Except as provided in Section 11.5.2.1.E.4.a. above, landscaping shall be provided in accordance with the following requirements:
 - i. The area around the tower shall be landscaped with a buffer of plant materials that effectively screens the view of the tower base from property used for residences. The standard buffer shall consist of a landscaped strip at least 5 feet wide outside the perimeter of the fence described in [Section 11.5.2.1.E.4.a.ii, Screening and Landscaping](#), and shall be composed of at least 50 percent coniferous or broadleaf evergreens that will reach at least 5 feet in height at maturity, and shall provide for and maintain minimal landscaping on the remainder of the zone lot.
 - ii. In locations where the visual impact of the tower would be minimal, or where landscaping would not reduce or alleviate the visual impact of the tower, the landscaping requirement may be reduced or waived.
 - iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. For towers located on large, wooded lots, natural growth around the property perimeter may be considered a sufficient buffer.

5. Lighting

Towers shall not be artificially illuminated unless required by the FAA, other governmental regulation, or as specified in the next two sentences. Towers that are used as flagpoles may be lit at night if they are flying the national flag. Ground level security lighting not more than 20 feet in height may be permitted if it does not project glare onto other properties and is designed to minimize impacts on adjacent properties.

6. Separation Requirements

The following separation requirements shall apply to all towers:

- a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. If the requested separation distance is greater than or equal to the distance in this Section 11.5.2.1.E.6.a., the Zoning Administrator can proceed to process the application hereunder. If the requested separation distance is less than the separation distances provided in Table 1, but more than or equal to 100 feet, the provisions of Section 11.5.2.5, Separation Allowances, below shall apply.

TABLE 1. TOWER SEPARATION FROM CERTAIN USES AND ZONES.	
Off-Site Use/Designated Area	Separation Distance
Single-unit or two-unit dwellings	500 feet or 3 times the height whichever is greater
Vacant platted or unplatted residentially zoned land	500 feet or 3 times the height whichever is greater
Existing multi-unit family residential units	500 feet or the height of tower whichever is greater
City park and open space uses	1,000 feet
Nonresidentially zoned lands with nonresidential uses	None; only setbacks apply

- b. Separation distances between towers shall be maintained and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the base of the proposed tower, pursuant to a site development plan of the proposed tower. If the requested tower separation distance is greater than or equal to the distance in Section 11.5.2.1.E.6.a., the Zoning Administrator can proceed to process the application hereunder. If the requested tower separation is less than the separation distance as provided in Table 2, but more than or equal to 500 feet, the provisions of Section 11.5.2.5, Separation Allowances, below shall apply.

TABLE 2. MINIMUM SEPARATION BETWEEN TOWERS (IN FEET)				
Existing Towers--Types	Lattice	Guyed	Monopole 75 feet in height or greater	Monopole not more than 75 feet in height
Lattice	2,500	2,500	1,500	1,000
Guyed	2,500	2,500	1,500	1,000
Monopole 75 feet in height or greater	1,500	1,500	1,500	1,000
Monopole not more than 75 feet in height	1,000	1,000	1,000	1,000

F. Specific Requirements - Antennas Installed On Structures Other than Towers

The following height and bulk plane standards shall apply to antennas installed on a structure other than a tower:

- The height and bulk plane of the antenna shall be controlled by the district regulations of the Zone District in which it is located, provided that antennas, together with any support structure built to hold, camouflage or conceal them, may extend up to 14 feet beyond the highest point of the building or structure to which attached, provided further that antennas for emergency telecommunication services may extend up to 20 feet beyond the highest point of the building or structure to which attached.

G. Specific Requirements - Telecommunications Support Facilities

- Telecommunications support facilities may be located on the roof of a building.
- If located on a building, telecommunications support facilities shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure.

3. Telecommunications support facilities shall not contain more than 350 square feet of gross floor area per user or be more than 12 feet in height, measured from the roof upon which the facility is placed to the highest part of the facility, or if on the ground, measured according to Section 13.1.1, Height Form Standards.
4. If the telecommunications support facilities are located at grade, they shall comply with all the same requirements as those for towers in ~~the preceding~~ Section 11.5.2.1.E, Specific Requirements - Towers.

11.5.2.2 Application for Towers and Antennas

Every applicant for a tower, but not alternative tower structures 50 feet or less in height ~~per ac-~~
ording to Section 11.5.2.1.B.3, Applicability, shall provide the Zoning Administrator with:

- A. The first application for a permit by a provider or an applicant for a provider shall include an inventory of all of that provider's existing towers, antennas, or sites approved for towers or antennas, that are either within the city or within 1,000 feet of the border thereof and the provider shall also comply with the inventory and tracking requirement of this section;
- B. The identification of its backhaul providers, updated on at least an annual basis, and the method of providing backhaul, wired or wireless;
- C. A vicinity map drawn to scale showing adjacent land uses that require separation and zoning within 1,000 feet; including those in adjacent municipalities;
- D. Upon the request of the Zoning Administrator, the director of the office of telecommunications or a member of city council, or their designees, the telecommunications provider shall meet with the requesting official and provide them with information concerning the proposed system design, which information shall not be reduced to writing and shall be treated as a confidential trade secret;
- E. A scaled set of plans containing the following information:
 1. Location and legal description of the proposed site;
 2. Type and height of the proposed tower
 3. On-site land uses and zoning;
 4. Adjacent roadways;
 5. Proposed means of access;
 6. Setbacks from property lines;
 7. Architectural elevation drawings of the proposed tower and any other telecommunications support facilities;
 8. Site topography;
 9. Parking;
 10. A landscape plan showing specific landscape materials;
 11. The method of fencing, finished color and, if applicable, the method of camouflage and illumination.
- F. An affidavit from the owner of the property acknowledging that the owner of the property is responsible for the removal of a tower, and the associated telecommunications support facilities, that are abandoned or unused for a period of 12 months.
- G. Every applicant for an antenna shall provide the Zoning Administrator with the information required in Section 11.5.2.2.E, where applicable.

- H. The Zoning Administrator may share information, except for the confidential proposed system design, with other applicants applying for administrative approvals or use exceptions under this section or other organizations seeking to locate towers/antennas in the city, except that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

11.5.2.3 Inventory and Tracking

The Zoning Administrator shall compile a list of towers and maintain and update the same from information furnished by all service providers. The Zoning Administrator shall issue a registration number to be affixed to and displayed on each tower. Reasonable fee as determined by the Zoning Administrator shall be assessed for an initial registration and annual inspections.

11.5.2.4 Collocation

- A. Antennas may be attached to an existing tower that is in compliance with all requirements of ~~this~~ Section 11.5.2.1, [\[Limitations Applicable in\] All Zone Districts](#), and the requirements of Section 11.5.2.1.E.6.b, [Separation Requirements](#), and Table 2 ~~therein~~ shall not apply as long as the height of the tower is not increased. The new antenna and any telecommunications support facilities must comply with all applicable regulations in Section 11.5.2.1.D., [Specific Requirements - All Towers, Antennas and Telecommunication Support Facilities](#), and [Section 11.5.2.1.E., Specific Requirements - Towers](#). A tower may be modified or reconstructed to accommodate the collocation of additional antennas under the following conditions:
1. The tower shall be the same type as the existing tower, unless the tower is replaced by a monopole not more than 48 inches in diameter, provided, however that an existing alternative tower structure not over 50 feet in height may only be replaced by another alternative tower structure not over 50 feet in height;
 2. An existing tower, to accommodate the collocation of an additional antenna, may be modified or rebuilt only once to a taller height, not to exceed 30 feet more than the tower's existing height, provided, however that this Section [11.5.2.4.A.2. b](#) shall not apply to alternative tower structures not over 50 feet in height;
 3. The additional height referred to in this Section 11.5.2.4. shall not require an additional distance separation as set forth in Table 2 of Section 11.5.2.1.E.6.b, [Separation Requirements](#). The tower's pre-modification height shall be used to calculate distance separations;
 4. The existing tower shall comply with the separations from certain uses and zones in Table 1 of Section 11.5.2.1.E.6.a, [Separation Requirements](#).
 5. If a tower is replaced to accommodate collocation, only 1 tower may remain on the zone lot; ~~and~~
 6. If a tower is relocated on-site in compliance with all setback requirements, and within a 25 foot radius of its existing location, under the terms and conditions of this section, it shall not be deemed a violation of the separation requirements of Section 11.5.2.1.E.6, [Separation Requirements](#).
- B. Antennas may be attached to an existing tower that is not in compliance with all the requirements of ~~this~~ Section 11.5.2.1, [\[Limitations Applicable in\] All Zone Districts](#), and said tower may be rebuilt, reconstructed or modified, provided:
1. The tower as rebuilt, reconstructed or modified is no taller than the existing tower;
 2. The tower is of the same type as the existing tower, unless the tower is replaced by a monopole tower not more than 48 inches in diameter or a tower that meets the definition of an alternative tower structure;

3. The tower with the attached additional antenna as modified must meet the requirements of Section 11.5.2.1.D., [Specific Requirements - All Towers, Antennas and Telecommunication Support Facilities](#), and Section 11.5.2.1.G, [Specific Requirements - Telecommunication Support Facilities](#).
- C. Antennas may be attached to an existing tower that is accessory to a police station, fire station or hospital, and said tower may be rebuilt, reconstructed or modified to a height not to exceed 135 feet. No part of any collocated antenna shall be more than 90 feet above grade.

11.5.2.5 Separation Allowances

The following provisions shall govern applications where the requested separations are less than the minimum requirements in Tables 1 and 2 of Sections 11.5.2.1.E.6, [Separation Requirements, above](#), but greater than or equal to 100 feet for Section 11.5.2.1.E.6.a. and greater than or equal to 500 feet for Section 11.5.2.1.E.6.b. This Section 11.5.2.5 shall not apply to alternative tower structures not over 50 feet in height.

A. Submittal Requirements

In addition to the application requirements of Section 11.5.2.2, [Applications for Towers and Antennas](#), and a reasonable review fee, the Zoning Administrator may require that the applicant submit for review the following information or items if applicable:

1. Legal description of the zone lot and leased parcel (if applicable);
2. The setback distance between the base of the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties;
3. The separation distance from other towers located within 1,000 feet of the base of the proposed tower shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known;
4. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users;
5. A description of the suitability of the use of existing towers, other structures, locations or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower;
6. Such other information as is deemed by the Zoning Administrator to be necessary to render a determination.

B. Notification and Certification Requirements

1. Written Notice Required

Using a notice form supplied by the Zoning Administrator, the applicant shall promptly notify all property owners within 500 feet of the proposed tower and registered neighborhood organizations whose boundaries contain or are within 200 feet of the proposed tower as required in [D.R.M.C., Section 12-96 of the Revised Municipal Code](#). Such notice shall indicate the boundaries of the property included in the application, shall explain the character and dimensions of the proposed telecommunication tower, the nature and applicable separation distances and shall give directions for submitting written comments. The said notice shall also include notice of a date not less than 30 days after the delivery of the notice which has been set by the Zoning Administrator for consideration of the application and any written comments related thereto and that a public hearing may be requested. The applicant shall also file a statement with the Zoning Administrator stating how and on what date the applicant has so notified said adjoining property owners and

registered neighborhood organizations. The Zoning Administrator may solicit comments from appropriate city agencies.

2. Posting Requirements

In addition to the written notice required above, the applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator. The posted notices shall contain the same information as the written notices and shall be in number, size and location as required by the Zoning Administrator. The property shall remain posted for 20 days. Such posted notices shall be removed by the applicant within 45 days after their posting, failure to remove such notices in a timely manner shall constitute a violation of this Code. If the tower is approved by the Zoning Administrator the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

C. If No Public Meeting is Requested

If no timely request for a public meeting in accordance with this Section 11.5.2.5 is received, the Zoning Administrator shall consider the written comments of all interested parties and the factors contained in this subsection.

1. Findings Required

The Zoning Administrator may approve or approve with conditions the application providing findings are made that the proposed telecommunication towers will:

- a. Not substantially or permanently injure the appropriate use of adjacent property;
- b. Maintain the separation distances between towers and certain uses contained in Table 1 of Section 11.5.2.1.E.6, [Separation Requirements](#), of at least 100 feet and a distance of at least 500 feet from any other tower if the tower has a diameter or width of less than 48 inches;
- c. Maintain a setback distance of 2,500 feet from a Residential Zone District or residential structure if the tower has a diameter or width of more than 48 inches; and
- d. Meet all Zone District regulations.

2. Considerations

The Zoning Administrator shall consider the following factors in determining whether the application meets the goals contained in Section 11.5.2.1.A, [Intent](#).

- a. Height of the proposed tower;
- b. Proximity of the tower to residential structures and residential district boundaries;
- c. Nature of uses on adjacent and nearby properties;
- d. Surrounding topography;
- e. Surrounding tree coverage and foliage;
- f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

3. Conditions

In approving with conditions, the Zoning Administrator may place such conditions on the approval as deemed necessary to advance the goals contained in Section 11.5.2.1.A, [Intent](#). Such conditions may include but are not limited to:

- a. Moving the location of the tower to a more appropriate site;
- b. Using a different technology that will lessen the impact of the tower;
- c. Requiring an appropriate alternative tower structure; or

- d. Other actions that will disguise or otherwise lessen the impact of the tower.

D. If a Public Meeting is Requested

If a request for a public meeting is received from 3 property owners within 500 feet of the proposed tower or from a registered neighborhood association whose boundaries contain or are within 200 feet of the proposed tower, the Zoning Administrator shall refer the application to the director of the Office of Telecommunications to arrange for a public meeting to be held within 30 days from the date of request.

1. Committee

A committee composed of the director of the Office of Telecommunications, the Manager, and the chairman of the Planning Board, or their designees, shall hold the public meeting.

2. Notification and Posting

All persons submitting comments or requests for a public meeting and all registered neighborhood organizations whose boundaries contain or are within 200 feet of the location of the proposed tower shall be notified of the date, time and location of the public meeting. The applicant shall post the property in a conspicuous location or locations determined by the Zoning Administrator with a sign provided by the Zoning Administrator. Such sign shall describe the proposed construction and the date, time and location of the public meeting. The property shall be posted for 15 days prior to the meeting date. Such posted notices shall be removed by the applicant within 45 days after their posting; failure to remove such notices in a timely manner shall constitute a violation of this Code. If the tower is approved by the Zoning Administrator, the property shall be posted for a period of 15 days after approval, indicating that the tower has been approved.

3. Recommendation

Within 15 days of the public meeting the committee shall make a recommendation to the Zoning Administrator to approve, approve with conditions or deny the application. In making its recommendation the committee shall consider the comments at the public meeting and the ~~purposes and~~ goals of Section 11.5.2.1.A, Intent, and the provisions of Section 11.5.2.5.C.1, Findings Required, 3-a and Section 11.5.2.5.C.2., Considerations, and Section 11.5.2.5.C.3, Conditions3-b.

4. Zoning Administrator's Decision

Within a reasonable time of receiving the recommendation of the committee, the Zoning Administrator shall make a decision ~~according to in accordance with the previous~~ Section 11.5.2.5.C3, If No Public Meeting is Requested, above.

11.5.2.6 Telecommunications Towers In and Adjacent to Residential Zone Districts or within 500 Feet of Another Tower

Telecommunication towers that are either in or within 100 feet of Residential Zone District or within 500 feet of another tower, but not including alternative tower structures not more than 50 feet in height, are allowed subject to compliance with the following standards:

- A. The placement of towers and their associated telecommunications support facilities in Residential Zone Districts, within 100 feet of a Residential Zone District, or within 500 feet of another tower, shall be allowed only if the Zoning Administrator finds that the proposed tower is necessary and essential to providing the applicant's telecommunication service.
- B. The Zoning Administrator may place such conditions on the use as will advance the goals contained in Section 11.5.2.1.A, Intent, including but not limited to:
 1. Moving the location of the tower or antenna to a more appropriate available site;
 2. Using a different technology that will lessen the impact of the tower or antenna;
 3. Requiring an appropriate alternative tower structure; or

4. Other actions that will disguise or otherwise lessen the impact of the tower or antenna.

INDUSTRIAL SERVICES USE CATEGORY

SECTION 11.5.3 CONTRACTORS, SPECIAL TRADE, GENERAL

11.5.3.1 All Mixed Use Commercial Zone Districts

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

- A. Trucks having a manufacturer's capacity of more than 2 tons shall not remain on the premises except as necessary to load and discharge contents.
- B. Any unenclosed areas allowed shall be provided with:
 1. A fence or wall constructed to a height adequate to conceal any vehicles, equipment or supplies located on the zone lot;
 2. Proper grading for drainage; and
 3. Asphalt, oil or any other dust-free surfacing. These areas shall be maintained in good condition, free of weeds, dust, trash and debris.

11.5.3.2 All Downtown ~~(D)~~ Neighborhood Context Zone Districts

In all Downtown ~~(D)~~ Neighborhood Context Zone Districts, where permitted with limitations: ~~;~~
~~T~~his use shall be operated within a completely enclosed structure.

11.5.3.3 All Industrial ~~Context~~ Zone Districts

In all Industrial ~~Context~~ Zone Districts, where permitted with limitations:

- A. The use shall be located at least 500 feet from any Residential Zone District.
- B. This requirement may be reduced by the Zoning Administrator if the applicant proves by a preponderance of the evidence that an analysis of the proposed use, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby residential district.

SECTION 11.5.4 LABORATORY, RESEARCH, DEVELOPMENT, TECHNOLOGICAL SERVICE

11.5.4.1 All Zone Districts

In all Zone Districts, where permitted with limitations: ~~;~~ ~~A~~ Laboratory, Research, Development, Technological Service use may include sales facilities limited to non-retail sales and sales activities, which shall occupy no more than 20 percent of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.

SECTION 11.5.5 SERVICE/REPAIR, COMMERCIAL

11.5.5.1 ~~All~~ CC, MX, MS Zone Districts

In all ~~Commercial Corridor (CC), Mixed Use (MX), and Main Street (MS)~~ Zone Districts, ~~except in the M-IMX Zone Districts,~~ where permitted with limitations: ~~;~~ Commercial Service/Repair uses are limited to building maintenance service uses only. All other Commercial Service/Repair uses are prohibited.

11.5.5.2 All ~~I-A, -B; M-IMX~~ Industrial Zone Districts

In ~~all I-A, -B and M-IMX Zone Districts~~ ~~all Industrial 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.

~~In the I-MX, M-IMX, and I-A Industrial Zone Districts:~~

- B. 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 11.5.6 MANUFACTURING, FABRICATION, AND ASSEMBLY - GENERAL OR HEAVY

11.5.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. The following manufacturing, fabrication, and assembly uses shall be located 500 feet or more from the nearest boundary of a Residential Zone District existing at the time of application for the industrial use:
1. Aircraft maintenance and repair;
 2. Building contractors, heavy;
 3. Concrete, asphalt, and rock crushing facility;
 4. Manufacturing, fabrication, and assembly, general;
 5. Manufacturing, fabrication, and assembly, heavy; and
 6. Recycling plant.
- B. This 500-foot spacing requirement may be reduced or eliminated by the Zoning Administrator, if the applicant proves by a preponderance of the evidence that 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.

SECTION 11.5.7 MANUFACTURING, FABRICATION, AND ASSEMBLY - GENERAL

11.5.7.1 All Mixed Use Commercial Zone Districts

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

- A. ~~Special Exception review shall be required if the~~ A Manufacturing, Fabrication and Assembly - General use ~~is~~ on a zone lot greater than 25,000 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. ~~Special Exception review shall be required if the~~ A Manufacturing, Fabrication and Assembly - General use ~~is~~ 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.~~

MINING & EXTRACTION AND ENERGY PRODUCTION SYSTEMS USE CATEGORY

SECTION 11.5.8 WIND ENERGY CONVERSION SYSTEM (“WECS”)

11.5.8.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Zone Lots Containing or Adjacent to Single-Unit or Two-Unit Dwelling Uses or Town House or Row House Building Forms

Establishment of a wind conversion energy system use on a zone lot, or adjacent to a zone lot, that contains a single unit dwelling use or two-unit dwelling use, or that contains a Townhouse or Row House Building Form, is allowed ~~only subject according to Zoning Permit with Special Exception Review according to~~ Section 12.4.9, Zoning Permit with Special Exception Review of this Code. The Board of Adjustment may approve such use only upon findings that the proposed wind energy conversion system complies with the following standards:

1. The applicant is the owner of the property and has submitted a site plan of the property that shows the location of the proposed system;
2. The proposed system, including guy wires, will not encroach into any setback space and will be no closer than 10 feet to any property line; provided, however, that for any zone lot not containing a single unit or two-unit dwelling use, or a Townhouse or Row House Building Form, the 10 foot setback only applies to zone lot lines abutting such residential zone lots; other setbacks shall be as per the applicable Zone District and building form regulations.
3. The proposed system will extend no further than 30 feet above the highest point of existing buildings on the zone lot, unless the zone lot does not have a single unit or two unit dwelling use or townhouse or row House building form, in which case the proposed system will extend no further than 35 feet above the highest point of existing buildings on the zone lot, or 60 feet above the ground, whichever is higher;
4. All power transmission lines shall be located underground or inside a structure and that the proposed system, will consist of a tubular pole tower if the proposed system is to be a horizontal axis system;
5. Climbing access to the structure shall be limited by means of a fence 6 feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: “WARNING: Wind Energy Electrical Generating System”;

6. Any system with a capacity in excess of 100 kilowatts shall not be installed in a Residential Zone District and shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference;
7. The proposed system will not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency; and
8. The proposed system will not substantially or permanently injure the appropriate use of adjacent conforming property.

B. All Other Zone Lots - Systems Not Subject to Special Exception Review

A wind energy conversion system may operate on any zone lot that is not adjacent to and does not have a single-unit dwelling or two-unit dwelling use. A wind energy conversion system may be allowed subject to compliance with the following conditions:

1. The applicant is the owner of the property and has submitted a site plan of the property which shows the location of the proposed system.
2. The proposed system, including guy wires and blades, shall not encroach into any setback space, and in no event shall be within 10 feet of the front zone lot line.
3. The proposed system, including blades, shall extend no further than 35 feet above the highest point of existing buildings on the zone lot or any building within 100 feet of the zone lot or 60 feet above the ground, whichever is higher; provided, however that in no event may the system extend more than 75 feet above the building on which it is mounted.
4. All power transmission lines shall be located underground or inside a structure.
5. Climbing access to the structure shall be limited by means of a fence six feet high around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 13 feet from the ground, and that at least one sign shall be posted at the base of the tower with the following warning: "WARNING Wind Energy Electrical Generating System".
6. Any system with a capacity in excess of 100 kilowatts shall not be located along the major axis of an existing microwave communications link where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.
7. The proposed system shall not create a detrimental effect on nearby properties through electromagnetic interference, physical appearances or noise, either by loudness or frequency.
8. The proposed system shall not substantially or permanently injure the appropriate use of adjacent conforming property.

TRANSPORTATION FACILITIES USE CATEGORY

SECTION 11.5.9 HELIPAD, HELISTOP, HELIPORT

~~All Zone Districts~~

~~In all Zone Districts, where permitted with limitations:~~

~~Except in the Industrial Zone Districts, the helipad or helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses, however, helipads or helistops in the D-GT Zone District located south of 8th Avenue shall not be subject to the 1,000 feet distance requirement.~~

11.5.9.1 All Residential Zone Districts, ~~MS, MX, CMP and Downtown Zone Districts~~

In all Residential Zone Districts, ~~MS, MX, CMP and Downtown Zone Districts~~, where permitted with limitations, ~~the use~~ shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.

11.5.9.2 All Mixed Use Commercial Zone Districts

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

- A. The use shall be limited to landing and take-off area for police and/or emergency rotor craft, not including maintenance, repair, fueling, or hangar facilities.
- B. The helipad or helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses; except that helipads or helistops in the D-GT Zone District located south of 8th Avenue shall not be subject to this 1,000 feet distance requirement.

11.5.9.3 ~~All I-A, -B Industrial~~ Zone Districts

In ~~the I-A, -B an Industrial~~ Zone Districts, where permitted with limitations, ~~the~~ helipad or helistop shall be a minimum of 1,000 feet from a Residential Zone District or a PUD District that allows residential uses.

SECTION 11.5.10 TERMINAL, STATION OR SERVICE FACILITY FOR PASSENGER TRANSIT SYSTEM

11.5.10.1 All Residential Zone Districts

In all Residential Zone District, where permitted with limitations, ~~the~~ use shall be limited to a stop or station for the mass passenger transit system only; and parking provided for the use of passengers or employees of the passenger transit provider.

WHOLESALE, STORAGE, WAREHOUSE AND DISTRIBUTION USE CATEGORY

SECTION 11.5.11 MINI-STORAGE FACILITY

11.5.11.1 All MX, MS Zone Districts

In ~~all a Mixed Use (MX) or Main Street (MS)~~ Zone Districts, where permitted with limitations, ~~A~~ mini-storage facility use shall not have individual entrances to storage units from the exterior of the structure.

SECTION 11.5.12 VEHICLE STORAGE, COMMERCIAL

11.5.12.1 All Downtown Neighborhood Context Districts

In all Downtown Neighborhood Context Zone Districts, where permitted with limitations:

- A. Vehicle storage is limited to enclosed garage storage for commercial and public utility vehicles only.
- B. Commercial storage of automobiles and light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons shall be reviewed according to Section 12.4.9, is subject to Zoning Permit with Special Exception Review.

11.5.12.2 ~~I-A, -B Industrial~~ Zone Districts

In ~~I-A, -B Zone Districts~~ Industrial Zone Districts, where permitted with limitations:

- A. The vehicle storage use shall be located at least 500 feet from a Residential Zone District.
- B. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic genera-

tion, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.

SECTION 11.5.13 WHOLESALE TRADE OR STORAGE, LIGHT

11.5.13.1 All CC, ~~MS~~, MX, ~~MS~~, and Zone Districts

In all ~~Commercial Corridor (CC), Main Street (MS) or Mixed Use (MX, MS)~~ Zone Districts, where permitted with limitations:

- A. ~~Zoning Permit with Special Exception Review, according to Section 12.4.9 of this Code, is required if the~~ A Wholesale Trade or Storage, Light use ~~is~~ proposed on a zone lot greater than 25,000 square feet or is proposed to operate between 10:00 p.m. and 5:00 a.m. shall be reviewed according to Section 12.4.9, Zoning Permit with Special Exception Review. ~~All permitted wholesale, light, storage uses shall include an occupied accessory office use occupying at least 10 percent of the gross floor area.~~
- B. ~~Zoning Permit with Special Exception Review is required for the~~ A Wholesale Trade or Storage, Light use ~~if~~ proposed on zone lots fronting 56th Avenue, Tower Road, or Pena Boulevard, or within 300 feet of any boundary with any portion of Adams County other than the Rocky Mountain Arsenal, shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. in order to permit review and comment by adjacent jurisdictions.

DIVISION 11.6 AGRICULTURAL PRIMARY USE LIMITATIONS ~~AND~~ STANDARDS

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations and standards applicable to specific uses within the Agricultural Primary Use Classification across multiple Zone Districts and neighborhood contexts.

SECTION 11.6.1 GARDEN, URBAN

11.6.1.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. The Urban Garden use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
- B. Detached accessory structures incidental to the Urban Garden use, such as accessory storage or utility buildings, gazebos, trellis, or accessory greenhouse structures, ~~shall comply with are permitted subject to compliance with~~ all applicable detached accessory structure building form standards in the ~~applicable subject~~ Zone District.
- C. Bee keeping is allowed as accessory to the urban garden use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.6, Keeping of Household Animals, except that in an Industrial Context Zone District or Open Space ~~(OS)~~Context Zone District, the number of permitted bee hives may be increased to a maximum of 2 hives per 6,000 square feet of gross zone lot area.

11.6.1.2 All Residential Zone Districts

In all Residential Zone Districts, retail or wholesale sales of goods or products derived from an urban garden use are prohibited.

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DIVISION 11.7 ACCESSORY USE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed 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

Any use that complies with the conditions listed in this Division 11.7 may be operated as an accessory use to a primary use permitted by right, a use subject to limitations, or to a use by Special Exception review unless specifically prohibited. In this Section 11.7.1, the term “use by right” also includes these two other types of uses. Some Zone Districts allow certain specific accessory uses as listed in ~~the Division~~ 11.78, Uses Accessory To Primary Residential Uses - Limitations, Division 11.89, Home Occupations Accessory to a Primary Residential Use - All Zone Districts, and Division 11.910, Uses Accessory to Primary Nonresidential Uses - Limitations~~below~~. Accessory uses need not be enclosed, unless specifically stated herein.

11.7.1.2 ~~General Limitations Applicable to Conditions for~~ All Accessory Uses

All accessory uses, except accessory dwelling unit uses, must comply with all of the following general ~~limitations~~conditions. Accessory dwelling units, where permitted, must comply with the specific conditions stated in Section 11.8.2, Accessory Dwelling Units, instead of these general ~~limitations~~conditions.

- A. Such use shall be clearly incidental and customary to and commonly associated with the operation of the primary use by right.
- B. Such accessory use shall be operated and maintained under the same ownership and on the same zone lot as the use by right; provided, however, that in all Mixed Use Commercial Zone Districts, lessees or concessionaires may operate the accessory use; and provided further that in nonresidential structures owned and operated by a place for religious assembly in a Residential Zone District, non-profit lessees or concessionaires may operate the accessory use.
- C. Such use shall not include residential occupancy in a detached accessory structure offered for rent or for other commercial gain. Residential occupancy in a detached accessory structure is allowed by members of a household occupying the primary structure, or domestic employees and the immediate families of such employees.
- D. The area of specific accessory uses shall be calculated as follows:
 1. **Pool tables.** The area occupied shall be calculated by adding 3 feet to each dimension of such pool table to include the area of play.
 2. **Pinball, video games and other similar amusement devices.** The area occupied shall be calculated by adding three feet to the area directly in front of the device.
 3. **Dance floors.** The area shall be the sum total of all of the areas of the dance floor and any stage or area used for the playing or performance of recorded or live music.
- E. The growing of medical marijuana is prohibited as accessory to a primary nonresidential use established in a Residential Zone District. This subsection 11.7.1.2.E shall expire on November 1, 2012.

11.7.1.3 Limitations in the Principal Structure

A. Applicability

~~This~~ Section 11.7.1.3's limitations on accessory uses in the principal structure shall apply to all accessory uses operated partially or entirely within the structure containing the use by right. A limitation in Section 11.7.3.1.B shall not apply when it conflicts with a limitation specific to an accessory use found in Divisions 11.8, Uses Accessory To Primary Residential Uses - Limitations, 11.9, Home Occupations Accessory to a Primary Residential Use - All Zone Districts, or 11.10, Uses Accessory to Primary Nonresidential Uses - Limitations.

B. Limitations in the Principal Structure

If an accessory use is operated partially or entirely within the structure containing the use by right, the gross floor area within such structure utilized by the accessory use (except loading docks, and dining rooms for the exclusive use of occupants or persons employed in the structure) shall not be greater than:

1. In a Residential Zone District, 20 percent of the gross floor area, but not to exceed 300 square feet, of a single unit dwelling use, two-unit dwelling use, or multi-~~unit~~ dwelling ~~unit~~ use in a structure containing 8 or less dwelling units.
2. In a Residential Zone District, 10 percent of the gross floor area occupied by a use by right other than a single unit dwelling use, two-unit dwelling use, or a multi-~~ple~~ unit dwelling use in a structure containing 8 or less dwelling units.
3. In a Mixed Use Commercial Zone District or Industrial Context Zone District, 20 percent of the gross floor area of the structure containing the primary use by right.

11.7.1.4 Prohibited Accessory Uses in Residential Zone Districts

~~In a Residential Zone District, the following accessory uses are specifically prohibited:~~

- A. In a Residential Zone District, the sale, lease, trade or other transfer of firearms or ammunition by a firearms dealer is prohibited in Residential Zone Districts.
- B. The accessory parking/storage of vehicles, trailers, commercial vehicles, and RVs are governed by Division 10.9, Parking, Keeping and Storage of Vehicles, ~~of this Code~~.

DIVISION 11.8 USES ACCESSORY TO PRIMARY RESIDENTIAL USES - LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific uses accessory to primary residential uses across multiple Zone Districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.8~~7~~ above, the following specific accessory uses shall comply with this Division's use-specific standards.

SECTION 11.8.1 UNLISTED ACCESSORY USES

11.8.1.1 ~~In~~ All Zone Districts:

- A. The Zoning Administrator shall determine and impose limitations on accessory uses not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Article 11.
- B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory use is common and customary to a specific use by right, and if the use or structure is incidental to the specific use by right.
- C. The Zoning Administrator may impose limitations on the proposed accessory use, which shall be uniform throughout the Zone District, and taking into consideration the intensity of the accessory use, the numbers of accessory uses, the space required by the accessory use, and the effect on adjacent property.
- D. Matters that may be regulated according to this Section 11.8.1 shall include, but shall not be limited to the following:
 1. Numbers of animals, except as specifically listed in Section 11.8.6, Keeping of Household Animals, maintained as accessory to a primary residential use; or
 2. Types and intensity of repairs accessory to a use by right.

SECTION 11.8.2 ACCESSORY DWELLING UNIT ("ADUS")

11.8.2.1 All Zone Districts

In all Zone Districts where permitted with limitations:

A. Accessory to Primary Single Unit Dwelling Uses Only

Where specifically permitted in a Zone District, an ~~attached or detached~~ Accessory Dwelling Unit is allowed as accessory only to a primary Single Unit Dwelling use ~~according to in accordance with~~ the following requirements. In case of conflict between the specific requirements for Accessory Dwelling Units stated ~~in this Section 11.8.2.1 below~~ and the conditions stated in ~~this~~ Division 11.8~~7~~ applicable to accessory uses ~~or structures~~ generally, the more specific requirements in this subsection shall apply to the Accessory Dwelling Unit use.

B. General Building Requirements

1. Mobile homes, recreational vehicles, and travel trailers shall not be used as Accessory Dwelling Units.
2. All ~~attached or detached~~ Accessory Dwelling Units shall comply with the Denver Building and Fire Code.

3. ADUs established in a detached accessory structure shall comply with the Detached ADU Building form standards in the applicable Zone District.

C. Structural and Location Requirements

All ~~attached or detached~~ Accessory Dwelling Unit uses shall meet the following requirements:

1. The primary Single Unit Dwelling use shall not be altered in any way so as to appear from a public street to be a multiple-unit dwelling use.
2. The structure housing an Accessory Dwelling Unit shall not be served by a driveway separate from that serving the primary Single Unit Dwelling.
3. The Accessory Dwelling Unit may be accessed by a separate outside stairway located in conformance with all building and zoning requirements, except outside access stairways shall not be located on the front facade of the building housing the primary Single Unit Dwelling use.
4. Roof and exterior wall materials and finishes for a detached structure housing the Accessory Dwelling Unit use shall be comparable in composition and appearance to that of the primary single unit dwelling structure on the zone lot.
5. Wherever feasible, water and sewer shall be supplied to both the primary Single Unit Dwelling use and the ~~attached or detached~~ Accessory Dwelling Unit use through single taps, and electric and/or gas utilities shall be supplied through a single meter.

D. Special Allowance for ADUs on Existing Carriage Lots

Accessory Dwelling Unit uses may be established on a carriage lot, even in the absence of a primary Single Unit Dwelling use on such carriage lot, provided the Accessory Dwelling Unit use complies with the standards in this Section 11.8.2 and with all applicable standards in Section 12.10.4, Development on Carriage Lots.

11.8.2.2 All SU Zone Districts

In all ~~Single Unit (SU)~~ Zone Districts, where permitted with limitations:

1. The Accessory Dwelling Unit use shall be operated and maintained under the same ownership as the primary Single Unit Dwelling use.
2. Accessory Dwelling Units shall not be sold apart from the primary dwelling unit.
3. The owner of the zone lot on which an Accessory Dwelling Unit use ADU is maintained shall occupy either the primary dwelling unit or the ADU as the owner’s legal and permanent residence. For purposes of this provision, “the owner’s legal and permanent residence” shall mean a property owner who makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.
4. An Accessory Dwelling Unit use, whether detached or attached, shall not exceed a maximum size as stated in the following table, unless otherwise specifically allowed by this Code.

ZONE LOT OR CARRIAGE LOT SIZE	MAXIMUM FLOOR AREA OF ACCESSORY DWELLING UNIT USE
6,000 ft ² or less	650 ft ²
6,001 - 7,000 ft ²	864 ft ²
More than 7,000 ft ²	1,000 ft ²

5. In order to avoid overcrowding of the accessory dwelling unit, the Accessory Dwelling Unit use shall contain a minimum of 200 square feet of gross floor area per occupant.

SECTION 11.8.3 DOMESTIC EMPLOYEES

In all Zone Districts, where permitted with limitations, ~~H~~housing of one or more domestic employee(s), as defined in Article 13, Rules of Measurement and Definitions, is allowed as accessory to all primary residential household living uses.

SECTION 11.8.4 GARDEN

11.8.4.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. A Garden shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
- B. Detached accessory structures incidental to the Garden use, such as accessory storage or utility buildings, gazebos, trellis, or accessory greenhouse structures, ~~shall comply are permitted subject to compliance~~ with all applicable building form standards in the subject Zone District.
- C. The growing of medical marijuana shall comply with the following:
 1. No more than 6 plants may be grown for each patient registry identification card holder residing in a dwelling unit, not to exceed 12 plants per dwelling unit.
 2. Growing and/or storage of medical marijuana shall occur within a completely enclosed structure.
 3. Growing and/or storage of medical marijuana shall not occur in a common area associated with the dwelling unit.
 4. Growing shall be for personal use only by patient registry identification card holders residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of medical marijuana and any off-site distribution of such plants or derived products are prohibited.

This subsection 11.8.4.1.C shall expire on November 1, 2012.

11.8.4.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, ~~R~~etail or wholesale sales of goods or products derived from a Garden accessory to a primary residential use are prohibited in a Residential Zone District.

SECTION 11.8.5 GREENHOUSE

11.8.5.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. The growing of medical marijuana shall comply with the following:
 1. No more than 6 plants may be grown for each patient registry identification card holder residing in a dwelling unit, not to exceed 12 plants per dwelling unit.
 2. Growing and/or storage of medical marijuana shall occur within a completely enclosed structure.
 3. Growing and/or storage of medical marijuana shall not occur in a common area associated with the dwelling unit.

4. Growing shall be for personal use only by patient registry identification card holders residing in the dwelling unit; retail or wholesale sales of goods or products derived from the growing of medical marijuana and any off-site distribution of such plants or derived products are prohibited.

This subsection 11.8.5.1-A shall expire on November 1, 2012.

11.8.5.2 All Residential Zone Districts

In a Residential Zone District, where permitted with limitations, ~~R~~ retail or wholesale sales of goods or products derived from a Greenhouse accessory to a primary residential use are prohibited in a Residential Zone District.

~~Retail or wholesale sales of goods or products derived from a greenhouse is allowed when the greenhouse is accessory to a primary nonresidential use in a Residential Zone District only, including but not limited to a permitted Public, Institutional and Civic Use.~~

SECTION 11.8.6 KEEPING OF HOUSEHOLD ANIMALS

11.8.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Types of Animals Allowed

The keeping of domestic animals is allowed as accessory to a ~~by-right primary~~ dwelling unit use subject to compliance with the following standards regarding number and kinds of animals:

KIND OF ANIMAL ALLOWED	PERMITTED NUMBER OF ANIMALS ALLOWED / STANDARDS
Dogs	3 maximum
Cats	5 maximum
Combination of dogs and cats	No more than 5 dogs and cats combined provided there are no more than 3 dogs as part of the total.
Rabbits	2 maximum
Pigeons or doves	25 maximum
Horses	No more than 1 horse for each 1/2 acre of zone lot area
Small rodents--Rats, mice, guinea pigs, hamsters and other similar animals	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Fish	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Small reptiles and amphibians. The types of these animals is regulated by chapter 8 of the Revised Municipal Code	No numerical limit, however, the raising or breeding of these animals for resale is prohibited.
Domestic Honey Bees	2 hives per zone lot; hives must be in rear 1/3 of zone lot with a 5 foot setback from side and rear zone lot lines; the hives must be screened so that the bees must surmount a six foot barrier, which may be vegetative, before leaving the property; no outdoor storage of any bee paraphernalia or hive materials not being used as a part of a hive.

B. Animal Keeping Exceptions

In addition to the animals permitted specifically by this Section 11.8.6, the Zoning Administrator may authorize, upon application in specific cases, an exception permitting the keeping of animals in connection with the operation of a primary residential use. Such exception shall be subject to the ~~general provisions procedures~~ stated in Section 11.8.1, ~~for determination of Unlisted Accessory Uses, except that all animal keeping exceptions shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. ,including any terms and conditions fixed by the Zoning Administrator, and In addition, all animal keeping exceptions shall comply with the following subject to compliance with the additional limitations: conditions stated in this paragraph below.~~

1. The application shall be filed in the name of the land owner.
2. The owner/tenant seeking the exception must occupy the subject property as his/her primary residence.
3. The animal shall be kept solely as a pet; a hobby; for educational, research, rehabilitation or propagation purposes; or for the production of food products for personal consumption by the resident.
4. The application shall contain provisions which ensure that the exception will not substantially or permanently injure the appropriate use of adjacent conforming property. In determining that this condition will be met, the Zoning Administrator shall consider the following factors:
 - a. The type of animal to be kept;
 - b. The number to be kept;
 - c. The maximum size of the animal;
 - d. The space or area in which the animal is to be kept and whether or not other animals may occupy that same space;
 - e. The methods by which any sanitation problems will be controlled;
 - f. The methods by which abutting residents will be protected from any nuisance; and
 - g. The applicant's intent to allow reproduction.
5. The applicant shall have written approval from the City of Denver Department of Environmental Health.
6. The applicant shall have written approval from the Division of Wildlife, Colorado Department of Natural Resources, if applicable, for species of animals considered to be wildlife.
7. The applicant shall have notified abutting owners about the proposed animal and shall have requested letters of support or petitions of consent from such owners. If any of said owners fail to consent, the Zoning Administrator shall consider the circumstances, including any letters or petitions of opposition. Further, the Zoning Administrator shall give serious consideration to any letter from a physician stating that a resident living nearby is allergic to some feature of the proposed animal and may have a serious reaction if exposed to such animal.
8. Any structure erected for the shelter of such animal shall comply with all regulations for the Zone District in which such property is located. If a variance is required for any such structure, an application for a variance must be made to the Board of Adjustment. Any such structure shall be maintained in accordance with the building and housing codes and shall be subject to inspection by the Building Inspection Division and the Department of Environmental Health.
9. An approved exception for an animal shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the Zoning Administrator and the applicable conditions set forth above. Such agreement shall be recorded with the Denver City Clerk and Recorder. The permit for an approved exception shall expire at such time as the applicant no longer resides at the property, or discontinues the keeping of subject animal.

SECTION 11.8.7 KENNEL OR EXERCISE RUN

11.8.7.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Outdoor kennels and exercise runs shall not exceed 200 square feet in area;

- B. The use shall be located not less than 20 feet from any habitable building on an adjacent zone lot;
- C. The use shall be located in the rear one-half of the zone lot;
- D. The use shall be visually screened from adjacent residential property by a solid fence or wall; and
- E. The number of animals allowed on-site shall comply with the limit on the number and kinds of animals stated in Section 11.8.6, [Keeping of Household Animals](#), of this Code.

SECTION 11.8.8 LIMITED COMMERCIAL SALES, SERVICE ACCESSORY TO MULTI-UNIT DWELLING USE

11.8.8.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. Specific Accessory Uses Allowed

One or more of the following Commercial Sales or Service uses may be operated as accessory to a primary Multi-Unit Dwelling use in a single structure containing 50,000 square feet or more gross floor area, provided a zoning permit is obtained according to Section 12.4.1, [Zoning Permit Review](#), before the establishment of such accessory use or activity:

1. Banking and Financial Services.
2. Retail Sales, Repair, Service uses, provided such use contains no greater than 10,000 square feet of gross floor area.
3. Eating and Drinking Establishments, completely enclosed, provided no live entertainment or accessory amusement devices are allowed; and
4. Office, [but not including Dental/Medical Office and/or Clinic. Non-Dental or Non-Medical.](#)

B. Applicable Limitations

The specific accessory uses listed above may be allowed, provided such uses:

1. Are provided principally for the convenience of the owner or owners of the zone lot and the tenants thereof;
2. Do not have outdoor signs of any type;
3. Do not have separate outside entrances to the accessory use facing any street;
4. Are not evident from any street; and
5. Are incidental to the use by right.

SECTION 11.8.9 SECOND KITCHEN ACCESSORY TO SINGLE UNIT DWELLING USE

11.8.9.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. A second kitchen in a primary single unit dwelling building, not otherwise allowed as part of a permitted attached Accessory Dwelling Unit use, is allowed as an accessory use provided a zoning permit is procured [according to Section 12.4.1, Zoning Permit Review](#), prior to establishment of the accessory kitchen and subject to compliance with the following [limitationsstandards](#):

1. The applicant is the owner of the subject structure and uses the structure as his/her primary residence;
 2. The second kitchen shall be used only by the residents or domestic servants; and
 3. The applicant complies with all provisions of the Denver Building and Fire Code in the construction of the kitchen.
- B. An approved zoning permit for a second kitchen shall not be valid until the applicant has executed an agreement listing the terms and conditions fixed by the Zoning Administrator and the ~~three~~ conditions set forth above. Such agreement shall be recorded with the Denver City Clerk and Recorder.
- C. The permit for an approved exception shall automatically expire ~~and become null and void~~ at such time as the applicant no longer resides at the subject property.

SECTION 11.8.10 YARD AND/OR GARAGE SALES

11.8.10.1 All Zone Districts

In all Zone Districts, where permitted with limitations, yard and/or garage sales:

- A. Shall not exceed 72 hours of total duration;
- B. Shall not have more than one such sale in the period from January 1st to June 30th and no more than one such sale in the period from July 1st to December 31st;
- C. Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale; and
- D. All external evidence of the sale shall be removed immediately upon the conclusion of the sale.

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DIVISION 11.9 HOME OCCUPATIONS ACCESSORY TO A PRIMARY RESIDENTIAL USE - ALL ZONE DISTRICTS

SECTION 11.9.1 INTENT

11.9.1.1 Home occupations are a type of accessory use that accommodates limited business activities conducted incidental to a primary residential use. This Division's allowance for home occupations is intended to achieve multiple city goals and objectives, including reducing the number of home-to-work vehicle trips with related improvements in air quality; facilitating small business ventures that contribute to the city's overall economic health; and accommodating demand for certain business services convenient to where prospective clients or customers live. The standards and review procedures applicable to home occupations are generally intended to minimize the impact such uses may have on the character and enjoyment of the surrounding residential neighborhood, while furthering the goals and objectives stated herein.

11.9.1.2 The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to home occupation uses accessory to primary residential uses across multiple Zone Districts and neighborhood contexts. ~~In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.8 above, the following specific home occupation accessory uses shall comply with this Division's general and specific standards:~~

~~11.9.10.2—General Standards—Applicable to All Home Occupations~~

SECTION 11.9.2 LIMITATIONS APPLICABLE TO ALL HOME OCCUPATIONS - ALL ZONE DISTRICTS

In addition to any use-specific ~~limitations standards~~ in this Division 11.9, all home occupations in all Zone Districts shall comply with the following general ~~limitations standards~~. In case of any conflict between the general ~~limitations standards~~ in this subSection and a more specific use ~~limitation standards~~, the more specific use ~~limitation standards~~ shall apply to the home occupation.

- A. A home occupation legally operated in a dwelling unit according to this Section shall be considered, in combination with the primary dwelling unit use, a residential use for all purposes of this Code.
- B. All home occupations shall operate in a completely enclosed structure, except that a child care home (small or large) may include outdoor play and/or seating areas.
- C. Home occupations may operate in the primary dwelling unit structure, or may operate in a detached accessory structure allowed under this Code.
- D. Only the person or persons maintaining the dwelling unit as their primary place of residence shall operate the home occupation. For purposes of this provision only, "person" shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.
- E. If operated inside the primary dwelling unit structure, the home occupation shall not have a separate external entrance serving the home occupation.
- F. The home occupation shall not display or create outside the building any external evidence of the operation of the home occupation, except for the following:
 1. A child care home (small or large) may include outdoor play and/or seating areas; and
 2. ~~that o~~One non-animated, non-illuminated flat wall or window sign having an area of not more than 100 square inches is allowed for each street frontage of the subject zone lot.

- G. The home occupation shall not utilize more than 20 percent of the gross floor area of the by-right dwelling unit use, but in no case shall exceed 300 square feet. However, this limitation shall not apply to foster family care, adult care home, small or large child care home, craft work, or artist studio.
- H. The home occupation shall not have any employees or regular assistants not residing in the primary or accessory dwelling unit located on the subject zone lot, unless specifically allowed or required by the terms of a state or city license necessary to operate the permitted home occupation.
- I. The use of hand tools is allowed without limitation. The use of mechanical equipment is limited to the use of electric motors for power, with a total limitation of not greater than 3 horsepower.
- J. A zoning permit for an approved home occupation shall automatically expire at such time as the applicant no longer resides at the subject property.

SECTION 11.9.3 [REVISED OUTLINE NUMBERING & MOVED] CHILD CARE HOME – LARGE ~~(7-12 CHILDREN)~~

Large child care home, where allowed with limitations, is allowed as a home occupation subject to compliance with the following ~~standards~~limitations:

- A. The applicant shall be the owner or the applicant has written permission of the owner of the subject property.
- B. The proposed large child care home is the applicant's primary place of residence.
- C. The applicant has obtained or will obtain upon granting of the zoning permit all licenses and certifications required by the state and the city.
- D. The proposed large child care home complies with the building and fire codes and all regulations established by the City.
- E. No other large child care home is located within ~~four hundred (400)~~ feet of the proposed large child care home.
- F. The proposed large child care home complies with all the requirements of the Zone District in which it is located, excepting for any legally nonconforming structure.
- G. The applicant shall implement and maintain an ongoing traffic management program that ensures that the operation of the proposed home occupation will not create traffic or parking problems in the neighborhood as a result of either the additional traffic introduced or the drop-off and pick-up of children, and that off-street parking shall be provided for each member of the staff on duty unless it is clearly proven that such off-street parking provisions should be modified by the Zoning Administrator.
- H. The Zoning Administrator may fix such reasonable terms and conditions to the granting of a zoning permit found necessary to mitigate adverse impacts on adjacent properties. In addition, each zoning permit approved for a large child care home shall include the following conditions and requirements:
 - 1. The proposed home shall provide full-time supervision of the children in the home during hours of operation; and
 - 2. The proposed home shall comply with the limitations on external effects as established for primary uses ~~by-right~~ in the district in which it is located.

SECTION 11.9.4 ALL OTHER TYPES ~~ALL ZONE DISTRICTS~~

In all Zone Districts; where permitted with limitations, the following ~~specific~~ types of Home Occupations are allowed ~~as accessory to a primary residential use~~, subject to compliance with ~~the any~~ use-specific limitations-

~~or standards~~ listed below, ~~as applicable.~~

11.9.4.1 Adult Care Home

11.9.4.2 Animal Care Services

Animal care services, including grooming, care, or boarding of domestic or household animals (but not including retail sales), are allowed as a Home Occupation provided the total number of animals in the dwelling unit is no greater than the maximum number of animals permitted as accessory uses in Section 11.8.6, [Keeping of Household Animals](#), above.

11.9.4.3 Artist Studio

- A. An Artist Studio is allowed as a Home Occupation only to create individual works of art, ~~except that~~ Art Galleries, Retail Sales, and other commercial [retail or wholesale sales](#) activities are not allowed as part of the permitted Artist Studio Home Occupation.
- B. In ~~a all Multi-Unit (MU)~~ Zone Districts, the restoration of individual works of art is permitted as part of the Artist Studio Home Occupation, provided the use of hazardous or toxic materials within the dwelling unit shall be subject to review and approval by the Fire Department for compliance with the Denver Fire Code.
~~Retail sales are prohibited as part of the Home Occupation.~~

11.9.4.4 Beauty Shop or Salon

Retail sales of related beauty and grooming supplies and products are prohibited as part of the home occupation.

11.9.4.5 Child Care Home, Small

11.9.4.6 Clock and Watch Repair

Retail sales are prohibited as part of the home occupation.

11.9.4.7 Craft Work

Retail sales of such craft work are prohibited as part of the home occupation.

11.9.4.8 Custom Dressmaking, Millinery, Tailoring, Sewing

Custom dressmaking, millinery, tailoring, or sewing of fabric for custom apparel and custom home furnishings is permitted as a home occupation.

11.9.4.9 Foster Family Care

Foster family care is allowed as a home occupation subject to compliance with the following standards:

- A. The applicant for the foster family care and the location for the foster family care shall have the prior approval of the Denver Department of Human Services.
- B. The dwelling unit in which the foster family care is proposed is located in a Residential [Zone District](#) or Mixed Use Commercial Zone District.
- C. In Zone Districts where home occupations of foster family care, rooming and/or boarding, and adult care home are permitted, only one such home occupation will be permitted in any one dwelling unit.
- D. The permit is necessary and desirable to provide a service or a facility that would contribute to the general wellbeing of the community.

11.9.4.10 Laundering and Pressing

11.9.4.11 Office, Non-Medical, Non-Dental

Office, ~~non-medical and non-dental~~ not including Dental/Medical Office and/or Clinic, is allowed as a home occupation subject to compliance with the following standards:

- A. No goods, wares or merchandise shall be commercially created, displayed, exchanged, stored or sold as part of a permitted office home occupation.
- B. Professional and personal services provided shall be by appointment only. Walk-in appointments are prohibited.

11.9.4.12 Professional Studio

- A. Retail sales are prohibited as part of a professional studio home occupation use.
- B. Instructional or other services provided shall be by appointment only. Walk-in appointments are prohibited.

11.9.4.13 Rooming and/or Boarding

Rooming and/or boarding is allowed as a home occupation subject to compliance with the following standards:

- A. The by-right dwelling unit shall contain not more than one kitchen.
- B. Number of roomers/boarders allowed - see table below:

PRIMARY RESIDENTIAL USE - ZONE DISTRICT	MAXIMUM NUMBER OF ROOMERS/BOARDERS ALLOWED AS HOME OCCUPATION
Single Unit Dwelling Use - All SU Zone Districts	1
Single Unit Dwelling Use - All Other Zone Districts	2
Two-Unit Dwelling Use - All Zone Districts	2
Multi-Unit Dwelling Use - All Zone Districts	2

- C. The number of roomers/boarders allowed under this subsection shall not affect the number of domestic employees allowed to reside in the same dwelling unit. See Section 11.8.3, Domestic Employees, 11.9.3 for provisions allowing domestic employees as an accessory use to all primary residential use.

11.9.4.14 Tutoring Services

Tutoring services are allowed as a home occupation, ~~provided subject to compliance with the following standards:~~ No more than 4 students shall be tutored simultaneously.

SECTION 11.9.5 ~~OTHER SIMILAR (UNLISTED)~~ HOME OCCUPATION USES

The Zoning Administrator may approve home occupation uses not specifically listed in this Division 11.9, ~~nor specifically prohibited by this Section~~, according to the general provisions stated in Section 11.8.1, Unlisted Accessory Uses; except that all determinations shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice. The Zoning Administrator shall not allow any of the following uses as home occupations:

~~work in below so clear that determination of unlisted cannot include any of the ones prohibited below~~
~~Prohibited Home Occupations In all Zone Districts, the following home occupations are prohibited and shall not be allowed through any type of exception, variance, adjustment, or modification procedure in this Code:~~

- A. Adult business uses.

- B. Animal services and sales, except as specifically permitted in Section 11.9.[43, Home Occupations - All Other Types.](#)
- C. Commercial parking.
- D. Commercial warehousing or storage uses.
- E. Industrial, manufacturing and wholesale uses, except as specifically permitted in Section 11.9.[43, Home Occupations - All Other Types.](#)
- F. Retail or wholesale sales.
- G. Vehicle or equipment sales, rentals, and services, including repairs.

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DIVISION 11.10 USES ACCESSORY TO PRIMARY NONRESIDENTIAL USES - LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific uses accessory to primary nonresidential uses across multiple Zone Districts and neighborhood contexts. In addition to meeting the general conditions and standards applicable to all accessory uses in Division 11.78 above, the following specific accessory uses shall comply with this Division's general and specific standards.

SECTION 11.10.1 UNLISTED ACCESSORY USES

11.10.1.1 ~~In a~~ All Zone Districts:

- A. The Zoning Administrator shall determine and impose limitations on accessory uses not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Article 11.
- B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretation & Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory use is common and customary to a specific use by right, and if the use or structure is incidental to the specific use by right.
- C. The Zoning Administrator may impose limitations on the proposed accessory use, which shall be uniform throughout the Zone District, and taking into consideration the intensity of the accessory use, the numbers of accessory uses, the space required by the accessory use, and the effect on adjacent property.
- D. Matters that may be regulated according to this ~~Division Section~~ 11.10.1.1 shall include, but shall not be limited to ~~the following types and intensity of repairs accessory to a use by right.~~

~~Numbers of animals, except as specifically listed in Section 11.8.6 maintained as accessory to a primary residential use; or~~

~~Types and intensity of repairs accessory to a use by right.~~

SECTION 11.10.2 AMUSEMENT DEVICES ACCESSORY TO EATING/DRINKING ESTABLISHMENTS, COLLEGE/UNIVERSITY AND THEATER USES

11.10.2.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Notwithstanding more restrictive provisions of this ~~chapterCode~~, any establishment holding a beer and wine license, a hotel and restaurant license, or a club or tavern license, as issued by the State Department of Revenue, may maintain as an accessory use a number of amusement devices as follows:
 1. ~~Ten~~ 10 devices or that number which occupies no more than ~~ten~~ 10 percent of the gross floor area of the Eating and Drinking Establishment, whichever is more restrictive. ~~This allowance~~ excludes adult amusement or entertainment.
- B. No amusement device serving as an accessory use to a ~~primary use by right~~ located within 1,000 feet of a school meeting the compulsory education laws of the state shall be operated by children under the age of 18 years old during the following described periods: between 8:00

a.m. and 4:00 p.m., Monday through Friday, from September 1 to June 15, excluding holiday vacations observed by such schools.

- C. Amusement devices may be operated and maintained as a part of a primary Theater and/or Performance Space use under the following limitations:
 - 1. Shall be operated within the same structure and under the same management as the theater;
 - 2. Shall occupy a floor area not exceeding ten percent of the lobby area or shall contain no more than ten amusement devices, whichever is more restrictive;
 - 3. Shall be used by theater customers who have purchased a ticket and shall not be made available to the general public; and
 - 4. Shall be operated in compliance with all other applicable ordinances of the city.
- D. Amusement devices may be maintained and operated as a part of a permitted College or University use, provided such devices are located in the student center, lounge or residential dormitories and do not occupy an area more than 10 percent of the ground level floor area of the structure.

SECTION 11.10.3 AUTOMOBILE RENTAL SERVICES ACCESSORY TO CERTAIN RETAIL USES

11.10.3.1 ~~All S-CC-3x, S-CC-5x, and E-CC-3x Zone Districts~~

In ~~all S-CC-3x, S-CC-5x, and E-CC-3x~~ Zone Districts, where permitted with limitations:

- A. Storage of all rental automobiles shall be located on the same zone lot as the office for the automobile rental service;
- B. Not more than 15 rental automobiles shall be stored at any one location;
- C. Servicing and maintenance work on automobiles is permitted only as limited to automobile service stations in the district;
- D. The land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space; and
- E. Truck rental is not permitted.

SECTION 11.10.4 BOOK OR GIFT STORE; MEDIA RECORDING AND PRODUCTION FACILITIES ACCESSORY TO LIBRARY, MUSEUM, ASSEMBLY, AND COLLEGE/UNIVERSITY USE

11.10.4.1 All Residential Zone Districts

- A. In a Residential Zone District, where permitted with limitations, the following are allowed as accessory to a primary public Library, Museum, Place of Religious Assembly, or University or College use:
 - 1. Book or gift store; and
 - 2. Media recording and production facilities.
- B. All such accessory uses shall not occupy more than 10 percent of the gross floor area occupied by the primary use or uses by right.

SECTION 11.10.5 CAR WASH BAY ACCESSORY TO AUTOMOBILE SERVICES OR HOTEL USES

11.10.5.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. A car wash bay is allowed as accessory to an Automobile Services, Light or Heavy, use only. The car wash bay shall be limited in capacity to one vehicle and may be operated with either manual or automatic equipment;
- B. An accessory car wash bay shall be sited on a zone lot and constructed, operated, and maintained in compliance with the standards stated in this subsection, and shall comply with the building form standards in the applicable Zone District;
- C. The car wash bay shall be set back a minimum 8 feet from any abutting residential use or Residential Zone District;
- D. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a Residential Zone District;
- E. If the zone lot containing the car wash bay abuts a residential use or Residential Zone District, the hours of operation of the car wash bay shall be limited to the time period between 7:00 a.m. and 10:00 p.m.; and
- F. Sufficient space on the same zone lot shall be provided to accommodate 3 vehicles waiting for the car wash bay, in addition to the required off-street parking for the primary use.

SECTION 11.10.6 COLLEGE ACCESSORY TO A PLACE FOR RELIGIOUS ASSEMBLY

11.10.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. A College is allowed as accessory to a primary ~~place of~~ Religious Assembly use only;
- B. The accessory College use shall not have an enrollment greater than 75 students;
- C. The accessory College use shall provide no student or faculty housing;
- D. The accessory College use shall not operate any activities before 8:00 a.m. or after 6:00 p.m.; and
- E. The accessory College use shall provide off-street parking according to the parking requirements for university or college uses in the Urban Neighborhood Context (See Article 5).

SECTION 11.10.7 CONFERENCE FACILITIES ACCESSORY TO HOTEL USE

11.10.7.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Conference facilities are allowed as accessory to a primary hotel use.
- B. Notwithstanding the gross floor limitations for accessory uses, conference facilities not exceeding 20 percent of the gross floor area of the hotel are permitted in addition to the floor area occupied by all other accessory uses.
- C. For purposes of this allowance for accessory conference facilities, "gross floor area" shall include net meeting space plus related service and pre-function space.

SECTION 11.10.8 DRIVE-THROUGH FACILITY ACCESSORY TO EATING/DRINKING ESTABLISHMENTS AND TO RETAIL SALES, SERVICE, AND REPAIR USES

11.10.8.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

A. General ~~Limitations~~Standards

1. Drive-through facilities shall be allowed as accessory to a primary Eating and Drinking Establishment or to a primary Retail Sales, Service, or Repair use only.
2. Drive-through facilities accessory to a primary Eating and Drinking Establishment shall comply with all applicable use limitations ~~and standards~~ for Eating and Drinking Establishments found in this Article 11. In case of conflict with the use standards stated in this Section specific to drive-through facilities, the standards in this Section shall apply.
3. Accessory drive-through facilities shall be sited on a zone lot and constructed, operated, and maintained in compliance with the building form standards allowed in the applicable Zone District, and with these use-specific standards.

B. ~~Minimum~~ Site Design Standards

1. Any drive-through facility visible from a public street or from a Residential Zone District shall provide an opaque screen along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in ~~Article 10~~, Section 10.5.4.3, Perimeter Surface Parking Lot Landscaping Standards.
2. All parts of any drive-through facility shall be separate from parking circulation aisles.
3. Vehicle access to the site shall not unreasonably interfere with automobile or pedestrian traffic. Queuing lanes shall be adequate to prevent backups onto public streets.
4. This subsection's drive-through facility standards apply only to drive through facilities that commence operations after June 1, 2006.

C. Drive-Through Facilities Adjacent to a Residential Zone District

Accessory drive-through facilities on a zone lot adjacent to a Residential Zone District shall comply with the following additional standards:

1. There shall be no glare from permanent lighting or vehicle headlights projected onto an abutting Residential Zone District. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto abutting residential uses shall not exceed 0.3 footcandles.
2. No device that amplifies sound shall be so designed or operated that the amplified sound exceeds the City's noise ordinance standards on any private property zone lot located within a Residential Zone District beyond the boundaries of the zone lot on which the drive-through facility is operated.
3. Any drive-through facility located on a zone lot that is adjacent to a Residential Zone District and which has any portion of the facility located 85 feet or less from the Residential Zone District may only be open during the hours of 5:30 a.m. to 11:00 p.m., Sunday through Thursday, and 5:30 a.m. to midnight Friday and Saturday.
4. This subsection's drive-through facility standards apply only to drive through facilities that commence operations after June 1, 2006.

SECTION 11.10.9 GARDEN AND GREENHOUSE

11.10.9.1 All Zone Districts

In all Zone Districts, where accessory garden and greenhouse uses are permitted with limitations:

- A. The ~~garden~~ use shall be maintained, including necessary watering, pruning, pest control, and removal of dead or diseased plant material.
- B. Detached accessory structures incidental to a the garden use, such as accessory storage or utility buildings, gazebos, trellis, or accessory greenhouse structures, are permitted subject to compliance with all applicable building form standards in the subject Zone District.
- C. Bee keeping is allowed as incidental to the accessory garden or greenhouse use, subject to compliance with the standards for accessory bee-keeping stated in Section 11.8.6, Keeping of Household Animals.
- D. In a Residential Zone District, retail or wholesale sales of goods or products derived from a garden or greenhouse are allowed when such use is accessory to a primary nonresidential use, including but not limited to a permitted Public, Institutional and Civic Use. In a Residential Zone District, retail sales of goods or products derived from an accessory garden use are prohibited. In all other Zone Districts, retail or wholesale sales of goods or products derived from ~~the accessory~~ a garden or greenhouse are allowed when such use is accessory to a primary non-residential use are allowed.

SECTION 11.10.10 OCCASIONAL SALES, SERVICES ACCESSORY TO PRIMARY PLACES OF RELIGIOUS ASSEMBLY OR PRIMARY USES OPERATED BY NON-PROFIT ORGANIZATIONS

11.10.10.1 All Zone Districts

In all Zone Districts, where permitted with limitations, occasional sales of goods and services, including unenclosed occasional sales of goods and services, are allowed as accessory to the following primary uses:

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

SECTION 11.10.11 OUTDOOR EATING AND SERVING AREAS ACCESSORY TO EATING/DRINKING ESTABLISHMENT USE

11.10.11.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Outdoor Eating and Serving Areas are allowed as accessory to an Eating and Drinking Establishment use, and shall comply with all applicable ~~standards-limitations~~ stated for primary Eating and Drinking Establishments in Section 11.4.6, Eating and Drinking Establishments - All Types, of this Code. In case of conflict with the use ~~standards-limitations~~ stated in this section specific to Outdoor Eating and Serving Areas, the more restrictive ~~standard-limitation~~ shall apply.
- B. All Outdoor Eating and Serving Areas shall comply with the following ~~standards-limitations~~:
 1. The Outdoor Eating and Serving Area shall be contiguous to the Eating and Drinking Establishment to which it is accessory.
 2. The Outdoor Eating and Serving area shall be clearly delimited by fences, walls or plant materials, but there shall be no structure or enclosure more than 42 inches tall, except that temporary canvas awnings or umbrellas may serve as sun shades.

3. Any part of the Outdoor Eating and Serving 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 the Outdoor Eating and Serving Area.

11.10.11.2 All RX, CC-3x, -3, -5x; MX-2x, -2A, -2, -3A, -3; MS-2x, -2, -3; I-MX, -A, -B; M-RX, -IMX, -GMX Zone Districts

A. Applicability

This Section 11.10.11.2's use limitations shall apply to all accessory Outdoor Eating and Serving Areas, where allowed with limitations, in the following Zone Districts:

ZONE DISTRICT	ADDITIONAL APPLICABILITY LIMITATIONS
<u>All RX Zone Districts</u>	<u>na</u>
<u>All CC-3x, -3, -5x Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts an Arterial Street as designated in Blueprint Denver</u>
<u>All MX-2x, -2A, -2 Zone Districts</u>	<u>na</u>
<u>All MX-3A, -3 Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts an Arterial Street as designated in Blueprint Denver</u>
<u>All MS-2x, -2 Zone Districts</u>	<u>na</u>
<u>All MS-3 Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts an Arterial Street as designated in Blueprint Denver</u>
<u>All I-MX, -A, -B Zone Districts</u>	<u>na</u>
<u>All M-RX, -IMX, -GMX Zone Districts</u>	<u>na</u>

B. Use Limitations

1. If the Outdoor Eating and Serving Area is between 50 feet and less than 100 feet from the boundary of any Protected District, the use of the Outdoor Eating or Serving 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 and Serving area ~~and all activities therein~~ shall cease by 11:00 p.m.
2. All distance and spacing requirements shall be measured according to Section 13.1.6, Measurement of Separation or Distance.

11.10.11.3 All RX; CC-3x, -3, -5x, -5; MX-2x, -2A, -2, -3A, -3, -5; MS-2x, -2, -3, -5; C-CCN; I-, -A, -B; M-RX, -IMX, -GMX Zone Districts

A. Applicability

This Section 11.10.11.3's use standards shall apply to all accessory Outdoor Eating and Serving Areas, where allowed with limitations, in the following Zone Districts:

ZONE DISTRICT	ADDITIONAL APPLICABILITY LIMITATIONS
<u>All RX Zone Districts</u>	<u>na</u>
<u>All CC-3x, -5x Zone Districts</u>	<u>na</u>
<u>All CC-3, -5 Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts a Commercial Arterial Street as designated in Blueprint Denver</u>
<u>All MX-2x, -2A, -2 Zone Districts</u>	<u>na</u>
<u>All MX-3A, -3, -5 Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts a Commercial Arterial Street as designated in Blueprint Denver</u>
<u>All MS-2x, -2 Zone Districts</u>	<u>na</u>

ZONE DISTRICT	ADDITIONAL APPLICABILITY LIMITATIONS
<u>All MS-3, -5 Zone Districts</u>	<u>Use Limitations apply except when Zone District abuts a Commercial Arterial Street as designated in Blueprint Denver</u>
<u>C-CCN Zone District</u>	<u>na</u>
<u>All I-MX, -A, -B Zone Districts</u>	<u>na</u>
<u>All M-RX, -IMX, -GMX Zone Districts</u>	<u>na</u>

B. Use Limitations

1. If the Outdoor Eating and Serving Area is less than 50 feet from the nearest boundary of any Protected District, it shall be ~~subject to Special Exception review and the approval of the Board of Adjustment~~ according to ~~the procedures stated in~~ Section 12.4.9, Zoning Permit with Special Exception Review of this Code.
2. The Board of Adjustment, in addition to compliance with the general limitations for Outdoor Eating and Seating Areas stated in this Section 11.10.11, shall allow the operation of the Outdoor Eating and Seating Area beyond 6 p.m. only upon consideration of the following factors:
 - a. Neighboring uses;
 - b. Seating capacity of the outdoor eating and seating area;
 - c. Type of food or drink being served; and
 - d. The ambient noise generated by activity on the eating and seating area, including whether outdoor speakers will be authorized.
3. All distance and spacing requirements shall be measured according to ~~the rule of measurement found in~~ Section 13.1.6, Measurement of Separation or Distance.

SECTION 11.10.12 OUTDOOR ENTERTAINMENT ACCESSORY TO AN EATING/DRINKING ESTABLISHMENT USE

11.10.12.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Outdoor entertainment uses are allowed 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 11.4.6, Eating and Drinking Establishments - All Types of this Code. 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 13.1.6, Measurement of Separation or Distance ~~the rule of~~

~~measurement in Article 13~~), the use of the outdoor entertainment area and all activities therein shall cease by 10:00 p.m., except on Friday and Saturday nights when the use of the outdoor eating area and all activities therein shall cease by 11:00 p.m.

- E. If the outdoor entertainment area is less than 50 feet from the nearest boundary of any Protected District (measured according ~~to Section 13.1.6, Measurement of Separation or Distance the rule of measurement in Article 13~~), it shall be ~~reviewed subject to Special Exception review and the approval of the Board of Adjustment~~ according to ~~the procedures stated in~~ Section 12.4.9, ~~Zoning Permit with Special Exception Review of this Code~~

SECTION 11.10.13 RENTAL OR SALES OF ADULT MATERIAL ACCESSORY TO RETAIL SALES OF BOOKS

11.10.13.1 All Zone Districts

In all Zone Districts, where permitted with limitations, if a bookstore rents or sells adult materials, as described in the definition of “Bookstore, Adult,” ([see Article 13, Rules of Measurement and Definitions](#)), as an accessory use, such accessory use shall comply with the following limitations:

- A. The quantity of adult materials displayed or sold shall not exceed the numerical limitations specified in the definition for “Bookstore, Adult”;
- B. All adult materials shall be segregated into a separate section of the bookstore and screened from public view; and
- C. Access to the adult materials shall be denied to all persons under the age of 18 years.

DIVISION 11.11 TEMPORARY USE AND STRUCTURE LIMITATIONS ~~AND STANDARDS~~

The Summary Use and Parking Tables in Articles 3 through 9 reference any limitations ~~and standards~~ applicable to allowed primary, accessory, or temporary uses. This Division contains limitations ~~and standards~~ applicable to specific temporary uses and structures across multiple Zone Districts and neighborhood contexts. Temporary uses are permitted according to ~~the Zoning Permit procedures stated in~~ Section 12.4.1, Zoning Permit Review, and subject to compliance with this Division's use-specific standards, as applicable.

SECTION 11.11.1 UNLISTED TEMPORARY USES AND STRUCTURES

11.11.1.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. The Zoning Administrator shall determine and impose limitations on temporary uses and structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise addressed in this Division 11.11.
- B. All such determinations shall be reviewed according to the procedures and review criteria stated Section 12.4.6, Code Interpretation & Determination of Unlisted Uses.

SECTION 11.11.2 AMBULANCE SERVICE

11.11.2.1 All Zone Districts

In all Zone Districts, where permitted with limitations:

- A. Not more than 2 ambulances at any one location;
- B. Vehicles to be parked in completely enclosed structure when not in use;
- C. No mechanical or maintenance work is to be done on premises and no gasoline is to be stored there;
- D. No office is to be maintained in connection with the temporary ambulance service use; and
- E. Each permit shall be valid for a period of not more than 6 months, but may be renewed; provided, however, that failure to comply with any of these standards shall be cause for revocation of any permit.

SECTION 11.11.3 AMUSEMENT / ENTERTAINMENT USES

11.11.3.1 All Industrial Context Zone Districts; O-1 Zone District; CMP-H Zone District

In all Industrial Context Zone Districts, the O-1 Zone District, and the ~~Campus-Hospital~~ ~~(CMP-H)~~ Zone Districts, where permitted with limitations, a temporary amusement, entertainment or recreational use on the payment of a fee or admission charge shall comply with the following standards:

- A. The temporary use shall not be enclosed.
- B. The temporary use shall be a minimum of 500 feet from a Residential Zone District. This requirement may be reduced or eliminated by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the proposed use, site design, its traffic generation, and other external effects indicates a smaller separation will have no significant effect on the nearby Residential Zone District.
- C. Each permit shall be valid for a period of not more than 6 calendar months, but may be renewed.

SECTION 11.11.4 BAZAAR, CARNIVAL, CIRCUS OR SPECIAL EVENT

11.11.4.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations:

- A. Such temporary use is limited to a place for the display and sale of miscellaneous goods and for entertainment sponsored by a nonprofit organization or governmental entity, not including motorized amusement rides.
- B. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.
- C. A temporary bazaar, carnival, circus or special event permitted under this subsection shall be valid for a period not to exceed 12 consecutive days and a period of at least 90 days shall intervene between the termination of one permit and the issuance of another permit for the same location.

11.11.4.2 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B Zone District, where allowed with limitations:

- A. The temporary use may be operated only between 9:00 a.m. and 11:00 p.m.
- B. The temporary use may have motorized rides only if located at least 500 feet from a Residential Zone District.
- C. Each permit for such temporary use shall be valid for a period of not more than 12 consecutive days and a period of at least 90 days shall intervene between the termination of one permit and the issuance of another permit for the same location.

SECTION 11.11.5 BUILDING OR YARD FOR CONSTRUCTION MATERIALS

11.11.5.1 All Zone Districts

In all Zone Districts where permitted with limitations, temporary building or yard for construction materials, which is the storage of equipment and/or excavated materials both incidental and necessary to a construction project, are allowed, subject to compliance with the following limitations:

- A. Each permit shall specify the location of the building and/or yard and the location of the permitted operation.
- B. Construction materials and/or equipment and/or excavated materials shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting to the proposed site.
- C. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required that is taller than 8 feet.
- D. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.
- E. A temporary building shall comply with the most restrictive building setback requirements of the Zone District in which it is located.

- F. Every such permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than three successive periods at the same location; however, site cleanup shall be completed within 30 days after completion of the project, regardless of the length of the permit.
- G. The temporary use need not be enclosed.

SECTION 11.11.6 CONCRETE, ASPHALT, AND ROCK CRUSHING FACILITY

11.11.6.1 All Zone Districts

In all Zone Districts, where permitted with limitations, temporary concrete, asphalt, and rock crushing facilities, both incidental and necessary to a specific construction or demolition project, shall comply with the following limitations:

- A. Equipment and/or excavated materials shall be stored a minimum of 100 feet from a residential use within a residential structure. This spacing requirement may be reduced if concurrence is obtained from the residents living on zone lots within 100 feet of and abutting the proposed site.
- B. Such materials and/or equipment shall be screened from the view of abutting residents to the maximum extent possible as determined by the Zoning Administrator; providing, however, that no screening fence or wall shall be required in excess of eight feet in height.
- C. Such materials shall be piled no higher than 20 feet above grade and any piles above 4 feet in height shall be protected by a 7 foot high security fence with controlled access. This requirement may be modified by the Zoning Administrator if the applicant proves by a preponderance of the evidence that the modification will provide security and controlled access to the materials, and the proposed method to pile or store the excavated materials is certified by a licensed engineer or other qualified professional.
- D. Any temporary buildings shall comply with the most restrictive building setback requirements of the Zone District in which they are located.
- E. Each permit shall be valid for a period of not more than 12 calendar months and shall not be renewed for more than 10 successive periods at the same location.
- F. Site cleanup, shall be completed within 30 days after completion of the project, regardless of the length of the permit.

SECTION 11.11.7 FENCE FOR DEMOLITION OR CONSTRUCTION WORK

11.11.7.1 All Zone Districts

In all Zone Districts, where permitted with limitations, temporary fences for demolition or construction work are allowed subject to compliance with the following limitations:

- A. Notwithstanding other limitations on fence heights in setback areas, a 6 foot high security fence may be installed around the boundary of a zone lot where demolition or construction is to occur.
- B. Each permit shall be valid for 6 months and shall not be renewed for more than 2 successive periods.

SECTION 11.11.8 HEALTH CARE CENTER

11.11.8.1 All Residential Zone Districts

In all Residential Zone Districts, where permitted with limitations, temporary health care centers are allowed subject to compliance with the following standards:

- A. Such use shall be operated by a political subdivision of the State of Colorado and shall provide a service but not a commodity; and
- B. Each permit shall be valid for a period of 1 calendar year and may be renewed.

SECTION 11.11.9 NONCOMMERCIAL CONCRETE BATCHING PLANT

11.11.9.1 All Zone Districts

In all Zone Districts where permitted with limitations, temporary noncommercial concrete batching plants, both incidental and necessary to a specific construction project, are allowed-subject to compliance with the following standards:

- A. Each permit shall specify the location of the plant and the area, within the same Zone District, of the permitted operation, no part of which area shall be a distance of more than two miles from the plant.
- B. Each such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than six successive periods at the same location.

OUTDOOR RETAIL SALES, TEMPORARY - ALL TYPES

SECTION 11.11.10 OUTDOOR RETAIL SALES - PEDESTRIAN /TRANSIT MALL

11.11.10.1 All Mixed Use Commercial Zone Districts; All Downtown Neighborhood Context Zone Districts

In all Mixed Use Commercial Zone Districts and in all Downtown Neighborhood Context Zone Districts, where permitted with limitations, temporary outdoor retail sales of articles such as books, artwork, craft work, food, flowers, clothing, newspapers and similar articles, within 125 feet of a pedestrian and/or transit mall, are permitted subject to compliance with the following standards:

- A. The use will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, and shall not create congestion on adjoining public sidewalks;
- B. The use will not generate an undue amount of noise, fumes, glare or other external effects; and
- C. The use will not create a debris or litter problem.

SECTION 11.11.11 OUTDOOR RETAIL SALES

11.11.11.1 All Mixed Use Commercial Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts and in the OS-B Zone District, where permitted with limitations, temporary outdoor sales involving the sale and display of goods and merchandise as an extension of a primary use operating on the same zone lot, shall comply with the following standards:

- A. Each permit for the proposed use shall be valid for a period of not more than 45 days with one renewal for a period of not more than 30 days during any six month period, if all requirements hereof have been complied with during the original permit period.
- B. No required off-street parking space will be used for such merchandise display, storage or dispensing.

- C. The proposed use must be set back at least 30 feet from the curb of a public street and at least 150 feet from a single unit or two unit dwelling use.
- D. No part of the proposed use shall obstruct visibility of motorists if located near a street corner or driveway entrance, nor shall such use obstruct the parking lot circulation system or block access to a public street.
- E. No temporary structure erected in conjunction with the proposed use shall be built out of used or unpainted lumber or rusty metal, or similar material as determined by the Zoning Administrator. Tents are permitted, subject to Fire Department regulations.
- F. Notwithstanding more restrictive signage regulations found elsewhere, a maximum of 24 square feet of sign area is permitted for each use. Signage shall be limited to the walls or side of a tent, or structure or to a single freestanding sign which is not more than 24 square feet in area per sign face. The maximum sign area provisions of ~~Section-Division~~ 10.10, Signs, shall not apply to this use.
- G. The applicant shall be responsible for the storage and daily removal of all trash, refuse and debris occurring on the site. All trash storage areas shall be screened from the view of persons using adjacent rights of way.
- H. This provision shall in no way be deemed to authorize the outdoor sale of used furniture, used appliances, used plumbing, used housewares, used building materials or similar items.

SECTION 11.11.12 OUTDOOR SALES, SEASONAL

11.11.12.1 All Mixed Use Commercial Zone Districts, I-A Zone District; OS-B Zone District

In all Mixed Use Commercial Zone Districts, the OS-B Zone District, and ~~the~~ I-A Zone District, where permitted with limitations, temporary seasonal outdoor sales, not limited to the sale and display of goods and merchandise as an extension of a permitted use operating on the same zone lot, are allowed subject to compliance with the following general standards. In case of conflict with any other standard in this Division, the more specific standard shall apply.

~~Any proposed seasonal outdoor retail sales use, including but not limited to a farmer's market or flea market, located within 500 feet of a Residential Zone District shall be reviewed and permitted according to Section 12.4.2, Zoning Permit Review with Informational Notice.~~

- A. Permits shall be valid for no longer than 6 consecutive months of any one calendar year, unless more specifically restricted in this Section.
- B. A farmers market may be conducted year-round in the same fixed location as a primary outdoor retail sales use, or may be operated on an occasional or periodic basis as a temporary use according to this Section.
- C. Hours of operation are limited to 8:00 a.m. to 8:00 p.m. daily.
- D. The temporary use shall provide off-street parking in an amount equal to one-half of the covered and uncovered retail sales area proposed at the facility. The Zoning Administrator may reduce or eliminate this off-street parking requirement if the applicant shows by a preponderance of the evidence that alternative parking is available and convenient to the proposed use, including but not limited to nearby on-street parking, public parking facilities, or commercial parking lots or garages. If provided on-site, parking surfaces shall either be paved or consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed temporary use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot.
- E. The temporary use shall comply with the setback requirements for the Zone District in which it is located and shall be at least 50 feet from any Residential Zone District.

- F. The temporary use shall not obstruct the visibility of motorists, nor obstruct the parking lot circulation or block access to a public street.
- G. Temporary structures associated with the temporary seasonal outdoor use shall be limited to no more than 200 square feet in gross floor area and shall obtain all required building and safety permits from the Fire Department, Environmental Health Department, and Community Planning and Development.
- H. Any electrical work shall be duly permitted by the City prior to operation of the temporary use and related structures.
- I. Signs shall be limited to not more than two ground or wall signs as defined in Article 13, Rules of Measurement and Definitions, with a total area not exceeding 24 square feet and located on the same zone lot as the seasonal outdoor sales. Such signs shall meet the most restrictive setback requirements of the Zone District in which they are located.
- J. The applicant shall be responsible for the daily storage and removal of all trash, refuse, and debris. All trash storage facilities shall be provided with screening adequate to fully conceal such facilities from adjacent properties.
- K. No truck-tractors or semi-trailers shall be parked or stored on or adjacent to the seasonal outdoor sales area.
- L. No seasonal outdoor sales of fruits or vegetables shall be permitted on any zone lot where any types of chemicals or gasoline are stored or sold.

11.11.12.2 All RX; MX-2x, -2A, 2; MS-2x, -2 Zone Districts - All Seasonal Outdoor Sales

In all RX; MX-2x, -2A, 2; MS-2x, -2 Zone Districts, all proposed seasonal outdoor retail sales use, including but not limited to a farmer's market or flea market, located either in a RX Zone District or within 500 feet of a Residential Zone District shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice.

11.11.12.3 [Renumbered] All Zone Districts - Seasonal Outdoor Sales of Christmas Trees

In all Zone Districts, where temporary seasonal outdoor sales are permitted with limitations, the seasonal outdoor retail sales of Christmas trees and wreaths shall comply with the following limitations:

- A. No permit shall be effective prior to the 1st day of November in each calendar year;
- B. No permit shall be valid for a period of more than 60 days; and
- C. Site cleanup shall be completed no later than 5 days after Christmas day.

11.11.12.4 [Renumbered] All Zone Districts - Seasonal Outdoor Sales of Plants

In all Zone Districts, where temporary seasonal outdoor sales are permitted with limitations, seasonal plant sales facilities shall comply with the following limitations:

- A. The applicant is the owner of the subject property or has written consent of the owner.
- B. The proposed temporary use shall be operated wholly or partially within an approved temporary structure, which is not a motor vehicle or trailer.
- C. The proposed temporary use, not including parking, encompasses an area of no more than one acre.
- D. That the purpose of the proposed facility is to sell at retail horticultural items including, but not limited to bedding plants, plant containers, seeds, small trees and bushes, and accessories therefor; sales of agricultural chemical and fertilizer products are permitted only if prepackaged.

- E. Permits shall be valid from April 1 through October 31 of each calendar year.
- F. Parking shall be provided to encompass a minimum area equal to one-half the covered and uncovered retail sales area proposed at the facility. The Zoning Administrator may reduce or eliminate this off-street parking requirement if the applicant shows by a preponderance of the evidence that alternative parking is available and convenient to the proposed use, including but not limited to nearby on-street parking, public parking facilities, or commercial parking lots or garages. If provided on-site, parking surfaces shall be either paved or shall consist of a dust-free road base or acceptable gravel base material; and the ground area to be occupied by the proposed use shall not reduce the area occupied by the required parking of an existing permitted use on the zone lot by more than ten percent.
- G. Vehicle access to the proposed facility shall provide appropriate ingress and egress areas to preclude traffic congestion on adjacent streets.
- H. A security fence shall be installed around the entire area of the proposed facility consisting of an approved fencing material such as wire mesh at a height of not less than 6 feet.
- I. Any advertising signage at the proposed facility shall be in place only during the proposed operations of the facility; signage shall be limited to a maximum of 50 square feet per face with no more than two signs for each street frontage of the proposed facility; and all signs shall be non-portable and shall conform to Zone District setback requirements.
- J. Adequate utilities including water and electricity, as well as restroom facilities for the employees of the applicant, are available at or can be provided to the facility.
- K. Lighting shall be provided for evening and night operations.
- L. The proposed temporary use shall be operated in a manner that does not emit any obnoxious or dangerous degrees of heat, light, glare, or fumes beyond any boundary line encompassed by the facility.

SECTION 11.11.13 PARKING LOT DESIGNATED FOR A SPECIAL EVENT

11.11.13.1 All Residential Zone Districts

In Residential Zone Districts, where permitted with limitations, a temporary surface parking lot designated for a special event may be allowed by temporary permit on zone lots occupied by a nonresidential use, including but not limited to a Civic, Public and Institutional use, subject to compliance with the following limitations:

- A. The parking surface and driving aisles shall consist of an all-weather surfacing material but need not include any landscaping as required by [Division 10.5, Landscaping, Fences, Walls and Screening Article 10 of this Code](#).
- B. A parking lot manager or attendant shall either be present on the zone lot or shall make periodic, regular inspections of the zone lot (e.g., once every 30 - 60 minutes) during the entire period of each special event.
- C. The applicant shall be the owner of the property, or the owner's authorized agent.
- D. The dimensions for and the arrangement of parking spaces and driving aisles shall comply with the requirement of [Article 10, Division 10.4, Parking and Loading](#).
- E. The zone lot shall be maintained in a manner that mitigates any adverse impacts on the surrounding neighborhood, including but not limited to the effect of dust, erosion and litter, and from damage caused by automobiles. The property shall be cleaned up within 24 hours after its use.

- F. Violation of any of the requirements of this section shall result in the cancellation of the temporary permit, and no new parking permit shall be issued for the subject zone lot until after a six-month period of time has transpired.
- G. Each permit shall be valid only for a calendar year or remaining portion thereof, and shall allow parking only for the designated special events or series of special events as listed in the application for the permit.

11.11.13.2 All Mixed Use Commercial Zone Districts

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

- A. The temporary surface parking for a designated special event need not be enclosed.
- B. Each permit shall be valid only for the duration of the designated special event; provided, however, that if the designated special event is a seasonal activity, the permit may be valid for the entire season but shall be restricted in use to designated dates and times during which the event is occurring.
- C. **For developed zone lots containing a structure:** The temporary surface parking area shall be improved according to ~~the provisions of~~ Section 10.4.6, Use and Maintenance of Parking Areas, and the dimensions for and the arrangement of parking spaces and driving aisles shall comply with the requirements of Section 10.4.5, Design of Parking Lots and Structures.
- D. **For vacant zone lots:** The parking area shall be improved with an all-weather surfacing material. The dimensions for and the arrangement of parking spaces and driving aisles shall comply with ~~the requirements of~~ Section 10.4.5, Design of Parking Lots and Structures.

11.11.13.3 All Zone Districts (Except Residential and Mixed Use Commercial Zone Districts)

In all Zone Districts, except in a Residential Zone District or Mixed Use Commercial Zone District, where permitted with limitations:

- A. Each permit for temporary surface parking for a designated special event shall be valid only for the duration of the designated event; provided, however, if the designated special event is a seasonal activity, the permit may be granted for the entire season but restricted in use to designated dates and times in which the event is occurring.
- B. The temporary parking area shall be improved with an all-weather surfacing material.

11.11.13.4 All Zone Districts - Posted Sign Required

- A. At each legal vehicle entry from the public street, no more than one advertising or directional sign may be installed, which shall be limited in size to 12 square feet.
- B. All signs related to the temporary parking use shall be installed only during the time of the special event, shall not exceed a height of 6 feet, and need not be set back from any property line.
- C. Each parking lot shall have one sign 6 square feet in area which is installed on the front property line and which contains the following information printed in letters 2 inches high:
 - 1. Owner's name
 - 2. The temporary permit number
 - 3. Number of cars permitted in the lot
 - 4. The designated special event for which the parking is permitted

SECTION 11.11.14 RETAIL FOOD ESTABLISHMENT, MOBILE

11.11.14.1 All Mixed Use Commercial Zone Districts; ~~I-A, -B All Industrial~~ Zone Districts; OS-B Zone District

In all Mixed Use Commercial Zone Districts; ~~I-A, -B All Industrial~~ Zone Districts; and OS-B Zone District, where permitted with limitations, mobile retail food establishments are allowed subject to compliance with the following standards:

- A. Permits shall be valid for 12 consecutive months and shall be renewed annually.
- B. Permits shall be valid for 4 consecutive hours for each day at each zone lot.
- C. No more than 1 retail food establishment, mobile shall be permitted to operate per day at each zone lot.
- D. Hours of operation shall be between 8:00 a.m. and 9:00 p.m.
- E. Operations shall only occur on zone lots and shall not reduce the area required for parking for any other use on the zone lot.
- F. Operations shall be at least 200 feet from any eating and drinking establishment lawfully existing at the time the permit or renewal permit was issued, and at least 200 feet from any other retail food establishment, mobile.
- G. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley or sidewalk.
- H. The permit authorized hereby shall be permanently displayed to the public in the food handling area of the retail food establishment, mobile during operation.
- I. Operations shall not occur outside of the retail food establishment, mobile.
- J. Structures, canopies and outdoor tables and chairs are prohibited.
- K. Signs must be permanently affixed to or painted on the retail food establishment, mobile.
- L. Signs shall not project from the retail food establishment, mobile and shall not illuminate.
- M. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter.
- N. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the retail food establishment, mobile.
- O. Operations shall be located at least 50 feet from any Residential Zone District.
- P. Operations are prohibited on undeveloped zone lots and zone lots with unoccupied structures or unpaved surfaces.

SECTION 11.11.15 TEMPORARY CONSTRUCTION OFFICE

11.11.15.1 All Zone Districts

In all Zone Districts, where permitted with limitations, temporary construction offices needed for a specific construction project are permitted provided each permit shall be valid for 6 months and shall not be renewed for more than two successive periods.

SECTION 11.11.16 TEMPORARY OFFICE - REAL ESTATE SALES

11.11.16.1 All Residential and Mixed Use Commercial Zone Districts

In all Residential Zone Districts and Mixed Use Commercial Zone Districts, where permitted with limitations, temporary offices, for the sale or rental of dwelling units within one (1) specific project

under construction, rehabilitation or recently completed, and both incidental and necessary for the sale or rental of real property in the Zone District are permitted subject to compliance with the following standards:

- A. Such permit shall be valid for a period of not more than 6 calendar months and shall not be renewed for more than four successive periods for the same project.
- B. Each permit shall specify the location of the temporary office and the area, within the same Zone District, of the permitted operation, no part of which area shall be a distance of more than 2 miles from the temporary office.

SECTION 11.11.17 TENT FOR RELIGIOUS SERVICES

11.11.17.1 All Industrial Zone Districts

In all Industrial Zone Districts, where permitted with limitations, tents for religious services shall comply with the following limitations:

- A. Must be 500 feet from a Residential Zone District.
- B. Applications shall be reviewed by the Denver Fire Department.
- C. Each such permit shall be valid for a period of one month and may be renewed.

DIVISION 11.12 USE DEFINITIONS

This Division [11.12](#) contains definitions of primary, accessory and temporary uses allowed in this Code. The Division is organized in the same order as uses are presented in the Summary Use and Parking Tables in Articles 3 through 9, with specific use definitions organized by sections and sub-sections that align with the primary use classifications and use categories, followed by sections for accessory uses and temporary uses.

SECTION 11.12.1 PRIMARY USE CLASSIFICATION

11.12.1.1 All primary or principal land uses in Denver are organized into one of the following five general land use classifications:

- A. Residential Uses
- B. Civic, Public & Institutional Uses
- C. Commercial Sales, Service & Repair Uses
- D. Industrial, Manufacturing & Wholesale Uses
- E. Agriculture Uses

11.12.1.2 Uses are further organized into use categories and specific use types listed under each general land use classification. A definition of a specific use type shall also meet the definition of the use category in which it falls. The Summary Use and Parking Tables in Articles 3 through 9 are all similarly organized into the above five general land use classifications, use categories and specific use types.

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

SECTION 11.12.2 PRIMARY RESIDENTIAL USES

11.12.2.1 Definition of Household Living Use Category

Household Living is defined as residential occupancy of a dwelling unit by a single household. Tenancy is arranged on a month-to-month or longer basis. See [Article 13](#), Division 13.3, [Definitions of Words, Terms & Phrases](#), for definitions of the terms “dwelling unit” and “household.”

A. Specific Household Living Use Types and Definitions

1. **Dwelling, Single Unit**
One dwelling unit contained in a single structure with no other primary uses.
2. **Dwelling, Two Unit**
Two dwelling units contained in one structure located on a single zone lot.
3. **Dwelling, Multiple Unit**
Three or more dwelling units contained in a single structure.
4. **Dwelling, Mixed Use**
One or more dwelling units contained in a single structure in combination with any number of nonresidential uses.
5. **Dwelling, Live/Work**
A combination of residential occupancy and commercial activity located within the same dwelling unit. In a “live/work dwelling,” the commercial activity is a primary use in combination with a primary residential occupancy use, and the commercial occupancy shall not be considered a “home occupation” or other accessory use.

11.12.2.2 Definition of Group Living Use Category

Group Living is defined as residential occupancy of a structure by a group of people that does not meet the definitions of “household living,” “lodging,” or “correctional institution”. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a single household, and may include supervisory employees who reside on-site. Often, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not reside at the site. “Group living” includes the term “group home”.

A. Specific Group Living Use Types and Definitions

1. Assisted Living Facility

A residential structure or structures licensed by the state as an assisted living residence and housing more than 8 adults. This use is a residential facility that makes available to more than 8 adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required.

- a. Such a use shall not include residential treatment facilities for substance abusers or the mentally ill.
- b. This use shall not include the uses nursing home, hospice or residence for older adults.
- c. An assisted living facility shall not be considered a residential care use.
- d. A facility that otherwise meets this definition but has 8 or fewer residents shall be considered a residential care use, small, and not an assisted living facility.

2. Community Corrections Facility

A structure which provides a residence for three or more persons who have been placed in a community corrections program of correctional supervision, including a program to facilitate transition to a less-structured or independent residential arrangement; and residents of such facilities shall be those persons placed in the community corrections program by the judicial or correctional departments of the city, the state or the federal government. A community corrections facility shall be considered a large residential care use.

3. Nursing Home, Hospice

An establishment licensed by the state department of public health, which establishment maintains and operates continuous day and night facilities providing room and board, personal services and skilled nursing care, including hospices, specifically excluding, however, hospitals. A nursing home, hospice shall not be considered a residential care use.

4. Residence for Older Adults

A single unit dwelling or multi-unit dwelling housing a number of unrelated mobile older adults (individuals fifty-five (55) or more years of age) in excess of the number of unrelated persons allowed per dwelling unit, receiving fewer services than a special care home or assisted living facility. A residence for older adults shall not be considered a residential care use.

5. Residential Care Use

a. Definition

A specific type of group living use where the residents are provided supervised medical, psychological, or developmental care or treatment on a daily, regular basis.

b. Types of Residential Care Uses

“Residential care use” is limited to the following specific types of group living uses:

- i. Transitional housing:** A residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a “special care home” and where occupancy of such housing is primarily made available for more than 30 days and less than 2 years. Transitional housing shall be considered a small residential care use.
- ii. Shelter for the homeless:** See definition of “shelter for the homeless” in subsection 11.12.2.2.A.6.
- iii. Community corrections facility:** See definition of “community corrections facility” in subsection 11.12.2.2.A.2 ~~above~~.
- iv. Special care home:** A special care home is a residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District in which the dwelling unit is located, where such persons are living as a single housekeeping unit and are receiving more than 12 hours per day of on-premises treatment, supervision, custodial care or special care due to physical condition or illness, mental condition or illness, or behavioral or disciplinary problems. A special care home, depending on its size, shall be considered a large or small residential care use.

c. Exclusions

Residential care uses shall NOT include any of the following types of group living or institutional uses:

- i. Assisted living facility
- ii. Foster family care
- iii. Nursing home or hospice
- iv. Residence for older adults
- v. Rooming and/or boarding house.
- vi. A residential structure containing residents whose principal form of support is financial assistance.
- vii. Safe house:** A residential structure that provides residents a place of refuge from abusive people or dangerous social situations. Such structure does not provide refuge for fugitives from justice. Such use may be allowed as a “~~multi-~~multiple unit dwelling” use.

d. Residential Care Use, Large

A residential care use that is the primary residence of 9 or more persons. “Large residential care use” shall include a shelter for the homeless of any size, or a community corrections facility of any size.

e. Residential Care Use, Small

A residential structure that is the primary residence of 8 or fewer persons, but housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District or transitional housing of any size. This use shall not include a community corrections facility, shelter for the homeless, rooming and/or boarding house, nursing home, safe house, or large special care home.

6. Shelter for the Homeless

A facility that has as its primary function the provision for overnight sleeping accommodations for homeless people. A shelter for the homeless shall be considered a large residential care use.

7. Student Housing

A structure used principally for long-term group residential accommodations for students of a college, university or seminary, and where such structure is related to the college, university or seminary. Common cooking facilities and common gathering rooms for social purposes may also be included. May include a building used for group living quarters for members of a fraternity or sorority that has been officially recognized by the college, university or seminary.

SECTION 11.12.3 PRIMARY CIVIC, PUBLIC & INSTITUTIONAL USES

11.12.3.1 Basic Utilities

A. Definition of Basic Utilities Use Category

Basic Utilities is defined as buildings, structures, or other facilities used or intended to be used by any private or governmental utility, not including telecommunications. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level.

B. Specific Basic Utilities Use Types and Definitions

1. Utility, Major Impact

- a. Above-grade utilities exceeding 10,000 square feet of gross site area that has a substantially larger-than-local impact.
- b. This definition includes all uses in the following SIC groups:
 - 4911 Electric services including wind and solar generating stations;
 - 4922 Natural gas transmission;
 - 4923 Natural gas transmission and distribution;
 - 4924 Natural gas distribution;
 - 4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution;
 - 493 Combination electric and gas, and other utility services;
 - 494 Water supply;
 - 495 Sanitary services;
 - 496 Steam and air-conditioning supply;
 - 497 Irrigation systems.
- c. This definition shall include the following specific uses:
 - i. **Sanitary Service Facility**
Establishments primarily engaged in sewage systems or sewage waste treatment facilities that collect, treat and dispose of waste.
 - ii. Other similar facilities, as determined by the Zoning Administrator.

2. Utility, Minor Impact

- a. Above-grade utilities of less than 10,000 square feet of gross site area that have a localized impact on surrounding properties and are necessary to provide essential services.
- b. This definition includes all uses in the following SIC groups:
 - i. 4813 Telephone communications, except radiotelephone, limited to telephone switching stations;
 - ii. 4911 Electric services, limited to electrical substations, and electrical relay switching stations;
 - iii. 4923 Natural gas transmission and distribution, limited to natural gas distribution substations;
 - iv. 494 Water supply, limited to utility pumping stations.

11.12.3.2 Community / Public Services

A. Definition of Community / Public Services Use Category

Community / Public Service uses are defined as community or public safety services that meet public needs for both safety and human services such as day care, community centers, fire, police, or life protection, together with incidental storage and maintenance of necessary vehicles. Typical uses include senior or community centers, adult or child day care, fire and police stations, detention facilities and ambulance services.

B. Specific Community / Public Services Use Types and Definitions

1. Community Center

A building, 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, and for which membership may be restricted to persons living in a specific geographical area. Any member fees assessed shall apply equally to all users.

2. Day Care Center

An establishment used for the purposes of providing care for either children or adults for less than a ~~twenty-four (24)~~ hour consecutive period.

- a. **For adults:** “Day Care Center” means a facility limited to 5 or more persons who are 18 years and older and not related to the owner, operator or manager thereof, and where care is provided for less than a 24 hour consecutive period.
- b. **For children:**
 - i. “Day Care Center” means a child care center organized under Chapter 11 of the Denver Revised Municipal Code, which is maintained for the whole or part of the day but for less than 24 hour care, which offers care to 5 or more children not related to the owner, operator, or manager thereof, from the ages of 6 weeks through 18 years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.
 - ii. “Day Care Center” includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school.
 - iii. “Day Care Center” shall not include any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least

5 grades or operated as a component of a school district's preschool program operated pursuant to article 28 of Title 22, C.R.S.

- iv. "Day Care Center" shall not include any facility licensed as a "child day care home" or "foster family care", as defined in this Code or in the Colorado Revised Statutes.

3. Postal Facility, Neighborhood

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

4. Postal Processing Center

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

5. Public Safety Facility

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

a. Police Station

Police protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.

6. Hospital

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

7. Correctional Institution

A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency, in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

11.12.3.3 Cultural / Special Purpose / Public Parks & Open Space

A. Definition of Cultural / Special Purpose / Public Parks & Open Space Use Category

Cultural/ Special Purpose/Parks and Open Space use category is defined as uses generally providing for display, performance, preserving, or enjoyment of heritage, history, the arts, parks and open space. The use category includes, but is not limited to museums, libraries, parks and open space owned or operated by either public or private entities.

B. Specific Use Types and Definitions

1. Cemetery

Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities, or a combination thereof. Mortuaries shall be included when operated within the boundary of such cemetery.

2. Crematorium

A location containing properly installed, certified apparatus intended for use in the act of cremation.

3. City Park

An area of land owned or leased by the City and operated or managed by the Denver Department of Parks and Recreation.

4. Library

A public or private special purpose cultural institution housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.

5. Museum

A public or private facility, including an aquarium, botanic garden, or zoo, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, but not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to, all uses in the following SIC group: 84 Museums, botanical, zoological gardens.

6. Open Space, Recreation

An area of land-developed or intended for development with landscaping, specialized structures, and other features that promote passive or active recreational activities. May be accessible to only a segment of the public with or without payment of a fee, or may be open and accessible to the general public. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an “open space, recreation” use.

7. Open Space, Conservation

Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation of right-of-way purposes. Conservation open space may include agricultural uses and natural features located on a site, including but not limited to steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an “open space, conservation” use.

11.12.3.4 Education

A. Definition of Education Use Category

A public or private facility for the general or specialized education or instruction of children or adults. Education uses may or may not meet the requirements of the State of Colorado compulsory education laws. Education uses include elementary or secondary schools, universities or colleges, and vocational or professional schools.

B. Specific Education Use Types and Definitions

1. Elementary or Secondary School

A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.

2. University or College

An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor’s degree. University or college uses may be composed of multiple buildings and uses organized on an integrated campus property composed of one or more zone lots and blocks. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining zone lots.

3. Vocational or Professional School

Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as home occupation, college or university, or elementary or secondary school.

11.12.3.5 Public and Religious Assembly

A. Definition of Public and Religious Assembly Use Category

Public and religious assembly uses are defined as one or more buildings, together with accessory buildings and uses, where persons regularly assemble for religious worship or secular activities, and which building, together with its accessory buildings and uses, is maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses such as courthouses, private lodges, clubs or halls are included in this category.

B. Specific Public and Religious Assembly Use Types and Definitions

1. Religious Assembly

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

2. Club or Lodge

A building or land used for the activities of an association of persons for the promotion of a private or nonprofit common objective, such as literature, science, politics, and good fellowship. A club or lodge is not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public. A club or lodge is limited to members, who meet periodically, and with not more than one-third of the gross floor area of the club or lodge used for residential occupancy.

3. Conference Center, Meeting Hall

A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

SECTION 11.12.4 PRIMARY COMMERCIAL SALES, SERVICES & REPAIR USES

11.12.4.1 Adult Business

A. Definition of Adult Business Use Category

Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display or other offering of live entertainment, dancing, or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

B. Specific Adult Business Use Types and Definitions

1. Adult Amusement or Entertainment

Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" or "specified anatomical area" or which feature strippers or dancers, or similar entertainment by people who expose any specified anatomical area; provided, however, that live entertainment involving any specified sexual activity is prohibited.

2. Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals and goods and items, including video tapes and com-

puter software, held for sale or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (“adult materials”). An establishment which utilizes in excess of ten (10) percent of its gross floor area or its occupied shelf space for the display of adult materials or which has more than ten (10) percent of its total monthly receipts derived from the sale or rental of adult materials shall be regarded as an “adult bookstore.”

3. Photo Studio, Adult

An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas.”

4. Sexually Oriented Commercial Enterprise

A massage parlor, nude studio, modeling studio, love parlor, encounter parlor or any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer but not including: (a) a business licensed to sell alcoholic beverages, (b) any bookstore or theater, (c) a business operated or employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and (d) a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts.

5. Theater, Adult

A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

11.12.4.2 Arts, Entertainment & Recreation

A. Definition of Arts, Entertainment & Recreation Use Category

Arts, Entertainment and Recreation use category includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded are restaurants and night clubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as “eating and drinking establishments.”

B. Specific Arts, Entertainment & Recreation Use Types and Definitions

1. Arts, Recreation and Entertainment Services, Indoor

Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, community center and adult business uses. This definition includes, but is not limited to:

a. Art Gallery

A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale of the individual art pieces or the sale of related objects and services.

b. Artist Studio

A place where any of the commercial activities or a combination of commercial activities listed below occur:

- i. Art Gallery.

- ii. Custom or Craft Manufacturing, Fabrication, and Assembly.
 - iii. Professional Studio.
 - c. **Amusement Center and Arcade**
 - d. **Billiard Parlor**
 - e. **Bowling Center; Ice Rink; Swimming Pool, Tennis Club and Similar Sports Clubs, Indoor**
 - f. **Children’s Indoor Play Center**
 - g. **Cinemas, Motion Picture or Movie Theater**
Cinemas, motion picture or movie theaters, but not including drive-in movie theaters.
 - h. **Fitness and Recreational Sports Center**
Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.
 - i. **Personal Instruction Studio**
Personal instruction studios for dance, marital arts, photography, music and similar activities.
 - j. **Theater and/or Live Performance Space**
Establishments that produce, organize, promote, and/or present live performances of actors, singers, dancers, musical groups, artists, and other entertainers (including independent entertainers). Live performances may be presented as musicals, operas, plays, comedy and improvisation, mime, puppet shows, or dinner theater. Such performances are open to the general public and admission may be gained by a payment or fee. Meal service may be included with the performance. This definition excludes any establishment categorized by this Code as “adult business uses.”
 - k. **[Moved] Professional Studio**
A specific type of arts, recreation and entertainment, indoor service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.
- 2. Arts, Recreation and Entertainment Services, Outdoor**
Commercial establishments engaged in providing outdoor amusement, recreation, or entertainment services by and for participants, for the payment of a fee or admission charge, excluding community center and adult business uses. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to:
- a. **Amusement/Special Interest Parks**
A complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.
 - b. **Batting Cages**
 - c. **Go-Cart Raceway**
 - d. **Ice Rinks, Outdoor**
 - e. **Miniature Golf Course**
 - f. **Private Golf Course**
Private golf course, defined to mean an area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.

- g. **Skateboard Centers or Parks**
- h. **Swimming Pools, Outdoor**
- i. **Tennis Clubs, Outdoor**
- j. **Outdoor Theaters, Amphitheaters, or Other Permanent Outdoor Performance Spaces**

3. Sports and/or Entertainment Arena or Stadium

Commercial establishments designed, intended, or used primarily for indoor or outdoor large-scale spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

11.12.4.3 Parking of Vehicles

A. Definition of Parking of Vehicles Use Category

Parking of Vehicles is a land use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.

B. Specific Parking of Vehicles Use Types and Definitions

1. Parking, Garage

- a. Any structure, other than a private garage, for the assembling, or standing of vehicles in a structure for relatively temporary periods of time, either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.
- b. The term “garage parking” includes underground parking, which means a parking surface that is located a minimum of 8 feet below the street level and is covered by a structure which provides a surface for another use.
- c. A parking garage may include accessory off-street parking spaces required or allowed under this Code.

2. Parking, Surface

The assembling or standing of vehicles on a surface parking lot for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.

11.12.4.4 Eating & Drinking Establishments

A. Definition of Eating & Drinking Establishments Use Category

Commercial establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption.

B. Specific Eating & Drinking Establishments Use Types and Definitions

1. Eating and Drinking Establishment

A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a completely enclosed structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.

2. Brewpub

A specific type of eating and drinking establishment. A facility at which malt, vinous, or spirituous liquors are manufactured on the premises, bottled, and sold on the same premises as where the eating and drinking services are provided. No more than 30% of the manufactured product may be sold to off-premises customers. The volume of liquor manufactured on the premises of the brewpub shall not exceed 300 gallons per day each calendar year.

11.12.4.5 Lodging Accommodations

A. Definition of Lodging Accommodations Use Category

Lodging accommodations uses are characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

B. Specific Lodging Accommodations Use Types and Definitions

1. Bed and Breakfast Lodging

An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests.

2. Extended Stay Hotel

A hotel containing guest rooms oriented to allow independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking.

3. Hotel

One or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby.

4. Hostel

A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one kitchen and provides sleeping accommodations for not more than 25 persons. All housekeeping duties are shared by the occupants under the supervision of a resident manager.

5. Motel

One or more buildings providing residential accommodations and containing rental rooms and/or dwelling units, each of which has a separate outside entrance leading directly to rooms from outside the building. Services provided may include maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. Up to 20 percent of the residential units may be utilized for permanent occupancy.

6. Single Room Occupancy (SRO) Hotel

A specific type of "lodging accommodations" use that contains 6 or more "SRO rooms". A SRO hotel does not include any institution in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care, or fraternity or sorority houses. "SRO room" means a guest room intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests, for short-term occupancy or for occupancy longer than one month.

11.12.4.6 Office

A. Definition of Office Use Category

Office is characterized by buildings or a portion of a building wherein:

1. Services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agen-

cies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code or separately listed in the Summary Use Tables.

2. "Office" uses also include business operations typically less service-oriented than the more traditional service-oriented office uses listed herein, including but not limited to software and internet content development and publishing; computer systems design and programming; graphic and industrial design; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; scientific and technical services; and medical and/or dental laboratories.
3. Contractors and others who perform services off-site but who store major equipment and materials on the site are not included in this use category.

B. Specific Office Use Types and Definitions

1. Dental/Medical Offices and/or Clinics

A building or group of buildings in which the primary use is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses.

11.12.4.7 Retail Sales, Service & Repair (Not Including Vehicle or Equipment Sales, Service & Repair)

A. Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair

The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses. This category includes but is not limited to: banking and financial services, food sales, animal sales and services, general merchandise sales, personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, funeral homes, mortuaries), and consumer repair services. This land use category excludes motor vehicle and equipment sales, leasing, rental, or repair, except for the sale of motorized vehicles that do not require a license from the Colorado Department of Motor Vehicles.

B. Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair

1. Animal Sales and Services - Household Pets Only

An establishment engaged in any of the following:

- a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.
- b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats shall be considered a primary "animal services and sales - household pets only" use.
- c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.

2. Animal Sales and Services, All Others

An establishment engaged in the retail sale, grooming, care, breeding, or boarding of animals, not restricted to domestic or household pets, and which may include overnight accommodations. Includes provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners and animal kennels or other animal boarding facilities not limited to domestic or household pets.

3. Body Art Establishment

A retail establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.

4. Food Sales or Market

Retail establishments primarily engaged in the retail sale of food and beverages for off-site or home consumption. Typical uses include supermarkets, groceries, markets, or delicatessens. This definition includes, but is not limited to, all uses in the following SIC group: 54 Food stores.

5. Liquor Store

Retail establishments licensed by the state and/or city to engage in the sale of alcoholic beverages for off-premises consumption.

6. Pawn Shop

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This definition excludes motor vehicles.

7. Retail Sales, Service and Repair, Outdoor

Retail sale of new or used goods or retail provision of consumer, repair, or rental services, excluding the sale, service, or repair of motor vehicle or heavy equipment and firearms, any or all of which primary sale, service or repair activity occurs outside a completely enclosed structure.

8. Retail Sales, Service & Repair - Firearm Sales Only

A retail establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.

C. Retail Sales, Service & Repair, All Others -- Definition

This use type includes all other retail sales, service and repair uses not otherwise specifically defined in Section 11.12.4.7.B, Specific Retail Sales, Service & Repair Use Types and Definitions -- Not Including Vehicle or Equipment Sales, Services & Repair, above, but which are consistent with ~~the general definition of the Retail Sales, Service and Repair use category stated in Sub~~Section 11.12.4.7.A, Definition of Retail Sales, Service & Repair Use Category -- Not Including Vehicle or Equipment Sales, Services & Repair, above.

1. Banking and Financial Services

A retail establishment engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:

- a. 60 Depository institutions; or
- b. 61 Non-depository institutions.

11.12.4.8 Vehicle / Equipment Sales, Rentals, Service & Repair

A. Definition of Vehicle / Equipment Sales, Rentals, Service & Repair Use Category

Vehicle/Equipment Sales, Rental, Service and Repair includes establishments engaged in the sales, rental or service of motor vehicles and equipment for homeowner use and minor residential construction and landscaping projects. Accessory uses may include offices, parking, minor repair services, and storage of equipment and vehicles.

B. Specific Vehicle / Equipment Sales, Rentals, Service & Repair Use Types and Definitions

1. Automobile Emissions Inspection Facility

A facility that is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility owner or operator is licensed by the State of Colorado to operate as an inspection and/or readjustment station. The use “automobile emissions inspection” does not include “automobile gasoline filling station.”

2. Automobile Services, Light

A retail establishment engaged in the provision of one or more of the following types of services, but not including heavy automobile service uses or any servicing of large-scale motor vehicles and trailers:

- a. The sale of automotive fuel, motor oil, and/or services; and/or
- b. Routine maintenance and minor repair serving of automobiles, which may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing; and/or
- c. Washing, cleaning, and/or waxing of automobiles by hand or with manually operated equipment or automatic machinery.
- d. This definition includes the uses in the following SIC groups:
 - i. 5541 Gasoline service stations, except truck stops; and
 - ii. 7549 Automotive services, except the following: towing service, automotive; and wrecker service (towing), automotive.

3. Automobile Services, Heavy

A retail establishment engaged in the provision of one or more of the following types of services to automobiles:

- a. Major repairs to and the servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. This use includes body work and painting. This definition includes, but is not limited to, all uses in the following SIC groups:
 - i. 753 Automotive repair shops;
 - ii. 7549 Automotive services.
- b. Large-scale motor vehicles and trailers washing/laundrying and/or steam cleaning.
- c. Such use excludes commercial wrecking, dismantling, junkyard, tire, and truck-tractor repair.
- d. An “automobile services, heavy” use that is combined with one or more light automobile service use shall still be categorized as “automobile services, heavy” under this Code.

4. Automobile, Motorcycle and Light Truck Sales, Rentals and/or Leasing, Including Automobile Pawn Lot, Vehicle Auctioneer

- a. Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, automobile hitches or utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junkyard. This definition includes, but is not limited to, all uses in the following SIC groups:
 - i. 551 New and used car dealers;
 - ii. 552 Used car dealers;
 - iii. 557 Motorcycle dealers.
- b. A business that sells at auction or loans money on deposit of such personal property as:
 - i. Automobiles, motorcycles, light trucks;
 - ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or
 - iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats.
- c. A business that deals in the purchase or possession of such personal property as vehicles or heavy vehicle equipment on condition of selling the same back again to the pledger or depositor; or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

5. Heavy Vehicle / Equipment Sales, Rentals and Service

Sale or rental of high capacity mechanical devices for moving earth or other materials, and mobile power units including but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. Includes sales or rental service of trucks in excess of one-and-one-half tons, recreational vehicles, and boats.

6. Vehicle / Equipment Sales, Leasing, Service, Rental

- a. The sales, leasing, or rental, and related servicing, of:
 - i. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or
 - ii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junkyard.
- b. Establishments primarily engaged in servicing, repairing, overhauling, inspecting, licensing, and maintaining aircraft.

SECTION 11.12.5 PRIMARY INDUSTRIAL MANUFACTURING AND WHOLE-SALE USES

11.12.5.1 Communications and Information

A. Definition of Communications and Information Use Category

Communication and Information includes plant, equipment and property used for the transmission of voice, data, image or video programming.

B. Specific Communications and Information Use Types and Definitions

1. Communications Services

Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, telecommunication facilities major impact utilities. Facilities that broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as non-dental or non-medical "office" uses. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services.

a. Broadcast and/or Recording Studio

An establishment containing one or more broadcasting studios for the over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, television programs or motion pictures. This term does not include transmission towers.

2. Emergency Telecommunication Services

Telecommunications established or maintained by any public agency providing emergency services such as but not limited to fire, police, and other rescue or first responders.

3. Telecommunications Towers

Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures, including alternative tower structures. This term also includes any antenna or antenna array attached to the tower structure.

4. Telecommunications Facilities

The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.

11.12.5.2 Industrial Services

A. Definition of Industrial Services Use Category

Industrial Service includes the repair or servicing of industrial, business or consumer goods mainly by providing centralized services for separate retail outlets. Contractors and similar uses perform services off site. Few customers, especially the general public, come to the site.

B. Specific Industrial Services Use Types and Definitions

1. Contractor, Special Trades, General

a. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:

- i. 15 General building contractors;
- ii. 171 Plumbing, heating, air-conditioning;
- iii. 172 Painting and paper hanging;
- iv. 173 Electrical work;
- v. 174 Masonry, stonework, and plastering;
- vi. 175 Carpentry and floor work;

- vii. 176 Roofing, siding, and sheet metal work;
 - viii. 1793 Glass and glazing work;
 - ix. 1796 Installing building equipment;
 - x. 1799 Special trade contractors.
- b. Includes special trades contractor involving the following trades:
- i. Air conditioning;
 - ii. Cabinet making;
 - iii. Carpentry;
 - iv. Decorating;
 - v. Electrical work;
 - vi. Exterminations;
 - vii. Fire-proofing;
 - viii. Floor laying;
 - ix. Glass;
 - x. Glazing;
 - xi. Heating;
 - xii. Linoleum;
 - xiii. Masonry;
 - xiv. Ornamental iron work;
 - xv. Painting;
 - xvi. Paper hanging;
 - xvii. Plumbing;
 - xviii. Refrigeration;
 - xix. Sign construction or installation;
 - xx. Stone work;
 - xxi. Tile;
 - xxii. Waterproofing;
 - xxiii. Wiring;
 - xxiv. Other similar trades not listed elsewhere in this Code, but specifically excluding contractors dealing with excavation, structural steel, well drilling, and other similar heavy construction.

2. Contractors, Special Trade-Heavy/ Contractor Yard

Establishments providing general contracting and/or building construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies. This definition includes, but is not limited to, the following SIC groups:

- a. 6 Heavy construction, **except** building;
- b. 178 Water well drilling
- c. 1791 Structural steel erection
- d. 1794 Excavation work
- e. 1795 Wrecking and demolition work

3. Food Preparation and Sales, Commercial

Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens. This definition includes, but is not limited to, uses in the following SIC groups:

- a. 2009 Food preparations
- b. 2051 Bread and other bakery products, except cookies and crackers
- c. 2052 Cookies and crackers
- d. 5812 Caterers, commissaries, and contract feeding

4. Laboratory, Research, Development, Technological Service

A building or group of buildings in which are located one or more of the following types of facilities.

- a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.
- b. A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.
- c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.
- d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.
- e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
- f. A facility devoted to the testing and analysis of any product or animal (not including humans), including medical laboratories, biological product (not including diagnostic) manufacturing, and blood and organ banks.
- g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.

5. Service, Repair, Commercial

Commercial establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. Commercial services includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- a. Building maintenance service
- b. Laundry or dry cleaning, commercial, industrial
- c. 721 Laundry, Cleaning, and Garment Services
- d. 735 Equipment Rental and Leasing
- e. 7623 Refrigeration Service and Repair
- f. 7692 Welding Repair
- g. 7694 Armature Rewinding Shops

- h. 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and, to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith, or gunsmith shops; and septic tank or sewer cleaning services; but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.

11.12.5.3 Manufacturing and Production

A. Definition of Manufacturing and Production Use Category

Manufacturing and Production includes manufacturing and production firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. Specific Manufacturing and Production Use Types and Definitions

1. Manufacturing, Fabrication, and Assembly, Custom

Establishments engaged in the on-site assembly of completely hand-fabricated parts, or engaged in the on-site hand-manufacture or hand-fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving only the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, needlework, weaving, leather work, woodwork, metal or glass work, candle making facilities, or custom jewelry makers.

2. Manufacturing, Fabrication, and Assembly, General

- a. A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or
- b. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials.
- c. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.
- d. This definition includes all uses or products in the following SIC groups except as noted:
 - i. 20 Food and kindred products, **except:**
 - a) 2011 Meat packing plants;
 - b) 2015 Poultry slaughtering;
 - c) 2061 Sugar cane;
 - d) 2062 Sugar cane refining;
 - e) 2063 Sugar beet refining;
 - f) 2076 Vegetable oil mill;
 - g) 2077 Animal and marine fats and oils;
 - h) 2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;
 - i) 2084 Wines, brandy and brandy spirits; and

- j) 2085 Distilled and blended liquors.
- k) 22 Textile mill products
- l) 23 Apparel and other textile products
- ii. 24 Lumber and wood products except furniture, **except:**
 - a) 2491 Wood preserving;
- iii. 25 Furniture and fixtures
- iv. 26 Paper and allied products, **except:**
 - a) 261 Pulp mills;
 - b) 262 Paper mills; and
 - c) 263 Paper board mills
- v. 27 Printing, heat set web process only
- vi. 28 Chemicals and allied products, **except:**
 - a) 281 Industrial inorganic chemicals;
 - b) 282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, except glass;
 - c) 2822 Synthetic rubber;
 - d) 2836 Biological products;
 - e) 284 Soap; detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations;
 - f) 2851 Paints, varnishes, lacquers, enamel, and allied products;
 - g) 286 Industrial organic chemicals;
 - h) 287 Agricultural chemicals; and
 - i) 289 Miscellaneous chemical products.
- vii. 30 Rubber and miscellaneous plastics and products **except:**
 - a) 301 Tires and inner tubes.
- viii. 31 Leather and leather products
- ix. 34 Fabricated metal products except machinery and transportation equipment **except:**
 - a) 3462 Iron and steel forgings;
 - b) 3463 Nonferrous forgings; and
 - c) 3465 Automotive stampings.
- x. 35 Industrial and commercial machinery and computer equipment
- xi. 36 Electronic and other electrical equipment and components **except:**
 - a) 3612 Power, distribution, and specialty transformer;
 - b) 3613 Switchgear and switchboard apparatus;
 - c) 3621 Motors and generators;
 - d) 3624 Carbon and graphite products;
 - e) 3625 Relays and industrial;
 - f) 3629 Electrical industrial apparatus;
 - g) 3631 Household cooking equipment;
 - h) 3632 Household refrigerators and freezers;
 - i) 3633 Household laundry equipment; and

- j) 3639 Household appliances.
- xii. 37 Transportation equipment
- xiii. 375 Motorcycles, bicycles, and parts
- xiv. 38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks
- xv. 39 Miscellaneous manufacturing industries

3. Manufacturing, Fabrication, and Assembly, Heavy

- a. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products.
- b. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process.
- c. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.
- d. This definition includes, but is not limited to, all uses or products in the following SIC groups and the following uses:
 - i. 2011 Meat packing plants;
 - ii. 2015 Poultry slaughtering;
 - iii. 2061 Sugar cane;
 - iv. 2062 Sugar cane refining;
 - v. 2063 Sugar beet refining;
 - vi. 2076 Vegetable oil mill;
 - vii. 2077 Animal and marine fats and oils;
 - viii. 2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;
 - ix. 2084 Wines, brandy and brandy spirits;
 - x. 2085 Distilled and blended liquors;
 - xi. 2491 Wood preserving;
 - xii. 261 Pulp mills;
 - xiii. 262 Paper mills;
 - xiv. 263 Paper board mills;
 - xv. 281 Industrial inorganic chemicals;
 - xvi. 282 Plastic materials, and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, **except** glass;
 - xvii. 2822 Synthetic rubber;
 - xviii. 2836 Biological products;
 - xix. 284 Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations;
 - xx. 2851 Paints, varnishes, lacquers, enamels and allied products;
 - xxi. 286 Industrial organic chemicals;
 - xxii. 287 Agricultural chemicals;
 - xxiii. 289 Miscellaneous chemical products;
 - xxiv. 29 Petroleum refining;

- xxv. 295 Asphalt paving and roofing materials;
- xxvi. 299 Miscellaneous products of petroleum and coal;
- xxvii. 301 Tires and inner tubes;
- xxviii.32 Stone, clay, glass and concrete products;
- xxix. 321 Flat glass;
- xxx. 322 Glass and glassware, pressed or blown;
- xxxi. 324 Cement, hydraulic;
- xxxii. 325 Structural clay products;
- xxxiii.3291 Abrasive products;
- xxxiv.3295 Minerals and earths, ground or other otherwise treated;
- xxxv. 3297 Non-clay refractories;
- xxxvi.33 Primary metal industries;
- xxxvii. 3462 Iron and steel forgings;
- xxxviii. 3463 Nonferrous forgings;
- xxxix.3465 Automotive stampings;
- xl. 3612 Power, distribution, and specialty transformer;
- xli. 3613 Switchgear and switchboard apparatus;
- xlii. 3621 Motors and generators;
- xliii. 3624 Carbon and graphite products;
- xliv. 3625 Relays and industrial;
- xlv. 3629 Electrical industrial apparatus;
- xlvi. 3631 Household cooking equipment;
- xlvii. 3632 Household refrigerators and freezers;
- xlviii. 3633 Household laundry equipment;
- xlix. 3639 Household appliances;
- l. 3711 Motor vehicles;
- li. 3713 Truck and bus bodies;
- lii. 3715 Truck trailers;
- liii. 3716 Motor homes;
- liv. 3721 Aircraft;
- lv. 3724 Aircraft engines;
- lvi. 3728 Aircraft parts and auxiliary equipment;
- lvii. 373 Ship and boat building;
- lviii. 374 Railroad equipment;
- lix. 376 Guided missiles and space vehicles and parts;
- lx. 3792 Travel trailers and campers;
- lxi. 3795 Tanks and tank components.
- lxii. Asphalt and concrete plant;
- lxiii. Concrete, asphalt, and rock crushing facility.

11.12.5.4 Mining & Extraction and Energy Producing Systems

A. Definition of Mining & Extractions and Energy Producing Systems Use Category

Mining, Extraction and Energy Producing Systems include the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.

B. Specific Mining & Extractions and Energy Producing Systems Use Types and Definitions

1. Oil, Gas, Production, Drilling

Production of and drilling for gas and oil, along with the installation of pumps, tanks, pits, treaters, separators and other equipment, transportation of petroleum products, and natural gas and natural gas liquids processing.

2. Sand or Gravel Quarry

An open pit from which sand, gravel is taken to be processed for commercial purposes.

3. Wind Energy Conversion System

Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

11.12.5.5 Transportation Facilities

A. Definition of Transportation Facilities Use Category

Transportation Facilities Category includes a variety of facilities, generally open to the public, related to the movement of passengers and goods, whether by private auto or public transportation. Typical uses include airports, mass transit facilities, and parking facilities for vehicles.

B. Specific Transportation Facilities Use Types and Definitions

1. Airport

A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities necessary for, directly related to, or commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to the following uses:

- a. Landing fields;
- b. Facilities for the parking, storage, fueling, repair, and rental of aircraft;
- c. Passenger and baggage terminals;
- d. Air cargo operations and associated facilities;
- e. Public transportation infrastructure, including terminals and stations;
- f. Safety facilities such as fire and police stations;
- g. Open space uses such as agriculture, parks, golf courses, and recreation;
- h. Energy production;
- i. Retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space.
- j. Other accessory uses as determined by the Zoning Administrator, in consultation with the Manager of the Department of Aviation or designee, according to Section 12.4.6, Code Interpretation, Determination of Unlisted Uses.

2. Helipad, Helistop, Heliport

A facility for landing or take-off area for rotor craft; may include a passenger terminal and/or routine servicing of rotor craft.

3. Railway Facilities

Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

4. Railway Right-of-Way

A Railway Right-of-Way, including rail tracks, guideways, and overhead power lines, but not including Railway Facilities.

5. Terminal, Station or Service Facility for Passenger Transit System

Facilities primarily engaged in furnishing mass passenger transportation (e.g., via bus or rail) over regular routes and on regular schedules, the operations of which may be principally outside of a single municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Terminal and service facilities for passenger transit systems are limited only to the following specific uses:

- a. Passenger stations, terminals, or transfer stations;
- b. Service facilities for transit vehicles but not including railway yard, maintenance, or fueling facilities for rail transit vehicles (the latter are categorized as “railway facility” uses); and
- c. Parking lots provided for the use of passengers or employees of the transit provider.

6. Terminal, Freight, Air Courier Services

Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:

- a. 421 Trucking and courier services;
- b. 423 Trucking terminal facilities;
- c. Railroad terminal facilities;
- d. 4513 which includes:
 - i. Courier services, air;
 - ii. Letter delivery, private: air;
 - iii. Package delivery, private: air;
 - iv. Parcel delivery, private: air.

11.12.5.6 Waste Related Services

A. Definition of Waste Related Services Use Category

Waste Related Services include establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste/Salvage uses also include uses that receive hazardous wastes from others.

B. Specific Waste Related Services Use Types and Definitions

1. Automobile Parts Recycling Business

An establishment at which motor vehicles are dismantled for the purpose of selling usable parts and which does not include a junkyard.

2. Junkyard

A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.

3. Recycling Center

A facility at which recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.

4. Recycling Collection Station

Establishments engaged in collecting recyclable paper, household items, glass, plastic, aluminum, or other materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper, or plastic.

5. Recycling Plant, Scrap Processor

A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; organic materials; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production or for retail or wholesale trade. This definition includes, but is not limited to, all uses in the following SIC group:

- a. 5093 Scrap and waste materials.

6. Solid Waste Facility

An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products shall occur in this facility. This use may include a waste transfer station.

11.12.5.7 Wholesale Trade, Storage, Warehouse & Distribution

A. Definition of Wholesale Trade, Storage, Warehouse & Distribution Use Category

Establishments primarily engaged in the sale, storage and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This land use category does not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

B. Specific Wholesale Trade, Storage, Warehouse & Distribution Use Types and Definitions

1. Automobile Towing Service Storage Yard

The assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling or repairing of vehicles.

2. Mini-Storage Facility

Provision of storage space for nonhazardous household or commercial goods within a completed enclosed building, which building typically permits direct public access to individual storage spaces. Storage of non-toxic, non-hazardous materials only, and sale or distribution of stored goods is prohibited. This use may include quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security.

3. Storage Services

The use of a building or part of a building designed for storing nonhazardous goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Typically, such building does not provide individual entrances to storage units from the exterior of the structure.

4. Vehicle Storage, Commercial

The assembling or standing of operable vehicles for periods of more than one day. Such use shall not include the storage of damaged, dismantled or impounded vehicles. This land use need not be enclosed.

5. Wholesale Trade or Storage, General

“Wholesale trade or storage, general” use is defined to include all of the following activities:

- a. Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots.
- b. The sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials as defined in Article 13, [Rules of Measurement and Definitions of this Code](#).
- c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:
 - i. Advertising;
 - ii. Employment services;
 - iii. Equipment rental and leasing;
 - iv. Property management, security and maintenance, including custodial services;
 - v. Printing and reproduction services;
 - vi. Publishing and bookbinding;
 - vii. Air courier pickup and delivery “drop-off points”;
 - viii. Personnel services;
 - ix. Computer programming, data processing and other computer-related services;
 - x. Mailing, addressing, stenographic services; and
 - xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.
 - xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as “office” uses.
- d. The wholesale trade, distribution, or storage of products in the following SIC groups:
 - i. 501 Motor vehicles, parts, and supplies (except motor vehicle parts, used, SIC group 5015);
 - ii. 505 Metals and minerals, except petroleum;
 - iii. 5047 Medical, Dental and Hospital Equipment and Supplies
 - iv. 508 Machinery, equipment, and supplies;
 - v. 515 Farm-product raw materials;
 - vi. 516 Chemicals and allied products;
 - vii. 5191 Farm supplies.
- e. Operations with more than 25 percent of sales to retail customers shall be categorized as “retail sales” rather than as “wholesale trade” uses.

6. Wholesale Trade or Storage, Light

“Wholesale trade or storage, light” use is defined to include all of the following activities:

- a. Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors; to professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties.
- b. “Wholesale trade or storage, light” does not include the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials, as defined in Article 13, [Rules of Measurement and Definitions of this Code](#).
- c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:
 - i. Advertising;
 - ii. Employment service;
 - iii. Equipment rental and leasing;
 - iv. Property management, security and maintenance, including custodial services;
 - v. Printing and reproduction services;
 - vi. Publishing and bookbinding;
 - vii. Air courier pickup and delivery “drop-off points”;
 - viii. Personnel services;
 - ix. Computer programming, data processing and other computer-related services;
 - x. Mailing, addressing, stenographic services; and
 - xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.
 - xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as “office” uses.
- d. The wholesale trade, distribution, or storage of products in the following SIC groups:
 - i. 502 Furniture and home furnishings;
 - ii. 503 Lumber and construction materials;
 - iii. 504 Professional and commercial equipment;
 - iv. 506 Electrical goods;
 - v. 507 Hardware, plumbing, and heating equipment;
 - vi. 509 Miscellaneous durable goods (except scrap and waste materials, SIC group 5093);
 - vii. 511 Paper and paper products;
 - viii. 512 Drugs, proprietaries, and sundries;
 - ix. 513 Apparel, piece goods, and notions;
 - x. 514 Groceries and related products;
 - xi. 518 Beer, wine, and distilled beverages;
 - xii. 519 Miscellaneous nondurable goods (except farm supplies, SIC group 5191).

- e. The following specific uses:
 - i. Storage services, as defined in Subsection B.3 above.
- f. Operations with more than 25 percent of sales to retail customers shall be categorized as “retail sales” rather than as “wholesale trade” uses.

SECTION 11.12.6 PRIMARY AGRICULTURE USES

A. Definition of Agriculture Use Category

Agriculture Category includes production, keeping, or maintenance for sale or lease, of plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental products; and unless expressly prohibited, the keeping of livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses.

B. Specific Agriculture Use Types and Definitions

1. Agriculture, Limited

Limited agricultural activities including, but not limited to: the growing of fruits, flowers, vegetables, or ornamental plants; grazing of livestock, forage and feed crop production, sod farming, truck farming, and fruit and nut tree orchards; excluding, however, feed lots, hog farms, dairies, poultry and egg production facilities, bee-keeping and apiaries, horse boarding, and riding stables.

2. Aquaculture

Including, but not limited to, hatcheries, growing tanks or raceways, processing, storage, packaging and distribution of shellfish and fish, including accessories such as feed storage and water treatment facilities. The outdoor storage of waste material from fish processing is prohibited.

3. Garden, Urban

A private or public facility for the growing and/or selling of fruits, flowers, vegetables, or ornamental plants by one or more persons. “Urban garden” use includes associated buildings and structures incidental to or necessary for the use’s operation, including but not limited to detached ~~accessory structures utility buildings~~ for storage and irrigation systems/equipment.

4. Greenhouse

A wholesale or retail business where the principal activity is the growing and selling of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building. A “greenhouse” use may include aquaculture when the aquaculture is part of the process of growing fruits, flowers, herbs, vegetables, or plants, provided the aquaculture use occurs within the enclosed greenhouse structure and provided fish processing and outdoor storage of waste materials are prohibited.

5. Husbandry, Animal

The cultivation, production, and management of animals and/or by-products thereof.

6. Husbandry, Plant

The cultivation or production of plants and/or by-products thereof.

7. Nursery, Plant

Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

SECTION 11.12.7 DEFINITIONS OF ACCESSORY USES

11.12.7.1 Definition of Uses Accessory to Primary Residential Uses

A. Accessory Dwelling Unit

A second dwelling unit located on the same zone lot as a primary single unit dwelling use. An accessory dwelling unit is a type of accessory use. An accessory unit may be either “attached” or “detached”, defined as follows:

1. **Dwelling, accessory unit, attached:** An accessory dwelling unit that is connected to the primary single unit dwelling.
2. **Dwelling, accessory unit, detached:** An accessory dwelling unit that is located within an accessory structure detached from the structure housing the primary single unit dwelling use.

B. Garden

~~The raising of produce for personal consumption, and not for resale as a commodity. The growing and cultivation of fruits, flowers, herbs, vegetables, and/or ornamental plants.~~

C. Greenhouse

The growing and cultivation of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building ~~as accessory to a primary residential use of land, and wherein the goods produced may not be sold in a Residential Zone District.~~

11.12.7.2 Definition of Uses Accessory to Primary Nonresidential Uses

A. Amusement Devices

An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes but is not limited to pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children’s rides, or pool and/or billiard tables.

B. Automobile Gasoline Filling Station

A retail establishment engaged in the sale of automotive fuel or motor oil for automobiles.

C. Automobile Rental Services

The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, and (2) no mechanical or maintenance work on automobiles shall be done on the premises, and (3) the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.

D. Banking and Financial Services

See ~~definition of “banking and financial services” in~~ Section 11.12.4.7.C.1, Banking and Financial Services in above.

E. Car Wash Bay

Washing, cleaning, and/or waxing of private automobiles, light trucks and vans, but not commercial fleets, by hand or with manually operated equipment or automatic machinery.

F. College or University Accessory to a Place for Religious Assembly

A post-secondary education facility operated by a place for religious assembly and physically located on a zone lot occupied by such place for religious assembly.

G. Conference Center, Meeting Hall

A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.

H. Drive-Through Facility

An accessory use designed and operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle. The facility includes the area of the drive aisle dedicated to placing orders or picking up such goods or services, as well as the actual facility for placing orders and picking up of such goods or services.

I. Eating and Drinking Establishment

See ~~definition of “Eating and Drinking Establishment” in~~ Section 11.12.4.4.B.1, [Eating and Drinking Establishment in above](#).

J. Food Sales and Market

See ~~definition of “Food Sales and Market” in~~ Section 11.12.4.7.B.4, [Food Sales and Market above](#).

K. Garden

~~An accessory use wherein a portion of a zone lot is used for t~~The growing and cultivation of fruits, flowers, herbs, vegetables, and/or ornamental plants.

L. Greenhouse

The growing and cultivation of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building ~~as accessory to a primary nonresidential use of land, and wherein the goods produced may be sold on site or taken off site for wholesale or retail sale.~~

M. Office

See ~~definition of the “office” use category in~~ Section 11.12.4.6.A, [Definition of Office Use Category above](#). ~~Office as an accessory use does not include Medical/ Dental Office or Clinic.~~

N. Occasional Sales, Services Accessory to Places of Religious Assembly

Retail sales of goods to the general public for a time period not to exceed 6 consecutive months in any one calendar year, and which sales are made from the same zone lot that contains a permitted religious assembly use.

O. Outdoor Eating and Serving Area

An unenclosed area containing only tables and chairs where food and drinks are served to patrons of the primary eating and drinking establishment.

P. Outdoor Entertainment

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 allowed primary land uses.

Q. Outdoor Sales 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.

R. Outdoor Storage

The 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 use.

SECTION 11.12.8 DEFINITIONS OF HOME OCCUPATIONS

A. General Definition of Home Occupation

A ~~commercial business~~ use (e.g., ~~retails sales~~, personal care services or office), accessory to a primary residential use, which is conducted entirely within a Dwelling Unit, or in a detached structure accessory to such Dwelling Unit, which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the Dwelling Unit for Residential Occupancy.

B. Specific Home Occupation Use Types and Definitions

1. Adult Care Home

A home occupation providing less than 24-hour care of ~~four~~4 or fewer clients, over the age of 16 years. In Zone Districts where home occupations of foster family care, rooming and/or boarding and adult care home are permitted, only one such home occupation will be permitted in any single-unit dwelling or dwelling unit.

2. Artist Studio

See definition of “Artist Studio” in Section 11.12.4.2.B, [Specific Arts, Entertainment & Recreation Use Types and Definitions](#) ~~above~~.

3. Child Care Home, Small

A home occupation providing the care and education for periods of less than 24 hours of not more than 6 children, plus 2 additional children who attend either before or after school hours, subject to the licensing requirements of the state and the city.

4. Child Care Home, Large

A home occupation operated in a single-unit dwelling unit or in a dwelling unit in a multiple-unit dwelling providing care and education for periods of less than 24 hours of 7 to 12 children subject to the licensing requirements of the state and the city.

5. Foster Family Care

The full-time care of not more than 4 children or 2 adults unrelated to the residents by blood or adoption subject to the licensing requirements of the state. A qualified foster care adult is a person who is placed in the home by an agency of the state or one of its political subdivisions.

6. Office

See ~~definition of the “Office” use category in~~ Section 11.12.4.6.A, [Definition of Office Use Category](#) ~~above~~.

7. Professional Studio

See definition of ~~the~~ “Professional Studio” ~~use~~ in Section 11.12.4.2.B, [Specific Arts, Entertainment & Recreation Use Types and Definitions](#) ~~above~~.

8. Rooming and/or Boarding; or Rooming and/or Boarding House

A residential structure which provides lodging with or without meals, is available for permanent occupancy only and which makes no provision for cooking in any of the rooms occupied by paying guests.

SECTION 11.12.9 DEFINITIONS OF TEMPORARY USES

A. Ambulance Service

The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.

B. Concrete, Asphalt, and Rock Crushing Facility

A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.

C. Health Care Center

A facility or institution providing health services.

D. Noncommercial Concrete Batching Plant

A facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

E. Outdoor Retail Sales

Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a completely enclosed structure, and operated as an extension of a primary retail sales use on the same zone lot.

F. Outdoor Sales, Seasonal

Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a completely enclosed structure, and not as an extension of a primary retail sales use on the same zone lot. Seasonal outdoor sales include, but are not limited to: farmers markets, flea markets, Christmas tree sales and plant sales.

1. Farmers Market

A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

G. Retail Food Establishment, Mobile

Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.

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ARTICLE 12. ZONING PROCEDURES & ENFORCEMENT

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DIVISION 12.1 GENERAL PROVISIONS

SECTION 12.1.1 GENERAL

12.1.1.1 Purpose

This Article 12 establishes the procedures and criteria by which the City will review proposed land use and development for compliance with this Code.

12.1.1.2 Applicability

In addition to compliance with other D.R.M.C. requirements, all use and development of land or structures, construction of buildings and improvements to land, and changes in the use of land or structures, shall be required to obtain permits and approvals according to this Article 12, unless specifically exempted.

12.1.1.3 Zoning Approval Required Prior to Building or Occupancy

No building permit shall be issued prior to the approval of a zoning permit required by this Article 12 for the proposed development, occupancy, or activity, unless specifically permitted by the Zoning Administrator.

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DIVISION 12.2 REVIEW AND DECISION MAKING BODIES

Division 12.2 states the roles and responsibilities of all bodies with respect to administering and enforcing this Code.

SECTION 12.2.1 CITY COUNCIL

12.2.1.1 General Authority

The City Council may exercise powers described by the charter, ordinances, and rules and regulations.

12.2.1.2 Authority for Final Action

The City Council is responsible for final action regarding:

- A. Official Map Amendments (Rezoning)
- B. Text Amendments

SECTION 12.2.2 PLANNING BOARD

12.2.2.1 General Authority

The Planning Board may exercise the powers described by D.R.M.C. Sec. 12-45, Powers and Duties of the Planning Board, and as described in this Code.

12.2.2.2 Authority for Final Action

The Planning Board is responsible for final action regarding:

- A. District Sign Plans in the Downtown Theater Zone District.
- B. Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Division 2 (Campus Context) of this Code.

12.2.2.3 Review Authority

The Planning Board shall review and make recommendations to the authority responsible for final action shown in Section 12.2.7, Summary Table of Authority and Notice, regarding:

- A. Official Map Amendments (Rezoning)
- B. Text Amendments
- C. General Development Plans (GDPs)
- D. Comprehensive Sign Plans for Large Facilities

SECTION 12.2.3 MANAGER OF COMMUNITY PLANNING & DEVELOPMENT

12.2.3.1 Short Title

The Manager of Community Planning and Development shall be known as "Manager" for the purposes of this Code.

12.2.3.2 General Authority

The Manager may exercise powers described by the Charter and D.R.M.C., Section 12-17, General Powers and Duties, and other ordinances, rules and regulations. In addition, the Manager shall:

- A. Maintain the Official Map showing the current zoning classification of all land in the city;
- B. Record with the Denver County Clerk and Recorder and file with the Denver City Clerk all matters and documents required by this Code to be recorded or filed;

- C. Maintain written records of all actions taken by the department under this Code; and
- D. Adopt rules and regulations when necessary to implement this Code, according to Chapter 12 (Community Planning and Development), Section 12-18 (Rule-making) of the Denver Revised Municipal Code.

12.2.3.3 Enforcement Authority

The Manager shall be responsible for the enforcement of this Code through the powers and procedures stated in Chapter 12 (Community Planning and Development) of the Denver Revised Municipal Code and stated in Article 12, Division 11 (Enforcement, Violations and Penalties) of this Code.

12.2.3.4 Review Authority

The Manager shall review and make recommendations to the City Council or other final decision-making body regarding:

- A. Official Map Amendments (Rezoning)
- B. Text Amendments
- C. Site Development Plan Review
- D. Zoning Permit with Special Exception Review

12.2.3.5 Delegation of Authority

The Manager may designate any staff member to represent the Manager in any function or authority assigned by this Code. The Manager shall remain responsible for any final action.

SECTION 12.2.4 ZONING ADMINISTRATOR

12.2.4.1 Appointment by Manager

The Manager shall appoint a Zoning Administrator to exercise the authority granted under this Section 12.2.4.

12.2.4.2 Authority for Final Action

The Zoning Administrator is responsible for final action regarding:

- A. Zoning Permit
- B. Zone Lot Amendment
- C. Administrative Adjustment
- D. Comprehensive Sign Plan for Large Facilities; and
- E. Code Interpretation and Determination of Unlisted Uses.

12.2.4.3 Review Authority

With respect to this Code, the Zoning Administrator shall review and make recommendations to the Manager regarding text amendments and site development plans, and shall review and make recommendations to the Board of Adjustment regarding variances, special exceptions, and appeals of administrative decisions.

12.2.4.4 Delegation of Authority

The Zoning Administrator may designate any staff member to represent the Zoning Administrator in any function or authority assigned by this Code.

SECTION 12.2.5 DEVELOPMENT REVIEW COMMITTEE

12.2.5.1 Creation

The Development Review Committee (“DRC”) shall consist of the Manager, the manager of Public Works, the Zoning Administrator, the chief of the Fire Department, and the manager of Parks and Recreation, or their designated representatives, provided that additional agencies may participate at the discretion of the Manager.

12.2.5.2 Authority for Final Action

The Development Review Committee is responsible for final action regarding:

- A. Site Development Plan Review
- B. General Development Plans

12.2.5.3 Review Authority

The Development Review Committee shall review and make recommendations to the Zoning Administrator regarding:

- A. Zoning Permit Review, as the Zoning Administrator may determine on a case-by-case basis.

SECTION 12.2.6 BOARD OF ADJUSTMENT

12.2.6.1 Authority for Final Action

The Board of Adjustment is responsible for final action regarding:

- A. Variances (see Section 12.4.7);
- B. Appeals from Administrative Decisions (see Section 12.4.8); and
- C. Zoning Permit with Special Exception Review (see Section 12.4.9).

12.2.6.2 Creation; Alternates

- A. Consistent with the City Charter, there shall be and hereby is created a Board of Adjustment consisting of 5 members. The members of the Board shall be appointed by the mayor for a term of 5 years. Any vacancy which occurs in the Board of Adjustment shall be filled by the mayor for the unexpired term of any member whose term became vacant.
- B. A member of the Board of Adjustment may be removed only for cause upon written charges and after public hearing. Should a member of the Board of Adjustment fail to attend one-third of the meetings scheduled during any period of 12 consecutive months, that failure shall be deemed cause for removal upon written charges being made and after a public hearing.
- C. The mayor may appoint for a term of between 1 to 5 years 2 alternate members of the Board of Adjustment in addition to the 5 members. When a member of the Board is recused or is absent, the alternate member first appointed by the mayor shall act with full authority. The alternate members shall thereafter rotate or substitute, one for the other, their service on the Board as the need arises. Except as to attendance, the provisions with regard to removal for cause and vacancies shall apply to such alternates.
- D. The compensation of the members of the Board of Adjustment and the alternate members shall be fixed by City Council. No member of the Board of Adjustment or an alternate member shall be on the staff of the Board or be employed by Community Planning and Development.

12.2.6.3 Staff

The staff of the Board of Adjustment shall consist of a director and such other assistants as may be authorized by City Council. The director shall be the technical advisor to the Board of Adjustment and custodian of its records, shall conduct official correspondence, and generally supervise

the clerical and technical work of the Board of Adjustment. The director shall be appointed by the Board of Adjustment and shall devote all time to the duties of the office. The salary of the director, the number of additional assistants, and the salaries of such additional assistants shall be fixed by City Council.

12.2.6.4 Rules for Proceedings Before Board

The Board of Adjustment shall adopt rules governing all proceedings before it. Such rules of the Board of Adjustment shall be maintained and available for public review in the office of director.

12.2.6.5 Officers

For the purpose of exercising the powers provided under this Code, the Board of Adjustment shall elect a chairperson and vice-chairperson.

12.2.6.6 Oaths and Attendance of Witnesses

The chairperson or, in the chairperson's absence, the vice-chairperson or acting chair shall administer oaths to or accept affirmations from all witnesses, and may compel the attendance of witnesses. A failure or a refusal to appear in response to a subpoena issued by the Board of Adjustment shall constitute a violation of this Code.

12.2.6.7 Stay of Effective Date of Orders

- A. Whenever Community Planning and Development has issued an order to cease and desist from the operation of dwelling units in excess of the number authorized by this Code, and the Board of Adjustment also finds that literal enforcement of the provisions of this Code by reason of unique and exceptional circumstances including owner's physical condition, age, or other factors as deemed by the Board of Adjustment to be unique or exceptional, will result in unnecessary hardship, then the Board of Adjustment may order a delay, for no more than 5 years, of the enforcement of such order.
- B. Upon expiration of any delayed enforcement or other order, the Board of Adjustment may review, at a public hearing before, an applicant's request for a further extension and grant any such extension not to exceed a cumulative total of 5 years from the date of the original order, should the Board of Adjustment find that condition still exists.
- C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant therefor, shall only allow continued operation of the excess dwelling units by the persons occupying such unit at the time of the Board of Adjustment's original order, and shall not be transferable.

12.2.6.8 Six-Month Delay of Enforcement

- A. Whenever Community Planning and Development has issued an order to cease and desist from any use not authorized by this Code, except as provided in Section 12.2.6.7, the Board of Adjustment, upon appeal, may find that the literal enforcement of the provisions will result in unnecessary hardship by reason of unique and exceptional circumstances, including but not limited to the owner's physical condition, age, and/or other factors as deemed by the board to be unique or exceptional. The Board of Adjustment may order a delay, for no more than 6 months, of the enforcement of such cease and desist order.
- B. Upon expiration of any order delaying enforcement of such cease and desist order, the Board of Adjustment may review, at a public hearing, an applicant's request for an additional 6 months' extension and grant only one such extension should the Board of Adjustment find that the unique and exceptional circumstances justifying the original order to delay still exist.

- C. All such actions by the Board of Adjustment shall be recorded in the real property records of the Denver County Clerk and Recorder. Such stay shall not be a variance on the use of a premises, shall be personal to the applicant, and shall not be transferable.

12.2.6.9 Limitations on Powers

A. Concurring Vote Required

The concurring vote of 4 members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official authorized to act under this Code, or to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under this Code or to grant a variance to this Code.

B. Recording of Hearings and Findings of Fact

1. All proceedings before the Board of Adjustment shall be recorded.
2. Every decision of the Board of Adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions herein shall be construed as limitations on the power of the Board of Adjustment. Mere recitation of the conditions unaccompanied by findings of specific facts shall not constitute compliance with this Code. All findings of fact shall be available for public review within 21 days from the date of the Board of Adjustment's final decision.

C. Powers Strictly Construed

Nothing herein contained shall be construed to empower the Board of Adjustment to amend the text of this Code, to effect changes in the Official Zoning Map, or to add to the specific uses permitted in any district. The powers of the Board of Adjustment shall be construed to strictly enforce this Code and the Official Zoning Map.

12.2.6.10 Appeals from the Board of Adjustment to District Court

A. Procedure

Any person or any taxpayer aggrieved, the City, or any officer or department of the City may have a decision of the Board of Adjustment reviewed in the manner provided by the Colorado Rules of Civil Procedure. The plaintiff in any appeal to District Court shall be responsible for all costs to prepare the Board of Adjustment's record for transmittal to the court, according to fees set by the Board, which shall be paid prior to transmittal of the record to the District Court.

B. Effect of Appeal

The filing of an appeal to District Court shall not stay proceedings upon the decision appealed from, unless the court grants a restraining order or stay.

SECTION 12.2.7 SUMMARY TABLE OF AUTHORITY AND NOTICE

	REVIEW AND DECISION-MAKING AUTHORITY						TYPE OF PUBLIC NOTICE REQUIRED				
	D = Decision-Making Authority R = Review and Recommendation Authority * = Public Hearing Required						■ = Notice Required Blank Cell = Notice Not Required				
							Informational Notice		Notice of Public Hearing		
Zoning Administrator	Manager	DRC	Board of Adjustment	Planning Board	City Council	Written and Posted Notice of Receipt of Application	Posted Notice of Final Administrative Decision	Written	Posted	Published	
Zoning Permit Review	D										
Zoning Permit Review with Informational Notice	D					■	■				
Site Development Plan Review	R	R	D			■ See Sec. 12.4.3 for site development plans that require public notice	■ See Sec. 12.4.3 for site development plans that require public notice	■ See Sec. 12.4.3 for site development plans that require notice of a public hearing			
Zone Lot Amendment	D										
Administrative Adjustment	D										
Code Interpretation, Determination of Unlisted Use	D										
Comprehensive Sign Plan	D				R*	■	■	■	■		
Variance	R			D*		Refer to rules of Board of Adjustment					
Appeal of Administrative Decision	R			D*		Refer to rules of Board of Adjustment					
Special Exception	R	R		D*		Refer to rules of Board of Adjustment					
Official Map Amendment (Rezoning)		R			R*	D*	■ - Written Notice Only	■	■	■	
Text Amendment	R	R			R*	D*		■		■	
General Development Plan	R		D		R*			■	■		
<u>Regulating Plan</u>	<u>R</u>	<u>D</u>									

DIVISION 12.3 REQUIREMENTS COMMON TO ALL ZONING PROCEDURES

Division 12.3 states those procedural steps or requirements that are generally common to all zoning procedures stated in this Article, unless otherwise stated in this Code. Division 12.4 states the procedural steps and requirements specific to each type of zoning application procedure, which will include references to the common requirements stated in this Division 12.3 as applicable.

SECTION 12.3.1 GENERAL

The following review procedures are common to all zoning procedures, unless otherwise stated in this Code, and shall apply to applications submitted under this Code. Additional details may be included in the specific procedures included in Division 12.4 of this Article.

SECTION 12.3.2 PRE-APPLICATION CONFERENCE / CONCEPT PLAN REVIEW

12.3.2.1 Optional

Except as stated in Section 12.3.2.2 below, an applicant may schedule a pre-application conference or concept plan review with the Manager to discuss the procedures, standards and regulations required for approval in accordance with this Code.

12.3.2.2 Mandatory

Before submitting an application for the following, an applicant shall schedule a pre-application conference or concept plan review with the Manager to discuss the procedures, standards, and regulations required for approval in accordance with this Code.

- A. Zoning Permit with Informational Notice
- B. Site Development Plan
- C. Zoning Permit with Special Exception Review
- D. Official Map Amendment (Rezoning)
- E. Text Amendment
- F. General Development Plan

12.3.2.3 Effect of the Pre-Application Conference or Concept Plan Review

Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, Manager and other staff opinions or comments made during a pre-application conference or concept plan review are informational only and do not represent a commitment on behalf of the City regarding a final decision on the development proposal. However, at the pre-application conference, the Manager may waive application submittal requirements or request that additional information be submitted.

12.3.2.4 Timely Application Submittal Required

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, if an application is not submitted within 180 days after a mandatory pre-application conference or concept plan review, the Manager may require a new pre-application conference or concept plan review.

SECTION 12.3.3 SUBMISSION OF APPLICATIONS

12.3.3.1 Authority to File Applications

The person having legal authority to take action according to the approval sought shall file an application for review or approval under this Code, and is hereinafter referred to as the "Applicant." That person is presumed to be the owner of record, purchaser under a sale with the owner's consent, or the duly authorized agent of the owner of record, unless otherwise authorized in Division 12.4.

12.3.3.2 Applications

Applications shall be submitted only after a pre-application conference or concept plan review, if mandatory. All applications shall be submitted to Community Planning and Development.

12.3.3.3 Application Contents

A. Application Contents—General

The Manager is authorized to establish submittal requirements for all applications required by this Code, and to update and amend such requirements as necessary to ensure effective and efficient review.

B. Submittal Waivers

The Manager may waive certain application submittal requirements:

1. To tailor the requirements to the information necessary to review a particular application; or
2. Where the Manager finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly justify such waiver.

C. Additional Information Requested

The Manager shall have the authority to request additional information from the applicant when necessary to complete review of the application.

12.3.3.4 Application Fees

- A. Except as specified in paragraph B. below, the Manager shall adopt, and may amend from time to time, a fee schedule setting forth an assessment of fees to defray the cost of processing applications under this Code.
- B. The Board of Adjustment shall recommend, and the City Council shall approve, processing fees for all applications determined by the Board of Adjustment, including applications for variances, zoning permit with special exception reviews, and appeals from administrative decisions. The application fee schedule for Board of Adjustment applications, as may be amended from time to time, can be found in the rules of the Board of Adjustment.
- C. At the time of submittal, all applications shall include payment of the application fee, except that application fees are not required for an application initiated by the City Council, Manager, or manager of a city agency or department.
- D. An applicant may submit a written request to the Manager for the waiver of all or a portion of fees. Upon a finding by the Manager that, owing to exceptional or extraordinary circumstances, collection of the required fees will result in unnecessary hardship, the fees may be reduced or waived by the Manager.
- E. Other fees, such as recording fees, may be applicable in addition to Community Planning and Development application fees.

12.3.3.5 Statements During Review Are Part of Application

Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, all statements made in an application required by this Code that are necessary for

compliance with this Code's regulations are binding. As applicable, all statements made by the applicant in the course of public hearings that are not in the application shall be considered a part of the application, shall be written as part of the application, or and the review- or decision-making body should take action to bind such applicant statements by expressing them as specific conditions of approval.

12.3.3.6 False or Misleading Information

Any false or misleading information given by the applicant in an application, or in other statements to staff, or in a public hearing as applicable, may result in suspension or rescission of a permit, as permitted under Division 12.11, Enforcement, Violations and Penalties, of this Article.

12.3.3.7 Complete Applications Required for Processing

- A. All applications shall be complete and sufficient for processing before any review of the application will begin.
- B. An application is complete when the Manager finds that it is submitted in the required form, includes all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application conference or concept plan review, and is accompanied by the applicable fee or fees.
- C. An application shall be considered incomplete if the Manager determines that the submittal is inconsistent or contrary to a previous approval that is controlling.
- D. An application for an official map amendment (rezoning) shall be considered incomplete if the Manager determines that the submittal does not meet the minimum land area or any other minimum requirements for rezoning to the proposed Zone District. See Section 12.4.10, Official Map Amendments.

12.3.3.8 Determination of Complete Application

- A. Except as otherwise expressly stated in this Code or in any rules or regulations for administering this Article 12, the Manager shall review the application and make a determination of completeness by no later than 15 days from the date of receipt of the applicant's submittal. Failure to make a determination of completeness within the requisite 15-day time period shall automatically deem the application "complete."
- B. A "complete" application shall be processed according to this Article.
- C. If the Manager determines that the application is incomplete, the Manager shall notify the applicant and specifically identify how the application is deficient and state that Community Planning and Development will not process incomplete applications. The application shall then be classified as "Incomplete."
- D. Community Planning and Development shall not review an incomplete application, and shall not forward such application to any review or decision-making bodies, until the application is made complete. Wherever this Code refers to the forwarding or referral of an application to any review or decision-making body, the obligation to forward or refer the application shall not arise until the application is determined to be complete.

12.3.3.9 Concurrent Applications

- A. Applications may be filed and reviewed concurrently, at the option of the applicant, and with the approval of the Manager. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
- B. Applications submitted concurrently may be subject to approval of all other related applications. Disapproval of any concurrently submitted application may stop consideration of a related applications until the disapproved application is resolved.

12.3.3.10 Modification of a Pending Application

With the Manager's approval, a pending application may be modified at the applicant's request at any time before public notice of a public hearing, as applicable, is given. After public notice for a public hearing has been given, the applicant may request modifications to the application at the public hearing, which the review- or decision-making body may accept as conditions of approval.

12.3.3.11 Withdrawal of Pending Applications

- A. Except where otherwise expressly provided (e.g., see Section 12.3.3.12, Inactive Applications), only the applicant may withdraw an application. The applicant shall request the withdrawal in writing, and after such withdrawal, the Manager will not take further action on the application. To re-initiate review after withdrawal, the applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review, scheduling, and payment of fees.
- B. Withdrawal from consideration of an application from a public meeting or hearing agenda is discretionary with the applicable review or decision-making body.

12.3.3.12 Inactive Applications

Except as otherwise expressly stated in this Code or in any supplementary rules or regulations for administering this Article 12, the following provisions shall apply to inactive applications:

- A. The Manager shall notify the applicant in writing that an application is considered inactive and will be automatically withdrawn unless the applicant takes action to revive the application according to the Manager's direction within thirty (30) days, if at any point in a review process either:
 - 1. The Manager has notified the applicant that additional or corrected materials are required, and the applicant has not submitted such materials or responded with a request for a reasonable extension within 45 days after the date of such notification; or
 - 2. As applicable, the applicant has not responded to a staff report, or has not agreed to a date for a required meeting or hearing before the Planning Board, City Council, or Board of Adjustment, or has not given proper public notice as required by this Code, or has not taken other affirmative steps within a reasonable time frame that is within the applicant's control and is necessary to advance the application for a final determination.
- B. No further processing of an inactive application shall occur until the deficiencies are corrected and the application revived. If the applicant does not correct the deficiencies or take other substantial action to address the deficiency within the 30-day correction period, the inactive application shall be considered automatically withdrawn. Any re-submittal of the application thereafter by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application processing fees.

SECTION 12.3.4 PUBLIC NOTICE REQUIREMENTS

12.3.4.1 General Provisions

All applications that require public hearings before the Planning Board, the Board of Adjustment, or the City Council shall be subject to this Section's public notice of hearing requirements. In addition, certain applications require public notice of receipt of such application and/or notice of the final decision or appeal opportunities. Public notice is intended to provide an the opportunity for public participation or public information regarding land use and development applications under this Code.

12.3.4.2 Types of Public Notice

There are two types of public notice addressed by this Section:

A. Notice of Public Hearings

When required by Section 12.2.7, Summary Table of Authority and Notice, “Notice of Public Hearings” provides the public with advance notice of a required hearing at which a review- or decision-making body will take action on an application under this Code. Such notice may be provided in writing (mailed), by posting (signs), or by publication.

B. Informational Notice

When required by Section 12.2.7, Summary Table of Authority and Notice, “Informational Notice” provides the public with notice of Community Planning and Development’s receipt of an application for review (e.g., a zoning permit or site development plan), and/or the approving authority’s final decision on such application and available avenues for appeal. Such notice may be provided in writing (mailed) and/or by posting (signs).

12.3.4.3 Public Notice – When Required

Required public notices are summarized in the table shown in Section 12.2.7, Summary Table of Authority and Notice. More detailed information may be included with each specific zoning procedure described in Division 4 of this Article 12.

12.3.4.4 Notice of Public Hearing

A. Written Notice of Public Hearings

When required by Section 12.2.7, Summary Table of Authority and Notice, written notice of a public hearing shall be provided in compliance with the following standards:

1. Written Notice of Planning Board Public Hearings

No later than 15 days before a required Planning Board public hearing on an application, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization’s boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

2. Written Notice of City Council Public Hearings

No later than 21 days before a required City Council public hearing on an application, the Manager shall notify the city council members in whose district the subject property is located and the at-large city council members. In addition, if the subject application affects areas within, or within 200 feet of, a registered neighborhood organization’s boundaries, the Manager shall notify such registered neighborhood organizations registered according to D.R.M.C. Section 12-94.

3. General Requirements

- a. The notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.
- b. Notification shall include, where applicable, the location and general description of the proposed action; the process to be followed, including the date, time and place of the scheduled public hearing and/or public meeting.

4. Minor Defects in Notice Do Not Impair Hearing

Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the review or decision-making body shall make

a finding regarding whether there was substantial compliance with the notice requirements of this Code before proceeding with the hearing.

B. Posted Notice of Public Hearings

When required by Section 12.2.7, Summary Table of Authority and Notice, posted notice of a required public hearing shall be provided in compliance with the following standards:

1. No later than 15 days prior to the required Planning Board public hearing, and no later than 21 days prior to the required City Council public hearing, the applicant shall be responsible for posting signs on the subject property providing public notice thereof.
2. Posted notice shall be in number, size, location, and content as prescribed by the Manager and shall indicate the time and place of the public meeting or hearing, and any other information prescribed by the Manager.
3. The applicant shall take all reasonable efforts to assure that posted signs remain on the site in the number and location prescribed by the Manager, and in good condition to maintain legibility, during the posting period.
4. Posted notices shall be removed by the applicant from the subject property no later than 15 days after the public hearing has been held. Failure to do so shall constitute a violation of this Code.

C. Published Notice of City Council Public Hearing

No later than 21 days prior to the required City Council public hearing, the Office of the City Council, together with the Denver City Clerk's Office, shall publish notice of the time and place of a required public hearing before the City Council in the official newspaper.

12.3.4.5 Informational Notice – General Provisions

A. Written Notice of Receipt of Application

When required by Section 12.2.7, Summary Table of Authority and Notice, written notice of receipt of application shall be provided in compliance with the following standards:

1. Except for an official map amendment (rezoning) application, no later than 10 days after receipt of a complete application, Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.
2. For an official map amendment (rezoning) application, Community Planning and Development shall cause written informational notice to be provided no later than receipt of the applicant's revised rezoning application after completion of the review and referral step outlined in Section 12.4.10.7, Review and Referral by the Manager. Community Planning and Development shall cause written informational notice to be sent to the city council members in whose district the subject property is located, to the at-large city council members, and to those neighborhood organizations registered according to D.R.M.C. Section 12-94, whose boundaries encompass or are within 200 feet of the proposed development.
3. If the subject property falls within an area designated as a structure or district for preservation according to the Chapter 30 (Landmarks) of the Denver Revised Municipal Code, Community Planning and Development shall notify the Denver Landmark Preservation Commission regarding the application within the same time periods specified in paragraphs 1 and 2 above.
4. The informational notice shall be sent via U.S. mail first class or by electronic mail if the recipient has indicated their acceptance of notice by electronic mail.

5. Notification shall include the location and general description of the application and proposed action; and the process to be followed, including the date, time and place of any related public meeting or hearing, if such has been scheduled; and information concerning, as applicable, when and where written comments may be submitted.
6. The failure of a registered neighborhood organization for whatever reason to receive a notification required hereunder shall not invalidate any final action by the city.

B. Posted Notice of Receipt of Application

When required by Section 12.2.7, Summary Table of Authority and Notice, posted notice of receipt of an application shall be provided in compliance with the following standards:

1. No later than 10 days after receipt of a complete application, the applicant shall post the subject property in a conspicuous location for 10 days with a sign or sign template provided by Community Planning and Development. The start of the 10-day period shall be the first day of the posting of the sign.
2. Such sign shall describe the proposal, give directions for submitting comments to Community Planning and Development within 30 days from the beginning of the posting period, and state that any final decision to approve the application shall be posted at the same location for 15 days as soon as it is effective.
3. Posted notices shall be removed by the applicant from the subject property by no later than 15 days after the end of the posting period. Failure to do so shall constitute a violation of this Code.

C. Posted Notice of Final Administrative Action

When required by Section 12.2.7, Summary Table of Authority and Notice, posted notice of final administrative action on an application shall be provided in compliance with the following standards:

1. Within 7 days after reaching a final decision to approve an application subject to informational notice, Community Planning and Development shall cause the applicant to post the property with a copy of the approving decision for a period of 15 days.
2. The applicant shall post the property in a conspicuous location with a sign or sign template provided by Community Planning and Development.
3. The effective date of the final administrative action and the start of the 15-day period during which appeals may be made to the Board of Adjustment shall be the first day of the posting of the sign. Such sign shall describe how an appeal from the final administrative decision may be filed and state that any appeal must be filed within 15 days, and shall provide contact information for obtaining the standards and criteria that will govern the appeal.

SECTION 12.3.5 EFFECT OF APPROVED APPLICATIONS, PLANS AND PERMITS

All applications, plans and permits approved under this Article 12 and this Code shall be binding upon the applicants, their successors and assigns, shall limit and control the issuance and validity of all subsequent site development plans and zoning permits, and shall restrict and limit the construction, location, use, and operation of all land and structures in accordance with such plans or permits. See also Section 12.3.7, Modification and Amendment of Approved Applications, Plans and Permits, below.

SECTION 12.3.6 LAPSE OF APPROVAL PROVISIONS AND EXTENSION OF APPROVAL PERIOD

12.3.6.1 In General - Lapse of Approved Applications, Plans and Permits

An application, site development plan, or zoning permit approved under this Code may lapse if certain actions related to the approved application are not taken within a specified time period as set forth in Division 12.4, Zoning Application and Review Procedures. Specific actions that must be taken with regard to each application, plan or permit to avoid lapsing of the approval are set forth in Division 4 of this Article for each type of zoning application.

12.3.6.2 Beginning of Approval Period - General Rule

Unless otherwise specified in Division 4 of this Article 12, the approval period of an approved application, plan or permit, after which lapse will occur, shall begin on the date of the decision-making body's final action, which shall be interpreted to mean:

- A. For approved plans or permits that this Code requires to be recorded: the date of recordation.
- B. For all other approved applications, plans or permits: the date of the decision-making body's final action, which shall be affixed to all approved applications, plans or permits.

12.3.6.3 Extension of Approval Period

- A. The Zoning Administrator may grant an extension of an approval period up to 12 months for good cause, including but not limited to a showing that development was delayed by economic or physical problems beyond the applicant's or property owners' control.
- B. In no case shall the Zoning Administrator grant an extension if, since the date of the original approval, the subject property's zoning designation has changed or the applicant proposes an amendment to the approved application, plan or permit with the request for extension. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, below.
- C. All requests for extensions shall be submitted to Community Planning and Development in writing at least 30 days before the expiration of the approval period. An extension request shall include:
 - 1. Payment of any required fee for the extension review; and
 - 2. A narrative stating the reasons for the applicant's or owner's inability to comply with the specified deadlines, listing any changes in the character of the neighborhood, any changes to the Comprehensive Plan or this Code that have occurred since the original approval date and that affect the subject development, and the anticipated time schedule for completing the development.
- D. Additional review of the application, permit or plan may result in additional conditions placed on the extended approval, application, permit or plan, as applicable.
- E. If the extension is denied, the applicant may re-submit a new application, subject to the fees, standards, and regulations in effect at the time of re-submittal, for the same project.

SECTION 12.3.7 MODIFICATION OR AMENDMENT OF APPLICATIONS, PLANS AND PERMITS

12.3.7.1 Modifications to Pending or Approved Applications, Plans or Permits

The following types of minor modifications, changes, removal, or release of either (1) the Code standards applicable to a pending application; or (2) the Code provisions applicable to, or the conditions attached to, an approved application, plan or permit, shall be treated as "modifications"

rather than "amendments," and may be approved administratively by the Zoning Administrator according to this Section.

A. Modifications to Regulating Plans, Site Development Plans or Zoning Permits

1. Modifications to a pending or approved regulating plan, site development plan or zoning permit application that are expressly allowed as "administrative adjustments" under Section 12.4.5 (Administrative Adjustments) of this Code, may be approved by the Zoning Administrator according to the procedures and criteria in Section 12.4.5.
2. The Zoning Administrator may allow minor changes in the location of structures shown on an approved regulating plan, site development plan or zoning permit provided such minor changes do not constitute an "amendment" under Section 12.3.7.2.B, "Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits," below.
3. All modifications to an approved regulating plan, site development plan or zoning permit shall be submitted to the Zoning Administrator as "redline" edits to the previously approved plan or permit documents. After approval, the Zoning Administrator shall record a modified regulating plan or site development plan in the records of the Denver County Clerk and Recorder's Office, and shall register a modified zoning permit in the records of Community Planning and Development.

B. Minor Deviations from Previously Approved GDP Plans

The DRC may authorize minor deviations from a previously approved General Development Plan (GDP) during the site development plan review. Minor deviations are allowed provided such deviation does not constitute an "amendment" to a GDP under Section 12.3.7.2.C, Amendments to Approved General Development Plans. All modifications to a GDP approved by the DRC shall be submitted as "redline" edits to the previously approved electronic GDP, which, after approval, shall be recorded by the Manager in the records of the Denver County Clerk and Recorder's Office.

C. Other Modifications to Approved Applications, Plans, or Permits

Changes, modifications, removal, or release of all or some of the provisions of an approved application, plan or permit, which do not otherwise qualify as "modifications" under Section 12.3.7.1.A above, or a minor deviation from a previously approved GDP under Section 12.3.7.B above, or as an "amendment" under Section 12.3.7.2, Amendment to Approved Applications, Plans and Permits, below, may be approved by the Manager, using the same review process and criteria applicable to Administrative Adjustments stated in Section 12.4.5 of this Code.

12.3.7.2 Amendments to Approved Applications, Plans and Permits

A. Procedure for Amendments

1. An "amendment" to an approved application, plan or permit shall be reviewed according to the same procedures and subject to the same limitations and requirements, including the payment of fees, as if it were a new application, including, where applicable, review at a public hearing before the Planning Board.
2. Unless otherwise allowed by this Code, each application for amendment shall include the entire land area of the original approved application, plan or permit, and may be initiated by the owner(s) or agent of the owner(s) of the property to which the amendment applies.
3. The Manager shall record all amendments to a site development plan or to a GDP approved according to this Section in the records of the Denver County Clerk and Recorder's Office.

B. Amendments to Approved Regulating Plans, Site Development Plans and Zoning Permits

1. All changes to all or some of the provisions of an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), which do not qualify as a "modification" under Section 12.3.7.1 above, shall be considered amendments subject to this Section 12.3.7.2.
2. In addition, any of the following changes to an approved regulating plan, site development plan or zoning permit, including but not limited to a site development plan in a PUD District (but excluding a PUD District Plan amendment which requires City Council approval), shall be considered amendments subject to this Section 12.3.7.2:
 - a. An increase in overall project density;
 - b. An increase in the maximum height of any building by more than 5 feet or 5 percent, whichever is less;
 - c. An increase in the floor area ratio (FAR) by greater than 10 percent as calculated on a total project basis;
 - d. A change to the permitted uses or mix of uses if the proposed uses are more intensive than the approved uses, as determined by the Zoning Administrator according to the criteria in Section 12.4.6 (Code Interpretation, Determination of Unlisted Uses);
 - e. A change to the location of permitted land uses that would substantially change the development's character or impacts on surrounding property, as determined by the Zoning Administrator;
 - f. A reduction in required minimum setbacks from zone lot lines;
 - g. An increase in required build-to location from zone lot lines;
 - h. An increase in permitted building coverage, including coverage by surface parking;
 - i. A reduction by more than 5 percent in the land area designated for landscaping;
 - j. A reduction in the ratio of parking or loading spaces to overall gross floor area or dwelling units;
 - k. A change in the permitted number, size or lighting of signs;
 - l. Changing the vehicle access from and through public rights-of-way; provided, however, that curb cut locations may shift unless specifically established by the approved plan or permit;
 - m. Changing or negating a condition of approval; or
 - n. Modifying any other element of an approved application, plan or permit, including but not limited to architectural concepts, building elevations, facade treatments, and exterior building materials, which would substantially change its character or impacts on surrounding property, as determined by the Manager.

C. Amendments to Approved General Development Plans

Any of the following changes to an approved GDP, if included in the GDP, shall be considered amendments subject to this Section 12.3.7.2:

1. Significantly modifying or reallocating the allowable height, mix of uses, or density of development;
2. Significantly altering the location or amount of land area intended for publicly accessible open space or other public purposes required by this Code or by other City ordinances, rules, or regulations;

3. Substantially moving or altering the vehicle access and circulation to or within the development;
4. Changing or negating a condition of approval; or
5. Modifying any other element of the approved GDP that would substantially change its character or impacts on surrounding property, as determined by the Manager.

SECTION 12.3.8 WITHDRAWAL OF RECORDED SITE DEVELOPMENT PLANS AND GENERAL DEVELOPMENT PLANS

Pursuant to the same procedure and subject to the same limitations and requirements by which such site development plans or General Development Plans (GDPs) were approved and recorded, all site development plans and GDPs recorded under this Code may be withdrawn, either partially or completely, if all land and structures remaining under such site development plans can be made to comply with all regulations established by this Code. Upon approval of an application to withdraw, the Manager shall record in the real property records of the Denver County Clerk and Recorder an appropriate certificate of such withdrawal.

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DIVISION 12.4 ZONING APPLICATION AND REVIEW PROCEDURES

Division 12.4 contains the specific procedures and review criteria for land use and development applications required by this Code (collectively referred to as “zoning applications”). Applicants should also refer to Division [12.3](#), “Requirements Common to All Zoning Procedures,” ~~above~~, for procedural requirements generally applicable to all zoning applications, including provisions governing pre-application conferences, application submittals, public notice, and vested rights.

SECTION 12.4.1 ZONING PERMIT REVIEW

12.4.1.1 Purpose

The purpose of the zoning permit review process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan.

12.4.1.2 Applicability

A zoning permit is required prior to the following:

- A. The construction or alteration of any structure, including but not limited to any fence, wall or retaining wall of any height.
- B. The primary use or occupation of any structure or land.
- C. The change of primary use of any structure or land.
- D. The establishment of an accessory use, or the change of accessory use, only when specifically required by this Code.
- E. The establishment of a temporary use of any structure or land.
- F. The erection, alteration, or maintenance of any sign, except where the requirement for a zoning permit is expressly waived in ~~Section 10.9~~[Division 10.10](#), Signs.
- G. Establishment or construction of a new off-street parking area, expansion of an existing off-street parking area, or change of use or gross floor area of a structure that increases the off-street parking requirements under this Code.

12.4.1.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

A. Prohibitions on Activities Prior to Zoning Permit

No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

B. Payment of Gateway Regional Systems Development Fee

No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

C. Manager of Parks and Recreation Approval of Uses and Development in the OS-A District

No zoning permit for an applicable zone lot shall be issued for any use or development in an OS-A Zone District until the Manager of Parks and Recreation, or designee, has agreed to the approval of the zoning permit in writing.

D. Denver International Airport (DIA) Approval of Uses and Development in the DIA Influence Area Overlay District

No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed

use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code and has agreed to the approval of the zoning permit in writing.

12.4.1.4 Initiation

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

12.4.1.5 Application and Fees

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

12.4.1.6 Concurrent Applications

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

12.4.1.7 Pre-Application Conference

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

12.4.1.8 Review, Referral and Final Decision by Zoning Administrator

- A. The Zoning Administrator may refer the zoning permit application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application.
- B. In deciding to approve or deny the proposed zoning permit, the Zoning Administrator shall consider relevant comments of all interested parties.

12.4.1.9 Review Criteria

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

- A. The zoning permit is consistent with all prior approvals for the subject property, as applicable.
- B. The zoning permit complies with all applicable regulations in this Code.

12.4.1.10 Expiration

- A. All approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.
- B. An approved zoning permit authorizing an allowed use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land.

12.4.1.11 Modification and Rescission

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

12.4.1.12 Modifications and Amendments to an Approved Zoning Permit

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

SECTION 12.4.2 ZONING PERMIT REVIEW WITH INFORMATIONAL NOTICE

12.4.2.1 Purpose

The purpose of the zoning permit review with informational notice process is to ensure compliance with the standards and provisions of this Code, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Zoning permit review with informational notice is intended for specific types of development or establishment of specific permitted uses that are consistent with the intent of the Zone District and generally compatible with surrounding building forms and uses, but which have the potential for adverse off-site impacts. Zoning permit review with informational notice provides an opportunity for potentially affected parties to be notified of the city's receipt of the application, the process for making comments, the final decision, and appeal opportunities.

12.4.2.2 Applicability

Zoning permit review with informational notice is required for the following types of development:

- A. Establishment of a primary, accessory, or temporary use allowed subject to informational notice, as indicated by the designation "PIN" (Zoning Permit with Informational Notice) in the applicable Use and Parking Tables found in Articles 3 through 9 of this Code.
- B. Establishment of a primary, accessory, or temporary use allowed in a Zone District under Articles 3 through 9 or under any other provision in this Code, where such provision explicitly requires zoning permit review with informational notice and approval prior to establishment of the use.
- C. Deviations from the Sign Code permitted with a Comprehensive Sign Plan for Large Facilities authorized under ~~Section 10.9~~[Division 10.10](#), Signs, ~~of this Code~~.

12.4.2.3 Prohibitions and Requirements Prior to Zoning Permit Issuance

A. Prohibitions on Activities Prior to Zoning Permit

No development shall occur on property subject to these requirements for zoning permit review until a zoning permit has been approved, unless the Zoning Administrator allows an exception in writing.

B. Payment of Gateway Regional Systems Development Fee

No zoning permit for an applicable zone lot, except a zoning permit only for a sign or fence, shall be issued until the regional systems development fee established by the Gateway Regional Metropolitan District on land within the Gateway Regional Metropolitan District has been paid for the subject zone lot.

C. Denver International Airport (DIA) Approval of Uses and Development in the DIA Influence Area Overlay District

No zoning permit shall be issued for any use, development, or structure in the DIA Influence Area Overlay District until the Manager of Aviation, or designee, has found that the proposed use, development, or structure complies with the DIA Influence Area Overlay District standards in Article 9 of this Code and has agreed to the approval of the zoning permit in writing.

12.4.2.4 Initiation

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

12.4.2.5 Application and Fees

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

12.4.2.6 Pre-Application Conference

A pre-application conference is mandatory before submittal of an application for zoning permit review with informational notice. See Section 12.3.2, Pre-Application Conferences.

12.4.2.7 Concurrent Applications

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

12.4.2.8 Informational Notice Requirements

A. General Requirement for Informational Notice

The applicant shall provide written and posted informational notice according to Section 12.3.4, Public Notice Requirements.

B. Supplemental Information Notice Requirements for Large Residential Care Uses

In addition to the general Informational Notice requirements in Section 12.3.4, information notice for proposed Large Residential Care Uses shall include a packet including a copy of the completed application; a detailed explanation of applicant's and operator's experience; the facility's operational plan as set forth by the operator; the name, address and telephone number of a staff member of the applicant and operator designated as the contact person; and a summary of licensing procedures required for the proposed facility.

12.4.2.9 Review, Referral and Final Decision by Zoning Administrator

- A. The Zoning Administrator may refer the zoning permit review with information notice application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.
- B. If required by Section 12.4.2.10, Review and Decision by Planning Board, the Zoning Administrator shall forward the zoning permit application, together with the Zoning Administrator's recommendation, to the Planning Board for the Planning Board's review and recommendation prior to the Zoning Administrator's final decision on the zoning permit application.
- C. In deciding to approve, approve with conditions, or deny the proposed zoning permit, the Zoning Administrator shall consider relevant comments of all interested parties.
- D. The Zoning Administrator may attach conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

12.4.2.10 Review and Recommendation by Planning Board

A. Applicability

The Zoning Administrator shall forward the following zoning permit applications to the Planning Board for the Planning Board's review and recommendation:

1. Comprehensive Sign Plans

Comprehensive Sign Plan for Large Facilities authorized under Division 10.910, Signs, shall be forwarded to the Planning Board for its review and recommendation.

B. Review by the Planning Board at Public Hearing

1. The Planning Board shall hold a public hearing to review the zoning permit application and make a recommendation to the Zoning Administrator.
2. The applicant shall provide written and posted public notice of such public hearing according to Section 12.3.4, Public Notice Requirements.

3. The Planning Board shall review the public testimony and the criteria for review, and shall adopt a recommendation for denial, approval, or approval with conditions. The Planning Board recommendation shall be forwarded to the Zoning Administrator no later than 15 days following the Planning Board's recommendation.

12.4.2.11 Review Criteria

The Zoning Administrator shall consider all public comment and the following criteria in making a decision on an application for zoning permit with informational notice review:

- A. The zoning permit is consistent with all prior approvals for the subject property, as applicable.
- B. The zoning permit complies with all applicable regulations.
- C. The proposal will not substantially or permanently injure the appropriate use of adjacent conforming properties, taking into consideration all proposals for mitigation of such impacts.

D. Additional Review Criteria for Homeless Shelters

In addition to the review criteria above, the Zoning Administrator shall approve a zoning permit for a homeless shelter only if the Zoning Administrator finds the proposed shelter will not substantially or permanently injure the appropriate use of conforming residential properties located within 500 feet of the proposed use. Evidence of such injury shall clearly establish the anticipated specific problems attributed to residents of the proposed shelter for the homeless while in or around the shelter as distinct from the general problems attributed to persons using or passing through the subject area.

12.4.2.12 Expiration

- A. All approved zoning permits authorizing construction shall expire after 180 days after the date of issuance if a building permit has not been issued within the 180-day time period and is not thereafter cancelled.
- B. An approved zoning permit authorizing an allowed use shall expire if a building permit has not been issued within the 180-day time period or if the permitted use is not established within the 180-day time period. After the use is validly established, an approved zoning use permit shall run with the land.

12.4.2.13 Modification and Rescission

The Zoning Administrator may change, modify, or rescind any zoning permit decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

12.4.2.14 Modifications and Amendments to an Approved Zoning Permit

Modifications and amendments to an approved zoning permit are allowed according to Section 12.3.7 of this Code.

SECTION 12.4.3 SITE DEVELOPMENT PLAN REVIEW

12.4.3.1 Purpose

The purpose of the site development plan review process is to ensure compliance with the standards and provisions of this Code and other applicable city standards, rules and regulations, while encouraging quality development in Denver reflective of the goals, policies, and strategies found in the Comprehensive Plan. Site development plan review is generally reserved for development with the potential for significant on-site and off-site impacts necessitating inter-departmental and inter-agency referral, review, and, in some cases, approval prior to final action by Community Planning and Development.

12.4.3.2 Applicability

- A. Site development plan review is required for the following:
 1. Development in all Zone Districts, including development of a Detached Accessory Dwelling Unit building form or development of a Tandem House building form on a single zone lot, but not including the following types of residential development:
 - a. Establishment of a single-unit or two-unit dwelling use on a single zone lot in a SU, TU, TH, RH, RO, or MU Zone District; or
 - b. Construction of a suburban house, urban house, or duplex building form on a single zone lot.
 2. Creation of or development on a flag lot.
 3. Development subject to an approved General Development Plan (GDP).
 4. Development within a PUD District; however, development within a PUD District subject to an approved Detailed PUD District Plan under Section 9.6.1.3, Requirement for a PUD District Plan, is exempt from this requirement for site development plan review.
 5. Development on a Parkway designated according to Chapter 49 of the D.R.M.C.
 6. Establishment of a primary, accessory, or temporary use allowed in a Zone District under Articles 3 through 9, Article 11, or any other provision of this Code, where such provision explicitly requires site development plan review and approval prior to establishment of the use.
 7. Requests for shared parking or participation in an off-site car-sharing program to meet minimum parking requirements, as specified in Article 10, Section 10.34.4.3, Shared Vehicle Parking, and Section 10.34.4.4, Off-Site Car Sharing Program.
- B. The Zoning Administrator may require site development plan review for any development not listed in subsection A. above, where the proposed development requires approval by a city agency or department other than Community Planning and Development.
- C. No development shall occur on property subject to these requirements until a site development plan has been approved, unless the Zoning Administrator expressly allows an exception.

12.4.3.3 Initiation

The owner(s) of the subject property or the owner's or owners' authorized agent may initiate an application for site development plan review.

12.4.3.4 Application and Fees

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

12.4.3.5 Pre-Application Concept Plan Review

- A. A pre-application concept plan review is mandatory before submittal of a formal site development plan application. During the concept plan review, the DRC will confirm the applicability of site development plan review to the proposed development activity and the specific procedure steps and submittal requirements the applicant will follow. See also Section 12.3.2, Pre-Application Conferences.
- B. During the concept plan review, the DRC may waive an otherwise mandatory requirement for site development plan review if the DRC finds that the nature and complexity of the proposed development, and the development's compliance with this Code, can be fully addressed through the zoning permit review procedure in Section 12.4.1.

12.4.3.6 Concurrent Applications

Concurrent applications may be allowed according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the site development plan is approved and all zoning permits issued according to this Article, unless the Zoning Administrator allows an exception in writing.

12.4.3.7 Public Notice Requirements

The Applicant shall provide Informational Notice according to Section 12.3.4, Public Notice Requirements, for the following types of site development plan review applications only:

- A. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.
- B. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board.

12.4.3.8 Review, Referral and Decision by Development Review Committee

- A. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
 1. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code and has agreed to the approval of the site development plan in writing.
- B. If required by Section 12.4.3.9, Review and Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.
- C. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.
- D. The DRC may attach conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

12.4.3.9 Review and Final Decision by Planning Board

A. Applicability

The DRC shall forward the following site development plan applications to the Planning Board for the Planning Board's review and final decision:

1. Campus Healthcare Zone Districts

Site development plan applications for certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board.

B. Review and Decision by the Planning Board at Public Hearing

1. The Planning Board shall hold a public hearing to review the site development plan application and make a final decision.
2. The applicant shall provide written and posted public notice of such public hearing according to Section 12.3.4, Public Notice Requirements.
3. The Planning Board shall review the DRC's recommendation, the actions taken by other agencies on the site development plan, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.
4. The Planning Board may attach conditions to the zoning permit approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

12.4.3.10 Review Criteria

The following criteria shall be considered in making a decision on an application for site development plan review:

- A. The site development plan has been reviewed and approved by the DRC, where such approval is authorized and required by the D.R.M.C. The DRC or Planning Board shall not approve a site development plan until all DRC departments have approved the site development plan pursuant to their charter or D.R.M.C. authority.
- B. The site development plan is consistent with all prior approvals for the subject property, as applicable.
- C. The site development plan complies with all applicable regulations in this Code.

D. Additional Review Criteria for Certain Construction in the CMP-H and CMP-H2 Districts

The following additional criteria shall be considered in making a decision on an application for site development plan review submitted to permit certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) Zone Districts, as specified in Article 9, Section 9.2.3.3, Construction Subject to Review and Final Decision by Planning Board:

1. Whether the project is generally compatible with the Comprehensive Plan, including any neighborhood plans, and with the campus facility's plans for future development;
2. Whether there has been demonstrated neighborhood involvement in reviewing the project and its potential impacts, including meetings with applicable RNOs, and whether neighborhood concerns have been appropriately addressed;
3. Whether the project has a significant adverse impact on historically designated or architecturally significant buildings as determined by Community Planning and Development; and
4. Whether the construction project is consistent with the Campus Zone District in which it is proposed to be located.
5. Consideration for the growth needs and viability of healthcare districts in CMP-H and CMP-H2 Zone Districts.

12.4.3.11 Recordation of Approved Site Development Plans

Community Planning and Development shall register a copy of the approved site development plan among its records and shall record the approved site development plan in the real property records of the Denver County Clerk and Recorder.

12.4.3.12 Effect of Approval

- A. A site development plan approved according to this Section shall regulate the future use and development of the subject property.
- B. Approval of a site development plan means a proposed development complies with the standards and provisions of this Code and, consequently, the City may issue a building permit to an applicant, assuming all other City standards and regulations have been satisfied.
- C. The Zoning Administrator shall review all zoning permits issued for each structure approved in the site development plan. If the Zoning Administrator finds that development is not proceeding in accordance with the approved site development plan, the Manager, through its enforcement authority, may immediately issue an order stopping any or all work on the property that does not comply with such plans, until such time as any noncompliance is remedied

12.4.3.13 Expiration

- A. An approved site development plan shall expire after 18 months from the date of recording if an approved zoning permit and building permit (as applicable) has not been obtained and if construction, (as applicable), has not started. See Article 13, for definition of "start of construction."
- B. The Zoning Administrator may extend the original 18-month validity period for site development plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

12.4.3.14 Modification and Rescission

The Zoning Administrator may change, modify, or rescind any site development plan decision, whether or not the decision has been appealed to the Board of Adjustment. Rescission of a permit is allowed according to the procedure and criteria stated in Section 12.11.6 of this Code.

12.4.3.15 Modifications and Amendments to or Withdrawal of Approved Site Development Plans

Modifications and amendments to an approved site development plan are allowed according to Section 12.3.7 of this Code. Withdrawal of an approved and recorded site development plan is allowed according to Section 12.3.8 of this Code.

12.4.3.16 Site Development Plan Rules and Regulations

The Manager has the authority to adopt rules and regulations to establish alternative procedures for review of different types of site development plans, including but not limited to different review process for relatively less complex site development plans. In no case, however, shall rules and regulations vary the review criteria established in this Section 12.4.3 for approval of a site development plan. Once adopted by the Manager, such rules and regulations shall supersede the process, time frames, and application contents for general site development plan review established in this Section 12.4.3.

SECTION 12.4.4 ZONE LOT AMENDMENTS

12.4.4.1 Purpose

This Section establishes the general obligation of an owner to designate a zone lot prior to development, and establishes the administrative process to amend the boundaries of a previously designated zone lot.

12.4.4.2 Zone Lot Amendments

A. Initiation

All owners of the subject property shall initiate an application for a zone lot amendment.

B. Application and Fees

All applications for zone lot amendment shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

C. Pre-Application Conference

A pre-application conference is optional before submittal of an application for zone lot amendment. See Section 12.3.2, Pre-Application Conference/Concept Review.

D. Concurrent Applications

The applicant may submit a zone lot amendment application concurrent with other required applications according to Section 12.3.3.9, Concurrent Applications.

E. Review, Referral and Final Decision by Zoning Administrator

1. The Zoning Administrator may refer the zone lot amendment application to other affected or interested parties and agencies for review and comment as deemed necessary to make a decision on the application.
2. In deciding to approve, approve with conditions, or deny the proposed zone lot amendment, the Zoning Administrator shall consider relevant comments of all interested parties.
3. The Zoning Administrator may attach any condition to the zone lot amendment reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties.

F. Review Criteria

The Zoning Administrator may approve an application for zone lot amendment only if the application meets the following review criteria:

1. All owners of the zone lot have indicated in writing their agreement to the amendment.
2. A zone lot amendment shall not result in the creation of a new nonconforming or compliant zone lot, structure or land use. Nor shall a zone lot amendment increase an existing nonconforming or compliant structure's degree of nonconformity with this Code's standards (e.g., a zone lot amendment that would further decrease an existing compliant side interior setback is not allowed).

G. Recordation

The Zoning Administrator shall record all approved zone lot amendments in the real property records in the office of the Denver County Clerk and Recorder.

SECTION 12.4.5 ADMINISTRATIVE ADJUSTMENT

12.4.5.1 Purpose

The Zoning Administrator may adjust, in minor ways, certain provisions of this Code otherwise applicable to a property pursuant to the procedures in this Section. Administrative adjustments may authorize minor changes to pending applications, or to approved plans and permits, and relief from specified standards as stated in this Section. Administrative adjustments are intended to relieve unnecessary hardship in complying with the strict letter of this Code or with overriding federal law, and to promote context-sensitive development in Denver's established neighborhoods. Administrative adjustments are not intended to relieve specific cases of financial hardship, nor to allow circumventing the intent of this Code and its standards.

12.4.5.2 Applicability

A. Adjustments to Approved Applications, Plans and Permits

1. General Allowance

The Zoning Administrator may grant administrative adjustments to a previously approved application, plan or permit approved pursuant to this Code, except that the Zoning Administrator may grant administrative adjustments to a previously approved site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

2. Limits on Authority to Grant Adjustments

The Zoning Administrator may approve administrative adjustments to a previously approved plan or permit according to the allowances and limits stated in Section 12.4.5.3, Permitted Adjustments, below. In no circumstance, however, shall the Zoning Administrator approve an administrative adjustment to a previously approved application, plan or permit that qualifies as an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans or Permits.

B. Adjustments to Pending Zoning Applications

The Zoning Administrator may grant administrative adjustments as part of the review of a pending zoning application otherwise required by this Code according to the allowances and limits stated in Section 12.4.5.3, Permitted Types of Administrative Adjustments, below, except that the Zoning Administrator may grant administrative adjustments to a pending site development plan or zoning permit for development in an approved PUD District only when the terms of the PUD District Plan and documents expressly authorize administrative adjustments according to this Section 12.4.5.

12.4.5.3 Permitted Types of Administrative Adjustments

A. Administrative Adjustments to Relieve Unnecessary Hardship

In order to relieve unnecessary hardship and satisfy the review criteria stated in Section 12.4.5.8, the Zoning Administrator may grant administrative adjustments to the following standards and to the extent shown in the table below:

TYPE OF BUILDING FORM STANDARD	MAXIMUM ALLOWED ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE	
	Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only	All Other Building Forms
HEIGHT AND BULK STANDARDS:		
Maximum building height	May exceed maximum standards, but the subject building and its elements shall be no taller in feet than a similar building form located within the "existing neighborhood," defined as follows:	na
Bulk Plane Dimensions	1. For adjustments to buildings in the rear 35% of a zone lot: Any similar building located on a zone lot on the same face block or on an adjacent face block (i.e., across a rear property line or rear alley). 2. For adjustments to buildings in the front 65% of a zone lot: Any primary building located on a zone lot on the same face block or the face block across a public street from the subject building. A Detached Accessory Dwelling Unit building may be increased according to above existing neighborhood criteria to a maximum of 2 stories.	na
Maximum building height in the D-GT Zone District only	All buildings: Up to an additional 25 feet allowed, according to Section 8.6.1.3 (Maximum Height) of this Code.	
SITING STANDARDS:		
Minimum zone lot width requirements	5%	5%
Block sensitive primary street setback	No limit, provided the resulting primary street setback range (min/max) shall be more compatible with an established pattern of primary street setbacks for buildings on the same face block as the subject building.	
Setback requirements, all others	10%	20%
Build-to requirement -- Adjustment applies only to the min/max range of required build-to (e.g., an adjustment is allowed to the 0' to 5' range, but not to the minimum 70% build-to portion of the standard).	na	Adjustment for irregularly shaped lots only, not to exceed a min/max build-to range of 0' to 15'
Build-to requirement to accommodate required water quality and/or detention/retention facilities.	na	Adjustment to allow a build-to alternative (e.g., a garden wall) to count up to 40% (e.g., a standard states up to 25% of the 70% build-to may be met by a garden wall - with adjustment, 25% may be increased to 40%)

TYPE OF BUILDING FORM STANDARD	MAXIMUM ALLOWED ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE	
	Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only	All Other Building Forms
Build-to requirement - Adjustment applies only to zone lots that are 80 feet wide or less.	na	Adjustment to the required minimum internal drive dimension for the purposes of public street access required by the City.
Build-to requirement -- Adjustment applies only to sites with gas station uses existing on June 25, 2010 <u>the Effective Date of this Code.</u>	na	Adjustment not to exceed 40%. The adjustment is allowed only when compliance with the build-to requirement is not feasible because of the impracticality of moving existing underground fuel tanks.
Maximum building coverage	5%	na
DESIGN ELEMENT STANDARDS:		
Building Configuration	na	15%
OTHER STANDARDS		
Garden wall alternative to build-to standards	na	Adjustment allowed for use of alternative garden wall materials when Zoning Administrator finds alternative garden wall materials will better complement primary building materials.
Required Amount of Parking in the Historic Structure Use Overlay District (UO-3) Only	<ul style="list-style-type: none"> • Required parking for office/art studio use in a landmark structure: no maximum limit if applicant can show compliance with required parking is physically impossible. • Required parking for bed and breakfast use in a Historic Structure: 20% • See Section 9.4.4.8 	
Required Parking for Limited Non-residential Uses Allowed in Existing Business Structures	Adjustment allowed to relieve hardship due to physical limitations of the site <ul style="list-style-type: none"> • See Section. 11.4.3 	na
Required Amount of Parking to Preserve Mature Trees	na	Adjustment allowed when Zoning Administrator finds the adjustment is necessary to preserve existing, mature trees See Section 10.4.4. and Section 10.5.3.†
Required Bicycle Parking and Required Mix of Bicycle Parking Facilities	na	20% See Section 10.4.3.3.
Minimum Width of Internal Drives in Off-Street Parking Areas	na	Adjustment allowed when Zoning Administrator finds adjustment is necessary to relieve hardship associated with providing safe vehicle access and circulation on unusually small or narrow lots.

TYPE OF BUILDING FORM STANDARD	MAXIMUM ALLOWED ADJUSTMENT "NA" = NOT APPLICABLE OR AVAILABLE	
	Suburban House, Urban House, Duplex, Tandem House and Any Associated Detached Accessory Structure Building Forms Only	All Other Building Forms
Minimum Landscaping Standards	na	Adjustment allowed 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 10.5.3.1.
As expressly allowed 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 Standards/Limitations}~~, or Article 10, ~~{General Design Standards} of this Code~~ in order to eliminate a substantial burden on religious exercise as guaranteed by the Federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.

b. Limitations

In no circumstance shall the Zoning Administrator approve an adjustment that allows a religious assembly use, or any uses/structures/activities accessory to it, in a Zone District where Articles 3 through 9 prohibit such use or accessory use/structure/activity.

c. Conditions of Approval

In granting an administrative adjustment, the Zoning Administrator may require conditions that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or screening.

2. Reasonable Accommodations under Federal Fair Housing Act (FFHA)

a. The Zoning Administrator may grant administrative adjustments to provide reasonable accommodations under the Federal Fair Housing Act. In the application for an administrative adjustment under this subsection, the applicant shall identify the type of housing being provided and cite the specific provisions of the Federal Fair Housing Act that require reasonable accommodations be made for such housing. The Zoning Administrator may grant the following types of administrative adjustments to assure reasonable accommodations required by law:

- i. Modify any minimum distance or spacing requirements, building setback, height, open space or building coverage, or landscaping requirement by no more than 10 percent; or
- ii. Reduce any off-street parking requirement by no more than 1 space.

b. The Zoning Administrator may approve a type of reasonable accommodation different from that requested by the applicant if the Zoning Administrator concludes that

a different form of accommodation would satisfy the requirements of the Federal Fair Housing Act with fewer adverse impacts on adjacent areas. The decision of the Zoning Administrator shall be accompanied by written findings of fact as to the applicability of the Federal Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a Variance or Official Map Amendment (Rezoning) process.

3. Compliance with Other Federal Laws

The Zoning Administrator is authorized to grant administrative adjustments necessary to ensure compliance with any other applicable federal law, provided the adjustment is no greater than any adjustment specifically authorized by this Section 12.4.5. Requests for adjustments that are not otherwise authorized by this Section may only be approved through a Variance or Official Map Amendment (Rezoning) process.

12.4.5.4 Initiation

The owner of the subject property or the owner's authorized agent may initiate an application for an administrative adjustment.

12.4.5.5 Pre-Application Conference

A pre-application conference is mandatory before submittal of an application for administrative adjustment. See Section 12.3.2, Pre-Application Conference/Concept Plan Review.

12.4.5.6 Application and Fees

A. Concurrent Review for Administrative Adjustments

Requests for administrative adjustments may be submitted concurrently with any other required zoning application according to Section 12.3.3.9, Concurrent Applications. In such cases, the Zoning Administrator shall review and take action on the administrative adjustment during the review of the primary application.

B. All Other Requests for Administrative Adjustments

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

12.4.5.7 Review, Referral and Final Decision by Zoning Administrator

- A. The Zoning Administrator may refer the administrative adjustment application to other affected or interested parties and agencies for review and comment, as deemed necessary to make a decision on the application.
- B. In deciding to approve, approve with conditions, or deny the proposed adjustment, the Zoning Administrator shall consider relevant comments of all interested parties and agencies.
- C. The Zoning Administrator may attach any condition to approval of an administrative adjustment reasonably necessary to protect the health, safety and welfare of the community, to secure substantially the objectives of the modified standard, and to minimize adverse impacts on adjacent properties.

12.4.5.8 Review Criteria

The Zoning Administrator may approve an Administrative Adjustment only upon finding that:

- A. The adjustment is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Act as provided in Section 12.4.5.3.B.2.; or

- B. The adjustment is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 as provided in Section 12.4.5.3.B.1.; or
- C. The adjustment is necessary to satisfy the mandates under any other federal law or requirements as provided in Section 12.4.5.B.3.; or
- D. All of the following criteria have been met:
 - 1. The requested adjustment is consistent with the stated intent and purpose of this Code.
 - 2. The requested adjustment is consistent with the stated intent and purpose of the applicable Zone District.
 - 3. The requested adjustment is consistent with the stated intent and purpose of a previously approved PUD District Plan, as applicable.
 - 4. The requested adjustment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
 - 5. The requested adjustment is needed to compensate for unnecessary hardship. For purposes of satisfying these administrative adjustment review criteria, determination of "unnecessary hardship" shall mean the application satisfies the criteria for a zoning variance stated in Section 12.4.7, Variance, ~~of this Code~~, except that compliance with the criteria stated in Section 12.4.7.6.D, Nonconforming ~~or Compliant~~ Uses in Existing Structures, shall not be applicable to an application for administrative adjustment.

12.4.5.9 Effect of Approval

A. Administrative Adjustments to Approved Plans or Permits

Adjustments to an approved plan or permit shall be noted on a revised plan or permit, which shall be plainly marked as "Revised," and submitted to the Zoning Administrator. The Zoning Administrator shall note the terms of the approved administrative adjustment directly on the revised plan or permit and affix his signature and the date of approval. If the original plan or permit was required to be recorded, the Zoning Administrator shall record such revised plan or permit in the real property records of the Denver County Clerk and Recorder within 30 days of the Zoning Administrator's approval of the adjustment.

B. Noted on Pending Application

The Zoning Administrator shall specify any approved administrative adjustment from building form or design standards and the justifications for such adjustment on the pending development application for which the adjustments were sought. Alternately, the Zoning Administrator may include such final determination, in writing, as part of staff report for a required public hearing.

12.4.5.10 Expiration

- A. As applicable, an approved administrative adjustment shall be valid for the same time frame as the approval with which it was joined or for the same time frame as the originally approved plan or permit.
- B. In all other cases, an administrative adjustment shall be valid for the same time frame and have the same effect as the development application with which it is joined, as such application is ultimately approved.

SECTION 12.4.6 CODE INTERPRETATION, DETERMINATION OF UNLISTED USES

12.4.6.1 Purpose and Applicability

- A. This Section establishes a procedure whereby interpretation of this Code's provisions may be sought, including but not limited to an interpretation whether a specific use is deemed to be within a use classification or category allowed in a particular Zone District.
- B. The provisions of this Section shall not apply to permit any specific use that is expressly prohibited in a Zone District. If, pursuant to this Section, a specific use cannot clearly be determined to be in a use classification or category permitted in a particular Zone District, such use may be incorporated into the zoning regulations only by a text amendment to this Code, as provided in Section 12.4.11.
- C. This Section shall also apply to interpretations regarding disputed boundaries of Zone Districts shown on the Official Zone Map.

12.4.6.2 Authority to Make Code Interpretations

The Zoning Administrator shall be the final decision-maker for all Code interpretations and determinations of unlisted uses.

12.4.6.3 Initiation

Any of the following persons may initiate a request for a Code interpretation or determination of unlisted uses:

- A. A member of the City Council;
- B. A member of the Planning Board;
- C. The City Attorney;
- D. The Manager;
- E. The manager or director of any other city department or agency; or
- F. A private party with an interest in the subject real property when the Code interpretation would affect the status or treatment of a proposed or submitted zoning application, or the status of an existing or proposed use, related to such property.

12.4.6.4 Pre-Application Conference

A pre-application conference is optional prior to submittal of a request for Code interpretation or determination of unlisted uses. See Section 12.3.2, Pre-Application Conference/Concept Plan Review.

12.4.6.5 Application and Fees

All applications for Code interpretations or determination of unlisted uses shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.6.6 Review and Final Decision by Zoning Administrator

Within 30 days of receipt of a complete application for a Code interpretation or determination of unlisted uses, the Zoning Administrator shall:

- A. Review and evaluate the application in light of this Code, the Comprehensive Plan, established administrative practices and past interpretations, the potential for establishing a precedent with the interpretation, and any other relevant policy and regulatory documents;

- B. Review and evaluate the application with consideration of the guidelines specified in this Section;
- C. Consult with the Manager, City Attorney, other agencies and staff, as necessary; and
- D. Make a final Code interpretation or determination.

12.4.6.7 Authority to Impose Reasonable Conditions on Unlisted Uses

In making a determination to allow an unlisted use, the Zoning Administrator may impose reasonable conditions on such use, which conditions shall be uniform throughout the Zone District. In imposing conditions, the Zoning Administrator shall consider, at a minimum, the compatibility of the use within the Zone Districts in which the use may be allowed, the intensity of the use, the amount and configuration of physical space occupied by the use, and the potential for adverse impacts on adjacent properties.

12.4.6.8 Review Criteria

The Zoning Administrator shall make Code interpretations and determinations of unlisted uses based on consideration of the following criteria:

A. General Review Criteria for All Interpretations & Determinations of Unlisted Uses

The Zoning Administrator shall:

- 1. Where applicable, employ the definitions contained in Article 13 to determine the meaning of words and phrases, or if not defined in Article 13, apply the plain meanings of all other words and phrases. When not defined in Article 13, if a word or phrase is subject to differing interpretations, then the Zoning Administrator shall apply the meaning assigned first by the D.R.M.C., as applicable, and then by a dictionary in general use.
- 2. Where more than one interpretation of required procedures is possible, the Zoning Administrator shall select the interpretation of procedures that requires the lesser time and expense to the applicant consistent with the provisions of the charter, the D.R.M.C., and this Code.
- 3. Where more than one interpretation of required provisions or procedures is possible, the Zoning Administrator shall choose that interpretation that best implements the Comprehensive Plan and/or this Code in a manner consistent with applicable law.

B. Additional Review Criteria for Unlisted Use Determinations

The Zoning Administrator shall give due consideration to the intent of the Zone Districts involved, the character of the uses specifically identified in the Zone Districts, and the character of the use in question. The Zoning Administrator may allow an unlisted use (primary, special exception, accessory, or temporary) in the subject Zone District if the Zoning Administrator finds that the proposed use has a character and impact that are similar in nature, function, and duration to the other uses allowed in the district. In making such finding, the Zoning Administrator shall assess all relevant characteristics of the proposed use, including but not limited to the following, as applicable:

- 1. The typical volume and type of sales (retail or wholesale); size and type of items sold; and nature of inventory on the premises;
- 2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; and any dangerous, hazardous, toxic, or explosive materials used in the processing;
- 3. The nature and location of storage and outdoor display of merchandise; whether storage is enclosed, open, inside, or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise,

construction materials, scrap and junk, and raw materials including liquids and powders hazardous or not);

4. The type, size, and typical massing of buildings and structures associated with the unlisted use;
5. Transportation requirements, including the modal split for people and freight, by volume type and characteristics of traffic generation to and from the site; trip purposes and whether trip purposes can be shared by other uses on the site;
6. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
7. The amount and nature of any external effects generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
8. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
9. The type and extent of impacts on adjacent properties created by the proposed use in comparison to impacts from other uses allowed in the Zone District.

C. Form of Determination

The Zoning Administrator shall provide the Code interpretation or determination to the applicant in writing. Such interpretation or determination shall also be kept in the files of the Zoning Administrator.

SECTION 12.4.7 VARIANCE

12.4.7.1 When Authorized

The Board of Adjustment may authorize variances from the terms of this Code pursuant to the charter, subject to terms and conditions fixed by the Board of Adjustment, as will not be contrary to the public interest where, owing to unusual conditions or disability or owing to a property's historic designation, or where a variance would produce a more compatible development, literal enforcement of the provisions of this Code will result in unnecessary hardship.

12.4.7.2 Related Procedure

Under certain circumstances, modifications of this Code's standards may be permitted according to the Administrative Adjustment procedure in Section 12.4.5, without resort to this Variance procedure. The Zoning Administrator may grant administrative adjustments to relieve unnecessary hardship and practical difficulties, without review by the Board of Adjustment for a variance.

12.4.7.3 Initiation

The owner of the subject property or the owner's authorized agent may initiate an application for a variance.

12.4.7.4 Application and Fees

All applications for variance shall be filed in writing according to the rules of the Board of Adjustment. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Application.

12.4.7.5 Public Hearing and Decision by Board of Adjustment

- A. Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve, approve with conditions, or deny the variance request based on whether the applicant has evidenced an unnecessary hardship according to the

review criteria below, and subject to any limitations in Section 12.4.7.7 regarding variances for signs.

- B. 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.

12.4.7.6 Showing of Unnecessary Hardship - Review Criteria

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. of this subsection **and** satisfies the criteria of paragraph E. of this subsection.

A. Unusual Conditions or Disability

1. There is a disability affecting the owners or tenants of the property or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property; or
2. There are unusual physical circumstances or conditions, including, without limitation, irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property; or
3. There are unusual physical circumstances or conditions arising from the existence of an existing, nonconforming structure on the affected property; and
4. When the hardship is based on unusual physical circumstances or conditions of the affected property:
 - a. 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
 - b. The development or use of the property cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district; however, loss of a financial advantage, hardship that is solely financial, or the fact that a more profitable use of the property might be had if a variance were granted are not grounds for a variance; and
 - c. The unusual physical circumstances or conditions have not been created by the applicant.

B. 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 landmark structure or is in a designated historic district. As part of the review pursuant to Chapter 30, Landmarks, of the Denver Revised Municipal Code, the approving authority has found that development on the lot or parcel 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.

C. Compatibility with Existing Neighborhood

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed 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 Board of Adjustment may choose not to consider primary or acces-

sory buildings in the existing neighborhood that have been granted variances based on unusual physical circumstances or conditions of such properties.

2. For purposes of a variance only, at a minimum, "existing neighborhood" shall mean:
 - a. For variances to buildings in the rear 35% of a zone lot: Any similar building located on a zone lot on the same face block or on an adjacent face block (i.e., across a rear property line or rear alley).
 - b. For variances to buildings in the front 65% of a zone lot: Any primary building located on a zone lot on the same face block or the face block across a public street from the subject building.
 - c. The Board of Adjustment may consider similar buildings located beyond the same face block, opposite face block, or adjacent face block from the subject building if the Board deems doing so reasonable and necessary to make its determination of compatibility with the existing neighborhood.

D. Nonconforming or Compliant Uses in Existing Structures

A variance to increase the floor area occupied by a nonconforming or compliant use in an existing structure may be granted only if the Board of Adjustment finds the following conditions to exist:

1. The use is a nonconforming or compliant use, as defined in this Code, and such use is in full compliance with all requirements under this Code applicable to nonconforming or compliant uses and is authorized to continue in operation and to exist;
2. The structure in which an increase in floor area is sought was in existence on the date on which the nonconforming or compliant use became nonconforming or compliant, and is in existence at the time of the hearing;
3. On the date on which the use became nonconforming or compliant, the use was in occupancy and in operation on a portion of the floor area of the structure in which an increase in floor area is sought;
4. The applicant does not propose or intend to enlarge the existing structure, does not propose or intend to increase the floor area of such structure, and that any authorized increase in occupancy of floor area by the nonconforming or compliant use will not involve remodeling, changing or altering any load-bearing member of such structure; and
5. That, owing to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Code will result in unnecessary hardship.

E. Requirements for All Variance Approvals

If granted, the variance:

1. Would not authorize the operation of a primary use other than those uses specifically enumerated as allowed primary uses for the Zone District in which the property is located.
2. Would not grant a change to either (a) a waiver or condition attached to an approved rezoning, or (b) an approved PUD District plan that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits of this Code, or (c) an approved GDP that would constitute an "amendment" under Section 12.3.7.2, Amendments to Approved Applications, Plans and Permits of this Code.
3. Would not, other than allowed in subsection A. above to accommodate persons with disabilities, relate to either the persons, or the number of persons, who do, will, or may reside in a residential structure.
4. Would not substantially impair the intent and purpose of this Code.

5. Would not substantially impair the intent and purpose of the applicable Zone District.
6. Would not substantially or permanently impair the reasonable use and enjoyment or development of adjacent property.
7. Would be the minimum variance that would afford relief and would be the least modification of the applicable provisions of this Code.
8. Adequately addresses any concerns raised by the Zoning Administrator or other city agencies in their review of the variance application.

12.4.7.7 Limitations as to Variances for Signs

No variance from the provisions of Division 10.910, Signs, ~~of this Code~~ on permitted signs shall be granted or authorized by the Board of Adjustment, which would result in any of the following:

- A. Any variance from the provisions of Section 10.10.1720, Outdoor General Advertising Devices;
- B. An existing roof sign that is higher than 32 feet above grade or a new or existing projecting sign that is higher than 32 feet above grade;
- C. A new roof sign;
- D. A new projecting sign that exceeds 20 square feet in sign area in a Residential Zone District or in the MX-2x, MS-2x, or O-1 Zone Districts; or that exceeds 50 square feet in sign area in the MX-2, ~~MX-2A~~, MX-3, ~~MX-3A~~, MS-2, MS-3, I-MX, M-IMX, or I-A, Zone Districts; or that exceeds 80 square feet in sign area in all other Zone Districts;
- E. A new or existing projecting sign where more than 1 other sign is maintained or is to be maintained for the same primary use on the same building front;
- F. A new or existing ground sign that is higher than 32 feet above grade, except that a variance permitting the maintenance of an existing ground sign that is not higher than 35 feet above grade may be granted where said ground sign and all other signs for the same primary use comply with all other applicable provisions of Division 10.910, Signs, ~~of this Code~~;
- G. A new or existing sign with a sign area larger than that which is permitted under the provisions of Division 10.910, Signs, ~~of this Code~~ for the primary use in the Zone District in which the primary use is or will be maintained, except that a variance permitting the maintenance of an existing sign with a sign area up to 50 percent larger than the maximum sign size permitted under the provisions of Division 10.910, Signs, for the primary use in the Zone District in which the use by right is maintained may be granted where no other signs are maintained for the same primary use on the same building front and where the total area of signs maintained for the same primary use does not exceed that permitted under the applicable provisions of Division 10.910, Signs;
- H. A greater total area of signs than that which is permitted under the provisions of Division 10.910, Signs, for the primary use in the Zone District in which the primary use is or will be maintained.

I. Variances for Signs for Religious Assembly Uses

Notwithstanding the limitations set forth in this Section 12.4.7.7, Limitation as to Variances for Signs, on limitations as to permitted signs, the Board of Adjustment shall have the power to grant variances from the provisions of Division 10.910, Signs, ~~of this Code on permitted signs~~ for signs that identify religious assembly uses when such signs are located on the same zone lot as the religious assembly use.

12.4.7.8 Expiration

- A. A variance authorizing construction shall expire unless substantial construction has started within 3 years and is completed within 5 years from the date the variance was granted. Upon the completion of construction, the variance shall run with the land.

- B. For variances unrelated to construction, the variance shall run with the land unless the Board of Adjustment specifies otherwise as a condition of the variance.
- C. A variance shall automatically lapse and have no further effect if the Zoning Administrator finds that redevelopment of the subject property makes compliance with this Code possible without the previously approved variance.

SECTION 12.4.8 APPEAL OF ADMINISTRATIVE DECISION

12.4.8.1 Applicability and Initiation

- A. Any person aggrieved or any officer or department of the City may appeal to the Board of Adjustment from any administrative order, requirement, or any decision or determination made by a Community Planning and Development administrative official in the enforcement of this Code.
- B. Such appeal shall be filed within the time provided by the rules of the Board of Adjustment and must specify the particular grounds upon which the appeal is taken.

12.4.8.2 Appeal and Fees

All appeals of an administrative order or decision shall be filed in writing according to the rules of the Board of Adjustment. The appellant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.8.3 Effect of Appeal – Stay of Enforcement Proceedings

An appeal to the Board of Adjustment of a cease and desist order issued by Community Planning and Development shall stay all enforcement proceedings of the cease and desist order unless the Zoning Administrator certifies that, by reason of the facts stated in the certificate, a stay in the Zoning Administrator's opinion would cause imminent peril to life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted, after due notice to Community Planning and Development, by the Board of Adjustment or a court of proper jurisdiction.

12.4.8.4 Action by Zoning Administrator

Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board of Adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

12.4.8.5 Public Hearing and Decision by Board of Adjustment

Following notice and a public hearing according to the rules of the Board of Adjustment, the Board of Adjustment shall approve or deny the appeal based on the review criteria below, and to that end the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

12.4.8.6 Presumption and Review Criteria

A. Presumption

Any order or decision of an administrative official authorized to act under this Code shall be presumed to be correct unless the preponderance of the evidence introduced before the Board of Adjustment supports a contrary determination or finding.

B. Review Criteria

The Board of Adjustment shall consider whether or not the action by the administrative officer complied with the applicable portions of this Code when approving or denying an administrative appeal.

SECTION 12.4.9 ZONING PERMIT WITH SPECIAL EXCEPTION REVIEW

12.4.9.1 When Required

Zoning permit with special exception review is required for the following:

- A. Establishment of any use listed as a “Special Exception” use (“ZPSE”) in the Use and Parking Tables found in Articles 3 through 9 ~~of this Code~~.
- B. Establishment of any use where an applicable use ~~standard or~~ limitation in Articles 3 through 9, or in Article 11, Uses Limitations and Definitions, or any other provision of this Code, states that Special Exception review under this Section is required.

12.4.9.2 Initiation

The owner of the subject property or the owner’s authorized agent may initiate an application for a zoning permit with special exception review.

12.4.9.3 Pre-Application Conference

A pre-application conference with the Zoning Administrator is mandatory for review of a use qualifying as a zoning permit with special exception review under this Section. See Section 12.3.2, Pre-Application Conference. Pre-application conferences for all other special exceptions are optional.

12.4.9.4 Application and Fees

All applications for zoning permit with special exception review shall be filed in writing with the Board of Adjustment and the Zoning Administrator. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.9.5 Concurrent Applications

The applicant may submit an application for zoning permit with special exception review concurrent with other applications according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall the City issue a building permit, as applicable, until the Board of Adjustment approves the special exception use and Community Planning and Development issues a zoning permit.

12.4.9.6 Public Notice Requirements

The applicant shall provide Informational Notice as set out in Section 12.3.4, Public Notice Requirements.

12.4.9.7 Review, Referral, and Recommendation by Zoning Administrator

- A. The Zoning Administrator may refer the application to other affected or interested parties and agencies for review and comment.
- B. The Zoning Administrator shall consider the comments from all interested agencies and parties, prepare a written recommendation, and submit the recommendation to the Board of Adjustment according to the rules of the Board of Adjustment.

12.4.9.8 Public Hearing and Final Decision by Board of Adjustment

- A. The Board of Adjustment shall provide public notice and hold a public hearing on the proposed special exception according to the rules of the Board of Adjustment. The Board shall consider the recommendation of the Zoning Administrator and any comments, in addition to the review criteria below, and approve, approve with conditions, or deny a zoning permit with special exception review.
- B. Prior to the granting of a zoning permit with special exception review use, the Board of Adjustment may place conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the use as deemed necessary to promote the public health, safety, and general welfare of the community.

12.4.9.9 Review Criteria

No application for a zoning permit with special exception review shall be granted by the Board of Adjustment unless the Board finds that all of the following conditions are met or can be met through conditions placed on approval of the application:

- A. The special exception is consistent with the Comprehensive Plan;
- B. The proposed special exception shall be consistent with the purposes and objectives of the Zone District in which it is located;
- C. If located within a GDP area, the special exception shall be consistent with the GDP;
- D. The special exception is in compliance with all applicable regulations in this Code, including but not limited to, any specific use limitations ~~and standards~~ stated in Articles 3 through 9, and in Article 11, ~~Use~~ Limitations and Definitions;
- E. The establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare of the community;
- F. The use and enjoyment of other existing uses on the surrounding property will not be substantially impaired by the establishment, maintenance, and operation of the special exception;
- G. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- H. The aggregate impacts of similar special exceptions shall not result in harmful external effects or environmental impacts; and
- I. Any potential adverse impacts from the proposed special exception can and will be adequately mitigated.

12.4.9.10 Expiration and Limits

A. Expiration and Extensions

A zoning permit with special exception review shall expire 12 months from the date of the Board of Adjustment's decision unless the special exception use begins operating, or a valid building permit is issued. Upon a showing of good cause, the Zoning Administrator may extend the permit for the special exception for additional time periods not to exceed a total of 12 additional months.

B. Limit on Reapplication for Denied Special Exceptions

No application for a zoning permit with special exception review denied by the Board of Adjustment shall be considered for a period of 1 year from the date of the original denial unless the Zoning Administrator determines that the application contains substantial changes that address the reasons for denial of the application.

SECTION 12.4.10 OFFICIAL MAP AMENDMENT (REZONING)

12.4.10.1 When Required

An official map amendment may be required to correct an error in the map or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area to implement adopted plans, or to change the regulations and restrictions of an area as reasonably necessary to promote the public health, safety or general welfare.

12.4.10.2 Initiation

Only the following parties may apply for an official map amendment:

- A. The City Council on its own motion.
- B. The Manager.

- C. All official map amendment applications for a PUD District, or for a Zone District with waivers and/or conditions under Section 12.4.10.12, shall be initiated by all the owners of the entire land area subject to the rezoning application, or their representatives authorized in writing to do so.
- D. For official map amendment applications for other than a PUD District or Zone District with waivers and/or conditions, either:
 - 1. All of the owners of the entire land area subject to the application for an official map amendment or their representatives authorized in writing to do so; or
 - 2. One or more of the owners of the real property subject to the application for amendment, or their representatives authorized in writing to do so, accompanied by a petition requesting the amendment and which petition, at the time of submittal, contains the signatures of the owner or owners of 51 percent or more of the total area of the zone lots subject to the application for amendment.

12.4.10.3 Zone Districts Not Available for Rezoning

No land may be rezoned into any Zone District not established in this Code. In addition, the following Zone Districts established in this Code, while mapped on the Official Zoning Map, shall not be applied to any lands after June 25, 2010:

- A. D-GT Downtown Golden Triangle Zone District
- B. D-AS Downtown Arapahoe Square Zone District
- C. O-1 Zone District
- D. Adult Use Overlay District (UO-1)
- E. Billboard Use Overlay District (UO-2)

12.4.10.4 Minimum Area Requirements

A. Applicability - Exemptions

Except as specifically exempted by this subsection, no official map amendment to this Code, regardless of how or by whom initiated, shall be adopted after June 25, 2010 whereby the zoning classification of an area is changed unless the area meets this subsection's requirements as to minimum size. The following applications for an official map amendment are exempt from these minimum area requirements:

- 1. An official map amendment determined by the City Attorney to be a legislative zone map amendment.
- 2. No minimum area requirement shall apply when either: (a) the subject property sought to be rezoned abuts the same Zone District sought for the subject property; or (b) the subject property sought to be rezoned abuts the same zone classification and the rezoning sought allows a lower building height maximum than the abutting property (e.g., property seeks a rezoning to G-MU-5 and abuts property zoned G-MU-12).
- 3. An official map amendment applying zoning to lands newly included within the city's corporate boundaries after City Council approval of a minor boundary adjustment.

B. Calculation of Minimum Area

- 1. For the purpose of computing the size of an area for compliance herewith, there shall be added to the area calculations the following:
 - a. All land area, including public rights-of-way, within and extending to the centerline of the abutting right-of-way.

- b. The area of any land within the corporate limits of the city which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed.
2. For the purpose of computing the size of an area for compliance herewith, there shall be excluded from the area calculation the following:
 - a. That portion of public rights-of-way in excess of 60 feet in width;
 - b. Water reservoirs, including supporting land, owned by the city, the state, the Denver Water Board, or any agency of the federal government;
 - c. All land owned by Denver School District No. 1 which is used for school purposes; and
 - d. All land owned by the city, the state, or any agency of the federal government which is used for public park or recreational purposes.
 3. For the purposes of this Section, neither contiguity nor abutment shall be destroyed by the existence of a dedicated public right-of-way.

C. Minimum Area Requirements for Rezonings

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

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

TH	2 acres or no minimum if abutting the same TH Zone District,
RH	2 acres or no minimum if abutting an existing RH Zone District
MU	2 acres
RO	2 acres

CC	No requirement
RX	No requirement
MX	No requirement
MS	No requirement

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

I-MX	If an area abuts an existing I-MX, M-IMX, I-A, or I-B Zone District, no requirement; otherwise 4 acres
I-A	8 acres
I-B	8 acres

ZONE DISTRICT CLASSIFICATION	MINIMUM AREA REQUIRED
CMP-H, H2	6 acres or no minimum if abutting an existing CMP-H or CMP-H2 district
CMP-EI, EI2	CMP-EI: 6 acres or no minimum if abutting an existing CMP-EI district CMP-EI2: 70,000 square feet or no minimum if adjacent to or across the street from an existing CMP-EI or CMP-EI2 district
CMP-ENT	6 acres
OS-A	No requirement
OS-B	No requirement
OS-C	No requirement
All Master Planned (M-) Zone Districts	Must be located within a General Development Plan area where the GDP area is a minimum of 50 acres, and shall not include lands located within ¼ mile of an existing or planned rail transit station.
M-RH	2 acres and at least two facing block faces
M-RX	2 acres and at least two facing block faces.
M-CC	2 acres
M-MX	2 acres
M-IMX	2 acres
M-GMX	2 acres
DIA	Must abut an existing DIA district
-AIO Overlay	8 acres
-CO	2 acres and at least two facing block faces
-DO	2 acres and at least two facing block faces
PUD	No requirement

12.4.10.5 Pre-Application Conference

- A. A pre-application conference is mandatory for an official map amendment (Rezoning). See Section 12.3.2, Pre-Application Conference/Concept Plan Review.
- B. The Manager shall determine at the pre-application conference whether a General Development Plan (GDP) is required under Section 12.4.12, General Development Plan. If the Manager determines a GDP is required by Section 12.4.12, the applicant shall be advised that an official map amendment application will not be approved until a GDP is approved according to Section 12.4.12.

12.4.10.6 Application and Fees - General

- A. All applications for official map amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications. This provision does not apply to applications initiated by the City Council or the Manager.
- B. If City Council submits an official map amendment it may, but is not required to, follow these procedures, including the pre-application conference.

12.4.10.7 Review and Referral by Manager

All applications for official map amendments shall be subject to the following review process:

A. Referral and Examination of Application

Upon receipt of a complete application, the Manager shall transmit copies of the application to other agencies that might be affected by the proposed application. If considered necessary, any such agency may require the applicant to furnish additional information of a pertinent and reasonable nature. Any such agency may transmit comments and recommendations concerning the application to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the complete application. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.

B. Disposition of Application

1. Except as allowed in subsection B.2 below, when the Manager determines an application for an official map amendment, including agency comments and recommendations, is ready for Planning Board action, the Manager shall submit the application to the Planning Board together with the Manager's written recommendation to the Planning Board.
2. Where an amendment is necessary only to correct an error in the official map, the Manager may submit the application, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.10.9, below.

12.4.10.8 Public Hearing and Recommendation by Planning Board

- A. The Planning Board shall notice and hold a public hearing on the application for an official map amendment according to Section 12.3.4, Public Notice Requirements. The Planning Board shall consider the recommendation of the Manager and any comments, in addition to the review criteria below, in recommending approval, approval with conditions, or denial of an official map amendment.
- B. The Planning Board's recommendation shall be forwarded to the City Council for consideration within 30 calendar days after the closing of the public hearing, unless the applicant consents to an extension of such time.

12.4.10.9 Consideration of Application by Council Committee

- A. City Council shall appoint a committee of its members to examine all applications for official map amendment and the related department reports, Manager's recommendation, and the Planning Board's recommendation. The Council committee may at that time require additional information from the applicant, from anyone submitting comments, or from city agencies, including information previously waived.
- B. The Council committee shall direct any further action on the application under this Section and, when deemed ready for hearing, shall forward the application to the City Council.

12.4.10.10 Public Hearing and Final Decision by City Council

- A. The Manager shall submit the complete application with such supporting material as designated by the Council committee.
- B. Following appropriate public notice, the City Council shall hold a public hearing on the proposed official map amendment. The City Council shall consider the recommendations of the Planning Board and Manager, and any other comments received, in addition to the review criteria below, in approving, approving with conditions, or denying an official map amendment.

12.4.10.11 Protest Petition

A. Effect of Protest to Amendment

1. If a protest to an official map amendment signed by the owners of 20 percent or more either of (1) the area of the lots included in such proposed change; or (2) the total land area from the perimeter of the area proposed for change to a distance of 200 feet outside of the perimeter of the area proposed for change, is filed with the City Council per subsection B. below, then the amendment shall not become effective except by the favorable vote of 10 members of the City Council.
2. For the purpose of defining owners and the area of land represented by the owner, land owned by more than one owner shall be divided to the extent of each owner's percentage of ownership interest in determining whether a protest has the required percentage of signatures.
3. The Manager shall determine the adequacy of all protest petition signatures.

B. Filing of Protests; Time Limitations; Withdrawal

All protests to an official map amendment and any withdrawal of the protest or specific petition signatures shall be filed with the City Council on or before, and not later than, noon 7 days prior to the date for the public hearing before City Council on the official map amendment. No protests shall be signed until the official map amendment council bill is ordered published by City Council.

12.4.10.12 Waivers of Rights and Obligations and Approval of Reasonable Conditions

- A. Whenever an application for an official map amendment, in whole or in part, is based upon a written representation by the applicant(s) that the applicant(s) wishes to waive certain rights or obligations under the proposed district classification, the City Council may adopt such waivers as a part of the ordinance amending the official map if such waivers are approved in writing by the applicant(s).
- B. Whenever public necessity, convenience, general welfare or good zoning practice justify the attachment of reasonable conditions to an official map amendment, the City Council may adopt such conditions as a part of the ordinance amending the official map if such conditions are approved in writing by the applicant(s).
- C. Upon adoption of an ordinance pursuant to subsections A. or B. above, no zoning permits shall be issued except in strict compliance with the approved waivers or conditions. Any person who applies for a permit to alter or erect a structure in such area shall be deemed to have assented to all of these waivers and conditions.
- D. Every official map amendment based, in whole or in part, upon waivers as set forth in subsection A. or conditions as set forth in subsection B. above, shall contain an exact description of any such waivers or conditions, and shall be filed by the Manager in the real property records of the Denver County Clerk and Recorder. Such ordinance, either before or after having been recorded, may be amended by City Council upon application for an amendment either by the original applicant or by a successor in interest; provided, however, that prior to such amendment, public notice shall be given similar in all respects to the public notice required for an official map amendment. Nothing contained in this Section shall be construed as a requirement that all applications for rezoning must contain waivers or have conditions.
- E. When City Council approves a text amendment to the standards applicable in a Zone District (see Section 12.4.11), such text amendment applies equally to all previously approved official map amendments to that Zone District, including official map amendments that were based, in whole or in part, upon waivers or conditions.

12.4.10.13 General Review Criteria Applicable to All Zone Map Amendments

The City Council may approve an official map amendment if the proposed rezoning complies with all of the following criteria:

A. Consistency with Adopted Plans

The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of the adoption of the City's plan.

B. Uniformity of District Regulations and Restrictions

The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

C. Public Health, Safety and General Welfare

The proposed official map amendment furthers the public health, safety and general welfare of the City.

12.4.10.14 Additional Review Criteria for Non-Legislative Rezoning

In addition to compliance with the general review criteria stated in Section 12.4.10.13, the City Council may approve an official map amendment that is not a legislative rezoning only if the City Council finds the application meets the following criteria:

A. Justifying Circumstances

One of the following circumstances exists:

1. The existing zoning of the land was the result of an error;
2. The existing zoning of the land was based on a mistake of fact;
3. The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage; or
4. The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or
5. It is in the public interest to encourage a departure from the existing zoning through application of supplemental zoning regulations that are consistent with the intent and purpose of, and meet the specific criteria stated in, Article 9, Division 9.4 (Overlay Zone Districts), of this Code.

B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

The proposed official map amendment is consistent with the description of the applicable neighborhood context, and with the stated purpose and intent of the proposed Zone District.

12.4.10.15 Additional Review Criteria for Rezoning to PUD District

In addition to the general review criteria stated in Section 12.4.10.13, for all proposed official map amendments requesting a PUD District, the City Council shall find:

- A. The PUD District is consistent with the intent and purpose of such districts stated in Article 9, Division 9.6 (Planned Unit Development) of this Code;
- B. The PUD District and the PUD District Plan comply with all applicable standards and criteria stated in Division 9.6;

- C. The development proposed on the subject property is not feasible under any other Zone Districts, and would require an unreasonable number of variances or waivers and conditions;
- D. The PUD District, the PUD District Plan establish permitted uses that are compatible with existing land uses adjacent to the subject property; and
- E. The PUD District, the PUD District Plan establish permitted building forms that are compatible with adjacent existing building forms, or which are made compatible through appropriate transitions at the boundaries of the PUD District Plan (e.g., through decreases in building height; through significant distance or separation by rights-of-way, landscaping or similar features; or through innovative building design).

12.4.10.16 Registration and Recording of Official Map Amendments

A. Recording Required

The Manager shall record the final action of the City Council on an official map amendment in the real property records of the Denver County Clerk and Recorder, and shall cause the amendment of the official zone map to designate the subject property according to the amendment.

B. Approved PUD District Plans

The Manager shall register and record all approved PUD District Plans in the real property records of the Denver County Clerk and Recorder along with the ordinance approving such PUD District Plan, and the Manager shall cause the amendment of the official zone map to designate the area included in the approved PUD District Plans as follows:

1. For approved PUD Districts with General PUD District Plans: "PUD-G #_____."
2. For approved PUD Districts with Detailed PUD District Plans: "PUD-D #_____."

12.4.10.17 Appeal

A decision by the City Council on a proposed official map amendment may be appealed to the Denver District Court.

12.4.10.18 Effect and Limitations on Approval

A. Effect of Rezoning Approval - In General

Approval of an official zone map amendment does not automatically confer any right to development or construction. Development shall comply with all applicable standards and procedures in this Code and the D.R.M.C.

B. Effect of PUD District Rezoning

1. Effect of Approved Detailed PUD District Plans

- a. The standards and provisions of an approved Detailed PUD District Plan shall constitute the zoning regulating use and development of the subject property. Approval of a Detailed PUD District Plan shall constitute site development plan review under Section 12.4.3, and zoning permits may be issued and site work commenced according to the approved Detailed PUD District Plan without further site development plan review.
- b. An approved Detailed PUD District Plan shall expire after 18 months from the date of City Council approval if an approved zoning permit and building permit (as applicable) has not been obtained and if construction (as applicable) has not started. See Article 13, for definition of "start of construction."
- c. The Zoning Administrator may extend the original 18-month expiration time frame for Detailed PUD District Plans for up to an additional 12 months according to Section 12.3.6.3., Extension of Approval Period.

2. Effect of Approved General PUD District Plans

- a. Within a PUD District subject to an approved General PUD District Plan, no zoning permits may be issued and no work may commence until a site development plan has been approved according to Section 12.4.3, Site Development Plan Review, or unless a Detailed PUD District Plan for a portion or portions of the PUD District has been approved by City Council according to Section 9.6.1.3.A of this Code.
- b. A site development plan within a PUD District may be for the entirety of the district, or for only one or more phases of the entire PUD District area. The approval of a site development plan for any one phase of the PUD District may be contingent on improvements that involve other or all phases. In any site development plan application for less than the entirety of the PUD District, the applicant shall submit plan exhibits that clearly show the relation of the subject site development phase(s) to the remainder of the PUD District area.
- c. The standards and provisions of the approved PUD District subject to a General PUD District Plan, together with all approved site development plans for the PUD District, shall constitute the zoning regulations regulating all use and development of the subject property.

3. City Council Authority to Rezone in Case of No Progress in a PUD District with a General PUD District Plan

Areas covered by an approved PUD District with a General PUD District Plan may be considered by City Council for rezoning to a more appropriate classification under this Section if a site development plan for one or more phases of the PUD District has not been submitted within 30 months following approval of the PUD District with a General PUD District Plan; provided all owners of property subject to such amendment or rezoning have been first notified in writing by Community Planning and Development that the City Council is considering such rezoning.

4. Modifications or Amendments to Approved PUD Districts

- a. See Section 12.3.7, Modification or Amendment of Applications, Plans and Permits, for regulations governing permitted modifications and amendments to approved PUD Districts and associated PUD District Plans.
- b. All approved amendments to a recorded PUD District Plan shall be recorded within 30 days of the amendment's approval.

C. Limits on Re-Application for Denied Official Map Amendments

No application for an official map amendment shall be made concerning any land area, or any portion thereof, that was the subject of a public hearing conducted by City Council within the immediately preceding 12 months period and which public hearing resulted in a rejection of the proposed official map amendment. However, this limitation shall not apply to those land areas or portions thereof for which a different Zone District classification is proposed than that which was rejected by City Council.

SECTION 12.4.11 TEXT AMENDMENT

12.4.11.1 When Required

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the City, the text of this Code shall not be amended except to correct a manifest error in the chapter, or because of changed or changing conditions in a particular area or in the city generally, including any change to the regulations and restrictions of an area thereof, or to implement adopted plans, or as otherwise reasonably necessary to the promotion of the public health, safety or general welfare.

12.4.11.2 Initiation

An application for a text amendment may be initiated by:

- A. The City Council or any individual member of the City Council;
- B. The Manager on the Manager's initiative or upon request of private parties; or
- C. The manager of any city department or agency.

12.4.11.3 Text Amendments to Create New Use Overlay Zones Not Allowed

After June 25, 2010, no new Use Overlay District may be established through a text amendment to this Code.

12.4.11.4 Application and Fees

- A. All applications for text amendments shall be filed in writing with the Manager. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.
- B. If the City Council or an individual City Council member submits a text amendment, it may, but is not required to, follow these procedures.

12.4.11.5 Review and Referral by Manager

All proposed text amendments to this Code, unless initiated by City Council, shall be subject to the following review process:

A. Agency Referral and Recommendation

1. Upon receipt of an application for a text amendment, the Manager shall transmit copies of the application to any other agencies, either public or private, which might be affected by the amendment. Any such agency may transmit comments and recommendations concerning the application to the Manager. Any agency wishing to comment shall do so within 21 days from the referral of the complete application. Non-response by a reviewing agency within the 21-day time period, or any extension agreed to by the Manager, shall be deemed a recommendation of approval by such agency.
2. No text amendment shall be forwarded for City Council consideration until the amendment has been referred to affected agencies and the recommendations of those agencies, if any, considered.

B. Disposition of Applications

1. Except as allowed in subsection B.2 below, when an application for a text amendment, including agency comments and recommendations, is completely assembled, the Manager shall submit it, along with the Manager's written recommendation, to the Planning Board for the Planning Board's review and recommendation.
2. Where the applicant for a text amendment states in the application that the amendment is necessary only to correct an error or mistake in fact in the Code language, the Manager may submit the application, including agency comments and recommendations, directly to the Council Committee for its consideration under Section 12.4.11.6, below.

12.4.11.6 Public Hearing and Recommendation by Planning Board

Following public notice according to Section 12.3.4, Public Notice Requirements, the Planning Board shall hold a public hearing on the proposed text amendment. The Planning Board shall consider the recommendation of the Manager and any comments received, in addition to the review criteria below, in recommending approval, recommending approval with conditions, or recommending denial of a text amendment. The Planning Board shall forward its recommendation to City Council.

12.4.11.7 Consideration of Application by Council Committee

- A. City Council shall appoint a committee of its members to examine all text amendment applications and agency reports. The Council committee may at that time require additional information from the applicant or from city agencies, including information previously waived.
- B. The Council committee shall direct any further action on the application under this Section and, when deemed ready for hearing, shall forward the application to the City Council.

12.4.11.8 Public Hearing and Final Decision by City Council

- A. The Manager shall submit the complete application with such supporting material as designated by the Council committee to the City Council for Council action.
- B. Following required public notice, the City Council shall hold a public hearing on the proposed text amendment. The City Council shall consider the recommendations of the Planning Board and Manager, comments received, and the review criteria below, in approving or denying a text amendment.

12.4.11.9 Review Criteria

- A. Consistency With Adopted Plans**
All text amendments shall be consistent with the City's adopted plans, or the proposed text amendment is necessary to provide for a community need that was not anticipated at the time of the adoption of the Comprehensive Plan.
- B. Public Health, Safety and General Welfare**
All text amendments shall further the public health, safety and general welfare of the City.
- C. Uniformity of District Regulations and Restrictions**
A text amendment to this Code shall result in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.

12.4.11.10 Appeal

A decision on a text amendment may be appealed to District Court.

SECTION 12.4.12 GENERAL DEVELOPMENT PLAN

12.4.12.1 Intent

- A. General Intent**
A General Development Plan (GDP) establishes a framework for future land use and development and resulting public infrastructure. The GDP provides an opportunity to identify issues and the development's relationship with significant public infrastructure improvements such as major multi-modal facilities and connections thereto, major utility facilities, and publicly accessible parks and open spaces. An approved GDP provides a master plan for coordinating development, infrastructure improvements, and regulatory decisions as development proceeds within the subject area. An approved GDP also constitutes a master plan that is a prerequisite to zoning within the Master Plan neighborhood context, as described in Division 9.7, Master Planned Context, of this Code.

B. Intent of the GDP Review Process

The review process for a GDP is intended to:

1. Provide for the coordinated assessment of general land development proposals by the City and other interested public agencies;
2. Ensure that the GDP is consistent with the Comprehensive Plan;
3. Identify subsequent regulatory steps, submittals, and approvals in order to determine the appropriate type and level of detail that may be needed in addition to the basic submittal requirements for the GDP; and
4. Provide for the notification and appropriate input from the public on the proposed GDP;
5. Identify the type and scope of any required technical studies, plans and documents necessary to achieve the intent of a GDP, and coordinate review of such studies, plans, and documents.

12.4.12.2 When Required

A. Mandatory GDP

Preparation of a GDP is mandatory when the Manager determine (1) the specific circumstances warrant a coordinated master framework plan to guide future development; and (2) land use, development, and infrastructure issues related to future development cannot be adequately resolved through other regulatory processes, such as subdivision or site development plan review. In determining whether circumstances warrant preparation of a GDP, all relevant factors shall be considered, including but not limited to the following:

1. Adopted Plan Recommendation

A citywide land use, or small area plan, adopted by City Council as a supplement to the Comprehensive Plan, recommends preparation of a GDP for all or portions of the plan area.

2. Large-Scale Development

The GDP area either: (a) is more than 10 acres, (b) is anticipated to be developed in phases; or (c) is owned by more than one person or entity.

3. Infrastructure Network or System Improvements

Future development in the GDP area anticipates any of the following infrastructure improvements:

- a. Establishing, extending, expanding, or otherwise changing the arterial or collector street grid; or
- b. Establishing, extending, expanding, or otherwise changing an existing regional stormwater system; or
- c. Establishing, extending, expanding, or otherwise changing publicly accessible park and open space.

4. Development Adjacent to Major River or Trail Corridors

Development within 100 feet from the Cherry Creek corridor or the South Platte River corridor, where publicly-accessible open space, pedestrian connections, or bike connections to such corridors is anticipated.

The Manager shall inform the applicant in writing when preparation of a GDP is mandatory.

B. Optional GDP

An owner may elect to submit a GDP for the property in order to establish a coordinated master plan for the property.

12.4.12.3 Timing of GDP Review

When preparation of a GDP is mandatory, the GDP shall be approved before final approval of the following, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications:

- A. Official Map Amendment
- B. Subdivision under D.R.M.C., Chapter 50.

12.4.12.4 Initiation

- A. A GDP may be initiated by any one or combination of the following parties:
 - 1. The owner or owners of the entire subject property;
 - 2. The owner(s)'s authorized agent(s);
 - 3. The Manager;
 - 4. The manager of Parks and Recreation; or
 - 5. The manager of Public Works.
- B. The Manager shall be a co-applicant whenever a GDP includes a Secondary Area and/or when the owner or owners of the entire subject property are not applicants.

12.4.12.5 Minimum Open Space Requirements for a GDP

All applications for a General Development Plan shall comply with the following open space standards:

A. Minimum Amount Required

A minimum of 10% of the total GDP area (including the Primary Area plus any Secondary Areas) shall be included in the GDP as open space.

B. Design Criteria

- 1. The required open space shall be provided in one (1) or more areas.
- 2. The required open space shall remain publicly accessible and usable.
- 3. The required open space shall result in one or more of the following public benefits:
 - a. Enhanced connections to transit facilities, plazas, or streets;
 - b. Enhanced pedestrian environments; and/or
 - c. Enhances or creates public spaces.

12.4.12.6 Development Review Committee – Final Approval Authority

The Development Review Committee (“DRC”) shall have the authority to approve, approve with conditions, or deny a GDP application, after consideration of the recommendation from the Planning Board.

12.4.12.7 Pre-Application Conference

- A. A pre-application conference is mandatory prior to the start of the concept GDP review and preliminary GDP review required under this Section. See 12.3.2, Pre-Application Conference/ Concept Plan Review.
- B. The DRC shall attend the pre-application conference, at which the applicant shall present the land use and development concept for the subject property and identify the existing or desired neighborhood context. The DRC, as part of the pre-application conference, shall identify the

necessary regulatory processes applicable to development of the subject property, and on this basis confirm the need for and establish the contents of the GDP submittal.

12.4.12.8 Application and Fees

All applications for concept review, preliminary, and final GDP review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

12.4.12.9 Concept GDP Review

Before a preliminary GDP application is submitted, the applicant shall submit a concept GDP for review. During this concept GDP review, the DRC and the applicant shall agree upon the parameters for the preliminary GDP submittal, including, at a minimum, the following:

- A. GDP area boundaries, including designation of a Primary Area and one or more Secondary Areas, as applicable.
- B. Required community outreach and public participation.
- C. Technical studies required, as applicable.
- D. General development concepts for the following elements, as applicable:
 1. Land use
 2. Building scale and density ranges anticipated
 3. Pedestrian environment
 4. Existing and future street network; as part of this element, the applicant may designate Primary Streets (as defined and regulated by this Code). If Primary Streets are not designated as part of the GDP, submittal of a Regulating Plan according to Section 12.4.13 will be required prior to site development.
 5. Existing and future publicly accessible open space and parks
 6. Existing and future public facilities.

12.4.12.10 Preliminary GDP Review

A. Timing After Concept GDP Review

The applicant shall submit an application for preliminary GDP review within 180 days after completion of the concept GDP review. The Manager may approve up to one 180-day extension of this filing deadline upon a showing of good cause by the applicant. If the 180 day filing period expires, and is not otherwise extended, the applicant shall be required to submit a new application for concept GDP review and pay all required fees.

B. Submittal

The preliminary GDP application shall contain all items and elements required through the concept GDP review above.

C. Public Meeting, Notice, and Public Comment Period

1. Public Meeting and Public Notice

Upon the Manager's determination that the application for preliminary GDP review is complete (see Section 12.3.3.8, Determination of Complete Applications), and at least 21 days prior to such meeting, the applicant shall schedule a public meeting to take place 21 to 45 days hence and send written notice of submittal of the preliminary GDP application and public meeting to:

- a. The City Council member(s) in whose district the GDP is located and the at-large Council members;

- b. All property owners within the defined GDP boundaries who are not co-applicants for the GDP;
- c. All property owners within 200 feet of the GDP boundary;
- d. Denver Public Schools if the GDP anticipates residential development;
- e. Any special districts of which any part of the district's boundaries is included in the GDP boundaries; and
- f. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.

2. Conduct of Public Meeting

At the public meeting, the applicant shall present the substantive content of the preliminary GDP application, record public comment, and submit a written report of such recorded comments to Community Planning and Development by no later than 7 days after the public meeting date. Such report shall be forwarded to the DRC for consideration.

3. Public Comment Period

Members of the public and anyone receiving notice of the preliminary GDP application may provide written comments on the application to the Manager up to 15 days after the date of the public meeting. Such written comments shall be forwarded to the DRC for consideration during review of the preliminary GDP.

D. Review and Referral by Manager

The Manager shall refer the GDP application to the DRC and to all affected or interested agencies and departments for review and comment. The Manager shall provide the applicant with a written compilation of all agency and department comments.

E. Revisions by Applicant

The applicant shall respond in writing to all comments received and submit a revised GDP as necessary. Subsequent rounds of DRC review and applicant revisions may follow until the DRC determines the application is ready for final GDP review, as described below.

12.4.12.11 Final GDP Review

A. Determination by DRC

When the DRC determines review of the preliminary GDP is complete, the preliminary GDP application is deemed to be the Final GDP application and ready for Planning Board recommendation and final DRC decision.

B. Planning Board Review and Recommendation

1. When the Final GDP application is ready for Planning Board recommendation, the Manager shall schedule the GDP application for the Planning Board's consideration at a public hearing. The Manager shall make a written recommendation to the Planning Board for its consideration.
2. Written and posted notice of the Planning Board public hearing shall be provided according to Section 12.3,4, Public Notice Requirements, and such written notice shall also be sent to the following:
 - a. All owners of land included in the boundaries of the Final GDP other than the applicant;
 - b. Owners of real property located within 200 feet of the boundary of the Final GDP area, including any Secondary Area, as applicable;
 - c. The City Council members in whose districts the Final GDP area is located, and the at-large Council persons;

- d. Any neighboring municipality or county which is contiguous to any boundary of the Final GDP;
 - e. Denver Public Schools if the Final GDP anticipates residential development.
 - f. Any special district of which any part of the district's boundaries is included in the GDP boundaries; and
 - g. All Registered Neighborhood Organizations whose boundaries include or are within 200 feet of the GDP boundary.
3. The Planning Board shall hold a public hearing on the Final GDP application and shall consider the recommendations of the Manager and the Managers of Parks and Recreation and Public Works, any comments received, and the review criteria below in making its recommendation to the DRC.
 4. The Planning Board's recommendation shall be forwarded to the DRC for action within 30 days after the public hearing is closed, unless the applicant requests an extension of such time.

C. DRC Final Decision

The DRC shall make all final decisions on a Final GDP after consideration of information received from the public hearing and otherwise and the recommendation by the Planning Board. The DRC shall approve, approve with conditions, or deny the Final GDP application based on the review criteria set forth below. The applicant shall revise the application as required, and submit a final GDP for execution and recording required herein.

12.4.12.12 Review Criteria

The DRC shall approve a Final GDP application only if the DRC finds:

- A. The Final GDP is consistent with applicable city plans;
- B. The pedestrian, transit, and street pattern is appropriate to serve the final GDP area and provide connectivity to surrounding properties, as applicable, and promotes and accommodates multi-modal transportation;
- C. The final GDP contains an adequate master plan for provision of drainage, sewage, and water systems through subsequent regulatory process;
- D. Unique natural resource features and sensitive areas can be adequately protected and accommodated through subsequent regulatory process;
- E. The Final GDP contains an adequate master plan for the provision of publicly accessible and usable open space that enhances the connection to transit facilities, plazas or streets, and the pedestrian environment through subsequent regulatory process; and
- F. The Final GDP provides an adequate master plan to ensure that all phases of development will occur in an orderly fashion, and that infrastructure improvements necessary to serve future development have been identified and will be provided concurrent with such development as further approved through subsequent regulatory processes.

12.4.12.13 Appeals

The final decision of the DRC on a GDP application may be appealed to the District Court.

12.4.12.14 Execution and Recording

- A. The applicant shall submit an electronic file of the final approved GDP for recording, which shall include an electronic copy of the original GDP mylar cover sheet signed by all owners of the subject property and by the managers of Community Planning and Development, Public Works, and Parks and Recreation.

- B. Following execution of the final GDP, the Manager shall record the electronic GDP in the records of the Denver County Clerk and Recorder's Office.

12.4.12.15 Effect of Approved GDPs

- A. A recorded GDP shall be in full force and effect until and unless such time as the GDP is amended or replaced by a new GDP for the same location according to this Section 12.4.12's procedures.
- B. The City Council may approve an official map amendment (rezoning) application for property located within an approved GDP area, taking into consideration the approved GDP.
- C. The City may issue subdivision approvals, site development plan approvals, zoning permits, and may approve the construction, location, use, and operation of all land and structures for properties located within an approved GDP area, only upon a finding that such subsequent zoning and building actions are consistent with the terms and conditions of the approved GDP.

12.4.12.16 Vested Property Rights

A. Certain General Development Plans Eligible for Vested Rights

- 1. A GDP initiated by an owner or owners of the subject property, or their authorized agents, and which by its express terms will not require one or more official map amendments (rezoning) to implement the GDP, shall result in vested rights, provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below.
- 2. A GDP approved prior to or concurrent with the City Council's approval of one or more official map amendment (rezonings) to implement the GDP may be amended after approval of the official map amendment(s) to obtain vested rights, provided the GDP contains the specificity stated in Section 12.4.12.16.A.3 below. All GDP amendments seeking the addition of vested rights shall be processed according to the same procedure and criteria applicable to the original application for approval of the GDP.
- 3. Any GDP eligible for vested rights according to this subsection may be afforded vested rights only if the GDP provides specificity regarding:
 - a. The location and intensity of permitted land uses;
 - b. Building scale (heights) anticipated, including building height transitions to adjacent properties, as applicable;
 - c. The location and general specifications for a network of internal pedestrian walkways and connections to primary uses within the GDP area and to adjacent development or public amenities/facilities such as schools, parks, and open space.
 - d. The location and functional classification of the future street network within the GDP area, as applicable;
 - e. The designation of Primary Streets to guide future development in compliance with this Code;
 - f. The location of future publicly accessible open space and parks; and
 - g. The location of future public facilities, as applicable.
- 4. The vested rights in an approved GDP are directly proportional to the level of detail and specificity approved in the plan.

B. Vesting Period

Rights vested through approval of a General Development Plan shall remain vested until such time as the General Development Plan is either amended, superseded, or rescinded.

12.4.12.17 Amendments to an Approved GDP

One or more owners of property within the GDP area may initiate an amendment to the approved GDP, but only with the written consent of all owners of property in the GDP area. An approved GDP may be amended at any time using the process set out in this Section, and may be amended simultaneously with the processing of a site development plan application. The DRC shall decide whether a proposed change to the GDP is a "modification," which may be approved by the DRC through submitted redlines to the previously approved GDP plan documents, or an "amendment" according to Section 12.3.7, Modification and Amendments to Approved Applications, Plans or Permits.

SECTION 12.4.13 REGULATING PLAN

12.4.13.1 Intent

A. General Intent of a Regulating Plan

A Regulating Plan is used to apply allowed building types, building heights and land uses to specific street frontages and specific blocks and/or zone lots within a Zone District. A Regulating Plan is also a vehicle for the designation of Primary Streets and Side Streets in advance of site development to increase the predictability and certainty of future development under this Code. A Regulating Plan is an optional step and process in all Zone Districts except in the M-GMX Zone District. An approved Regulating Plan provides a binding plan that narrows the broad flexibility otherwise allowed in the Zone District as site specific development proceeds within the subject area.

B. Intent of Regulating Plan in the M-GMX Zone District

For properties zoned to a Mater Planned General Mixed Use ("M-GMX") District, a Regulating Plan is mandatory prior to site development. The M-GMX District allows a broad menu of potential building forms and land uses, which are intended to allow flexibility to create places with a specific character, as described in an approved General Development Plan. The broad menu of building forms and land uses must be restricted in their geographic location in order to successfully implement the approved General Development Plan, and to provide predictability and certainty for future property owners within the M-GMX District. The geographic application of specific building forms, building heights and land uses is shown through a Regulating Plan, which ensures the character described in the General Development Plan is implemented throughout the M-GMX district.

C. Intent of the Regulating Plan Review Process

The review process established in this Section 12.4.13 for a Regulating Plan is intended to:

1. Narrow the application of the allowed building forms, land uses, and building heights within a Zone District to specific geographic sites; and
2. Ensure that the implementation of the Zone District standards are consistent with the approved General Development Plan.

12.4.13.2 When Required & General Allowances

A. When Required

1. Mandatory in the M-GMX Zone District

Preparation of a Regulating Plan is mandatory in the M-GMX district, except when the subject property is included in a General Development Plan, which includes the same level of detail and information as required by this Section 12.4.413., including but not limited to the designation of Primary Streets.

2. Mandatory for Development within Certain General Development Plan Areas

Preparation of a Regulating Plan is mandatory prior to site development subject to a General Development Plan where the GDP does not include designation of Primary Streets.

3. Optional in All Other Cases

In all Zone Districts other than in the M-GMX Zone District, and when a Regulating Plan is not otherwise mandatory under this Section, preparation of a Regulating Plan is optional.

B. General Allowances

1. A Regulating Plan may encompass all or a portion of the area within a General Development Plan, as applicable; in addition, there may be multiple Regulating Plans within the same GDP area.
2. There is no minimum area required for submittal of a Regulating Plan.

12.4.13.3 Timing of Regulating Plan Review

When preparation of a Regulating Plan is required according to this Section, the Regulating Plan shall be approved before approval of any of the following zoning applications, as applicable, unless the Manager agrees to concurrent processing of such applications according to Section 12.3.3.9, Concurrent Applications. A Regulating Plan may also be incorporated into or a part of a Site Development Plan if applicable.

- A. Special Exception Review
- B. Variances
- C. Site Development Plan Review
- D. Zoning Permit

12.4.13.4 Initiation

A Regulating Plan may be initiated by any one or combination of the following parties:

- A. The owner or owners of the subject property included in the Regulating Plan;
- B. The owner's authorized agent; or
- C. The Manager.

12.4.13.5 Manager – Final Approval Authority

The Manager shall have the authority to approve, approve with conditions, or deny a Regulating Plan application.

12.4.13.6 Pre-Application Conference

A pre-application conference is mandatory. See 12.3.2, Pre-Application Conference / Concept Plan Review.

12.4.13.7 Application and Fees

A. Submittal

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

B. Regulating Plan Contents

1. Regulating Plan

- a. The regulating plan shall be provided in a digital format acceptable to the Manager.
- b. A regulating plan shall be produced at a scale appropriate for review, but at no less than 1"=200' scale.

- c. The regulating plan shall show:
 - i. The land area that is the subject of the Regulating Plan, including 250 additional feet beyond the plan area to establish context, and shall also show the immediately adjoining land uses, roads, water bodies, and other rights-of-way or easements.
 - ii. The boundaries of the area within the M-GMX District, as applicable.
 - iii. Proposed size and layout of blocks.
 - iv. The location of all streets, alleys and drives with the street type specification and width of each.
 - v. Designation of Primary Streets and Side Streets.
 - vi. The location of all publicly accessible open spaces, including public parks or open space, common open space, and schools.
 - vii. The assignment of one or more allowed building form standards (e.g., urban house form standards, general form standards), including the maximum or range of heights allowed for such building forms, to each face block or zone lot. Building form standards to apply within the Regulating Plan may be chosen from any of the building form standards allowed in the applicable Zone District.
 - viii. The land use or land uses allowed on each face block or zone lot.
 - ix. Where applicable, the location of dwelling units meeting the developer's affordable housing obligations under the Denver Revised Municipal Code.
 - x. The applicant may also assign supplemental building form standards to specific face blocks or zone lots to achieve urban design objectives for the proposed development, provided such supplemental standards do not conflict with otherwise applicable building form standards. For example, while the applicable building form standards may limit a building's height to a *maximum* of 5 stories, a Regulating Plan may require a building located at a critical focal point within the development to have a *minimum* height of 2 stories.

2. Project Report

- a. The project report shall not be part of the recorded approval, but shall serve as background for the Manager in making a final decision on the Regulating Plan.
- b. The project report shall include the following components.
 - i. Description of how the Regulating Plan is consistent with and implements any precedent approved plan for the area, such as a Neighborhood or Small Area Plan approved by the city, and the approved General Development Plan.
 - ii. Development program for the proposed Plan area, including:
 - a) Description of land use concepts, including ranges of square footage and general geographic distribution for each land use concept;
 - b) Tabulation of acreages and density, as applicable, of each building type; and
 - c) Estimated sequence and timing (where known) of project construction.
 - iv. Description of proposed transitions at the edge of the Regulating Plan area to promote compatibility between the Regulating Plan area and adjacent land uses, where applicable. For example, a Regulating Plan might illustrate the use of building height, the location of open space, landscaping and buffers, or streets and streetscape as transition tools along Regulating Plan area edges adjacent to more or less intensive building types and land uses.

12.4.13.8 Review, Referral and Final Decision by Manager

The Manager may refer the Regulating Plan application to other affected or interested agencies and parties for review and comment, as deemed necessary to make a decision on the application. In deciding to approve or deny the proposed regulating plan, the Manager shall consider relevant comments of all interested parties.

12.4.13.9 Review Criteria

The Manager shall approve a Regulating Plan application only if the Manager finds:

- A. That the proposed allocation and geographic location of building forms, building heights, and land uses are consistent with applicable plans adopted by the City, including but not limited to any approved General Development Plan, the Comprehensive Plan, Blueprint Denver, the Strategic Transportation Plan, small area plans, and all adopted amendments and supplements to such plans;
- B. The Regulating Plan provides a plan that will enable the predictable development of building forms and heights, and the predictable establishment of land uses within the plan's area; and
- C. Design of the mix of building types, heights, and land uses will respect existing adjacent neighborhood context, where applicable, and creates an appropriate transition at the edges of the Regulating Plan.

12.4.13.10 Appeals

The final decision of the Manager may be appealed to the Board of Adjustment according to Section 12.4.8, Administrative Appeals.

12.4.13.11 Execution and Recording

- A. The applicant shall submit an electronic file of the final approved Regulating Plan for recording, which shall include an electronic copy of the original Regulating Plan cover sheet signed by all owners of the subject property and by the Zoning Administrator.
- B. Following execution of the final regulating plan, the Zoning Administrator shall record the electronic Regulating Plan in the records of the Denver County Clerk and Recorder's Office.

12.4.13.12 Effect of Approved Regulating Plans

- A. All approved Regulating Plans and any Regulating Plan amendments shall be binding upon the applicants and their successors and assigns, shall control the issuance of all subdivision approvals, site development plan approvals, zoning permits, and the construction, location, use, and operation of all land and structures included within the Regulating Plan area.
- B. A recorded Regulating Plan shall be in full force and effect until and unless such time as the Regulating Plan is amended or replaced by a new Regulating Plan for the same location according to this Section's procedures.

12.4.13.13 Modifications and Amendments to an Approved Regulating Plan

Modifications and amendments to an approved Regulating Plan are allowed according to Section 12.3.7 of this Code. Withdrawal of an approved and recorded Regulating Plan is allowed according to Section 12.3.8 of this Code.

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DIVISION 12.5 COMPLIANT USES

SECTION 12.5.1 DEFINITION

See Article 13 for definition of "Use, Compliant," and "Use, Conforming."

SECTION 12.5.2 EFFECT

12.5.2.1 Right to Continue

Compliant uses are legal uses for all purposes under this Code, and may continue to operate indefinitely.

~~Applicability of Code to Expansions and Enlargements~~

~~A compliant use may only be expanded or enlarged if the use, including the expansion or enlargement, complies with all applicable use limitations and standards in this Code.~~

12.5.2.2 General Allowance and Limitation on Expansion

Provided it continues to comply with all provisions of this Division, any compliant use may continue in operation on the same land area and on the same floor area in a structure that was occupied by the compliant use on the date the use first became a compliant use. Except as authorized in this Division 12.5, the land area or the floor area in a structure devoted to the operation and maintenance of a complaint use shall not be increased. Continuance authorized in this Division shall not be construed to permit an increase in the number of dwelling units, a reduction of the ratio of land area to the number of dwelling units, or any change whatsoever in any aspect of and feature of or in the character of the compliant use.

12.5.2.3 Zoning Administrator Authority to Allow Limited Expansions

A. Zoning Administrator Authority in Special Cases Only

The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the land area or the floor area in a structure or structures occupied by a compliant use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments.

B. Procedure and Required Findings

All applications for an allowance under this Section 12.5.2.3 shall be reviewed according to the procedures stated in Section 12.4.1, Zoning Permit Review. In addition to the review criteria stated in Section 12.4.1, the Zoning Administrator shall grant an allowance only upon finding the following conditions exist:

1. That the use is a complaint use as defined in this Code, and is in full compliance with all requirements of this Code applicable to compliant uses, and
2. That the allowance for expansion is necessary and essential to enable the owner of the use to comply with lawful requirements of federal, state or municipal governments.

C. Allowance Personal to Owner

Every allowance authorized by this Section 12.5.2.3 shall be personal to the applicant and shall not be transferable, and shall run with the land only after construction of any authorized structure or structures and only for the life of such structure or structures.

12.5.2.4 Board of Adjustment Authority to Grant Variances for Expansion

The Board of Adjustment is authorized under its power to grant variances to permit an increase in the floor area occupied by a compliant use in an existing structure, subject to the procedures and applicable criteria stated in Section 12.4.7, Variance.

SECTION 12.5.3 TERMINATION OF COMPLIANT USES

12.5.3.1 **[Moved] By Changes in Use**

A. **To a Conforming Use**

Changing a compliant use to a conforming use shall terminate the rights of the compliant use, and any re-establishment of the compliant use shall comply with all applicable use limitations ~~and standards~~ in this Code unless terminated as provided herein.

B. **To a Temporary Use**

Changing a compliant use to a temporary use properly permitted under the provisions of this Code shall not terminate the rights of the compliant use.

12.5.3.2 **By Abandonment**

Abandonment of a compliant use shall terminate immediately the right to operate such compliant use.

12.5.3.3 **By Vacancy**

Vacancy for a period of 12 or more successive calendar months of the structure or that part of a structure occupied by the compliant use shall terminate immediately the right to operate such compliant use.

12.5.3.4 **By Change to a Conforming Use**

Changing any compliant use to a conforming use shall terminate the compliant use and the compliant use shall not be reestablished.

12.5.3.5 **By Destruction, Damage or Obsolescence of Structure Housing Compliant Use**

A. **Involuntary Destruction or Damage**

The right to operate and maintain any compliant use shall terminate and shall cease to exist whenever the structure in which the compliant use is operated and maintained is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such structure on the date of such damage or destruction; provided, however, that the right to operate and maintain a compliant residential use located in a Residential Zone District or a compliant use located in the C-CCN Zone District shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

B. **Obsolete or Substandard Structure**

The right to operate and maintain any compliant use shall terminate and shall cease to exist whenever the structure in which the compliant use is operated and maintained becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

C. **Voluntary Demolition**

Nothing in this subsection shall be deemed to permit the reconstruction or reestablishment of all or any part of a compliant use whenever the structure in which the compliant use is operated and maintained has been voluntarily demolished.

SECTION 12.5.4 DETERMINATION OF COMPLIANT STATUS

Compliant status shall be determined by the Zoning Administrator.

DIVISION 12.6 COMPLIANT STRUCTURES

SECTION 12.6.1 DEFINITION

See Article 13 for definition of "Structure, Compliant," and "Structure, Conforming."

SECTION 12.6.2 EFFECT

12.6.2.1 Right to Continue

Compliant structures are legal structures for all purposes under this Code, and may continue to be occupied, operated, and maintained, unless terminated as provided herein.

12.6.2.2 Expansions, Alterations, Enlargements to Compliant Structures

A. Applicability

1. This Section 12.6.2.2 applies to any compliant structure in all Zone Districts.
2. This Section 12.6.2.2 applies to any compliant structure that was rebuilt under Section 12.6.2.3, Voluntary Demolition and Reconstruction.

B. General Allowance

1. Subject to all limitations of this Division 12.6, any compliant structure may be occupied, operated, and maintained in a good state of repair.
2. Subject to all limitations of this Code and additional limitations in Section 12.6.2.2.D-F below, a compliant structure may be altered or enlarged so long as no existing non-compliant element of the structure is increased and no new non-compliant element or nonconformity is created.

~~A compliant structure shall be expanded or enlarged in full compliance with this Code except as described in Section 12.6.2.2 D-F, below.~~

C. Documentation Required

In addition to the general submittal requirements under this Code and pursuant to the Denver Building and Fire Code, an application to permit expansions, alterations, or enlargements to a compliant structure according to Section 12.6.2.2.D-E below shall include the documentation described in Section 12.6.2.3.BC.2 below.

D. Compliance with Required Build-to Standards

Compliant structures that do not meet the requirements of the Primary or Side Street build-to standards may be altered without fully complying with the Primary or Side Street build-to standards provided that, if some portion of the compliant structure meets the build-to requirement, no alteration (including demolition) is allowed that would reduce the amount of that existing facade meeting the build-to requirement. For any expansion or enlargement that does not fully comply with the Primary or Side Street build-to standards, and that expands the building's gross floor area by more than 25% cumulatively after June 25, 2010, shall comply with perimeter parking lot landscaping standards for surface parking located between the building and the Primary Street set forth in Division 10.5. See ~~f~~Figures 12.6-1 and 12.6-2 below illustrating permitted alterations to compliant structures that do not meet Primary or Side Street build-to standards.

Figure 12.6-1

Not to Scale. Illustrative Only.

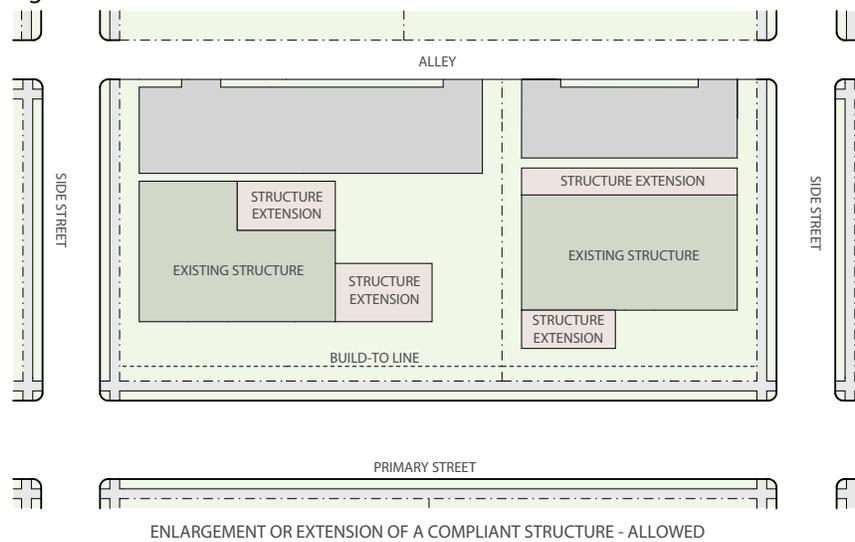
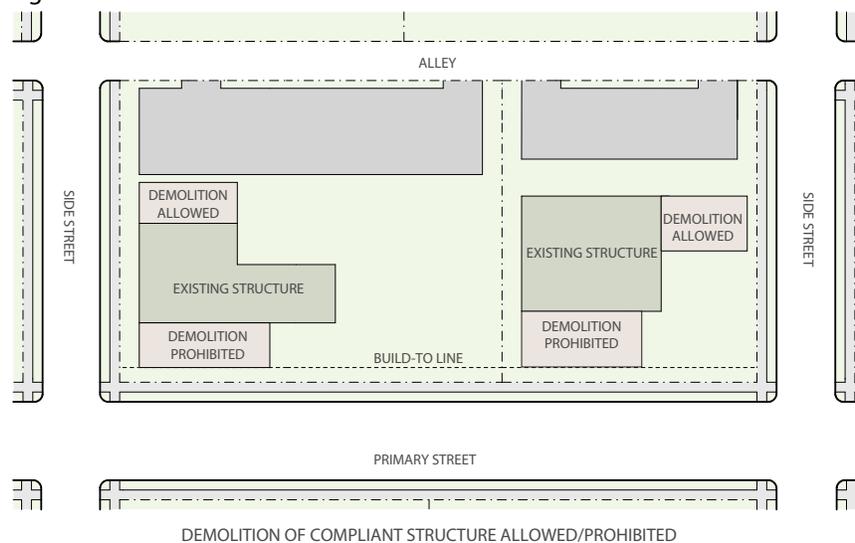


Figure 12.6-2

Not to Scale. Illustrative Only.

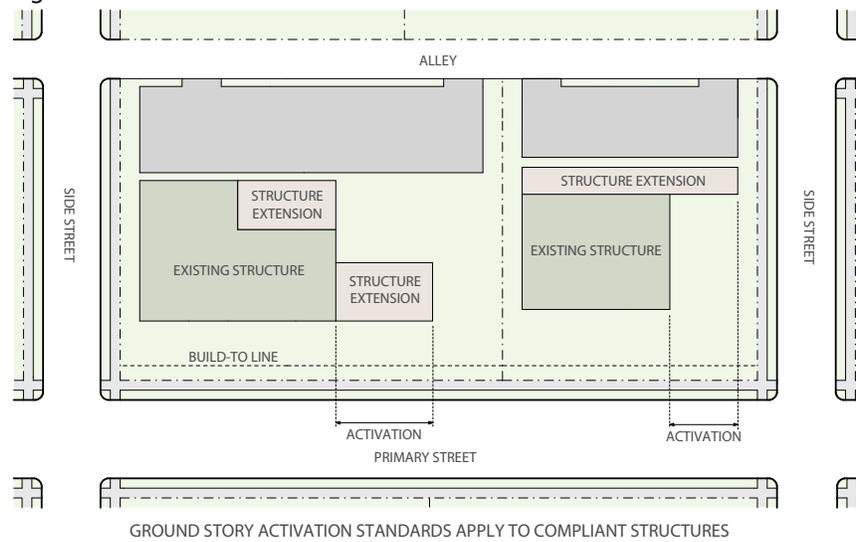


E. Compliance with Required Ground Story Activation Standards

Compliant structures that do not meet the Ground Story Activation standards of this Code may be expanded without fully complying with the Ground Story Activation standards; however, any addition to the structure located within 80 feet of the Primary Street or Side Street where a Ground Story Activation standard applies must meet the Ground Story Activation standard and no alteration may be made that further reduces the structure's compliance with the transparency requirement. [See Figure 12.6-3](#)

Figure 12.6-3

Not to Scale. Illustrative Only.



F. Limited Continuation of **Nonconforming-Compliant** Side Setback

1. Exception for Additions to Compliant Structures

Requirements as to side setback lines may be modified to permit, subject to the procedure outlined below, an addition to a compliant structure located in a Residential Zone District and used solely for residential purposes if such compliant structure meets the following conditions:

- a. The dimension of the structure that causes the structure to be compliant as to side setback exists for at least one-half of the sidewall length of the structure.
- b. The length of the proposed addition shall not exceed the length of the existing compliant sidewall.
- c. No wall or roof of the proposed addition to be built within the required side setback area shall be higher than the existing wall or roof to which it is attached, except that an existing roof structure may be removed and replaced to provide alignment with the wall or roof of the proposed addition.

2. Procedure

- a. The procedures of Section 12.4.2, Zoning Permit Review with Informational Notice, shall be used to process a request for **continuing a compliant side setback enlargement of a compliant structure** except as provided in subsection 2.a. below.
- b. The procedures of Section 12.4.2, Zoning Permit Review with Informational Notice, for **continuing a compliant side setback enlargement of compliant residential structures** shall not be required if the residential structure is located in a zone containing less than 3,500 square feet, and the side setback area in question is adjacent to an alley, and the applicant is seeking an exception under Section 12.6.2.2.-F.1 above. In such a case, the compliant residential structure may be expanded in the side setback area subject to review under Section 12.4.1, Zoning Permit Review, provided the structure and any proposed addition meet the requirements of Section 12.6.2.2.F.1 above.

12.6.2.3 Voluntary Demolition and Reconstruction - CC, MX, MS and I-MX Zone Districts

A. Applicability

1. This Section 12.6.2.3 applies only in the CC, MX, MS, and I-MX Zone Districts.
2. This Section 12.6.2.3 applies only to structures that were conforming on June 24, 2010 and shall not apply to structures that were nonconforming on June 24, 2010.
3. This Section 12.6.2.3 shall not apply to any additions or expansions built under Section 12.6.2.2.
4. A compliant structure that has been rebuilt per this Section 12.6.2.3 may thereafter be voluntarily demolished and rebuilt per this Section 12.6.2.3, or in full compliance with all applicable Zone District standards.

B. General Rules for Reconstruction After Voluntary Demolition

A compliant structure that is voluntarily demolished may be reconstructed either:

1. In full conformance with all applicable Zone District standards; or
2. According to Section 12.6.2.3.C, below.

C. "As Was" Reconstruction of Compliant Structures

After voluntary demolition, a compliant structure may be reconstructed as it existed on June 24 2010~~[the day before the effective date of this Code]~~ in compliance with the following conditions:

1. The area and dimensions of the zone lot on which the replacement structure will be constructed are the same that existed on June 24, 2010.
2. The applicant provides an improvement location survey prepared by a Qualified Professional describing the area and dimensions of the zone lot and the compliant structure's dimensions and location relative to zone lot lines. Documentation shall also include the dimensions and location of surface parking serving the compliant structure, dimensions and location of other structures and landscape features,, and existing exterior elevation drawings of the compliant structure that describe dimensions of building height and all exterior features and fenestration.
3. All provisions of this Code shall apply except where compliance is not possible because of the location or dimensions of the replacement structure, required vehicle access to the zone lot, accessory parking spaces, or due to existing gas tank location and the impracticality of moving such tanks. For any reconstruction that does not fully comply with the Primary or Side Street Build-To standards, a garden wall shall be provided within 0' to 15' from the zone lot line for 100% of the Primary and Side Street frontage, excluding required vehicle access points and any portions of building located within the 0' to 15' range. The Zoning Administrator may approve an alternative to the required garden wall when on-site circulation constraints prevent installation of a garden wall, provided the alternative results in separating pedestrian activity from on-site vehicle circulation areas.
4. The applicant shall obtain a zoning permit within one year of receiving a demolition permit for the compliant structure.

12.6.2.4 Voluntary Demolition and Reconstruction - All Other Zone Districts

A compliant structure located in a Zone District not subject to Section 12.6.2.3 above, and which is voluntarily demolished, shall be reconstructed only in full compliance with all applicable Zone District standards.

12.6.2.5 Involuntary Destruction or Damage to Structure

A compliant structure that is involuntarily damaged or demolished in any manner and from any cause may be reconstructed as it previously existed. Any expansion or extension of such structure shall be subject to the standards governing expansions, alterations and enlargements in Section 12.6.2.2. above.

SECTION 12.6.3 DETERMINATION OF COMPLIANT STATUS

Compliant status shall be determined by the Zoning Administrator.

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DIVISION 12.7 NONCONFORMING USES

SECTION 12.7.1 DEFINITION

- 12.7.1.1 Nonconforming use means any use which, at the time the use was first permitted or initiated, was lawfully operated, and has since that time been continuously lawfully operated, but which use is not a permitted use under this Code and is not a "compliant use" under Division 12.5 of this Code.
- 12.7.1.2 Nonconforming outdoor general advertising devices (billboards) and other nonconforming signs shall be subject to the nonconforming sign provisions in Division 12.9 of this Article instead of the nonconforming use standards stated in this Division 12.7.

SECTION 12.7.2 LIMITED CONTINUANCE OF NONCONFORMING USES ALLOWED

12.7.2.1 General Allowance and Limitation on Expansion

Provided it continues to comply with all provisions of this Section, any nonconforming use may be continued in operation on the same land area and on the same floor area in a structure that was occupied by the nonconforming use on the date the use first became a nonconforming use. Except as authorized in Section 12.7.2.2 below, the land area ~~and~~ the floor area in a structure devoted to the operation and maintenance of a nonconforming use shall not be increased. The continuance authorized hereunder shall not be construed to permit increase in the number of dwelling units, a reduction of the ratio of land area to the number of dwelling units, or any change whatsoever in any aspect of and feature of or in the character of the nonconforming use.

12.7.2.2 Zoning Administrator Authority to Allow Limited Expansions

A. Zoning Administrator Authority in Special Cases Only

The Zoning Administrator may authorize, upon application in specific cases, an exception permitting an increase in either or both the land area or the floor area in a structure or structures occupied by a nonconforming use as are necessary and essential to enable the owner of the use to comply with lawful requirements of the federal, state, or municipal governments.

B. Procedure and Required Findings

All applications for an allowance under this Section 12.7.2.2 shall be reviewed according to the procedures stated in Section 12.4.1, Zoning Permit Review. In addition to the review criteria stated in Section 12.4.1, the Zoning Administrator shall grant an allowance only upon finding the following conditions exist:

1. That the use is a nonconforming use as defined in this Code, is in full compliance with all requirements of this Code applicable to nonconforming uses, and is not a nonconforming use which, by the provisions of this Code, is to be terminated by operation of law; and
2. That the allowance for expansion is necessary and essential to enable the owner of the use to comply with lawful requirements of federal, state or municipal governments.

C. Allowance Personal to Owner

Every allowance authorized by this Section 12.7.2.2 shall be personal to the applicant and shall not be transferable, and shall run with the land only after construction of any authorized structure or structures and only for the life of such structure or structures.

12.7.2.3 Board of Adjustment Authority to Grant Variances for Expansion

The Board of Adjustment is authorized under its power to grant variances to permit an increase in the floor area occupied by a nonconforming use in an existing structure, subject to the procedures and applicable criteria stated in Section 12.4.7, Variance.

SECTION 12.7.3 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

SECTION 12.7.4 COMPLIANCE WITH LIMITATIONS ON EXTERNAL EFFECTS OF USES

Every nonconforming use shall comply with the limitations on external effects of uses established for the Zone District in which such use is located.

SECTION 12.7.5 ZONE LOT FOR STRUCTURES CONTAINING NONCONFORMING USES

Whenever a nonconforming use or uses is operated in a structure, a separate zone lot shall be designated, provided, and continuously maintained for the structure containing the nonconforming use or uses. Each zone lot shall have at least one front line. Upon application to and approval by the Zoning Administrator, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this Code can be maintained.

SECTION 12.7.6 MAINTENANCE OF OFF-STREET PARKING AND LOADING SPACES

All off-street parking and loading space operated by, in connection with, or accessory to a nonconforming use shall be maintained in accordance with all specifications for maintenance of off-street parking space as established by this Code.

SECTION 12.7.7 CHANGING NONCONFORMING USES

12.7.7.1 To a Conforming Use

Changing any nonconforming use to a conforming use shall terminate the nonconforming use and the nonconforming use shall not be reestablished.

12.7.7.2 To a Temporary Use

Changing a nonconforming use to a temporary use properly permitted under the provisions of this Code shall not terminate the nonconforming use.

SECTION 12.7.8 TERMINATION OF NONCONFORMING USES

12.7.8.1 By Abandonment

Abandonment of a nonconforming use shall terminate immediately the right to operate such use.

12.7.8.2 By Change in Use

Changing any nonconforming use to another use, except changing to a temporary use allowed under Section 12.5.63.1.B, shall terminate immediately the right to operate such nonconforming use.

12.7.8.3 By Violation of this Code

A. Unless remedied according to Subsection 12.7.8.3.B below, any one of the following violations of this Code shall terminate the right to operate a nonconforming use:

1. Failure to make a nonconforming use comply with the limitations on external effects of uses as established by this Code;
2. Increasing the floor area occupied by a nonconforming use without the approval of the Board of Adjustment or the Zoning Administrator for such increase, as applicable;
3. Increasing the number of dwelling units in the nonconforming use; or
4. Changing a nonconforming use to an unlawful use.

- B. The following actions shall allow continuance of a nonconforming use:
1. Approval of a zoning variance that grants specific relief from compliance with the provision of the Code at issue in the use termination case. Such variance shall be approved by the Board of Adjustment within 120 days from the date the Zoning Administrator of the city determines such use is in violation of this Code. For good cause, the Zoning Administrator may grant an extension of the 120-day period for up to one additional 90-day period.
 2. The violation is completely remedied within 90 days from the date the Zoning Administrator determines such use is in violation of this Code.
 3. The subject property owner submits a mitigation plan that proposes specific steps and time frames the owner will take to remedy the violation by a date certain, but in no case longer than 180 days from the date the Zoning Administrator of the City determines such use is in violation of this Code. For good cause, the Zoning Administrator may grant an extension of the mitigation period for up to one additional 180-day period.

12.7.8.4 By Vacancy

Vacancy for a period of 12 or more successive calendar months of the structure or that part of a structure occupied by the nonconforming use shall terminate immediately the right to operate a nonconforming use.

12.7.8.5 By Destruction, Damage or Obsolescence of Structure Housing Nonconforming Use

A. Involuntary Destruction or Damage

The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the structure in which the nonconforming use is operated and maintained is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such structure on the date of such damage or destruction; provided, however, that the right to operate and maintain a nonconforming residential use located in a Residential Zone District or a nonconforming use located in the C-CCN Zone District shall not be terminated regardless of the amount of damage or destruction suffered by the structure in which the use is operated.

B. Obsolete or Substandard Structure

The right to operate and maintain any nonconforming use shall terminate and shall cease to exist whenever the structure in which the nonconforming use is operated and maintained becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines such structure is obsolete or substandard; provided, however, that in determining the replacement cost of any structure, there shall not be included therein the cost of land or any factors other than the structure itself.

C. Voluntary Demolition

Nothing in this subsection shall be deemed to permit the reconstruction or reestablishment of all or any part of a nonconforming use whenever the structure in which the nonconforming use is operated and maintained has been voluntarily demolished.

SECTION 12.7.9 SIGNS FOR NONCONFORMING USES

12.7.9.1 As accessory to a nonconforming use, no sign shall be erected except in compliance with the following regulations:

- A. Accessory to a nonconforming use which is a use by right for the MU districts, but which is located in a SU, TU, TH, or RH Zone District, signs shall comply with the regulations herein established for permitted signs in the lowest-height multi-unit (MU) Zone District allowed in the applicable neighborhood context.
- B. Accessory to a nonconforming use which is a use by right in any Mixed Use Commercial Zone District, but which is located in any Residential Zone District, signs shall comply with the regulations herein established for permitted signs in the MS-2x Zone District.
- C. Accessory to a nonconforming use which is a use by right in a Mixed Use Commercial Zone District having less restrictive sign standards than the Mixed Use Commercial Zone District in which the use is located, signs shall comply with the regulations herein established for permitted signs in the MS-3 Zone District.

SECTION 12.7.10 REGULATIONS FOR SPECIFIC NONCONFORMING HEAVY AUTOMOBILE SERVICE USES

12.7.10.1 Notwithstanding fence height limitations stated in this Code, no nonconforming heavy automobile service use shall be operated unless the zone lot is enclosed with a solid fence or wall that is constructed to a height adequate to conceal any vehicles, equipment, or parts stored on the site. Such solid fence or wall shall comply with the following standards:

- A. The front line of the zone lot shall not be required to have a fence or wall directly in front of the main building wall or main entrance to the principal structure;
- B. The front line of the zone lot shall not be required to have a fence or wall along more than 40 percent of its length;
- C. Any portion of the zone lot line that contains a building wall need not have a separate fence or wall;
- D. If the owner or operator demonstrates to the Zoning Administrator that an alternate method of screening (for example, vegetation) would be adequate to screen some or all of the zone lot, the Zoning Administrator may approve such alternate screening method; and
- E. The fence or wall shall be constructed of wood, brick, masonry or other similar quality and durable materials as approved by the Zoning Administrator.

DIVISION 12.8 NONCONFORMING STRUCTURES

SECTION 12.8.1 DEFINITION

Nonconforming structure means any structure that was lawfully erected or altered in conformity with all applicable municipal ordinances, but which structure does not comply with all of the provisions of this Code established for conforming structures in the Zone District in which the structure is located and is not otherwise a "compliant structure" under Division 12.6, ~~Compliant Structures of this Code~~.

SECTION 12.8.2 CONTINUANCE AND ENLARGEMENT

12.8.2.1 General Allowance to Continue and Enlarge Nonconforming Structures

- A. Subject to all limitations of this Division 12.8, any nonconforming structure may be occupied, operated, and maintained in a good state of repair.
- B. Subject to all limitations of this Code, any nonconforming structure may be altered or enlarged so long as no existing nonconformity is increased and no new nonconformity is created.

SECTION 12.8.3 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

SECTION 12.8.4 TERMINATION OF NONCONFORMING STRUCTURES

12.8.4.1 Involuntary Destruction or Damage to Structure

The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged or demolished in any manner and from any cause whatsoever and the cost of repairing such damage or demolished exceeds 75 percent of the replacement cost of such structure on the date of such damage or demolished.

12.8.4.2 Obsolescence of Structure

The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the city and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Zoning Administrator determines that such structure is obsolete or substandard.

12.8.4.3 Determination of Replacement Cost

In determining the replacement cost of any nonconforming structure there shall not be included therein the cost of land or any factors other than the nonconforming structure itself.

12.8.4.4 The Right to Reconstruct Certain Structures

Notwithstanding the provisions of subsections 12.8.4.1, 12.8.4.2, and 12.8.4.3, the right to operate and maintain any of the nonconforming structures listed below shall not be terminated regardless of the amount of damage, destruction or obsolescence; provided, however, that any such reconstructed nonconforming structures shall not be enlarged and/or extended beyond that which existed previously unless the enlargement and/or extension complies with all the provisions of this Code.

- A. A nonconforming structure containing a residential use or a residential care use located in a Residential Zone District, or
- B. A nonconforming structure located in the C-CCN Zone District; or

- C. A structure located in the D-C or D-TD Zone District that became a nonconforming structure on October 14, 1994, as a result of (a) changes to the prior B-5 Zone District changing the floor area premiums and maximum gross floor area of structures; or (b) the creation of the OD-2, OD-3 and OD-4 overlay districts regarding maximum building height or sunlight preservation requirements; or
- D. A structure located in a Residential Zone District that became a nonconforming structure on June 26, 1998, as a result of the creation the OD-6, OD-7 and OD-8 overlay districts, or
- E. A residential structure located in a SU Zone District that became a nonconforming structure July 21, 2008, as a result of the creation of the OD-10 overlay district.

12.8.4.5 Voluntary Demolition

Nothing in this Section 12.8.4 shall be deemed to permit the reconstruction or reestablishment of all or any part of a nonconforming structure that has been voluntarily demolished.

DIVISION 12.9 NONCONFORMING SIGNS

SECTION 12.9.1 NONCONFORMING ON-PREMISE SIGNS

12.9.1.1 Declaration of Public Policy

It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when the owner is allowed to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

12.9.1.2 Definition of Nonconforming On-Premise Signs

A nonconforming sign shall be any sign other than an outdoor general advertise device, which:

- A. On March 19, 1971, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this Code on March 19, 1971, in the Zone District in which the sign is located; or
- B. On or after March 19, 1971, was lawfully maintained and erected in accordance with the provisions of this Code effective March 19, 1971, but which sign, by reason of amendment to this chapter effective March 19, 1971, after the effective date, does not conform to the limitations established by the amendment to this chapter effective March 19, 1971, in the Zone District in which the sign is located.

12.9.1.3 Continuance of Nonconforming Signs

Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after March 19, 1971; provided, however, that no such nonconforming sign shall be changed in any manner that increases the noncompliance of such nonconforming sign with the limitations established by the this Code effective March 19, 1971, or any amendment to this Code in the Zone District in which the sign is located; and provided further, that the right to continue in operation and maintain any nonconforming sign shall be conditioned on the use by right not having more signs than allowed for the particular Zone District in which the use by right is located, and that no such nonconforming sign shall flash, blink, fluctuate, be animated or portable.

12.9.1.4 Determination of Nonconforming Status

Nonconforming status shall be determined by the Zoning Administrator.

12.9.1.5 Termination of Nonconforming Signs

The following actions shall result in the termination immediately of the right to maintain a nonconforming sign:

A. By Abandonment

Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.

B. By Violation of this Code

Any violation of this Code shall terminate immediately the right to maintain a nonconforming sign.

C. By Destruction, Damage or Obsolescence

The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.

SECTION 12.9.2 NONCONFORMING OUTDOOR GENERAL ADVERTISING DEVICES

12.9.2.1 Definition

A nonconforming outdoor general advertising device shall be any such device which:

- A. On ~~the effective date of this Code June 25, 2010~~, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this Code; or
- B. On or after ~~the effective date of this Code June 25, 2010~~, was lawfully maintained and erected in accordance with the provisions of this Code, but which device by reason of amendment to this Code after ~~June 25, 2010~~~~the effective date thereof~~, does not conform to the limitations resulting from such amendment.

12.9.2.2 Determination of Nonconforming Status

Nonconforming status shall be determined by the Zoning Administrator.

12.9.2.3 Continuance

Subject to the termination hereinafter provided, any nonconforming outdoor general advertising device may be continued in operation and maintained after January 1, 2010; provided, however; that, after January 1, 2010, no such device shall be modified as defined in Section ~~10.9-1710.20.2.A.5~~. The burden of establishing such a device to be nonconforming under this Section rests entirely upon the person claiming a nonconforming status for an outdoor general advertising device.

12.9.2.4 Termination

The following actions shall result in the termination immediately of the right to maintain a nonconforming outdoor general advertising device:

A. By Abandonment

Abandonment of a nonconforming outdoor general advertising device shall terminate immediately the right to maintain such device. If a message surface is vacant or contains obsolete advertising for any six consecutive month period, it shall be deemed to be abandoned. A "vacant" message surface shall mean a message surface that is void of any message content and shall not include a message surface displaying the name of the permit holder's business, a public service announcement or "for rent", "available for lease", or any similar message. "Obsolete advertising copy" shall mean advertising copy which pertains to an event or activity which has already occurred.

B. By Violation of this Code

Any violation of this Code, except for the failure to continuously display a city registration number on a device as required by ~~s~~Section ~~10.9-1710.20.2.A.3~~, shall terminate immediately the right to maintain a nonconforming outdoor general advertising device. In the event a city registration number which was displayed on a nonconforming outdoor general advertising device in conformance with ~~s~~Section ~~10.9-1710.20.2.A.3~~ becomes detached or unreadable, the permit holder shall have 90 days from receipt of notice of such violation to cure the violation.

C. By Destruction, Damage or Obsolescence.

The right to maintain any nonconforming outdoor general advertising device shall terminate and shall cease to exist whenever the device is damaged or destroyed, from any cause whatsoever and the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such device on the date of such damage or destruction; or whenever the device becomes obsolete or substandard under any applicable ordinance of the city to the extent that the device becomes a hazard or a danger.

12.9.2.5 Removal of Terminated Device

The termination of a nonconforming outdoor general advertising device shall require its immediate removal. Furthermore, no terminated device shall receive credit pursuant to ~~Section 10.9-17~~10.20.2.A.7 to be used for a new device.

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DIVISION 12.10 NONCONFORMING ZONE LOTS

SECTION 12.10.1 DEFINITION

See Article 13 for definition of "Zone Lot, Nonconforming."

SECTION 12.10.2 DETERMINATION OF NONCONFORMING STATUS

Nonconforming status shall be determined by the Zoning Administrator.

SECTION 12.10.3 USE & DEVELOPMENT ALLOWED

12.10.3.1 Use of Nonconforming Zone Lots

A nonconforming zone lot may be used only for uses allowed in the Zone District in which the zone lot is located. Establishment of a permitted use on a nonconforming zone lot shall comply with all applicable standards for that Zone District and for the specific use.

12.10.3.2 Development of Nonconforming Zone Lots in a Residential Zone District

Development of a permitted use on a nonconforming zone lot shall comply with all applicable standards for that Zone District, except any applicable minimum zone lot area or minimum zone lot width standard, and except as prohibited in Section 12.10.3.2.-B below. Development on a nonconforming zone lot shall comply with the following:

- A. Compliance with one of the following primary building forms, as permitted in the Zone District, according to the Setback and Building Coverage by Zone Lot Width form standards that align with the nonconforming zone lot's width:
 1. Suburban House building form;
 2. Urban House building form;
 3. Duplex building form; or
 4. Tandem house building form, excluding in the S-SU-F1 Zone District.
- B. Compliance with the accessory building forms, as permitted in the Zone District, with the following exception:
 1. Where permitted, the Detached Accessory Dwelling Unit building form may only be constructed on a nonconforming zone lot that meets the minimum zone lot size standards for the detached accessory dwelling unit building form within the Zone District.

12.10.3.3 Examples

- A. For example, in the U-SU-C1 Zone District, a zone lot of 4,500 square feet in total area and with a lot width of 40 feet, is nonconforming. The owner may develop an Urban House building form on the nonconforming zone lot, despite the lot's noncompliance with the 5,500 square foot area and 50 foot width standards otherwise required for an Urban House form in that Zone District. Development of the urban house on the existing 4,500 square foot zone lot must still comply with all other building height, siting, and design element form standards. Certain siting form standards, such as primary street and rear building setbacks or building coverage for an Urban House, are keyed to the lot width of the subject zone lot, including a nonconforming zone lot. In this example, the Urban House would be subject to setback and building coverage standards key a 40-foot wide zone lot, as shown in the Urban House Building Form Table in Article 5 of this Code.
- B. For example, in the U-SU-C1 Zone District, a zone lot of 4,500 square feet in total area and with a lot width of 40 feet, is nonconforming. The building form standards for a Detached Accessory

Dwelling Unit building requires a minimum of 5,500 square feet of zone lot area as a prerequisite for development of such form. In this case, the owner could not develop a Detached Accessory Dwelling Unit building on her lot because the lot is less than the 5,500 square feet required in the U-SU-C1 Zone District for that form.

SECTION 12.10.4 DEVELOPMENT ON CARRIAGE LOTS

Notwithstanding the requirement for zone lots to have frontage on a named or numbered public street, the Zoning Administrator may grant a zoning permit for detached accessory structures used for the noncommercial parking of motor vehicles (residential vehicle garages) or used to house accessory dwelling units on carriage lots in specific cases, provided the following procedures and conditions are satisfied:

12.10.4.1 The permit application under this subsection shall be subject to Zoning Permit Review with Information Notice, according to Section 12.4.2 of this Code.

12.10.4.2 In deciding to approve, approve with conditions, or deny the application, the Zoning Administrator shall consider written comments of all interested parties and the impact of the proposed detached accessory structure and proposed use on adjoining properties.

12.10.4.3 The Zoning Administrator may grant the zoning permit provided the proposed detached accessory structure complies with the following standards:

A. Ownership of the Subject Carriage Lot

The applicant shall be the owner of the subject carriage lot or portion thereof, and shall have their principal residence located in the block surrounding the subject carriage lot or portion thereof. The granting of the zoning permit shall be personal to the applicant.

B. Accessory Dwelling Unit Use of Detached Structure

The detached accessory structure may be used for an accessory dwelling unit provided such accessory dwelling unit use is allowed in the applicable Zone District, and provided the proposed accessory dwelling unit use complies, to the maximum extent feasible, with the accessory dwelling unit standards in Section 11.8.2, except as stated in this Section 12.10.4.3.

C. Compliance with Building Form Standards

A detached accessory structure on a carriage lot shall comply with the applicable Zone District building form standards for either a detached garage or a detached accessory dwelling unit building form, except that such structure shall comply with the following lot area and setback standards instead of the otherwise applicable building form standards.

1. Minimum Lot Area

The carriage lot or portion thereof used for the detached accessory structures shall be at least 25 feet wide at the alley line and shall contain not less than 1,000 square feet in area.

2. Setbacks

Detached accessory structures shall set back from the alley line the minimum distance necessary to provide a total alley or aisle width of 20 feet for structures that are entered or accessed directly from the alley, and shall set back not less than five feet from every other boundary line of the carriage lot or portion thereof.

D. Other Applicable Requirements

Detached accessory structures shall comply with this Code's other applicable requirements for the use, location, size and operation of detached accessory structures for the Zone District in which it is located.

E. Operation

Detached accessory structures shall only be used by other conforming uses by right located on the block surrounding the carriage lot; and the carriage lot or portion thereof shall be maintained in good condition, free of weeds, trash and debris.

SECTION 12.10.5 ZONE LOT ALTERATIONS LIMITED

A nonconforming zone lot shall not be further amended or have its boundaries altered in any manner that would compound, increase, or extend the nonconforming characteristics of the zone lot.

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DIVISION 12.11 ENFORCEMENT, VIOLATIONS AND PENALTIES

SECTION 12.11.1 GENERAL PURPOSE

This Code shall be enforced in accordance with the provisions of Colorado law and as provided in this Division 12.11. Each enforcement remedy can be invoked independently or in conjunction with any or all of the other enforcement remedies available under the law.

SECTION 12.11.2 VIOLATIONS

It shall be unlawful and shall be deemed a strict liability offense for any owner, lessee, occupant, or agent of an owner, lessee, or occupant to allow or permit to exist, or to otherwise let happen a violation of this Code on the land or in the structure to which the owner, lessee, occupant, or agent has legal or equitable title or right of possession. Any one of the following actions or activities shall constitute a violation of this Code:

12.11.2.1 Use, Structure or Sign Without Permit or Approval

To place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

12.11.2.2 Activities Inconsistent with This Code

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign; or engage in development of any land contrary to the regulations and procedures of this Code.

12.11.2.3 Land Disturbing Activities Inconsistent with This Code

Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this Code or without first obtaining all requisite approvals or permits required by this Code.

12.11.2.4 Nonconformities and Compliance Inconsistent with This Code

Create, expand, replace, or change a nonconforming or compliant use, structure, lot, or sign except in compliance with this Code.

12.11.2.5 Making Zone Lots or Setbacks Nonconforming

Reduce or diminish the zone lot area, setbacks, or unenclosed open space below the minimums required by this Code.

12.11.2.6 Increasing Intensity of Use

Increase the intensity of use of any land or structure, except according to the standards and procedures of this Code.

12.11.2.7 Activities Inconsistent with Approval or Permit

Engage in any development, use, construction, alteration, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, agreement, or other form of authorization required to engage in such activity under this Code.

12.11.2.8 Failure to Remove Signs or Other Improvements

Failure to remove any sign or other improvement installed, created, erected, or maintained in violation of this Code, or for which the permit has lapsed.

12.11.2.9 Removing or Defacing Required Notice

To remove, deface, obscure or otherwise interfere with any public notice required by this Code.

12.11.2.10 Other Actions or Activities Specified by Code

Engage in any other action or activity specified by one or more provisions of this Code to be a violation.

SECTION 12.11.3 OFFENSES AND LIABILITIES PRESERVED

All offenses committed and all liabilities incurred prior to June 25, 2010 shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities.

SECTION 12.11.4 CONTINUING VIOLATIONS

Every day on which a violation exists shall constitute a separate violation of this Code, and a separate offense.

SECTION 12.11.5 STATUTE OF LIMITATIONS FOR CITY ONLY

All actions by the City to restrain, correct or abate the unlawful location, bulk, or gross floor area of or in a structure and alleged to result from the unlawful issuance of a permit to erect or alter such structure shall be brought within 3 years after the issuance of the particular permit alleged to have been unlawfully issued and not after that period.

SECTION 12.11.6 ENFORCEMENT POWERS, PENALTIES AND REMEDIES

12.11.6.1 Enforcement Powers

The Manager shall have the duty of enforcing this Code and the power necessary for such enforcement, incidental to which duty and power the Manager may exercise the following authority:

- A. Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this Code, including reinvestigations of any land or structure to determine if a violation under an earlier notice or order has been corrected. Incidental to such investigations and surveys, an authorized representative of the department may enter into and upon and cause any land or structure to be inspected and examined. A failure or a refusal to permit such entry and inspection, after the issuance by the department of an order therefor, shall constitute a violation of this Code. Additionally, the right to entry and inspection may be enforced by application to and proper orders from a court of proper jurisdiction;
- B. Issue written orders requiring compliance with the provisions of this Code. Such orders shall be served personally or by mail upon the person deemed by the department to be violating the provisions of this Code; provided, however, that if such person is not the owner of the land on or the structure in which the violation is deemed to exist or have occurred, a copy of the order shall be sent by mail to the owner of such land or structure, the owner to be determined from the tax roll for the preceding tax year in the office of the deputy county treasurer. In the case of a structure containing individual units owned by different owners, a copy of the order shall be sent by mail to the individual unit owner deemed by the department to be violating the provisions of this Code; and a copy of the order shall be sent to the corporation, organization, or association that either owns or controls the common areas. In case a violation occurs in the common areas of such a development, the order shall be sent by mail to the officers of the corporation, organization or association which either owns the common areas or is responsible under the condominium declaration for the maintenance and control of such common areas. The date of mailing shall be deemed the date of service of any order served by mail;
- C. Issue notices of violation for noncompliance with the provisions of this Code; and
- D. Institute, in courts of proper jurisdiction, proceedings to enforce the provisions of this Code, administrative orders and determinations made hereunder; and settlement agreements made hereunder.

12.11.6.2 General Penalties Apply

Any person violating any provision of this Code shall be subject to the general penalties provided by D.R.M.C., Section 1-13, by action brought in a court of appropriate jurisdiction.

12.11.6.3 Remedies Are Cumulative

The penalties, remedies, and enforcement powers established in this Division 12.11 shall be cumulative, and the City may exercise them in any order.

12.11.6.4 Additional Remedies

A. In General

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Code, in addition to, or in lieu of, any administrative remedy allowed by the D.R.M.C., the Manager or any person with standing under applicable law may institute any appropriate action or proceedings to prevent or enjoin such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land or to prevent or enjoin any illegal act, conduct, business or use in or about such premises. The imposition of any penalty hereunder, including any inspection for compliance fee, shall not preclude the City or any person with standing under applicable law from instituting any appropriate action or proceeding to require compliance with the provisions of this Code, and with administrative orders and determinations made hereunder.

B. Suspend or Rescind Permits or Final Authorization

Any permit issued or other form of authorization under this Code may be suspended or rescinded when the Manager determines:

1. That there is a material departure from the plans, specifications, or conditions required under the terms of the approved permit or plan;
2. That the approved permit or plan was procured by false representation or was issued by mistake;
3. That any of the provisions of this Code are being violated; or
4. In the case of a zoning permit for a temporary use only, that substantial complaints that one or more conditions of the permit are being violated are reported to the Zoning Administrator.

Unless the Manager determines there is imminent peril to life or property, the Manager shall provide the permittee with notice and an opportunity to be heard prior to any final decision to suspend or revoke a permit. No work, construction, or other development activity shall proceed after service of the suspension or revocation notice.

12.11.6.5 Continuation of Previous Enforcement Actions

Nothing in this Code shall prohibit the continuation of previous enforcement actions, undertaken by the City pursuant to previous and valid ordinances and laws.

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ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

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DIVISION 13.1 RULES OF MEASUREMENT

SECTION 13.1.1 HEIGHT FORM STANDARDS

13.1.1.1 Overall Building Height in Feet

A. Rule of Measurement

Overall building height shall be measured as the vertical distance in feet from a primary base plane to the highest point of a building. See Figure 13-1.

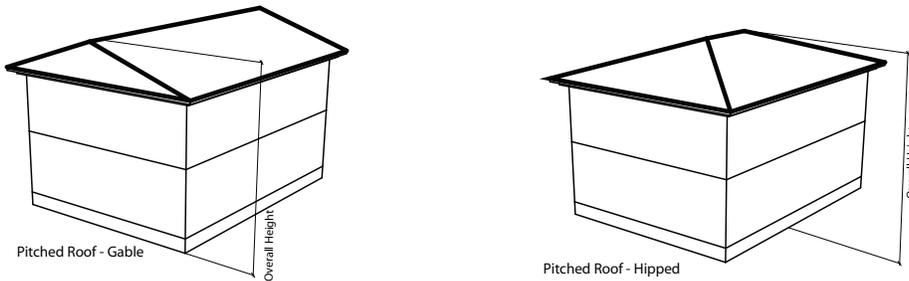


Figure 13-1

1. Additional Rules for Measuring Height of Buildings with Flat Roofs

For purposes of measuring overall building height in feet for a building with a flat roof, the following additional rules shall apply (See Figure 13-2):

a. Zone Districts with Maximum Building Height of 3 Stories or Less

The height of any parapet wall or safety railing enclosing outdoor living space or decks shall be included in the measurement of overall building height in feet.

b. Zone Districts with Maximum Building Height of More Than 3 Stories

The height of any parapet wall or safety railing enclosing outdoor living space or decks shall not be included in the measurement of overall building height in feet.

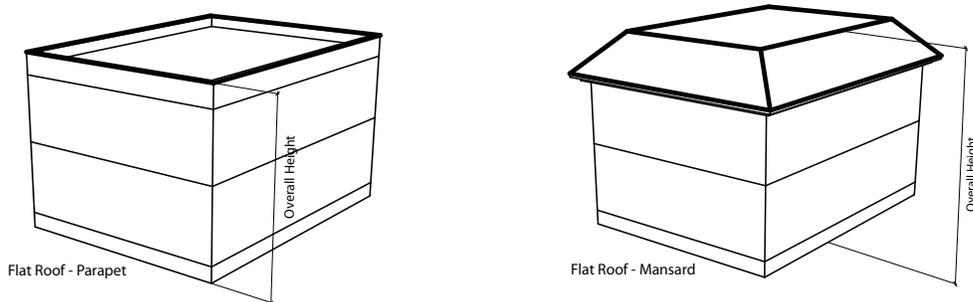


Figure 13-2

2. Exemptions From Overall Building Height in Feet

Exemptions from overall building height in feet for certain structural elements are found in each of Articles 3-9 of this Code.

B. Primary Base Plane

In all Zone Districts, overall building height in feet for all primary buildings and accessory buildings on the zone lot shall be measured from one or two primary base planes.

1. In a Zone District where a block sensitive primary street setback applies or in a Residential Zone District where the maximum building height is 3 stories or less, two primary base planes are used for measuring overall height:
 - a. A “Front Primary Base Plane” will be the base for measuring overall building height in the front 65% of the zone lot depth (or the front 80% in the applicable General Urban (G-) Residential Zone Districts). The Front Primary Base Plane is a horizontal plane established at the average elevation of original grade of the two side zone lot lines measured at the minimum primary street setback line, as shown in Figure 13-3 below.
 - b. A “Rear Primary Base Plane” will be the base for measuring overall building height in the rear 35% (or the rear 20% in the applicable General Urban (G-) Residential Zone Districts). The Rear Primary Base Plane is a horizontal plane established at the average elevation of the original grade of the two side zone lot lines measured at the rear zone lot line. See Figure 13-3 below.
2. In all other Zone Districts not subject to the rule in Subsection B.1. above, for purposes of a base from which to measure overall building height, the applicant shall choose one of the following two measurement approaches:
 - a. A single primary base plane, which is a horizontal plane established at the average elevation of the original grade of the two side zone lot lines measured at the minimum primary street setback line, as shown in Figure 13-4 below; or
 - b. A building-specific primary base planes, which is a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific primary base plane is established for each building sited on the same zone lot.
3. Measurements for purposes of establishing a primary base plane shall be rounded to the closest whole number.

C. Variation of Primary Base Plane for Corner Lots and Interior Lots Abutting an Alley

1. **Front Primary Base Plane on Corner Lots and Interior Lots Abutting an Alley**

The Front Primary Base Plane on a corner lot, or on an interior lot abutting an alley on one side and a zone lot on the other side, is a horizontal plane established at the elevation of original grade of the interior side zone lot line measured at the minimum primary street setback line.
2. **Rear Primary Base Plane on Corner Lots and Interior Lots Abutting an Alley**

The Rear Primary Base Plane on a corner lot, or on an interior lot abutting an alley on one side and a zone lot on the other side, is a horizontal plane established at the elevation of original grade of the interior side zone lot line measured at the rear zone lot line.

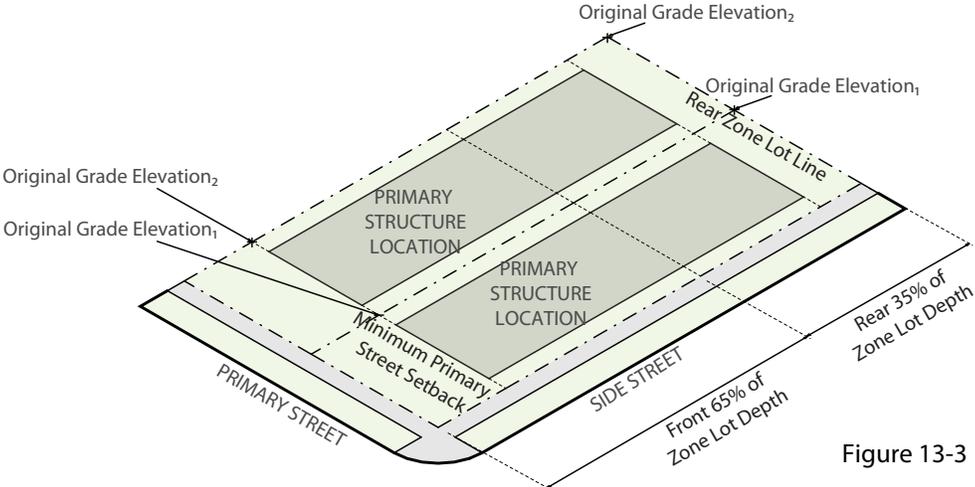


Figure 13-3

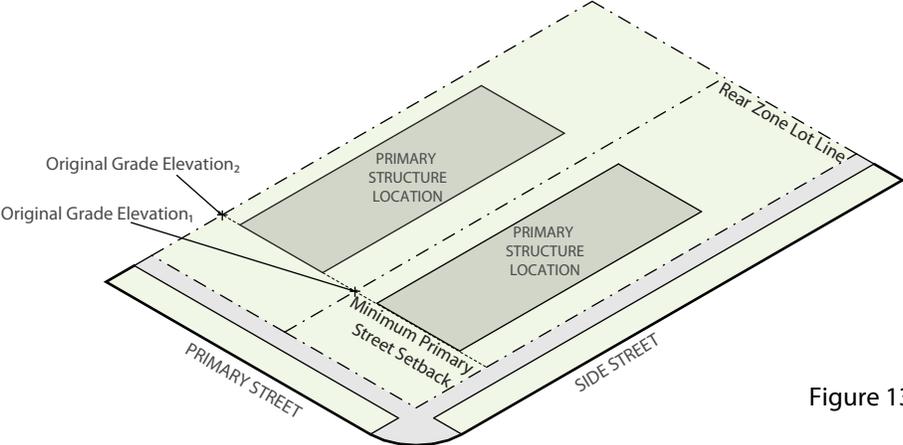


Figure 13-4

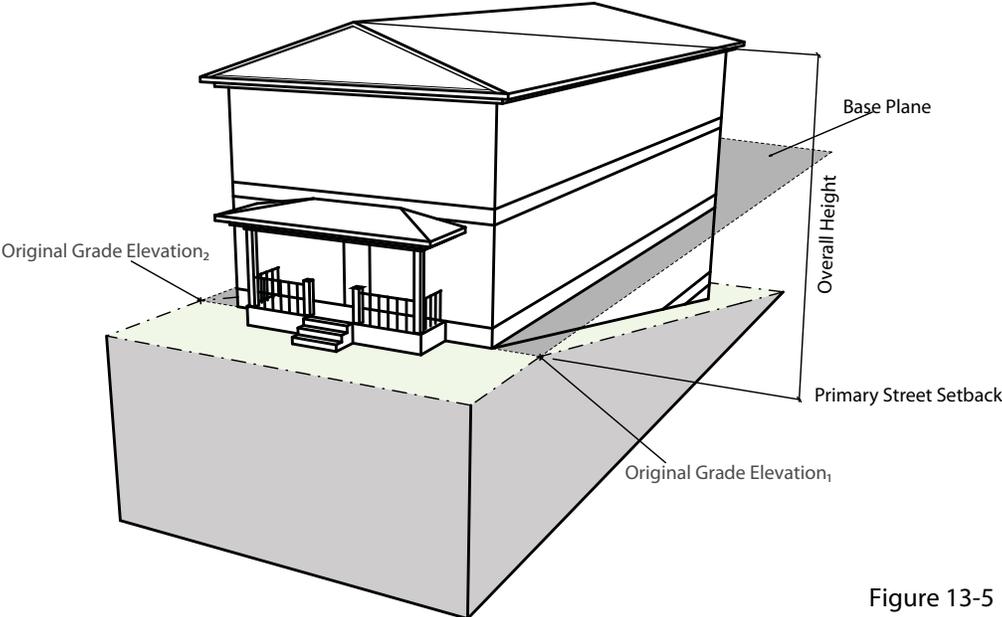


Figure 13-5

13.1.1.2 Overall Building Height in Stories

A. Rule of Measurement

Overall building height in stories shall be measured as the total number of stories beginning with the first story having its finished floor surface entirely above the Front Primary Base Plane as established in Section 13.1.1.1 above. A basement shall be considered a “story” for purposes of measuring overall building height in stories if the finished surface of the floor above the basement meets any one of the following (See Article 13 for definition of “finished grade”):

1. Is more than 6 feet above the Front Primary Base Plane;
2. Is more than 6 feet above the finished grade for more than 50 percent of the total building perimeter; or
3. Is more than 12 feet above the finished grade at any point.

B. Exemptions From Overall Building Height in Stories

Exemptions from overall building height in feet for certain structural elements are found in each of Articles 3-9 of this Code.

C. Overall Height in Stories for Sloping Lots

The following special height measurement considerations shall apply to sloping lots.

1. Where a lot slopes downward from the front property line, one story that is additional to the specified maximum number of stories may be built on the lower, rear portion of the lot. See Figure 13-6.

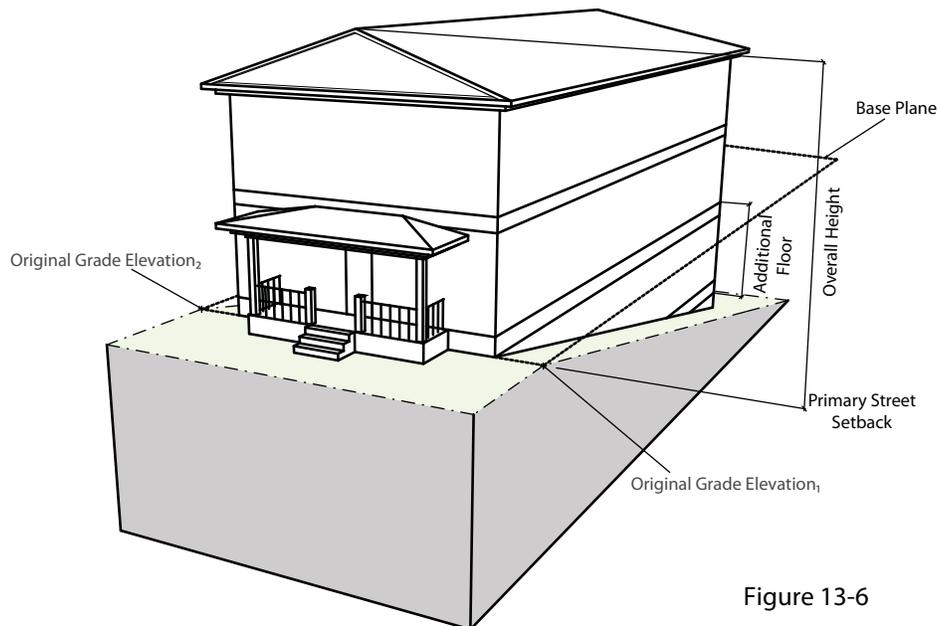


Figure 13-6

13.1.1.3 Bulk Plane

A. Rule of Measurement

The bulk plane is measured starting from the Primary Base Plane established in Section 13.1.1.1, then rising vertically to a point (A) above the Primary Base Plane at the side zone lot lines for a distance established by the applicable building form standards. From this point above the Primary Base Plane, the bulk plane slopes (B) inward toward the center of the zone lot at an angle with respect to the horizontal established by the applicable building form standards. See Figure 13-7.

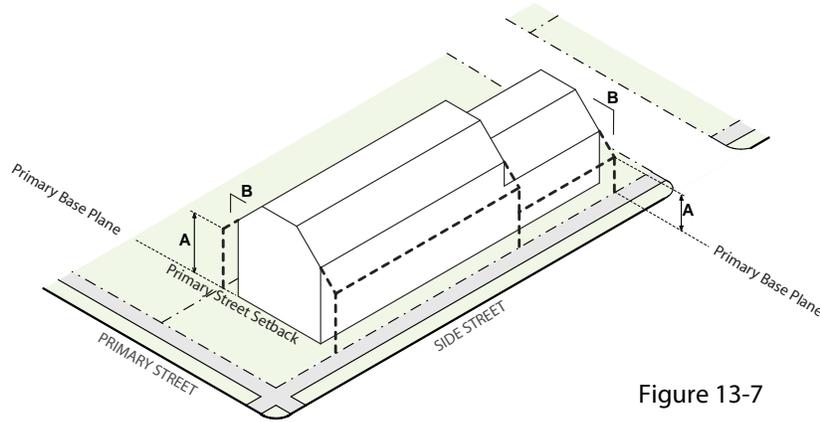


Figure 13-7

13.1.1.4 Side Wall Plate Height

A. Rule of Measurement

Side wall height is measured from the Primary Base Plane, as established in Section 13.1.1.1, to the top framing member of the side wall.

B. "Top Framing Member" for Pitched & Flat Roofs

1. For a pitched roof, the top framing member of the wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. See Figure 13-8.
2. For a flat roof, the top framing member of the side wall is the point where the outside plane of the wall framing intersects with the outside plane of the roof sheathing. No part of a flat-roofed building, including a parapet, railing, or similar structural element, shall exceed the maximum side wall height. See Figure 13-8.

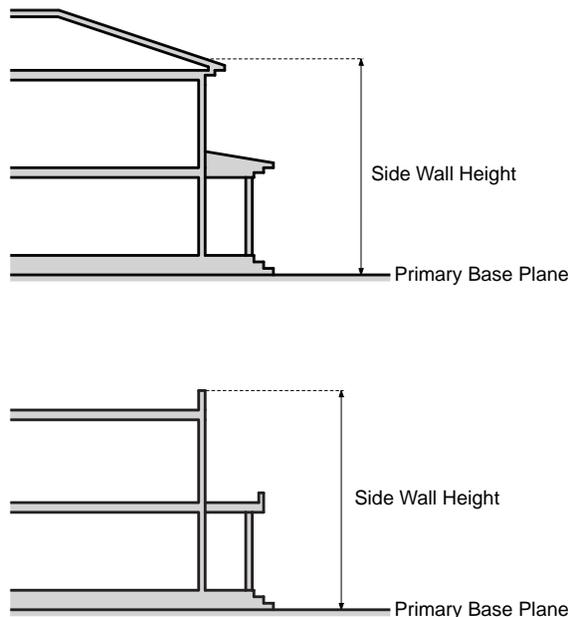


Figure 13-8

SECTION 13.1.2 SITING FORM STANDARDS

13.1.2.1 Zone Lot - Rules of Measurement

A. Zone Lot Size

Zone lot size is the total area within a property's zone lot lines, excluding adjacent or abutting right-of-way.

B. Zone Lot Width

Zone lot width is the distance between side zone lot lines, measured along the primary street setback line, or if no primary setback line is established, the distance between the side zone lot lines measured along the zone lot line abutting a named or numbered street.

13.1.2.2 Setbacks and Required Build-To Rules of Measurement

A. Rules of Measurement - Primary and Side Street Setbacks

1. General Rule

Primary and side street setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a name or numbered street.

2. Rule of Measurement - Designated Parkways

Where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

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

B. Rule of Measurement - Block Sensitive Primary Street Setback

1. The Block Sensitive Primary Street Setback is established as a range based on the location of the front facades of the primary structures on abutting zone lots located on the same primary street as, and on each side of, the subject zone lot (i.e., two abutting zone lots set the range). See Figure 13-10.

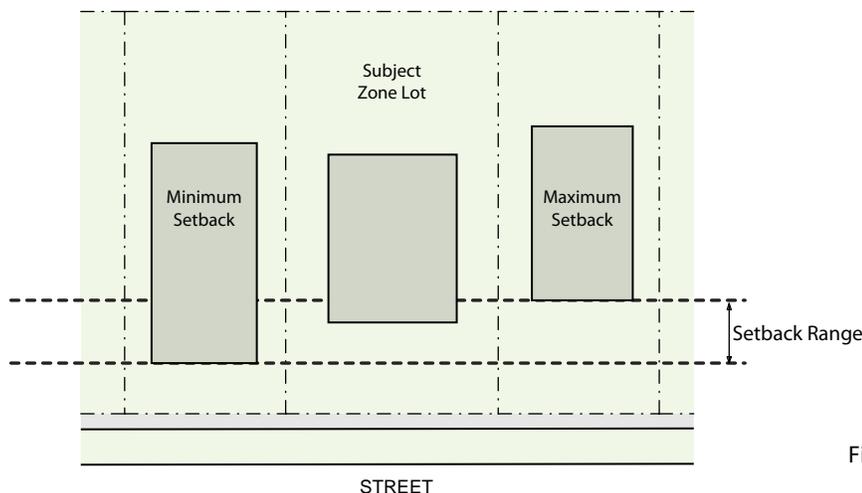


Figure 13-10

2. Development of a principal structure on the subject zone lot shall be set back no further from the primary street than the furthest front facade of the principal building on either of the two abutting zone lots, and shall be located no closer to the primary street than the closest front facade of the principal structure on either of the two abutting zone lots.

3. Exception to General Rule for Abutting Front Facade Setbacks Less than 20 Feet

If the front facade of one of the structures on the abutting zone lots (Structure "B" in Figure 13-11 below) is less than 20 feet from the primary street zone lot line, and such distance is less than the distance between the front facade and primary street zone lot line of the other abutting zone lot used to establish the range (Structure "C" in Figure 13-11), the following rules shall apply:

- a. The next closest abutting zone lot located on either side of the subject zone lot will be used to establish the low end of the range (Structure "A" or "D" in Figure 13-11); or
- b. The Zoning Administrator will establish the block sensitive primary street setback for the subject zone lot based on an analysis of the predominant primary street setback pattern for buildings located on the same primary street frontage.

4. Exception to General Rule for Abutting Vacant Lots

If one or both abutting zone lots are vacant, the next closest abutting zone lot located on either side of the subject zone lot will be used to establish the low end of the range (Structure "A" or "D" in Figure 13-11).

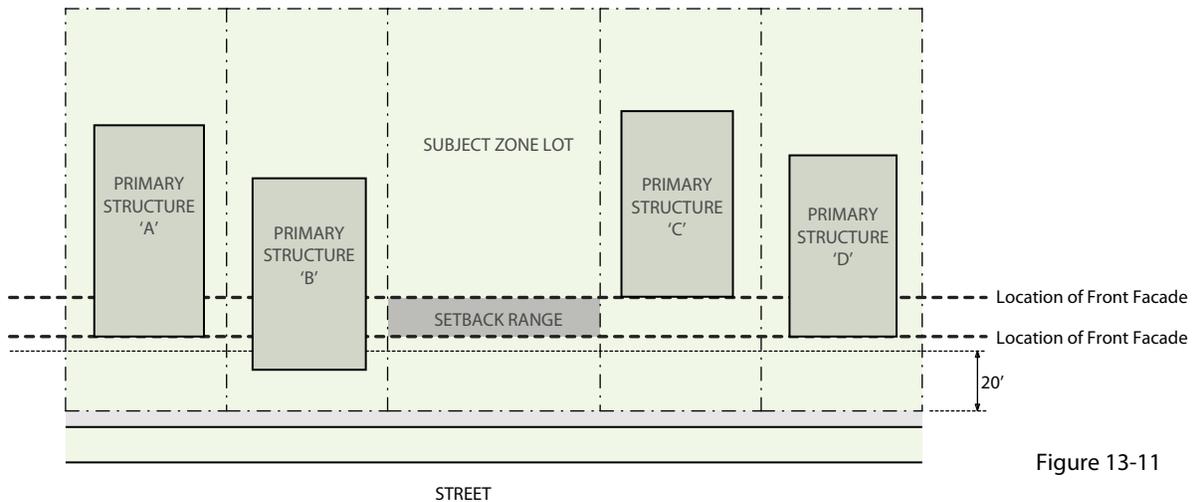


Figure 13-11

C. Rule of Measurement - Required Build-To

1. General Rule of Measurement

- a. Required build-to standards are measured from and perpendicular to the zone lot line abutting a named or numbered street.
- b. Required build-to standards shall apply only to the ground floor of the primary structure(s) on a zone lot.
- c. Required build-to is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of an allowed build-to alternative such as a garden wall, located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right-of-way.
- d. Buildings, or an allowed alternative, shall be built at or within the Build-To requirement for at least the minimum percentage (%) required along the Primary and/or Side Street frontage. See Figure 13-12.
- e. Build-to requirements are calculated separately for each separately owned zone lot frontage comprising a development site.

- f. Recessed pedestrian entries, used to meet a required entrance standard and recessed no deeper than 15 feet from the maximum build-to line, may be credited toward a build-to requirement not to exceed the width of the doors and typical sidelights, as applicable.
- g. Recessed vehicle garage doors are excluded from a required build-to calculation, not to exceed the width of the garage doors.

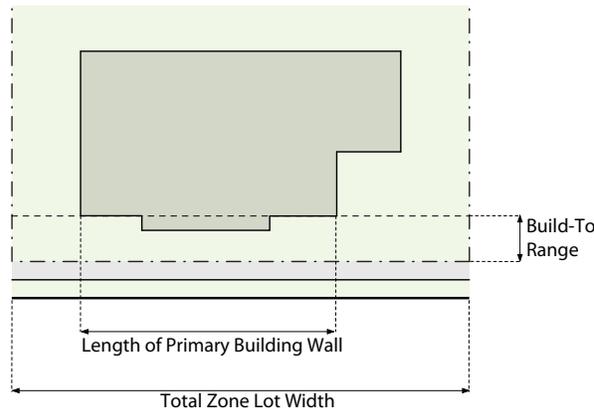


Figure 13-12

2. Exceptions to Build-To Rules of Measurement - Easements and Designated Parkways

- a. Where a zone lot includes an easement for the benefit of a public utility, and such easement abuts the public street right-of-way, a required build-to shall be measured from the easement rather than from the zone lot line.
- b. Where a zone lot includes an easement for public access abutting the public street right-of-way, and the dimension between the flow line of the public street and the zone lot line is 5 feet or less, a required build-to may be measured from the public access easement rather than from the zone lot line. In no case, however, shall this exception allow a reduction in the build-to line by more than 5 feet.
- c. Where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following build-tos shall apply:
 - i. The build-to required by the applicable building form standards in this Code; or
 - ii. The required Parkway setback established under D.R.M.C., Chapter 49.

D. Rule of Measurement - Side Interior and Rear Setbacks

Side interior and rear setbacks are measured perpendicular to the side interior or rear zone lot line abutting either another zone lot or a public alley.

13.1.2.3 Determination of Primary Street, Block Sensitive Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts Except CC, MX, and MS

A. General Requirements

- 1. A primary street may be a private street if approved by the Zoning Administrator.
- 2. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the Zone District can be met.

B. Criteria for Zoning Administrator Determinations

Where required by this Code, the Zoning Administrator shall designate a zone lot's Primary Street, Block Sensitive Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line, as applicable, based on an analysis, at a minimum, of:

1. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
2. Block and lot shape;
3. The functional street classification of all abutting streets as adopted by the Public Works Department;
4. The future street classification of all abutting streets as adopted in Blueprint Denver;
5. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
6. In a Campus Zone District, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.

C. Interior Zone Lots: Designation of Primary Street, Block Sensitive Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line

On an interior zone lot, the following figures shall be used to determine the Primary Street or Block Sensitive Primary Street ("P"), Side Street ("S"), Side Interior zone lot line ("SI"), and Rear zone lot line ("R"). See Figure 13-13.

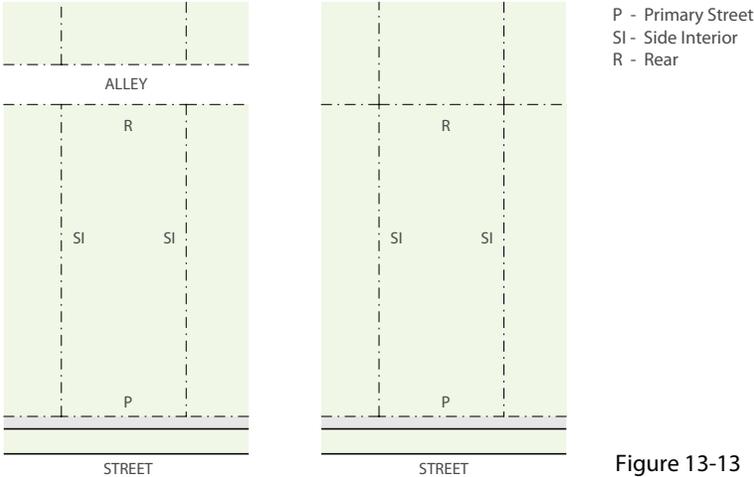


Figure 13-13

D. Double Frontage: Designation of Primary Street, Block Sensitive Primary Street, Side Street, and Side Interior Zone Lot Line, and Rear Zone Lot Line on Zone Lots

For zone lots with double frontage, the Zoning Administrator shall determine which frontage is the Primary Street or Block Sensitive Primary Street (“P”), and which is a side interior (“SI”)/rear (“R”) zone lot line, or if both frontages qualify as Primary Streets. See Figure 13-14.

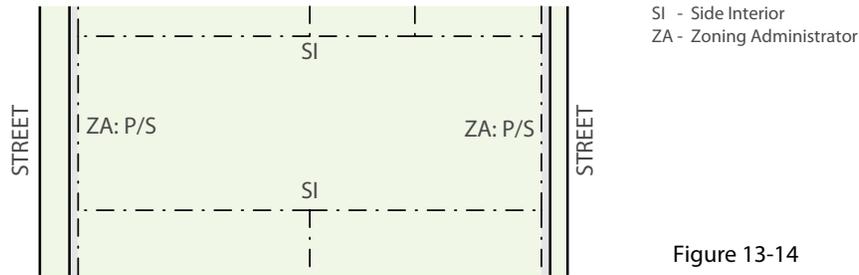


Figure 13-14

E. Corner Lots: Designation of Primary Street, Side Street, and Side Interior Zone Lot Line, and Rear Zone Lot Line

For corner lots in a Zone District other than a Main Street (MS-) District, and where the subject zone lot is not subject to a block sensitive primary street setback, the applicant shall designate one of the intersecting streets as the Primary Street, and specify the Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line. See Figure 13-15. See also Section 13.1.2.3.G., Designation of Block Sensitive Primary Street, on the following page.

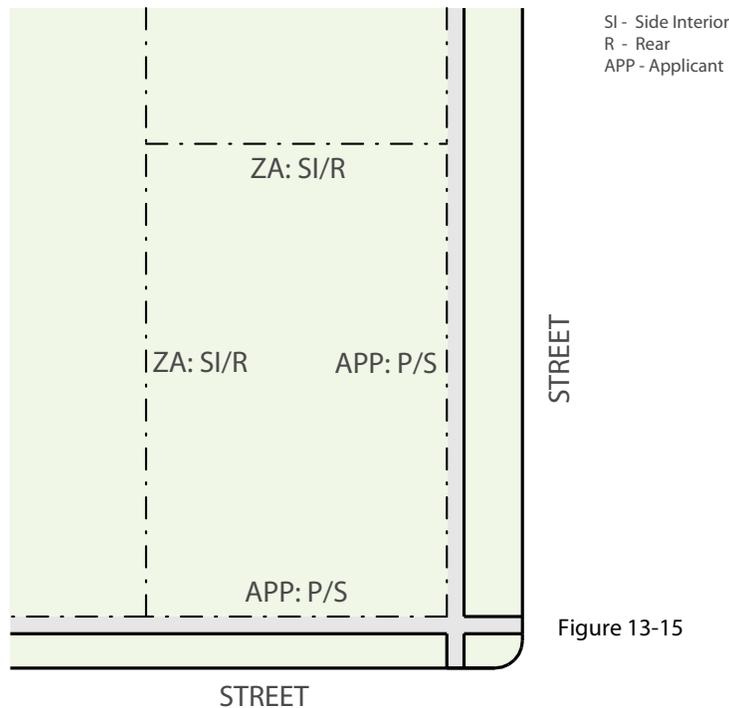


Figure 13-15

F. Primary Street and Side Street Designations on Zone Lots with Frontage on 3 or More Streets/Full Blocks

For corner lots with frontage on 3 or more streets, including zone lots with full block frontage, the Zoning Administrator shall determine which frontage is the Primary Street, if one or more frontages qualify as Primary Streets, and the classification of the remaining frontages, as applicable, as either Side Interior Zone Lot Lines and/or Rear Zone Lot Lines. See Figure 13-16 below. See also Section 13.1.2.3.G., Designation of Block Sensitive Primary Street, below.

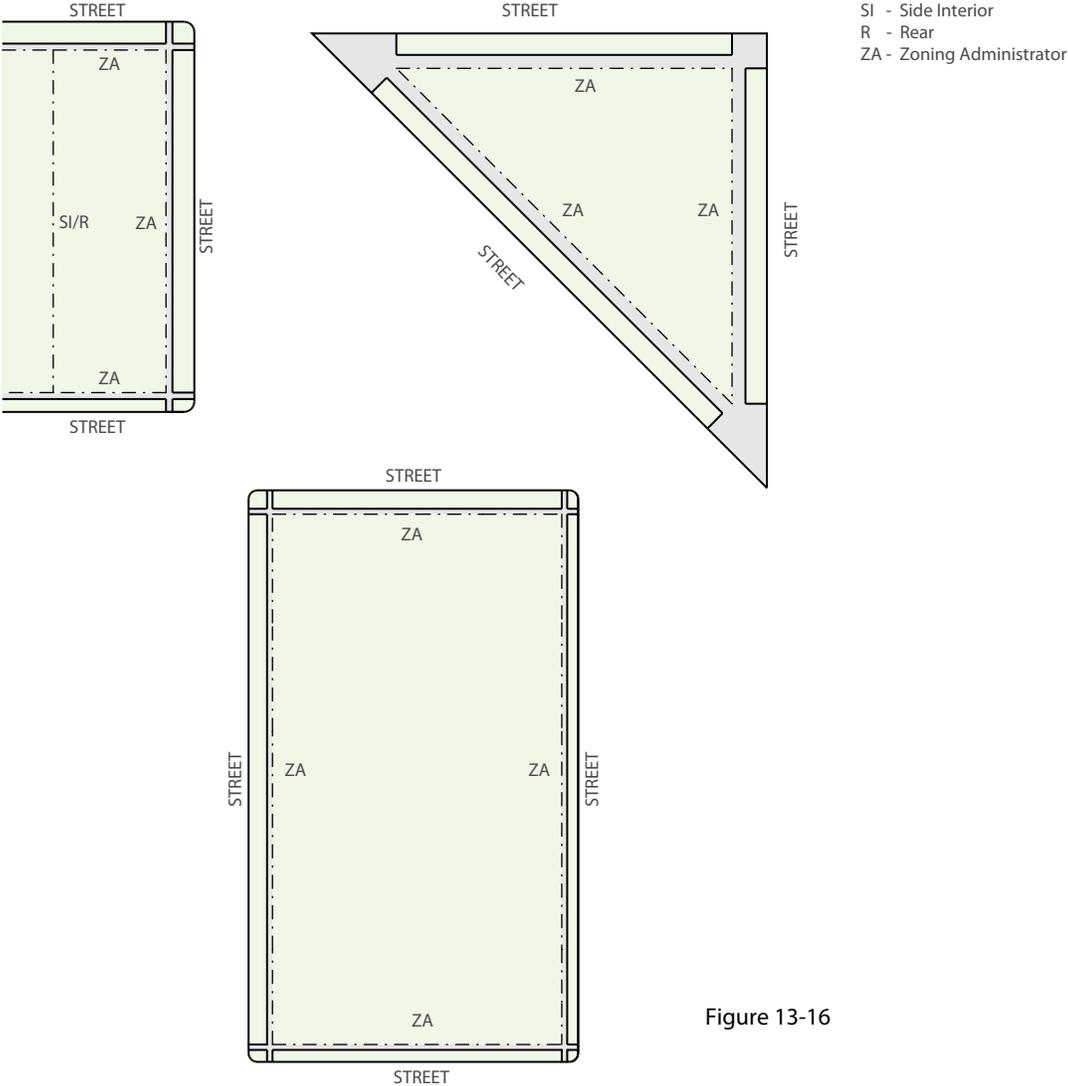


Figure 13-16

G. Designation of Block Sensitive Primary Street

1. Applicability of Block Sensitive Primary Street Setback

Where required by this Code’s building form standards, a Block Sensitive Primary Street Setback standard shall apply to development on a zone lot in the following circumstances only:

- a. There are at least 3 zone lots containing residential structures on the same primary street frontage as the subject zone lot. See Figure 13-17.

- b. If the thresholds for applying a Block Sensitive Primary Street Setback in paragraph a. is not met, the "Primary street setback, where block sensitive setback does not apply" standard stated in the applicable building form table shall apply instead.

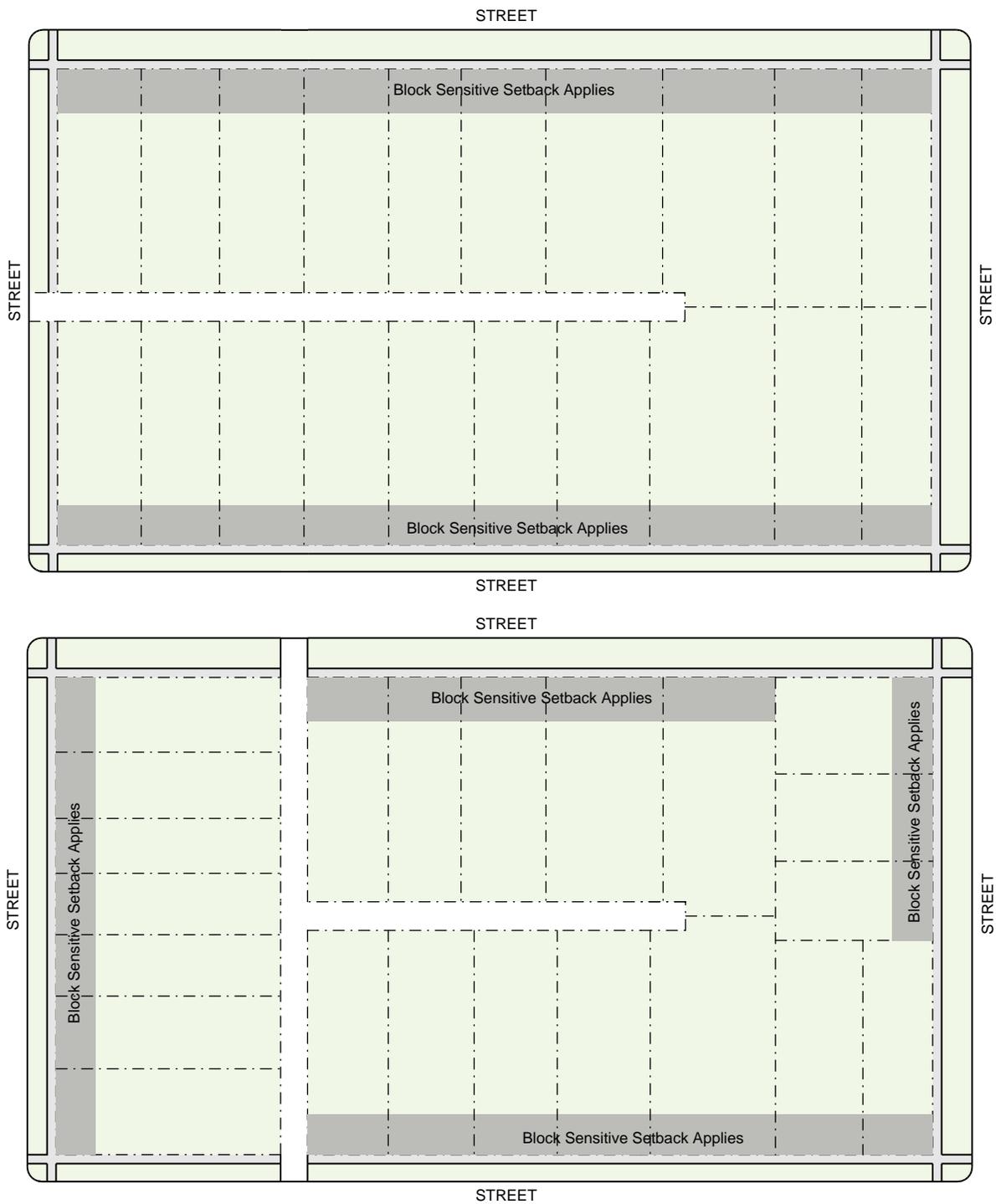


Figure 13-17

2. Designation of Block Sensitive Primary Street on Corner Zone Lots

a. Block Sensitive Primary Street Designation on Corner Lots of Oblong Blocks

The general rule of measurement for Block Sensitive Primary Street Setbacks stated in Section 13.1.2.2.B. shall apply to a corner zone lot on an oblong block, except with the following modifications:

- i. The street abutting the long side of an oblong block shall be the Block Sensitive Primary Street. See Figure 13-18: the “P” side of the zone lot is the Block Sensitive Primary Street frontage.
- ii. The range for establishing the Block Sensitive Primary Street Setback shall be set by the two closest adjacent zone lots with the same primary street frontage as the subject corner zone lot. In Figure 13-18, Zone Lots “A” and “B” will be used to establish the Block Sensitive Primary Street setback range for corner Zone Lot “C.”

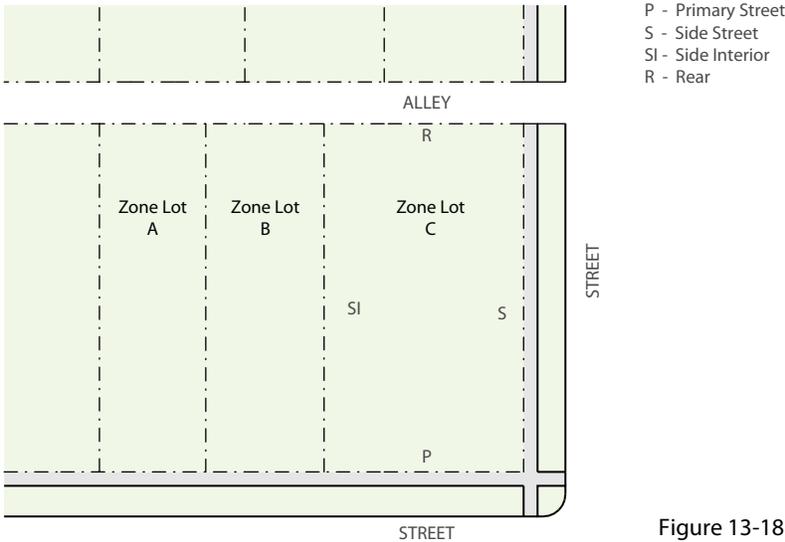


Figure 13-18

b. Block Sensitive Primary Street Designation on Corner Lots of Square Blocks

The general rule of measurement for Block Sensitive Primary Street Setbacks stated in Section 13.1.2.2.B. shall apply to a corner zone lot on a square block, except with the following modifications:

- i. The Block Sensitive Primary Street shall be the street frontage, between any intervening rights-of-way (including alleys), on which a greater number of primary buildings face. See Figure 13-19.
- ii. The range for establishing the Block Sensitive Primary Street Setback shall be set by the two closest adjacent zone lots with the same primary street frontage as the subject corner zone lot.

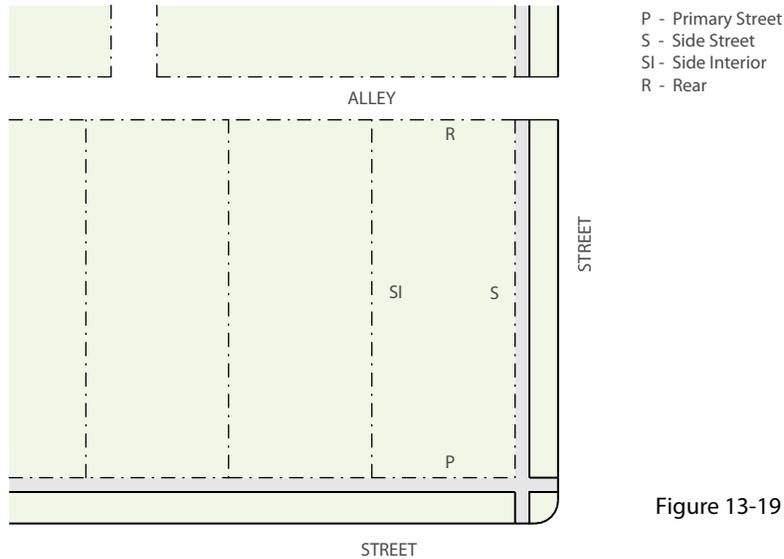


Figure 13-19

c. Block Sensitive Primary Street Designation on Corner Lots of Curvilinear Blocks

The following Figure 13-20 shall be used to determine the Block Sensitive Primary Street(s) (“P”), Side Street (“S”), Side Interior (“SI”), and Rear (“R”) of a corner lot on a curvilinear block. “ZA” means the Zoning Administrator shall make the determination of which frontage on the corner lot is the Block Sensitive Primary Street. For purposes of this provision, a “corner lot” is a zone lot that abuts only two intersecting streets. See Figure 13-20.

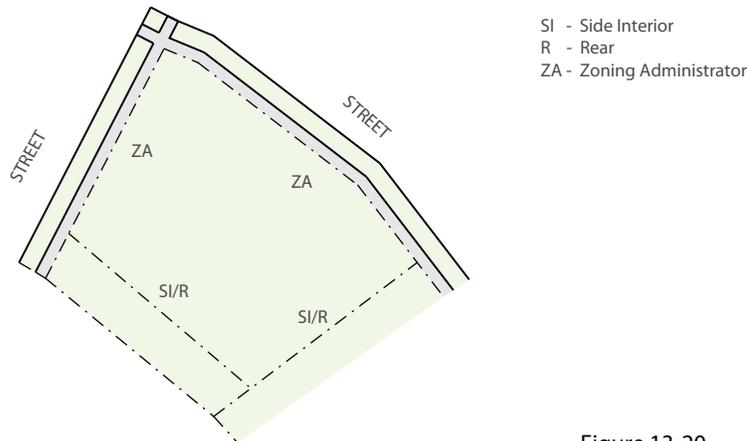


Figure 13-20

13.1.2.4 Determination of Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line for all CC, MX, and MS Zone Districts

A. General Requirements

1. Each zone lot shall have at least one Primary Street.
2. A primary street may be a private street if approved by the Zoning Administrator.
3. Once designated for a zone lot, a Primary Street designation cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the Zone District can be met.
4. In the CC and MX Zone Districts, for corner zone lots with two intersecting streets, the applicant shall designate a Primary Street and Side Street and the Zoning Administrator shall designate the Side Interior Zone Lot Line and/or Rear Zone Lot Line. See Figure 13-21 and Figure 13-22.
5. The Zoning Administrator shall determine the Primary Street, Side Street, Side Interior and Rear in the following circumstances:
 - a. All zone lots in the MS Zone Districts;
 - b. All zone lots with double frontage or three or more street frontages in the CC and MX Zone Districts

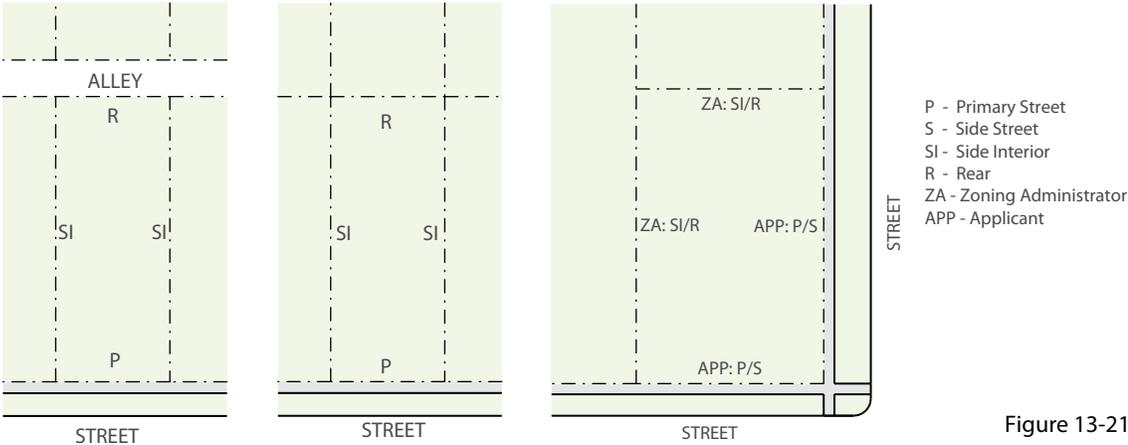


Figure 13-21

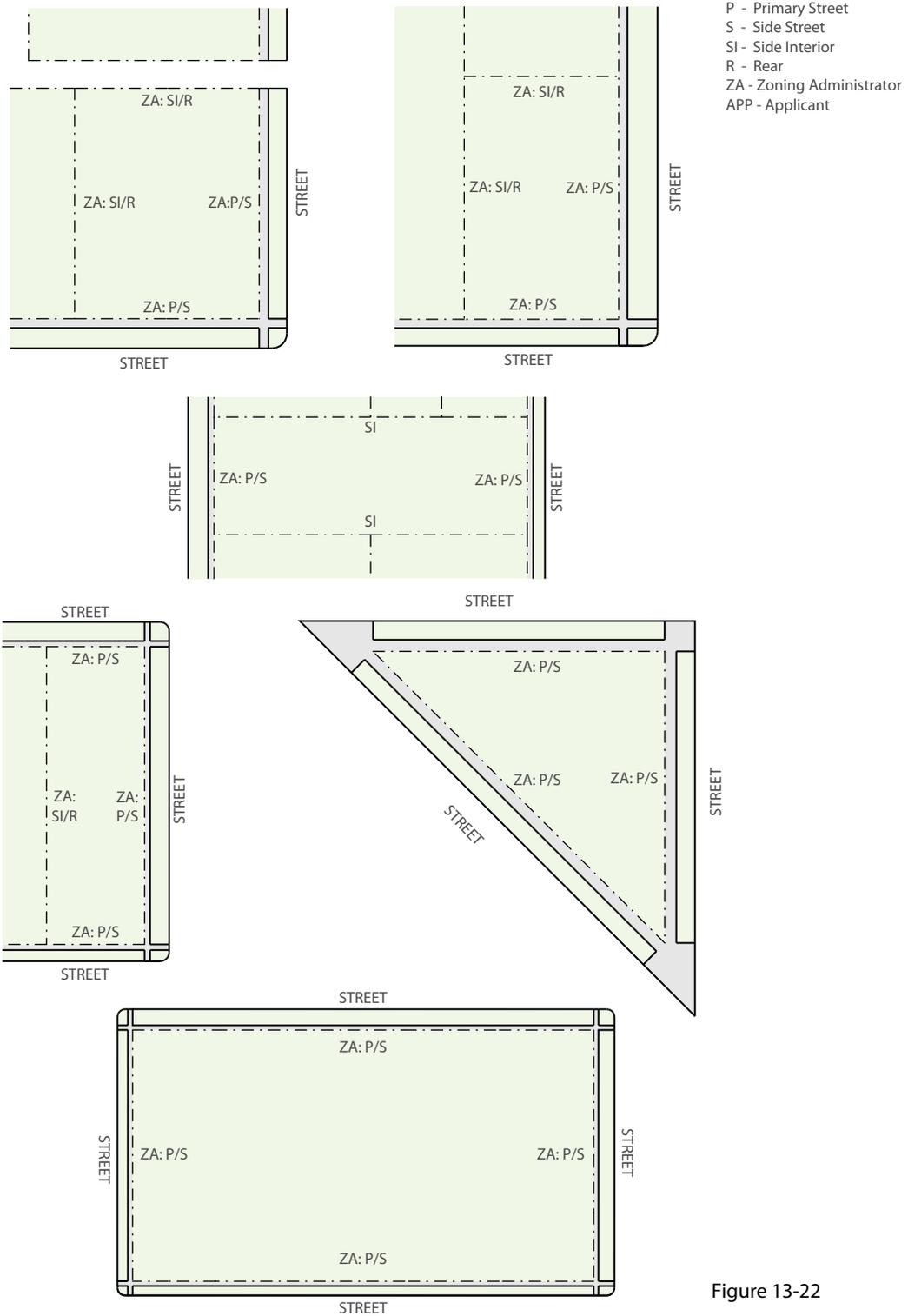


Figure 13-22

B. Criteria for Zoning Administrator Determinations

The Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line, as applicable, based on an analysis of:

1. Guidance provided in any applicable General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.
2. If criteria 1 does not apply, then the following shall be used:
 - a. The Zoning Administrator may designate no more than:
 - i. One Primary Street in the S-CC, S-MX, E-CC, and E-MX Zone Districts.
 - ii. Two Primary Streets in the U-MX and G-MX Zone Districts.
 - iii. Two Primary Streets in the C-MX Zone Districts, and any additional Primary Streets being designated Primary Street B.
 - b. The Blueprint Denver Street Classification of all abutting streets, per the following table:

Blueprint Denver Street Classification	Zone District					
	All Main Street	C-MX	G-MX	U-MX	E-MX	E-CC, S-MX, S-CC
Main (all types)	Primary Street	May be Primary or Side Street				
Mixed Use (all types)	Primary Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street
Commercial (all types)	Primary Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street	*May be Primary or Side Street
Residential Arterial	*May be Primary or Side Street	*May be Primary or Side Street	**Side Street	**Side Street	**Side Street	**Side Street
Residential Collector and Local and Undesignated	**Side Street					

*The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s)
 **If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c

- c. Existing Conditions
 - i. The same or similar use, building form and/or Zone District occurring on the same and opposing face block frontage;
 - ii. Frontage facing a public park;
 - iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49;
 - iv. The functional street classification of all abutting streets as adopted by the Public Works Department.

13.1.2.5 Building Coverage

A. Rule of Measurement

“Building Coverage” shall be measured as the gross area of the actual footprint of the foundations of all primary and accessory buildings on the site, plus the gross area of any accessory structure not expressly excluded in Section 13.1.2.5.B, plus the gross area of any enclosed ground floor or upper story projections beyond the actual foundation footprint, divided by the total gross square foot area of the zone lot. Any portion of a zone lot that does not constitute “building coverage” under this rule shall be considered “unobstructed open space,” as that term is defined in this Article 13.

B. Exclusions from Building Coverage

1. Areas on a zone lot open to the sky and covered by any of the following shall not constitute building coverage and shall be excluded from the calculation of building coverage:
 - a. Landscaping, including gardens;
 - b. Driveways, driving aisles, and unenclosed parking spaces;
 - c. Porches, and patios, decks, or exterior balconies the surface of which are two and one half (2 1/2) feet or less above original grade; and
 - d. Unenclosed areas covered by a trellis or arbor.
2. Area on a zone lot occupied by a front porch accessory to a suburban house, urban house, duplex, town house, or row house building form may be excluded from the calculation of building coverage, up to a maximum of 400 square feet.
3. Area on a zone lot occupied by either a Detached Accessory Dwelling Unit building form or a Detached Garage building form may be excluded from the calculation of building coverage, as specifically allowed in the applicable Zone District. The exclusion shall be for an area up to one-half the area of the zone lot occupied by the building form, up to a maximum of 500 square feet. To qualify for this exclusion, the detached building form shall be separated by at least 15 feet from the primary residential building on the zone lot, measured as the distance between the two closest exterior building walls. Zone lots containing both a Detached Accessory Dwelling Unit and a Detached Garage building forms may exclude the coverage of both detached accessory buildings from the calculation of maximum building coverage, subject to the limits in this subsection, provided the Detached Accessory Dwelling Unit form does not include floor area for vehicle parking.

13.1.2.6 Building Separation

Building separation shall be measured as the horizontal distance between the two closest portions of each building’s exterior walls.

13.1.2.7 Parking and Drive Lot Coverage in Primary Street Setback

Parking and drive lot coverage in the primary street setback is measured as the total amount of impervious material used for vehicle access or vehicle storage within the primary street setback area of a zone lot. Impervious material used for vehicle access shall include driveways, garage aprons, and surface parking areas (covered or not covered). See also definition of “impervious material” in this Article 13.

13.1.2.8 Floor Area Ratio (FAR)

A. Rule of Measurement - FAR

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

B. Calculation of Gross Floor Area

For purposes of calculating FAR, “gross floor area” means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area there shall be excluded the following:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located;
2. Any floor area in a story in which the floor above is more than 6 feet above the finished grade for more than 50% of the total building perimeter;
3. Any floor area used exclusively as parking space for motor vehicles; and
4. Any floor area that serves as a pedestrian mall or public access way to shops and stores.
5. In the Cherry Creek North district (C-CCN), the floor area exclusion of subsection B.2 above shall not apply and any floor area in a story the ceiling of which is less than 44 feet above grade at the nearest building line shall be counted as part of the gross floor area, excluding, however, storage rooms, restrooms and utility rooms.

SECTION 13.1.3 DESIGN ELEMENT FORM STANDARDS

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

13.1.3.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length

The length of the front or side wall of a structure, or the overall structure length, shall be measured along the primary or side street zone lot line for the entire length of the structure, as shown in Figure 13-23 below.

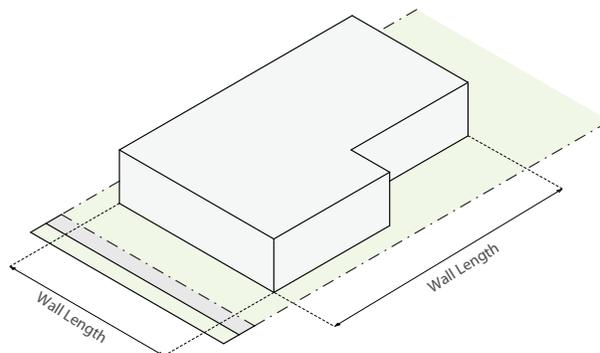


Figure 13-23

B. Upper Story Side or Rear Setback

An upper-story side or rear setback is measured from the side or rear zone lot line, extending for the specified vertical distance starting at the Primary Base Plane and then horizontally to the specified setback distance, as shown in Figure 13-24, below.

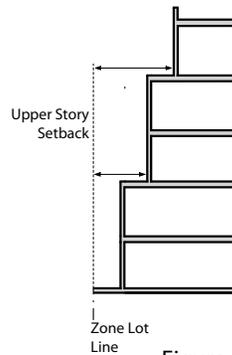


Figure 13-24

C. Upper Story Stepback

Upper Story Stepback is measured as the specified vertical distance starting at the Primary Base Plane, and then extending the specified horizontal distance from the face of the building's lower portion, as shown in Figure 13-25, below.

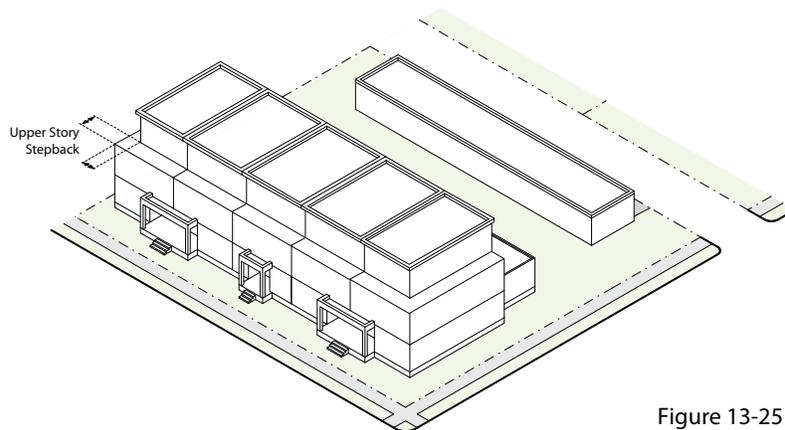


Figure 13-25

D. Street-facing Courtyard Width and Depth

The street-facing courtyard width shall be measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard, shown as "A" in Figure 13-26 below. The street-facing courtyard depth shall be measured as the horizontal distance between the primary street zone lot line and the closest facade of the exterior building wall facing the primary street, measured perpendicular to the zone lot line, shown as "B" in Figure 13-26 below.

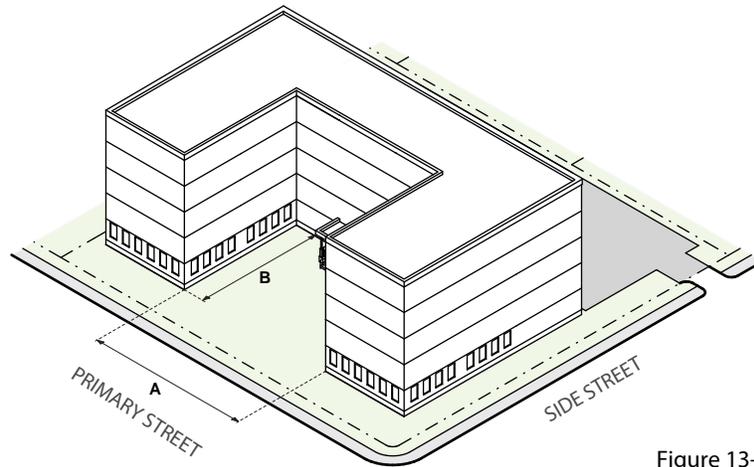


Figure 13-26

E. Street-facing Attached Garage Door Width

1. Rule of Measurement

- a. "Street-facing attached garage door width" is measured as the total width of all street-facing garage doors attached to the primary building form, divided by the total width of the front facade of the primary building, or of the front facade of an individual dwelling unit, as applicable.
- b. For purposes of this rule, the total width of a street-facing garage door(s) shall be measured as the linear distance between the outer edges of the door(s).

2. Determination of "Street-facing"

A garage door is "street facing" if it faces a name or numbered street, which shall be determined by extending a line the width of the garage door and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary then said garage door faces a named or numbered street. See Figure 13-27.

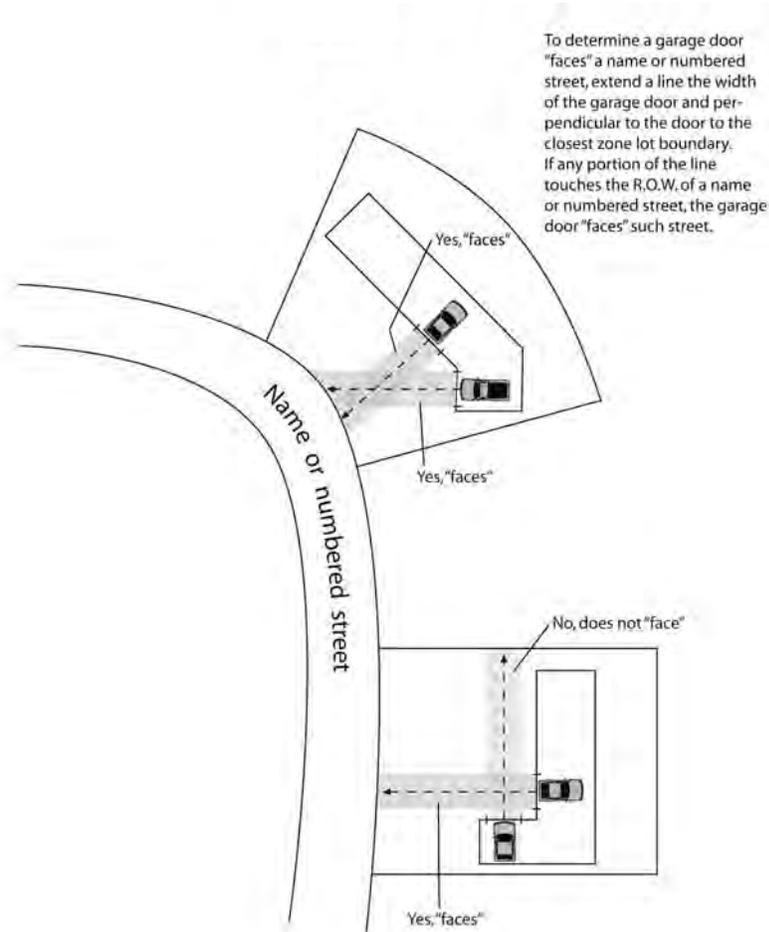


Figure 13-27

13.1.3.2 Ground Story Activation

A. Transparency

1. Rule of Measurement

- a. Ground story transparency, primary or side street, is measured as the total amount of transparency provided on a street-facing building facade (including permitted alternatives to the use of windows and transparent glass), divided by the total length of that same street-facing building facade.
- b. A building facade is "street-facing" if it faces a name or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary, then said facade is "street-facing."

2. Zone of Transparency

- a. The area between 2 feet and 9 feet above the finished ground floor height across the entire ground floor building facade shall be called "the zone of transparency," as shown in Figure 13-28 below.

- b. The required amount of transparency shall be provided within the zone of transparency for the subject building, unless an exception or alternative is allowed by this Code.
- c. Within the zone of transparency, all windows used to satisfy the transparency requirement shall be a minimum of 5 feet in vertical dimension.
- d. No existing building shall be altered in such a way that the amount of glazing in the zone of transparency is reduced below the required amount, and if the amount of glazing in the zone of transparency is already below the required amount, it shall not be further reduced.

3. Minimum Transparency Requirements

- a. Window glazing used to comply with a transparency standard shall be clear and shall transmit at least 65 percent of the visible daylight (visible transmittance shall be 0.65 or greater).
- b. No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be allowed to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.

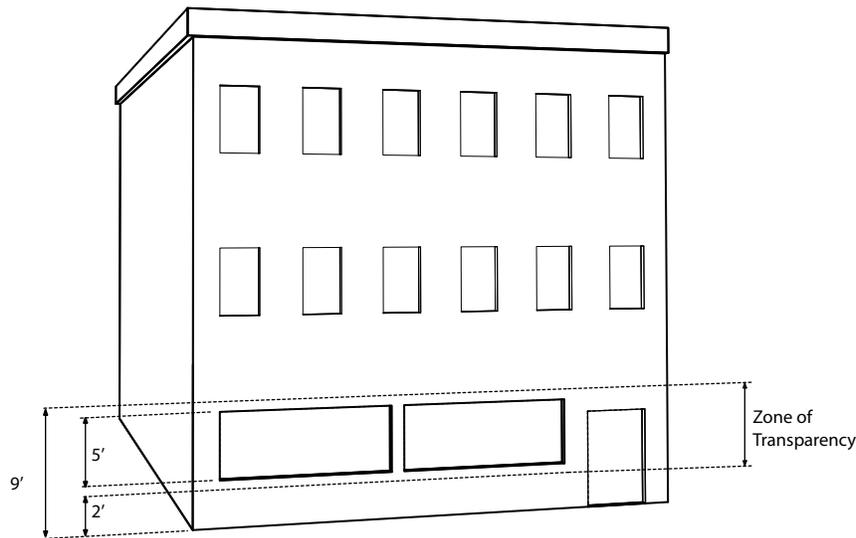


Figure 13-28

SECTION 13.1.4 FENCE AND WALL HEIGHT MEASUREMENT

Fence and wall height shall be measured from the base of the fence or wall at the higher of the finished grade at the inside or outside of the fence or wall, to the topmost point of the fence or wall.

SECTION 13.1.5 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 13.1.6 MEASUREMENT OF SEPARATION OR DISTANCE

13.1.6.1 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.

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

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

DIVISION 13.2 RULES OF CONSTRUCTION & INTERPRETATION

A. Meaning and Intent

1. Words, phrases, terms, and uses defined in this Code shall be given the defined meaning.
2. Words, phrases terms, and uses not defined in this Code, but defined in the building code of the city, shall be construed as defined in such building code.
3. Words, phrases, terms, and uses neither defined in this Code nor in the building code of the city shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

B. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language, are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

C. Text Controls

The text of this Code shall control graphics, figures, tables, illustrations, captions, titles and maps.

D. Fractions

Unless specifically stated otherwise and only where the Zoning Administrator finds the result is not contrary to the intent of the subject standard, where any requirement of this Code results in a fraction of a unit, a fraction of five-tenths or more shall be considered a whole unit and a fraction of less than five-tenths shall be disregarded.

E. Mandatory and Permissive Terms

The words “shall,” “must,” and “will” are mandatory and not permissive; the word “may” or “should” area always permissive and not mandatory.

F. Burden of Proof on Applicant

Whenever this Code places the burden of proof on an applicant, that burden shall be met by, at a minimum, a preponderance of the evidence.

G. Computation of Time

Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

H. Delegation of Authority

Whenever this Code requires the Manager, Zoning Administrator, or other official to perform an act or duty, the Manager, Zoning Administrator, or other official may delegate the responsibility to subordinates, unless this Code specifies otherwise.

I. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions, limitations, or events shall apply; and
2. “Or” indicates that one or more of the connected items, conditions, provisions, limitations, or events shall apply.

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DIVISION 13.3 DEFINITIONS OF WORDS, TERMS & PHRASES

The following words, terms and phrases, when used in this Code, shall have the meanings respectively ascribed to them:

1. **Abandonment:** The voluntary relinquishment of an established use with the intent of permanently terminating such use or occupancy.
2. **[moved] Abut or Abutting:** To physically touch or border upon or to share a common property or zone lot line.
3. **Accessory Dwelling Unit:** A second dwelling unit located on the same zone lot as a primary single unit dwelling use. An accessory dwelling unit is a type of accessory use. An accessory unit may be either “attached” or “detached”, defined as follows:
 - a. **Dwelling, accessory unit, attached:** An accessory dwelling unit that is connected to the primary single unit dwelling.
 - b. **Dwelling, accessory unit, detached:** An accessory dwelling unit that is located within an accessory structure detached from the structure housing the primary single unit dwelling use.
4. **Accessory Structure:** A ~~detached or attached~~ subordinate structure located on the same zone lot with the primary building, ~~structure, or the use, of and~~ which is incidental and customary to the primary building, structure, or use. Accessory structures include man-made structures with walls and roofs, along with man-made structures with no walls or no roofs, including; but not limited to detached garages, fences, walls, gazebos, ~~tree houses,~~ decks and patios.
5. **Accessory Use:** A subordinate use, clearly incidental and related to the principal structure, building, or use of land, and, unless otherwise allowed by this Code, located on the same zone lot as that of the principal structure, building, or use.
6. **Access:** A way or means of approach to provide physical entrance to a property.
7. **Adjacent:** Sharing a zone lot line or being separated only by an alley. Named or numbered streets destroy adjacency, except where specifically allowed by this Code.
8. **Adult Amusement or Entertainment:** Amusement or entertainment which is distinguished or characterized by an emphasis on material depicting, describing or relating to “specified sexual activities” or “specified anatomical area” or which feature strippers or dancers, or similar entertainment by people who expose any specified anatomical area; provided, however, that live entertainment involving any specified sexual activity is prohibited.
9. **Adult Book Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals and goods and items, including video tapes and computer software, held for sale or rental which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (“adult materials”). An establishment which utilizes in excess of ten (10) percent of its gross floor area or its occupied shelf space for the display of adult materials or which has more than ten (10) percent of its total monthly receipts derived from the sale or rental of adult materials shall be regarded as an “adult bookstore.”
10. **Adult Business Use Category:** Adult Business are characterized by commercial establishments where the primary use is the sale, rental, display or other offering of live entertainment, dancing, or material characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

11. **Adult Establishment:** Any one of the following establishments: adult amusement or entertainment; bookstore, adult; eating place with adult amusement or entertainment; photo studio, adult; sexually oriented commercial enterprise; or theater, adult.
12. **Adult Care Home:** A home occupation providing less than 24-hour care of four or fewer clients, over the age of 16 years. In Zone Districts where home occupations of foster family care, rooming and/or boarding and adult care home are permitted, only one such home occupation will be permitted in any single-unit dwelling or dwelling unit.
13. **Agriculture, Limited:** Limited agricultural activities including, but not limited to: the growing of fruits, flowers, vegetables, or ornamental plants; grazing of livestock, forage and feed crop production, sod farming, truck farming, and fruit and nut tree orchards; excluding, however, feed lots, hog farms, dairies, poultry and egg production facilities, bee-keeping and apiaries, horse boarding, and riding stables.
14. **Agriculture Use Category:** Agriculture Category includes production, keeping, or maintenance for sale or lease, of plants, including but not limited to: forages and sod crops; grains and seed crops; fruits and vegetables; and ornamental products; and unless expressly prohibited, the keeping of livestock, including but not limited to: dairy animals and dairy products; poultry and poultry products; cattle and cattle products; or horses.
15. **Airport:** A facility operated by an airport authority or governmental entity that provides infrastructure and services for air travel, together with all activities necessary for, directly related to, or commonly associated with the operation of a major air carrier facility. Such services, infrastructure, and activities may include but are not limited to the following uses:
 - a. Landing fields;
 - b. Facilities for the parking, storage, fueling, repair, and rental of aircraft;
 - c. Passenger and baggage terminals;
 - d. Air cargo operations and associated facilities;
 - e. Public transportation infrastructure, including terminals and stations;
 - f. Safety facilities such as fire and police stations;
 - g. Open space uses such as agriculture, parks, golf courses, and recreation;
 - h. Energy production;
 - i. Retail, concessions, and other uses designed primarily to serve airline passengers, other airport users, and space.
 - j. Other accessory uses as determined by the Zoning Administrator, in consultation with the Manager of the Department of Aviation or designee, according to Section 12.4.6, Code Interpretation / Determination of Unlisted Uses.
16. **Alley:** A public way that is less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.
17. **Alter:** Any structural change in the supporting or load-bearing members of a building, including but not limited to bearing walls, columns, beams, girders, floor joints.
18. **Amusement Devices:** An electronic or mechanical device which operates as a game, contest or amusement of any description and which includes but is not limited to pinball machines, video games, foosball machines or similar devices. This term does not include musical devices, children's rides, or pool and/or billiard tables.

19. **Ambulance Service:** The dispatching of vehicles for transportation of ill or injured persons to or from treatment facilities together with incidental storage and maintenance of such vehicles.
20. **Amusement / Special Interest Parks:** A complex with both indoor and outdoor entertainment, eating places/restaurants and/or limited retail uses, open to the public upon payment of a fee or admission charge.
21. **Animal Sales and Services - Household Pets Only:** An establishment engaged in any of the following:
 - a. The retail sale, grooming, care, or boarding of domestic or household animals only, and which may include overnight accommodations. The retail sale of domestic animals (e.g., pet store) is permitted.
 - b. The maintaining, raising, harboring and/or boarding of 4 or more dogs, or 6 or more cats, or 6 or more dogs and cats shall be considered a primary “animal services and sales - household pets only” use.
 - c. Provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners for household or domestic pets only.
22. **Animal Sales and Services, All Other:** An establishment engaged in the retail sale, grooming, care, breeding, or boarding of animals, not restricted to domestic or household pets, and which may include overnight accommodations. Includes provision of veterinary medicine, dentistry, or surgery services by licensed veterinary practitioners and animal kennels or other animal boarding facilities not limited to domestic or household pets.
23. **Antenna:** Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
24. **Applicant:** The owner or any other person with a recognized interest in the land for which development is proposed, or an authorized agent. The City may also be considered an applicant.
25. **Application, Complete:** See definition of “Complete Application” below.
26. **Aquaculture:** Including, but not limited to, hatcheries, growing tanks or raceways, processing, storage, packaging and distribution of shellfish and fish, including accessories such as feed storage and water treatment facilities. The outdoor storage of waste material from fish processing is prohibited.
27. **Art Gallery:** A public or private facility that is operated as a repository or a collection of works of individual art pieces not mass produced, consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale of the individual art pieces or the sale of related objects and services.
28. **Artist Studio:** See “Studio, Artist.”
29. **Arts, Entertainment & Recreation Use Category:** Arts, Entertainment and Recreation use category includes a broad array of commercial establishments that operate indoor or outdoor facilities or provide services to meet varied artistic, cultural, entertainment, and recreational interests of their patrons. Uses within this category comprise (1) establishments involved in producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) establishments that create, preserve and exhibit objects and sites of artistic, historical, cultural, sports or educational interest; and (3) establishments that operate facilities or provide services that enable patrons to participate in recreational activities or pursue amusement, hobby, or leisure time interests. Excluded

are restaurants and night clubs that provide live entertainment in addition to the sale of food and beverages, which this Code categorizes as “eating and drinking establishments.”

- 30. Arts, Recreation and Entertainment, Indoor:** Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, community center and adult business uses. Commercial establishments providing indoor sports, recreation, and/or entertainment services by and for participants, typically in exchange for the payment of a fee or admission charge; excluding, however, community center and adult business uses. This definition includes, but is not limited to:
- a. Art Gallery
 - b. Artist Studio
 - c. Amusement centers and arcades
 - d. Billiard parlor
 - e. Bowling centers; ice rinks; swimming pools, tennis clubs and similar sports clubs
 - f. Children’s indoor play center
 - g. Cinemas, motion picture or movie theaters, but not including drive-in movie theaters;
 - h. Fitness and recreational sports centers and other related establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.
 - i. Personal instruction studios for dance, marital arts, photography, music and similar activities.
 - j. Theater and/or Live Performance Space
- 31. Arts, Recreation and Entertainment Services, Outdoor:** Commercial establishments engaged in providing outdoor amusement, recreation, or entertainment services by and for participants, for the payment of a fee or admission charge, excluding community center and adult business uses. Any spectators would be incidental and on an irregular basis. This definition includes, but is not limited to:
- a. Amusement/special interest parks
 - b. Batting cages
 - c. Go-cart raceway
 - d. Ice rinks
 - e. Miniature golf course
 - f. Private golf course, defined to mean an area of land laid out for the game of golf with a series of holes each including tee, fairway, and putting green and often one or more natural or artificial hazards.
 - g. Skateboard centers
 - h. Swimming pools
 - i. Tennis clubs
 - j. Outdoor theaters, amphitheaters, permanent performance spaces
- 32. Arcade:** A covered passage, open on at least one side and accessible to the public at all times, extending along the outside wall of a building, and supported by arches or columns. “Arcade” shall not include off-street loading areas, driveways, off-street parking areas.

- 33. Articulation:** Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow.
- 34. Assembly, Without Fabrication:** The joining together of completely fabricated parts.
- 35. Assisted Living Facility:** A residential structure or structures licensed by the state as an assisted living residence and housing more than 8 adults. This use is a residential facility that makes available to more than 8 adults not related to the owner of such facility, either directly or indirectly through a resident agreement with the resident, room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that shall be available on a 24-hour basis, but not to the extent that regular 24-hour medical or nursing care is required.
- a. Such a use shall not include residential treatment facilities for substance abusers or the mentally ill.
 - b. This use shall not include the uses nursing home, hospice or residence for older adults.
 - c. An assisted living facility shall not be considered a residential care use.
 - d. A facility that otherwise meets this definition but has 8 or fewer residents shall be considered a residential care use, small, and not an assisted living facility.
- 36. Atrium:** A ground level area which is designed for pedestrians and which meets the following conditions:
- a. Has at least one entrance connecting to a public street, plaza or arcade;
 - b. Is open to the top of the building by means of a vertical open space or light well and is covered by a transparent or translucent material;
 - c. Is open to the public during business hours;
 - d. Has at least 25 percent of its periphery utilized by retail sales, personal services or entertainment activities; and
 - e. Contains facilities for the public, such as benches, flower beds, fountains, etc.
- 37. Automobile:** Any motor vehicle.
- 38. Automobile Emissions Inspection Facility:** A facility that is equipped to enable vehicle exhaust, evaporative, and chlorofluorocarbon emissions inspections and any necessary adjustments and repairs to be performed, and which facility owner or operator is licensed by the State of Colorado to operate as an inspection and/or readjustment station. The use "automobile emissions inspection" does not include "automobile gasoline filling station."
- 39. Automobile Gasoline Filling Station:** A retail establishment engaged in the sale of automotive fuel or motor oil for automobiles.
- 40. Automobile, Motorcycle and Light Truck Sales, Rentals and/or Leasing, Including Automobile Pawn Lot, Vehicle Auctioneer**
- a. Sales, leasing, rental, and related servicing of new and used automobiles, light trucks, vans and sport utility vehicles limited to a capacity of not more than one-and-one-half tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, automobile hitches or utility trailers, and similar items; excluding, however, commercial wrecking, dismantling, or junkyard. This definition includes, but is not limited to, all uses in the following SIC groups:
 - i. 551 New and used car dealers;
 - ii. 552 Used car dealers;
 - iii. 557 Motorcycle dealers.

- b. A business that sells at auction or loans money on deposit of such personal property as:
 - i. Automobiles, motorcycles, light trucks;
 - ii. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or
 - iii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats.
 - c. A business that deals in the purchase or possession of such personal property as vehicles or heavy vehicle equipment on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.
- 41. Automobile Parts Recycling Business:** An establishment at which motor vehicles are dismantled for the purpose of selling usable parts and which does not include a junkyard.
- 42. Automobile Rental Services:** The rental of automobiles under conditions where (1) the storage of all rental automobiles is located on the same zone lot as the office for the automobile rental service, and (2) no mechanical or maintenance work on automobiles shall be done on the premises, and (3) the land area assigned for storage of rental automobiles shall not be included for computation of any required off-street parking space.
- 43. Automobile Services, Light:** A retail establishment engaged in the provision of one or more of the following types of services, but not including heavy automobile service uses or any servicing of large-scale motor vehicles and trailers:
- a. The sale of automotive fuel, motor oil, and/or services; and/or
 - b. Routine maintenance and minor repair serving of automobiles, which may include washing, polishing, greasing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing; and/or
 - c. Washing, cleaning, and/or waxing of automobiles by hand or with manually operated equipment or automatic machinery.
 - d. This definition includes the uses in the following SIC groups:
 - i. 5541 Gasoline service stations, except truck stops; and
 - ii. 7549 Automotive services, except the following: towing service, automotive; and wrecker service (towing), automotive.
- 44. Automobile Services, Heavy:** A retail establishment engaged in the provision of one or more of the following types of services to automobiles:
- a. Major repairs to and the servicing of automobiles, including engine overhaul or replacement, body work, upholstery work, glass replacement, transmission overhaul, brake repair with drum and disc grinding, replacement of electrical accessories such as starters and alternators, frame alignment, and rebuilding of wrecked automobiles. This use includes body work and painting. This definition includes, but is not limited to, all uses in the following SIC groups:
 - i. 753 Automotive repair shops;
 - ii. 7549 Automotive services.
 - b. Large-scale motor vehicles and trailers washing/laundrying and/or steam cleaning.
 - c. Such use excludes commercial wrecking, dismantling, junkyard, tire, and truck-tractor repair.
 - d. An “automobile services, heavy” use that is combined with one or more light automobile service use shall still be categorized as “automobile services, heavy” under this Code.

45. **Automobile Towing Service Yard:** The assembling or standing of damaged or impounded vehicles for indeterminate periods of time. Such use shall not include the wrecking, dismantling or repairing of vehicles.
46. **Automobile Trailer:** A non-motorized transport vehicle designed to be towed by an automobile for hauling heavy loads, examples include a horse, boat or snowmobile trailer. This use does not include tractor trailers.
47. **Backhaul Network:** The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
48. **Balcony, Exterior:** A ~~railed~~ projecting cantilevered platform on a building that is not supported on the ground by posts, columns, or similar supporting structural members. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry to habitable space, provided such landing does not exceed the minimum required dimensions for a landing as defined in the Building Code.
49. **Banking and Financial Services:** A retail establishment engaged in deposit banking or extending credit in the form of loans. This definition includes, but is not limited to, all uses in the following SIC groups:
 - a. 60 Depository institutions; or
 - b. 61 Non-depository institutions.
50. **Basic Manufacture:** The first operation or operations which transform a material from its raw state to a form suitable for fabrication.
51. **Bed and Breakfast Lodging:** An owner-occupied or manager-occupied residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests.
52. **Berm:** A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.
53. **Billboard:** See "Outdoor General Advertising Device".
54. **Block:** A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.
55. **Block Face:** See definition of "Face Block," below.
56. **Block, Square:** A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.
57. **Block, Oblong:** A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.
58. **Body Art Establishment:** A retail establishment where the practice of physical body adornment is performed by artists utilizing, but not limited to, the following techniques: body piercing, and tattooing, but does not include establishments performing only ear piercing.
59. **Brewpub:** A specific type of eating and drinking establishment. A facility at which malt, vinous, or spirituous liquors are manufactured on the premises, bottled, and sold on the same premises as where the eating and drinking services are provided. No more than 30% of the manufactured product may be sold to off-premises customers. The volume of liquor manufactured on the premises of the brewpub shall not exceed 300 gallons per day each calendar year.

- 60. **Broadcast and/or Recording Studio:** See “Studio, Broadcast and/or Recording.”
- 61. **Building:** Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.
- 62. **Building, Principal or Primary:** A building in which is conducted the principal or primary use of the zone lot on which it is situated.
- 63. **Building Form Standards:** Standards applicable to the development of buildings and structures in this Code which, taken together, regulate building height (Building Height Standards), building siting (Siting Standards), and building design elements (Design Element Standards).

Building Footprint:

- 64. **Building Front or Frontage:** That exterior wall of a building facing a front line of the zone lot.
- 65. **Building Height:** The height of a building, measured in accordance with the Rules of Measurement (see Division 13.1 of this Article.)
- 66. **Building Height Standards or Height Standards:** Standards in this Code that address how tall a building and its component parts may be. Building height standards include, but are not limited to, standards addressing overall building height in feet or stories, side wall height, and bulk plane requirements.
- 67. **Build-to:** An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a street-facing, primary building wall must be built.
- 68. **Camper Units, Detached:** A shell designed to be mounted on a pickup or truck chassis for use as a temporary shelter for travel, recreation and vacation use.
- 69. **Campus:** A large tract of contiguous land that is planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to coordinated circulation, parking, utility needs, aesthetics, and compatibility. For purpose of this definition, the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way. Examples of campuses may include, but are not limited to: hospitals, educational facilities, industrial or business parks, and performing arts complexes.
- 70. **Canopy:** A structure, fully supported by the building wall, providing shade and cover from the weather for a sidewalk, stoop or terrace.
- 71. **Carport:** An accessory structure space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls. For purposes of location, setbacks and building coverage, a detached carport shall be considered to be part of a detached accessory dwelling unit or detached garage. An attached carport shall be considered as an attached accessory structure.
- 72. **Carriage Lot:** A parcel of land completely surrounded by alleys in the center of a block and which has no public street frontage on a named or numbered street. A “carriage lot,” by definition, is a nonconforming zone lot for failure to comply with this Code’s requirement that all zone lots have frontage on a named or numbered public street. See “Zone Lot, Nonconforming.”
- 73. **Car Wash Bay:** Washing, cleaning, and/or waxing of private automobiles, light trucks and vans, but not commercial fleets, by hand or with manually operated equipment or automatic machinery.

74. **Cemetery:** Land used for interment of human or animal remains or cremated remains, including a burial park, a mausoleum, a columbarium, necessary sale and maintenance facilities, or a combination thereof. Mortuaries shall be included when operated within the boundary of such cemetery.
75. **Change of Use:** Any use that substantially differs from the previous use of a building or land, as determined by the Zoning Administrator.
76. **Child Care Home, Small:** A home occupation providing the care and education for periods of less than 24 hours of not more than 6 children, plus 2 additional children who attend either before or after school hours, subject to the licensing requirements of the state and the city.
77. **Child Care Home, Large:** A home occupation operated in a single-unit dwelling unit or in a dwelling unit in a multiple-unit dwelling providing care and education for periods of less than 24 hours of 7 to 12 children subject to the licensing requirements of the state and the city.
78. **Children's Learning Center:** A commercial business that regularly provides on-site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age.
79. **City:** The City and County of Denver.
80. **City Park:** An area of land owned or leased by the City and operated or managed by the Denver Department of Parks and Recreation.
81. **Civic Uses.** A specific set of civic, public, and public assembly uses for purposes of applicability of this Code's building form standards, and which are limited to the following specific uses only:
- a. Places of public and religious assembly
 - b. Community center
 - c. Elementary or secondary school
 - d. College or university
 - e. Conference center/meeting hall
 - f. Entertainment or sports arena or stadium
 - g. Correctional Institution / detention center
 - h. Courthouses
 - i. Museum
 - j. Library
 - k. Public safety facilities, including but not limited to police, fire, or EMS station; sub-station
82. **Club or Lodge:** A building or land used for the activities of an association of persons for the promotion of a private or nonprofit common objective, such as literature, science, politics, and good fellowship. A club or lodge is not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public. A club or lodge is limited to members, who meet periodically, and with not more than one-third of the gross floor area of the club or lodge used for residential occupancy.
83. **Code or "This Code":** The Denver Zoning Code, as incorporated by reference in Chapter 59 of the Denver Revised Municipal Code.

84. **College or University Accessory to a Place of Religious Assembly:** A post-secondary education facility operated by a place for religious assembly and physically located on a zone lot occupied by such place for religious assembly.
85. **Commercial:** Pertaining to the buying and selling of commodities and services for a profit.
- 86.1. **Common Area:** Areas within a building or within a residential development that are available for common use by all owners or tenants. Examples of common areas include, but are not limited to: a clubhouse, courtyard or other shared recreation area; building lobbies, corridors, and stairways; parking areas; laundry room; roof; or storage rooms.
86. **Communications and Information Use Category:** Communication and Information includes plant, equipment and property used for the transmission of voice, data, image or video programming.
87. **Communications Services:** Establishments engaged in the provision of television and film production, broadcasting, and other information relay services accomplished through the use of electronic and telephone mechanisms; excluding, however, telecommunication facilities major impact utilities. Facilities that broadcast exclusively over the Internet and have no live, in-building audiences to broadcasts shall also be excluded from this definition and shall be classified as non-dental or non-medical “office” uses. Typical uses include: television studios; television and film production studios; broadcast and/or recording studios; telecommunication or telecommuting service centers; or cable services.
88. **Community Center:** A building, 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, and for which membership may be restricted to persons living in a specific geographical area. Any member fees assessed shall apply equally to all users.
89. **Community / Public Services Use Category:** Community / Public Service uses are defined as community or public safety services that meet public needs for both safety and human services such as day care, community centers, fire, police, or life protection, together with incidental storage and maintenance of necessary vehicles. Typical uses include senior or community centers, adult or child day care, fire and police stations, detention facilities and ambulance services.
90. **Community Corrections Facility:** A structure which provides a residence for three or more persons who have been placed in a community corrections program of correctional supervision, including a program to facilitate transition to a less-structured or independent residential arrangement; and residents of such facilities shall be those persons placed in the community corrections program by the judicial or correctional departments of the city, the state or the federal government. A community corrections facility shall be considered a large residential care use.
91. **Compatibility or Compatible:** The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other without adverse effect. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean “the same as.” Rather, compatibility refers to the sensitivity of development proposals in maintaining the character and context of existing development.

92. **Complete Application:** An application in the form required by this Code, including all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application conference or concept plan review, and accompanied by the applicable fee or fees.
93. **Completely Enclosed Structure:** See “Structure, Completely Enclosed.”
94. **Concealed Light Source:** An artificial light intended to illuminate a building, the face of a sign, or landscaping, which light is shielded from public view and from adjoining zone lots.
95. **Concrete, Asphalt, and Rock Crushing Facility:** A facility in which the principal activity is performed in an open area where concrete, asphalt, rock, brick, cement, or other similar paving or building materials are crushed, ground, pulverized, bought, sold, exchanged, stored, mixed, packed, disassembled, or handled.
96. **Conference Center, Meeting Hall:** A facility which provides meeting halls, trade centers, merchandise marts, or convention centers for training and other gatherings for large numbers of people for similar functions; may be developed separately or in combination with another permitted use.
97. **Conforming Structure:** See “Structure, Conforming.”
98. **Conforming Use:** See “Use, Conforming.”
99. **Contractor, Special Trades, General:**
- a. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes the following SIC groups:
 - i. 15 General building contractors;
 - ii. 171 Plumbing, heating, air-conditioning;
 - iii. 172 Painting and paper hanging;
 - iv. 173 Electrical work;
 - v. 174 Masonry, stonework, and plastering;
 - vi. 175 Carpentry and floor work;
 - vii. 176 Roofing, siding, and sheet metal work;
 - viii. 1793 Glass and glazing work;
 - ix. 1796 Installing building equipment;
 - x. 1799 Special trade contractors.
 - b. Includes special trades contractor involving the following trades:
 - i. Air conditioning;
 - ii. Cabinet making;
 - iii. Carpentry;
 - iv. Decorating;
 - v. Electrical work;
 - vi. Exterminations;
 - vii. Fire-proofing;
 - viii. Floor laying;
 - ix. Glass;

- x. Glazing;
- xi. Heating;
- xii. Linoleum;
- xiii. Masonry;
- xiv. Ornamental iron work;
- xv. Painting;
- xvi. Paper hanging;
- xvii. Plumbing;
- xviii. Refrigeration;
- xix. Sign construction or installation;
- xx. Stone work;
- xxi. Title;
- xxii. Waterproofing;
- xxiii. Wiring;
- xxiv. Other similar trades not listed elsewhere in this Code, but specifically excluding contractors dealing with excavation, structural steel, well drilling, and other similar heavy construction.

100. Contractor, Special Trades - Heavy / Contractor Yard: Establishments providing general contracting and/or building construction services other than for buildings, such as for highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment, or a contractor yard for vehicles, equipment, materials and/or supplies. This definition includes, but is not limited to, the following SIC groups:

- a. 6 Heavy construction, **except** building;
- b. 178 Water well drilling
- c. 1791 Structural steel erection
- d. 1794 Excavation work
- e. 1795 Wrecking and demolition work

101. Corner Lot or Corner Zone Lot: See “Zone lot, corner.”

102. Corner Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

103. Correctional Institution: A secured institution under the supervision of the judiciary, correctional departments of any local, state or federal governments, or any law enforcement agency, in which persons are or may be lawfully held in custody after arrest or as a result of conviction of a crime.

104. Court or Courtyard: An open, uncovered and unoccupied area partly or wholly enclosed by buildings or walls.

105. Crafts Work: Individual pieces not mass produced consisting of one (1) or more of the following: ceramics, inlays, needlework, knitting, weaving, leather work, woodwork, metal work or glass work.

106. Crematorium: A location containing properly installed, certified apparatus intended for use in the act of cremation.

- 107. Cultural / Special Purpose / Public Parks & Open Space Use Category:** Cultural/ Special Purpose/Parks and Open Space use category is defined as uses generally providing for display, performance, preserving, or enjoyment of heritage, history, the arts, parks and open space. The use category includes, but is not limited to museums, libraries, parks and open space owned or operated by either public or private entities.
- 108. Day Care Center:** An establishment used for the purposes of providing care for either children or adults for less than a twenty-four (24) hour consecutive period.
- a. For adults:** “Day Care Center” means a facility limited to 5 or more persons who are 18 years and older and not related to the owner, operator or manager thereof, and where care is provided for less than a 24 hour consecutive period.
 - b. For children:**
 - i. “Day Care Center” means a child care center organized under Chapter 11 of the Denver Revised Municipal Code, which is maintained for the whole or part of the day but for less than 24 hour care, which offers care to 5 or more children not related to the owner, operator, or manager thereof, from the ages of 6 weeks through 18 years, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes, subject to the licensing requirements of the state and the city.
 - ii. “Day Care Center” includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and includes those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school.
 - iii. “Day Care Center” shall not include any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 5 grades or operated as a component of a school district’s preschool program operated pursuant to Article 28 of title 22, C.R.S.
 - iv. “Day Care Center” shall not include any facility licensed as a “child day care home” or “foster family care”, as defined in this Code or in the Colorado Revised Statutes.
- 109. D.R.M.C.:** Denver Revised Municipal Code.
- 110. Deck:** A platform 12 inches or more above finished grade, and supported on the ground.
- 111. Dedicated or Dedication:** The conveyance or setting aside of land to the City Council or its designee.
- 112. Demolished or Destruction, Involuntary:** See “Involuntary Demolition or Involuntary Destruction.”
- 113. Demolished or Demolition, Voluntary:** See “Voluntary Demolition or Demolished.”
- 114. Denver Zoning Code:** This Code.
- 115. 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
- 116. Development:** Any of the following activities:

- a. 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.
- b. 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.

- 117. Development, Residential:** Development intended for residential occupancy.
- 118. 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.
- 119. 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.
- 120. 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.
- 121. Display Surface or Face:** The area made available by the sign structure for the purpose of displaying the message.
- 122. Domestic Employee:** A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefore, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pays rent for himself/herself or his/her family shall be deemed the domestic employee of the person to whom such rent is paid.
- 123. Drive or Driveway:** An improved and maintained way providing vehicular access from the public street to a parking area or to dwellings, or other uses.
- 124. Drive-Through Facility:** An accessory use designed and operated to enable persons to receive a service or purchase goods while remaining within a motor vehicle. The facility includes the area of the drive aisle dedicated to placing orders or picking up such goods or services, as well as the actual facility for placing orders and picking up of such goods or services.
- 125. Dwelling:** Any building or portion of building that is used as the residence of one or more households, but not including hotels and other lodging accommodation uses, hospitals, tents, or similar uses or structures providing transient or temporary accommodation.
- 126. Dwelling Unit, Accessory**
A second dwelling unit located on the same zone lot as a primary single unit dwelling use. An accessory dwelling unit is a type of accessory use. An accessory unit may be either "attached" or "detached", defined as follows:
- a. **[renumbered] Dwelling, Accessory unit, attached:** An accessory dwelling unit that is connected to the primary single unit dwelling.

- b. **[renumbered] Dwelling, accessory unit, detached:** An accessory dwelling unit that is located within an accessory structure detached from the structure housing the primary single unit dwelling use.
- 127. Dwelling, Single Unit:** One dwelling unit contained in a single structure with no other primary uses.
- 128. Dwelling, Two Unit:** Two dwelling units contained in one structure located on a single zone lot.
- 129. Dwelling, Multiple Unit:** Three or more dwelling units contained in a single structure.
- 130. Dwelling, Mixed Use:** One or more dwelling units contained in a single structure in combination with any number of nonresidential uses.
- 131. Dwelling, Live/Work:** A combination of residential occupancy and commercial activity located within the same dwelling unit. In a “live/work dwelling,” the commercial activity is a primary use in combination with a primary residential occupancy use, and the commercial occupancy shall not be considered a “home occupation” or other accessory use.
- 132. Dwelling Unit:** One or more habitable rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.
- 133. Eating and Drinking Establishment:** A retail establishment primarily engaged in the sale of prepared, ready-to-consume food and/or drinks within a completely enclosed structure. Typical uses include restaurants, fast-food outlets, snack bars, taverns, bars and brewpubs.
- 134. Eating & Drinking Establishments Use Category:** Commercial establishments engaged primarily in the sale of food or drink to consumers for on-premises or off-premises consumption.
- 135. Education Use Category:** A public or private facility for the general or specialized education or instruction of children or adults. Education uses may or may not meet the requirements of the State of Colorado compulsory education laws. Education uses include elementary or secondary schools, universities or colleges, and vocational or professional schools.
- 136. Enclosed Bicycle Parking Facility:** A stand-alone, secure enclosure or a device or delineated space located within a building or parking garage, and used to park and/or store bicycles. Examples include, but are not limited to, bicycle lockers or bicycle storage rooms located inside a building.
- 137. Entrance, Required:** An operable opening to a building that provides direct public access from the Primary Street to the primary uses within the building.
- 138. Entry Feature:** An entrance to a building, a structure, or an architectural building feature, which signals to a person how to travel from the Primary Street to the primary uses within a building.
- 139. Existing Use:** The use of a zone lot or structure at the time of the enactment of this Code.
- 140. Extended Stay Hotel:** A hotel containing guest rooms oriented to allow independent housekeeping for occupancy by the week or by the month, or some portion thereof, with facilities for sleeping, bathing, and cooking.
- 141. Exterior Balcony:** See “Balcony, Exterior.”

- 142. Exterior Wall Surface:** The most exterior part of a wall, sun screen or any screening or material covering a building.
- 143. FAA:** Federal Aviation Administration.
- 144. FCC:** Federal Communications Commission.
- 145. Face Block:** A zone lot or lots fronting on one side of the block. The “same” block face indicates only those zone lots fronting on the same side of the block as the subject property. The “opposite face block” includes those zone lots located on a different block than the subject property, but located directly across the street from and fronting the same street as the subject property, and bounded by the same intersecting streets as the subject property’s block.
- 146. Facade:** Any exterior wall surface located at the ground level of a building that encloses the interior of the building.
~~**Facade, Front:** Any exterior wall surface located at the ground level of a building that faces the front line of the zone lot and encloses the interior of the building.~~
- 147. Farmers Market:** A market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.
- 148. Feed Lot:** A feed lot shall be determined to be any of the following facilities:
- a. Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail;
 - b. Any structure, pen or corral wherein cattle, horses, sheep, goats and swine are maintained in close quarters for the purpose of fattening such livestock before final shipment to market;
 - c. The raising of swine under any conditions.
- 149. Fence/ Wall:** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.
- 150. Fine Arts:** Individual art pieces not mass produced.
- 151. Fixed Rack Bicycle Parking Facility:** An unenclosed device used for the parking of bicycles that is affixed permanently to the ground. Examples include, but are not limited to, an inverted “U”-style bicycle rack.
- 152. Fixture:** A small structure or part of a structure used by the occupants of the premises for the purpose of containing or holding containers of garbage, trash recycling and similar waste products, or for landscaping such as bird baths, ornamental statuary, arbors, rock gardens, monuments, flagpoles, ornamental lampposts and similar decorative features but not including enclosed buildings.
- 153. Flag Lot:** See “Zone Lot, Flag.”
- 154. Floor Area Ratio (FAR):** The ratio of gross floor area of a building to the area of the zone lot on which the building is located. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio.
- 155. Floor Area, Habitable:** The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, and bedroom(s), but not including hallways, stairways, cellars, service rooms, utility rooms, bathrooms, closets, unheated areas such as enclosed porches.

- 156. Floor Plate:** The sum of the gross horizontal area of a single floor of a building structure, including interior and exterior balconies; all horizontal floor dimensions are measured from the exterior faces of the exterior walls.
- 157. Flush-Mounted Solar Panels:** See “Solar Panels, Flush-Mounted.”
- 158. Food Preparation and Sales, Commercial:** Establishments primarily engaged in the preparation and production of prepared food items in individual servings for off-premises consumption and/or sale by others. Typical uses include caterers, wholesale bakeries, commissary kitchens, specialty food packaging and/or processing shops, and flight kitchens. This definition includes, but is not limited to, uses in the following SIC groups:
- a. 2009 Food preparations
 - b. 2051 Bread and other bakery products, except cookies and crackers
 - c. 2052 Cookies and crackers
 - d. 5812 Caterers, commissaries, and contract feeding
- 159. Food Sales or Market:** Retail establishments primarily engaged in the retail sale of food and beverages for off-site or home consumption. Typical uses include supermarkets, groceries, markets, or delicatessens. This definition includes, but is not limited to, all uses in the following SIC group: 54 Food stores.
- 160. Footcandle (F.C.):** A unit of illuminance equivalent to one lumen per square foot.
- 161. Former Chapter 59:** Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk at City Clerk Filing No. [10-512-A](#) on May 20, 2010. Former Chapter 59 remains in full force and effect for any land not re-zoned to Zone Districts in the Denver Zoning Code
- 162. Foster Family Care:** The full-time care of not more than 4 children or 2 adults unrelated to the residents by blood or adoption subject to the licensing requirements of the state. A qualified foster care adult is a person who is placed in the home by an agency of the state or one of its political subdivisions.
- 163. Freeways:** Those streets designed to carry large volumes of through traffic at high speeds by restriction of abutting private property from rights of direct access by vehicles and pedestrians.
- 164. Front Porch:** See “Porch, Front”.
- 165. Frontage:** All of the zone lot fronting on one side of an intersecting or intercepting street, or between a street and right-of-way, end of dead-end street, waterway, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.
- 166. Full Cutoff Lighting Fixture:** A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.
- 167. Fully Shielded Lighting Fixture:** A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.
- 168. Gallery:** See definition of “Arcade.”
- 169. Garage:** A building or part of a building wherein motor vehicles are housed or stored.
- 170. Garage, Parking:** See definition of “Parking, Garage.”

171. Garage, Private: A garage that is not operated for gain and in which no business is conducted.

~~**Garden:** The raising of produce for personal consumption, and not for resale as a commodity.~~

172. Garden as Accessory to Primary Nonresidential Uses: ~~An accessory use wherein a portion of a zone lot is used for~~ The growing and cultivation of fruits, flowers, herbs, vegetables, and/or ornamental plants.

173. Garden, Urban: A private or public facility for the growing and/or selling of fruits, flowers, vegetables, or ornamental plants by one or more persons. "Urban garden" use includes associated buildings and structures incidental to or necessary for the use's operation, including but not limited to detached utility buildings for storage and irrigation systems/equipment.

174. Glare: The sensation produced when a source of light in excess of 1650 lumens is directly visible or light that is so bright that it causes annoyance, discomfort, or loss in visual performance.

175. Grade, Finished: The final elevation of the ground surface after development.

176. Grade, Original: The grade of the zone lot before development begins. If there was a structure on the zone lot that was demolished, the grade prior to demolition of the structure. If there is no structure on the property, the natural grade of the property prior to any modification, except that in new developments, original grade shall mean the approved and recorded grade.

177. Grading: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associates with a permitted agricultural use or operation.

178. Greenhouse, Primary Use: A wholesale or retail business where the principal activity is the growing and selling of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building. A "greenhouse" use may include aquaculture when the aquaculture is part of the process of growing fruits, flowers, herbs, vegetables, or plants, provided the aquaculture use occurs within the enclosed greenhouse structure and provided fish processing and outdoor storage of waste materials are prohibited.

179. Greenhouse, Accessory to Primary Nonresidential Uses: The growing and cultivation of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building ~~as accessory to a primary nonresidential use of land, and wherein the goods produced may be sold on-site or taken off-site for wholesale or retail sale.~~

~~**Greenhouse, Accessory to Primary Residential Uses:** The growing of fruits, flowers, herbs, vegetables, or ornamental plants within an enclosed building as accessory to a primary residential or nonresidential use of land, and wherein the goods produced may not be sold in a Residential Zone District.~~

180. Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies; all horizontal dimensions of each floor are measured from the exterior faces of the exterior walls of each such floor.

181. Ground Cover: Low plantings used instead of turf where space does not allow turf, where xeriscaping is desired, or where a more decorative affect is desirable. Ground covers are typically lower than 6 inches in height.

- 182. Ground Floor:** See “Floor, Ground”.
- 183. Ground Story:** See “Story, Ground.”
- 184. Group Living Use Category:** Group Living is defined as residential occupancy of a structure by a group of people that does not meet the definitions of “household living,” “lodging,” or “correctional institution”. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a single household, and may include supervisory employees who reside on-site. Often, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not reside at the site. “Group living” includes the term “group home”.
- 185. Guideline:** An indication of policy or preferences; compliance is not mandatory like a standard, but rather compliance is encouraged to further the City’s land use goals and policies. A zoning application may not be denied solely for failure to comply with a guideline.
- 186. Habitable Room:** A room in a dwelling unit designed to be used for living, sleeping, eating or cooking, excluding bathrooms, toilet compartments, closets, halls, storage and similar space.
- 187. Habitable Space:** A story that has at least 4 feet between the ground level and the ceiling joists and which has enough area to provide a room with net floor-to-ceiling distance of 7’-6” over half the area of the room. A “habitable space” may or may not constitute a habitable room.
- 188. Habitable Story:** See definition of “Story, Habitable,” below.
- 189. Hazardous Materials:** See definition of “Toxic and/or Hazardous Materials” below.
- 190. Health Care Center:** A facility or institution providing health services.
- 191. Heavy Vehicle / Equipment Sales, Rentals and Service:** Sale or rental of high capacity mechanical devices for moving earth or other materials, and mobile power units including but not limited to: carryalls, graders, loading and unloading devices, cranes, drag lines, trench diggers, tractors, augers, bulldozers, concrete mixers and conveyors, harvester combines and other major agricultural equipment and similar devices operated by mechanical power as distinguished from manpower. Includes sales or rental service of trucks in excess of one-and-one-half tons, recreational vehicles, and boats.
- 192. Helipad, Helistop, Heliport:** A facility for landing or take-off area for rotor craft; may include a passenger terminal and/or routine servicing of rotor craft.
- 193. High-Rise Building:** Any building or structure having any portion of a story used for human occupancy more than 75 feet above the lowest level of fire department vehicle access.
- 194. Historic Structure:** Designated structures for preservation or contributing structures in districts designated for preservation under the provisions of D.R.M.C., Chapter 30.
- 195. Home Occupation:** A commercial business use (e.g., ~~retails sales,~~ personal care services or office); accessory to a primary residential use, ~~which is conducted entirely within a dwelling unit, or in a detached structure accessory to such dwelling unit,~~ which is carried on by the occupants thereof, and which is clearly incidental and secondary to the primary use of the dwelling unit for residential occupancy.
- 196. Hostel:** A nonprofit facility located in a residential structure and associated with a national or international hostel organization, which facility has but one kitchen and provides

sleeping accommodations for not more than 25 persons. All housekeeping duties are shared by the occupants under the supervision of a resident manager.

- 197. Hotel:** One or more buildings providing temporary lodging primarily to persons who have residences elsewhere, or both temporary and permanent lodging in guest rooms, or apartments. The building or buildings have an interior hall and lobby with access to each room from such interior hall or lobby.
- 198. Household:** A dwelling unit occupied by any one of the following three groups of persons living as a single non-profit housekeeping unit:
- a. A single person; or
 - b. Any number of persons bearing to each other the relationship of: husband, wife, mother, father, grandmother, grandfather, son, daughter, brother, sister, stepson, stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew or niece; or
 - c. In a single unit dwelling use only: Two unrelated adults over the age of 18 years plus, if applicable, any persons bearing to either of the two unrelated adults the relationship of ~~husband, wife,~~ mother, father, grandmother, grandfather, son, daughter, brother, sister, stepson, stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew or niece.
 - d. In a two-unit dwelling use or multi-unit dwelling use only: Four unrelated adults over the age of 18 years plus, if applicable, any persons bearing to either of the two unrelated adults the relationship of ~~husband, wife,~~ mother, father, grandmother, grandfather, son, daughter, brother, sister, stepson, stepdaughter, stepbrother, stepsister, stepmother, stepfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, uncle, aunt, nephew or niece.
- 199. Household Living Use Category:** Household Living is defined as residential occupancy of a dwelling unit by a single household. Tenancy is arranged on a month-to-month or longer basis. See Article 13, Division 13.3, for definitions of the terms “dwelling unit” and “household.”
- 200. 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.
- 201. Husbandry, Animal:** The cultivation, production, and management of animals and/or by-products thereof.
- 202. Husbandry, Plant:** The cultivation or production of plants and/or by-products thereof.
- 203. Impervious Material:** A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures. Impervious material shall not include pervious materials with a pervious surface of no greater than 15%.
- 204. Industrial Services Use Category:** Industrial Service includes the repair or servicing of industrial, business or consumer goods mainly by providing centralized services for separate retail outlets. Contractors and similar uses perform services off site. Few customers, especially the general public, come to the site.

- 205. Industrial Zone District:** The Industrial A (“I-A”) and the Industrial B (“I-B”) Zone Districts, but not including the Industrial Mixed Use (“I-X” or “M-IMX”) Zone Districts established by this Code.
- 206. Involuntary Demolition or Involuntarily Destruction:** The destruction or demolition of a structure caused by natural forces (e.g., accidental fire; flood; tornado) and not by man-made forces.
- 207. Junk:** Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.
- 208. Junkyard:** A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, used or salvaged materials as part of manufacturing operations.
- 209. Kitchen:** Any room used, intended to be used, or designed to be used either wholly or partly for cooking and/or the preparation of food.
- 210. Laboratory, Research, Development, Technological Service:** A building or group of buildings in which are located one or more of the following types of facilities.
- a. A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use which typically has a high ratio of square feet of floor area per employee.
 - b. A building or part of a building devoted to the testing and analysis of any product or animal (including humans). No manufacturing is conducted on the premises except for experimental or testing purposes.
 - c. A business primarily engaged in the development or engineering of computer software or computer hardware, but excluding retail sales, computer hardware manufacturers, and computer repair services.
 - d. A facility for the servicing of technological equipment and/or office machinery, such as computers, copying machines and word processing equipment.
 - e. A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.
 - f. A facility devoted to the testing and analysis of any product or animal (not including humans), including medical laboratories, biological product (not including diagnostic) manufacturing, and blood and organ banks.
 - g. A laboratory that provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.
- 211. Land Use:** A description of how land is occupied or utilized.
- 212. Landscaping:** The treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, vines and other horticultural materials. Land-

scaping may also include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

- 213. Large-Scale Motor Vehicles and Trailers:** Motor vehicles including but not limited to trucks, recreational vehicles, buses, boats and heavy equipment and similar size vehicles which have gross vehicle weights greater than 10,000 pounds.
- 214. Library:** A public or private special purpose cultural institution housing a collection of books, magazines, audio and videotapes, or other material for use by the general public.
- 215. Light Fixture:** The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.
- 216. Liquor Store:** Retail establishments licensed by the state and/or city to engage in the sale of alcoholic beverages for off-premises consumption.
- 217. Livestock-Animal:** Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.
- 218. Living Plant Material or Plant:**
- a. A tree, shrub, or herb;
 - b. A slip, cutting, or sapling; or
 - c. Any of a group of living organisms that typically do not exhibit voluntary motion or possess sensory or nervous organs.
- 219. Loading Space:** An off-street space or berth on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other means of access.
- 220. Lodging Accommodations Use Category:** Lodging accommodations uses are characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.
- 221. Low Level Light Area:** An open area at ground level which is open and unobstructed to the sky, but which is not eligible to be a plaza, or a horizontal open area above ground level which is open and unobstructed to the sky.
- 222. Luminaire:** Luminaires contain the lamp light source of lights, and sit on poles or mount on walls.
- 223. Lumens:** The amount of overall light output or quantity of light.
- 224. Manager:** The manager of the Department of Community Planning and Development.
- 225. Manufacture:** All operations required to produce the material named.
- 226. Manufacturing and Production Use Category:** Manufacturing and Production includes manufacturing and production firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, human-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

227. Manufacturing, Fabrication and Assembly, Custom: Establishments engaged in the on-site assembly of completely hand-fabricated parts, or engaged in the on-site hand-manufacture or hand-fabrication of custom or craft goods. Goods are predominantly manufactured and fabricated involving only the use of hand tools or domestic-scaled mechanical equipment and kilns not exceeding 20 square feet in size. Typical uses include ceramic studios, fabrics, inlays, needlework, weaving, leather work, woodwork, metal or glass work, candle making facilities, or custom jewelry makers.

228. Manufacturing, Fabrication and Assembly, General:

- a. A manufacturing establishment primarily engaged in the fabrication or assembly of products from prestructured materials or components; or
- b. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials.
- c. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.
- d. This definition includes all uses or products in the following SIC groups except as noted:
 - i. 20 Food and kindred products, **except:**
 - a) 2011 Meat packing plants;
 - b) 2015 Poultry slaughtering;
 - c) 2061 Sugar cane;
 - d) 2062 Sugar cane refining;
 - e) 2063 Sugar beet refining;
 - f) 2076 Vegetable oil mill;
 - g) 2077 Animal and marine fats and oils;
 - h) 2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;
 - i) 2084 Wines, brandy and brandy spirits; and
 - j) 2085 Distilled and blended liquors.
 - k) 22 Textile mill products
 - l) 23 Apparel and other textile products
 - ii. 24 Lumber and wood products except furniture, **except:**
 - a) 2491 Wood preserving;
 - iii. 25 Furniture and fixtures
 - iv. 26 Paper and allied products, **except:**
 - a) 261 Pulp mills;
 - b) 262 Paper mills; and
 - c) 263 Paper board mills
 - v. 27 Printing, heat set web process only
 - vi. 28 Chemicals and allied products, **except:**
 - a) 281 Industrial inorganic chemicals;

- b) 282 Plastic materials and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, except glass;
 - c) 2822 Synthetic rubber;
 - d) 2836 Biological products;
 - e) 284 Soap; detergents and cleaning preparations, perfumes, cosmetics, and other toilet preparations;
 - f) 2851 Paints, varnishes, lacquers, enamel, and allied products;
 - g) 286 Industrial organic chemicals;
 - h) 287 Agricultural chemicals; and
 - i) 289 Miscellaneous chemical products.
- vii. 30 Rubber and miscellaneous plastics and products **except:**
- a) 301 Tires and inner tubes.
- viii. 31 Leather and leather products
- ix. 34 Fabricated metal products except machinery and transportation equipment **except:**
- a) 3462 Iron and steel forgings;
 - b) 3463 Nonferrous forgings; and
 - c) 3465 Automotive stampings.
- x. 35 Industrial and commercial machinery and computer equipment
- xi. 36 Electronic and other electrical equipment and components **except:**
- a) 3612 Power, distribution, and specialty transformer;
 - b) 3613 Switchgear and switchboard apparatus;
 - c) 3621 Motors and generators;
 - d) 3624 Carbon and graphite products;
 - e) 3625 Relays and industrial;
 - f) 3629 Electrical industrial apparatus;
 - g) 3631 Household cooking equipment;
 - h) 3632 Household refrigerators and freezers;
 - i) 3633 Household laundry equipment; and
 - j) 3639 Household appliances.
- xii. 37 Transportation equipment
- xiii. 375 Motorcycles, bicycles, and parts
- xiv. 38 Measuring, analyzing and controlling instruments, photographic, medical and optical goods, watches and clocks
- xv. 39 Miscellaneous manufacturing industries

229. Manufacturing, Fabrication and Assembly, Heavy:

- a. A manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products.
- b. Toxic, hazardous, or explosive materials may be produced or used in large quantities as an integral part(s) of the manufacturing process.
- c. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

- d. This definition includes, but is not limited to, all uses or products in the following SIC groups and the following uses:
- i. 2011 Meat packing plants;
 - ii. 2015 Poultry slaughtering;
 - iii. 2061 Sugar cane;
 - iv. 2062 Sugar cane refining;
 - v. 2063 Sugar beet refining;
 - vi. 2076 Vegetable oil mill;
 - vii. 2077 Animal and marine fats and oils;
 - viii. 2082 Malt beverage manufacturing of over sixty thousand (60,000) barrels per year;
 - ix. 2084 Wines, brandy and brandy spirits;
 - x. 2085 Distilled and blended liquors;
 - xi. 2491 Wood preserving;
 - xii. 261 Pulp mills;
 - xiii. 262 Paper mills;
 - xiv. 263 Paper board mills;
 - xv. 281 Industrial inorganic chemicals;
 - xvi. 282 Plastic materials, and synthetic resins, synthetic rubber, cellulosic, and other man-made fibers, **except** glass;
 - xvii. 2822 Synthetic rubber;
 - xviii. 2836 Biological products;
 - xix. 284 Soap, detergents, and cleaning preparations, perfumes, cosmetics and other toilet preparations;
 - xx. 2851 Paints, varnishes, lacquers, enamels and allied products;
 - xxi. 286 Industrial organic chemicals;
 - xxii. 287 Agricultural chemicals;
 - xxiii. 289 Miscellaneous chemical products;
 - xxiv. 29 Petroleum refining;
 - xxv. 295 Asphalt paving and roofing materials;
 - xxvi. 299 Miscellaneous products of petroleum and coal;
 - xxvii. 301 Tires and inner tubes;
 - xxviii.32 Stone, clay, glass and concrete products;
 - xxix. 321 Flat glass;
 - xxx. 322 Glass and glassware, pressed or blown;
 - xxxi. 324 Cement, hydraulic;
 - xxxii. 325 Structural clay products;
 - xxxiii.3291 Abrasive products;
 - xxxiv. 3295 Minerals and earths, ground or other otherwise treated;
 - xxxv. 3297 Non-clay refractories;
 - xxxvi.33 Primary metal industries;
 - xxxvii. 3462 Iron and steel forgings;

- xxxviii. 3463 Nonferrous forgings;
- xxxix. 3465 Automotive stampings;
- xl. 3612 Power, distribution, and specialty transformer;
- xli. 3613 Switchgear and switchboard apparatus;
- xlii. 3621 Motors and generators;
- xliii. 3624 Carbon and graphite products;
- xliv. 3625 Relays and industrial;
- xlv. 3629 Electrical industrial apparatus;
- xlvi. 3631 Household cooking equipment;
- xlvii. 3632 Household refrigerators and freezers;
- xlviii. 3633 Household laundry equipment;
- xliv. 3639 Household appliances;
- l. 3711 Motor vehicles;
- li. 3713 Truck and bus bodies;
- lii. 3715 Truck trailers;
- liii. 3716 Motor homes;
- liv. 3721 Aircraft;
- lv. 3724 Aircraft engines;
- lvi. 3728 Aircraft parts and auxiliary equipment;
- lvii. 373 Ship and boat building;
- lviii. 374 Railroad equipment;
- lix. 376 Guided missiles and space vehicles and parts;
- lx. 3792 Travel trailers and campers;
- lxi. 3795 Tanks and tank components.
- lxii. Asphalt and concrete plant;
- lxiii. Concrete, asphalt, and rock crushing facility.

230. Marquee: A roof like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.

231. Mass Transit: The general term used to identify bus, fixed rail, or other types of transportation service available to the general public that move relatively large numbers of people at one time.

232. Mass Transit Railway System: A system of conveyance available to the public which may include, but not be limited to, rail tracks and guideways, terminals, stations, passenger shelters, electrical power lines, maintenance and storage facilities, parking facilities, and transportation control features or fixtures.

233. Mechanized Parking: Parking of vehicles using mechanized equipment that replaces the need for a driver. Mechanized parking spaces may be narrower due to the lack of a need to enter or exit the vehicle.

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

- 234. Midpoint:** A point of a boundary line equally distant from the two lot lines intersecting it at right angles or within 45 degrees of a right angle.
- 235. Mining and Extractions and Energy Producing Systems Use Category:** Mining, Extraction and Energy Producing Systems include the process of removing or extracting minerals and building stone from naturally occurring veins, deposits, bodies, beds, seams, fields, pools or other concentrations in the earth's crust. This term also includes the preliminary treatment of such ore or building stone.
- 236. Mini-Storage Facility:** Provision of storage space for nonhazardous household or commercial goods within a completed enclosed building, which building typically permits direct public access to individual storage spaces. Storage of non-toxic, non-hazardous materials only, and sale or distribution of stored goods is prohibited. This use may include quarters for one or more persons employed by and residing at the mini-storage facility for the purpose of on-site management and security.
- 237. Mitigation:** An action that will have one or more of the following effects:
- Avoiding an impact by not taking a certain action or parts of an action;
 - Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
 - Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
 - Reducing or eliminating the impact over time by preservation and maintenance operations;
 - Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.
- 238. Mixed Use Development:** The development of a site or building with two or more different principal or primary uses including, but not limited to residential, office, manufacturing, retail, public or entertainment uses.
- 239. Mixed Use Commercial Zone District:** All of the following Zone Districts:
- ~~All CC, MX, or MS Zone d~~Districts;
 - All MX Zone Districts
 - All MS Zone Districts
 - ~~C-CCN district;~~
 - ~~All D-Zone Districts in the~~Downtown Neighborhood Context Zone dDistricts (~~Article 8~~);
 - ~~I-MX district;~~
 - ~~All CMP Campus Context Zone d~~Districts;
 - ~~The DIA Zone District;~~
 - M-CC;
 - ~~M-RX district;~~
 - ~~M-MX district;~~
 - ~~M-IMX district;~~
 - M-GMX;
- 240. Mode (Of Transportation):** A particular form or method of travel, for example, walking, automobile, bicycling, public transit, bus or train.

- 241. Motel:** One or more buildings providing residential accommodations and containing rental rooms and/or dwelling units, each of which has a separate outside entrance leading directly to rooms from outside the building. Services provided may include maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. Up to 20 percent of the residential units may be utilized for permanent occupancy.
- 242. Motor Vehicle:** Any vehicle that is self-propelled and can be legally operated upon streets and highways. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.
- 243. Motor Vehicle, Inoperable:** Any motor vehicle that meets at least one of the following criteria:
- a. Vehicle is partially dismantled or wrecked; or
 - b. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move.
- 244. Multi-modal:** The issues or activities that involve or affect more than one mode of transportation or a path that can be traversed through different forms of travel. Includes transportation connections, choices, cooperation and coordination of various modes. Also known as “intermodal.”
- 245. Multi-phase or Phased Development:** A development project that is constructed in stages, each stage being capable of existing and operating independently of the other stages.
- 246. Municipal Solid Waste:** The solid waste from community, commercial and industrial sources that does not contain hazardous waste as determined by the fire department and the department of environmental health.
- 247. Museum:** A public or private facility, including an aquarium, botanic garden, or zoo, operated as a repository or a collection of natural, scientific, or literary curiosities or objects of interest, but not including the regular sale or distribution of the objects collected. Activities may include the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. This definition includes, but is not limited to, all uses in the following SIC group: 84 Museums, botanical, zoological gardens.
- 248. “na”:** Not applicable.
- 249. NAICS:** North American Industry Classification System as published by the U.S. Census Bureau.
- 250. New Construction or Development:** Structures for which the “start of construction,” as defined in this Article 13, commenced on or after ~~June 25, 2010~~**the Effective Date of this Code.**
- 251. Nonconforming Structure:** See “Structure, Nonconforming.”
- 252. Nonconforming Lot or Zone Lot:** See “Zone Lot, Nonconforming.”
- 253. Nonconforming Use:** See “Use, Nonconforming.”
- 254. Nonconformity:** Generally, a nonconforming use, sign, lot, structure, or building.
- 255. Nursery, Plant:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.
- 256. Nursing Home, Hospice:** An establishment licensed by the state department of public health, which establishment maintains and operates continuous day and night facilities

providing room and board, personal services and skilled nursing care, including hospices, specifically excluding, however, hospitals. A nursing home, hospice shall not be considered a residential care use.

- 257. Occasional Sales, Services, Accessory to Places of Religious Assembly:** Retail sales of goods to the general public for a time period not to exceed 6 consecutive months in any one calendar year, and which sales are made from the same zone lot that contains a permitted religious assembly use.
- 258. Occupancy:** The purpose for which a building is used or intended to be used.
- 259. Office, Dental/Medical and/or Clinics:** A building or group of buildings in which the primary use is the treatment of patients or clients for physical or mental ailments and disorders, and which may also include passive (non-intrusive) research involving human subjects. Examples include doctor or dentist offices and clinics, and treatment of persons with eating disorders, sleep clinics, and other similar clinic uses. This use excludes hospital and animal hospital uses.
- 260. Office Use Category:** Office is characterized by buildings or a portion of a building wherein:
- a. Services are performed for predominately administrative, professional, medical, dental or clerical operations that function as a place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, corporate offices, drafting services, dentists, doctors, financial institutions, development companies, engineers, surveyors and planners, insurance agencies, interior decorators and designers, landscape architects, psychiatrists, psychologists, notaries, typing and secretarial services, therapists, and internet publishing, broadcasting, and web search portal establishments, and other similar businesses and professions, not otherwise specifically defined in this Code or separately listed in the Summary Use and Parking Tables.
 - b. "Office" uses also include business operations typically less service-oriented than the more traditional service-oriented office uses listed herein, including but not limited to software and internet content development and publishing; computer systems design and programming; graphic and industrial design; data processing or call centers; facilities that broadcast exclusively over the Internet and have no live, in-building audiences participating in such broadcasts; scientific and technical services; and medical and/or dental laboratories.
 - c. Contractors and others who perform services off-site but who store major equipment and materials on the site are not included in this use category.
- 261. Office, Accessory to Primary Nonresidential Use:** See definition of "Office Use Category." Office as an accessory use does not include Medical / Dental Office or Clinic.
- 262. Official Map or Official Zone Map:** A map of the city that depicts the Zone Districts of all land within the City of Denver, adopted by City Council, and incorporated by reference as part of this Code.
- 263. Off-Street Parking Space:** See "Parking Space."
- 264. Oil, Gas, Production, Drilling:** Production of and drilling for gas and oil, along with the installation of pumps, tanks, pits, treaters, separators and other equipment, transportation of petroleum products, and natural gas and natural gas liquids processing.
- 265. On-Street Parking Space:** A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

- 266. Open Space, Publicly Accessible:** Space that is clearly intended to be usable, publicly accessible, and a visual amenity, but not including parking lots or vestigial landscaped areas left over after the placement of buildings and parking on a zone lot. Publicly accessible open space may be publicly or privately owned, managed or maintained.
- 267. Open Space, Recreation:** An area of land-developed or intended for development with landscaping, specialized structures, and other features that promote passive or active recreational activities. May be accessible to only a segment of the public with or without payment of a fee, or may be open and accessible to the general public. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an “open space, recreation” use.
- 268. Open Space, Conservation:** Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses or structures, and set aside or reserved for scenic, environmental, or preservation of right-of-way purposes. Conservation open space may include agricultural uses and natural features located on a site, including but not limited to steep slopes, flood plains, hazard areas, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Commercial parking lots or structures and storage areas for vehicles and material shall not be considered an “open space, conservation” use.
- 269. Open Space Zone District:** All Open Space (“OS”) Zone Districts.
- 270. Original Grade:** See definition of “Grade, original.”
- 271. Outdoor Eating and Serving Area:** An unenclosed area containing only tables and chairs where food and drinks are served to patrons of the primary eating and drinking establishment.
- 272. Outdoor Entertainment:** 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 allowed primary land uses.
- 273. Outdoor General Advertising Device:** A sign relating to products, services or uses not on the same zone lot. Also commonly known as a “billboard.”
- 274. Outdoor Retail Sales:** Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a completely enclosed structure, and operated as an extension of a primary retail sales use on the same zone lot.
- 275. Outdoor Sales 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.
- 276. Outdoor Sales, Seasonal:** Retail sale of new or used goods, excluding motor vehicles and firearms, not operated in a completely enclosed structure, and not as an extension of a primary retail sales use on the same zone lot. Seasonal outdoor sales include, but are not limited to: farmers markets, flea markets, Christmas tree sales and plant sales.
- 277. Outdoor Storage:** The 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 use.

- 278. Overlay Zone District:** A set of zoning requirements in a Zone District that is described in this Code, which is mapped and imposed in addition to those of the underlying Zone District. Development within an overlay zone must conform to the requirements of both zones, or the more restrictive of the two.
- 279. Owner:** Any owner of record and includes but is not limited to any person in whose name a property is recorded in the assessor's office.
- 280. Parapet Wall:** That part of any wall that extends entirely above the roof line.
- 281. Parking of Vehicles Use Category:** Parking of Vehicles is a land use category including the commercial assembly or standing of vehicles, either in a garage structure or on a surface lot.
- 282. Parking, Commercial:** An open, hard-surfaced area or structure, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.
- 283. Parking, Garage**
- a. Any structure, other than a private garage, for the assembling, or standing of vehicles in a structure for relatively temporary periods of time, either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.
 - b. The term "garage parking" includes underground parking, which means a parking surface that is located a minimum of 8 feet below the street level and is covered by a structure which provides a surface for another use.
 - c. A parking garage may include accessory off-street parking spaces required or allowed under this Code.
- 284. Parking, Surface:** The assembling or standing of vehicles on a surface parking lot for relatively temporary periods of time either with or without charge for such assembling and standing, but not for repair, sale, dismantling, or commercial storage thereof.
- 285. Parking, Shared or Shared Parking:** Joint or shared use of parking spaces available to multiple land uses with different parking demand patterns throughout the day. General parking lots and/or on-street parking is another form of shared parking. Parking facilities can be shared in several ways:
- a. Shared Rather Than Reserved Spaces. Motorists share parking spaces, rather than being assigned a reserved space.
 - b. Share Parking Among Uses. Parking can be shared among multiple land uses.
 - c. Public Parking Facilities. Public parking, including on-street, municipal off-street, and commercial (for profit) facilities generally serve multiple destinations. Converting from free, single-use to paid, public parking allows more efficient, shared use.
 - d. In Lieu Fees. Developers help fund public parking facilities instead of providing private facilities serving a single destination. This tends to be more cost effective and efficient. It can be mandated or optional.
 - e. Special Parking Assessment. A special assessment or tax to fund parking facilities in an area as an alternative to each property supplying its own facilities. This is often implemented through an improvement district.
- 286. Parking Space:** A storage area for a motor vehicle that is directly accessible to an access aisle, street, or alley, and which is not located on a public right-of-way unless specifically allowed by this Code.

- 287. Parking, Tandem:** The parking of 2 vehicles either end to end, vertically stacked, or front to back in a parking space, such that if both vehicles are parked, one vehicle must be moved in order for the other vehicle to exit the parking space.
- 288. Parking Ratio:** A ratio expressing the number of parking spaces per dwelling unit, or per certain amounts of square footage or commercial space, or per number of occupants or employees.
- 289. Parkway:** A type of boulevard that the city has designated as a “Parkway” according to Chapter 49 of the D.R.M.C.
- 290. Pawn Shop:** Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property. This definition excludes motor vehicles.
- 291. Patio:** A level hard surfaced area at finished grade.
- 292. Pedestrian and/or Transit Mall:** A public right-of-way and/or public rights-of-way from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be allowed, and which shall have been specially constructed with amenities to enhance a primarily pedestrian environment.
- 293. Pedestrian-Active Use:** Shall include retail sale; banking facility open to the public with at least one employee on site; eating place; personal and business service; hotel lobby; indoor and outdoor entertainment or recreation facility; dedicated public park or open space; arts and cultural facility; and the frontage of entry ways or stairways through which such uses are principally accessed, provided, however, that the following types of retail sales shall not be considered pedestrian-active uses: amusement center; sale of automobiles; sale of auto trailers; sale of house trailers; sale of trucks; sale of auto and truck parts, accessories, tires and tubes; automobile gasoline filling station; boat sales; home building materials store; koshering of poultry sold at retail on the premises; motorcycle store; monument and tombstone sales; pawnshop; retail sale of medical and hospital equipment and supplies; and retail sale of packaged coal and wood for household use; and provided, further, that no adult use shall be considered a pedestrian-active use.
- 294. Pedestrian Connection:** A clear, obvious, and publicly accessible route and connection between the Primary Street and the primary uses within the building.
- 295. Permanent Occupancy:** The use of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.
- 296. Permitted Structure:** See definition of “Structure, Permanent,” below.
- 297. Person:** An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.
- 298. Photo Studio, Adult:** An establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing “specified anatomical areas.”
- 299. Planned Unit Development (PUD):** A Zone District wherein an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in zone lot size, building form, bulk, use, density, lot coverage, open space, or other

restriction to the existing zoning regulations of this Code. See Division 9.6, Planned Unit Development District, of this Code.

- 300. Plaza:** An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas.
- 301. Police Station:** Police protection centers operated by a governmental agency, including administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles; excluding, however, correctional institutions.
- 302. Porch, Front:** A one or two-story structure providing access to the primary uses within a primary building. Front porch may be covered and must be unenclosed on the primary street-facing façade of the primary building.
- 303. 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.
- 304. 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.
- 305. Premises:** A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.
- 306. Primary Area of GDP:** Boundary of the area within a GDP either owned and/or represented by a private landowner(s) or applicant(s).
- 307. Primary Street:** See “Street, Primary.”
- 308. Processing:** Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.
- 309. Professional Studio:** See “Studio, Professional.”
- 310. Property:** Any land, building, or other structure, or part thereof.
- 311. Protected District:** Any one of the following Zone Districts:
 - a. S-SU-A
 - b. S-SU-D
 - c. S-SU-F
 - d. S-SU-Fx
 - e. S-SU-F1
 - f. S-SU-I
 - g. S-SU-Ix
 - h. S-TH-2.5
 - i. E-SU-A
 - j. E-SU-B
 - k. E-SU-D
 - l. E-SU-D1
 - m. E-SU-Dx

- n. E-SU-D1x
- o. E-SU-G
- p. E-SU-G1
- q. E-TU-B
- r. E-TU-C
- s. E-TH-2.5
- t. E-MU-2.5
- u. U-SU-A
- v. U-SU-A1
- w. U-SU-A2
- x. U-SU-B
- y. U-SU-B1
- z. U-SU-B2
- aa. U-SU-C
- ab. U-SU-C1
- ac. U-SU-C2
- ad. U-SU-E
- ae. U-SU-E1
- af. U-SU-H
- ag. U-SU-H1
- ah. U-TU-B
- ai. U-TU-B2
- aj. U-TU-C
- ak. U-RH-2.5
- al. U-RH-3A
- am. G-RH-3
- an. Any Zone District retained from Former Chapter 59, mapped on the Official Map, and considered a “protected Zone District” under Section 59-96 of the Former Chapter 59.

312. Public and Religious Assembly Use Category: Public and religious assembly uses are defined as one or more buildings, together with accessory buildings and uses, where persons regularly assemble for religious worship or secular activities, and which building, together with its accessory buildings and uses, is maintained and controlled by a body organized to sustain the religious or public assembly. Public assembly uses such as court-houses, private lodges, clubs or halls are included in this category.

313. 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.

314. Qualified Professional: A person with experience and training with expertise appropriate for the relevant subject matter. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in the relevant subject matter (e.g., soil science, engineering, environmental studies, geology or related field), must have related work experience, and must be a professional engineer or other professional licensed in the state of Colorado.

- 315. Railway Facilities:** Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.
- 316. Railway Right-of-Way:** A railway right-of-way, including rail tracks, guideways, and overhead power lines, but not including railway facilities.
- 317. Rear of Zone Lot:** See “Zone Lot, Rear”.
- 318. Recreational Vehicle:** A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- 319. Recyclable Material:** Reusable materials including, but not limited to, metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.
- 320. Recycling Center:** A facility at which recoverable resources, such as newspapers, magazines, glass, metal cans, plastic materials, tires, grass and leaves, and similar items, except mixed, unsorted municipal waste or medical waste are collected, stored, flattened, crushed, bundled or separated by grade or type, compacted, baled or packaged for shipment to others for the manufacture of new products. This use does not include SIC group 5015 (motor vehicle parts, used), which is listed as a separate use.
- 321. Recycling Collection Center:** Establishments engaged in collecting recyclable paper, household items, glass, plastic, aluminum, or other materials for the purpose of resource recovery. Typical uses include collection centers that use portable receptacles for collecting containers made from metal, glass, paper, or plastic.
- 322. Recycling Plant, Scrap Processor:** A facility at which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal and aluminum cans; waste oil; iron and steel scrap; rubber; organic materials; and/or other products are recycled and treated to return such products to a condition in which they may again be used for production or for retail or wholesale trade. This definition includes, but is not limited to, all uses in the following SIC group:
- a. 5093 Scrap and waste materials.
- 326.1. Registry Identification Card:** That document issued by a state health agency, which identifies a patient authorized to engage in the medical use of marijuana, as required by Colorado Revised Statutes, Section 25-1.5-107(7), as may be amended. See related definition of “Medical Marijuana,” above.
- 323. Religious Assembly:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- 324. Rental Room:** A room rented for short-term or permanent occupancy, offered to the public for compensation and which may contain facilities for cooking.
- 325. Replacement Cost:** The amount it would cost to replace an asset at current market prices.
- 326. Required Entrance:** See “Entrance, Required,” above.
- 327. Residence for Older Adults:** A single unit dwelling or multi-unit dwelling housing a number of unrelated mobile older adults (individuals fifty-five (55) or more years of age) in excess of the number of unrelated persons allowed per dwelling unit, receiving fewer

services than a special care home or assisted living facility. A residence for older adults shall not be considered a residential care use.

- 328. Residential Care Use:** A specific type of group living use where the residents are provided supervised medical, psychological, or developmental care or treatment on a daily, regular basis.
- a. Types of Residential Care Uses**

“Residential care use” is limited to the following specific types of group living uses:

 - i. Transitional housing:** See “Transitional Housing.”
 - ii. Shelter for the Homeless:** See “Shelter for the Homeless.”
 - iii. Community Corrections Facility:** See “Community Corrections Facility.”
 - iv. Special care home:** See “Special Care Home.”
 - b. Exclusions**

Residential care uses shall NOT include any of the following types of group living or institutional uses:

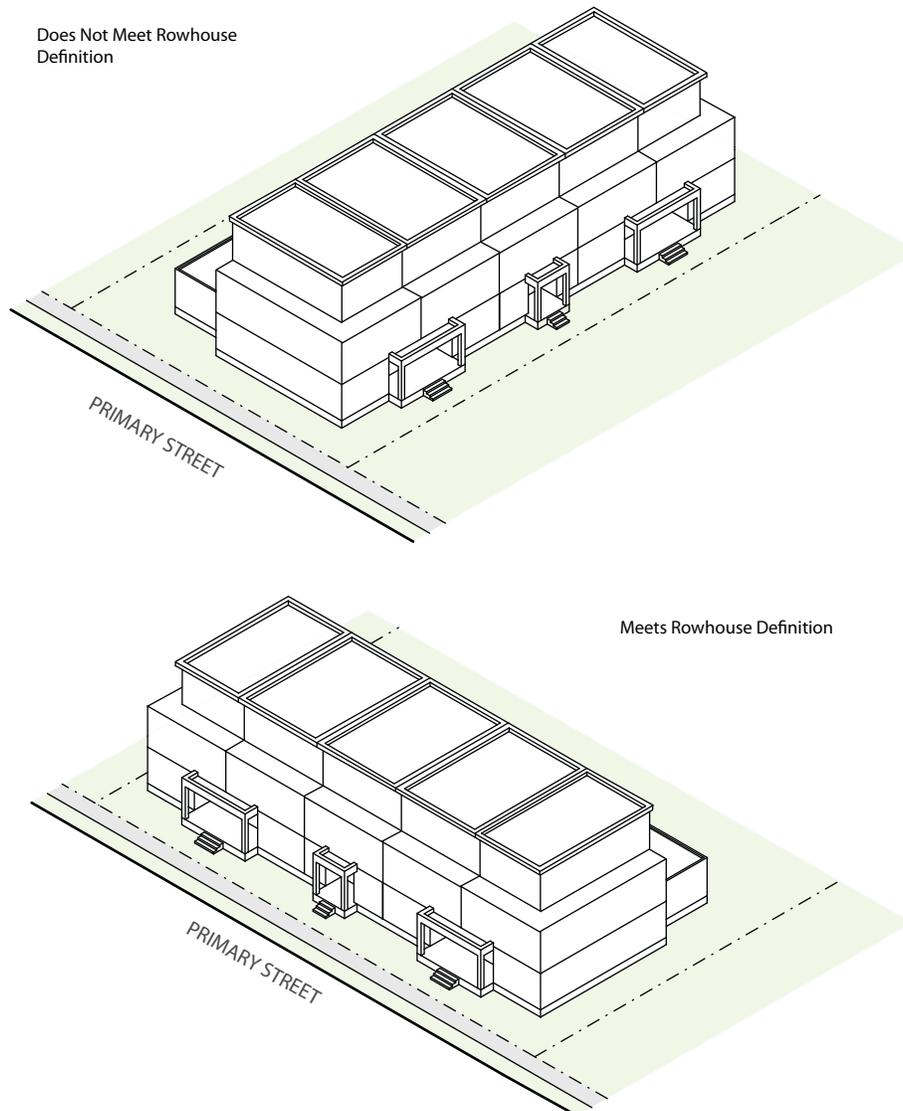
 - i.** Assisted living facility
 - ii.** Foster family care
 - iii.** Nursing home or hospice
 - iv.** Residence for older adults
 - v.** Rooming and/or boarding house.
 - vi.** A residential structure containing residents whose principal form of support is financial assistance.
 - vii. Safe house:** See “Safe House.”
- 329. Residential Care Use, Large:** A residential care use that is the primary residence of 9 or more persons. “Large residential care use” shall include a shelter for the homeless of any size, or a community corrections facility of any size.
- 330. Residential Care Use, Small:** A residential structure that is the primary residence of 8 or fewer persons, but housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District or transitional housing of any size. This use shall not include a community corrections facility, shelter for the homeless, rooming and/or boarding house, nursing home, safehouse, or large special care home.
- 331. Residential Zone District or Residential District:** Any -SU-, -TU-, -TH-, -RH-, -MU-, -RO, or -RX Zone District.
- 332. Residential Accommodations:** Any building or part of a building used or intended to be used for sleeping accommodations by a person or group of persons. Other house-keeping facilities may be provided.
- 333. Residential Development:** See “Development, Residential.”
- 334. Residential Occupancy or Residential Use:** Any building or part of a building in which a person or group of persons are provided with sleeping accommodations. Other house-keeping accommodations may also be provided.
- 335. Residential Structure:** See definition of “Structure, Residential,” below.
- 336. Residential Use:** See definition of “Residential Occupancy,” above.
- 337. Retail:** Sale to the ultimate consumer for direct consumption or use and not for resale.

- 338. Retail Food Establishment, Mobile:** Readily movable motorized-wheeled vehicle designed and equipped to serve food or towed-wheeled vehicle designed and equipped to serve food. This definition shall not apply to uses which operate for less than 30 consecutive minutes at each separate location.
- 339. Retail Sales, Service and Repair, Firearm Sales Only:** A retail establishment having at least 25 percent of its gross floor area used for the sale of firearms, ammunition and ammunition components, and hunting or shooting equipment.
- 340. Retail Sales, Service and Repair Use Category:** The Retail Sales, Service and Repair use category includes commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, or rental services to individuals, households, and businesses. This category includes but is not limited to: banking and financial services, food sales, animal sales and services, general merchandise sales, personal and personal care services (e.g., dry cleaning and laundry services, hair/nail salons, tanning salons, day spas, funeral homes, mortuaries), and consumer repair services. This land use category excludes motor vehicle and equipment sales, leasing, rental, or repair, except for the sale of motorized vehicles that do not require a license from the Colorado Department of Motor Vehicles.
- 341. Retail Sales, Service & Repair, All Others:** A specific use type that includes retail sales, service and repair uses not otherwise specifically defined in this Article or in Article 11, but which are consistent with the general definition of the “Retail sales, service and repair use category” in this Article.
- 342. Retail Sales, Service and Repair, Outdoor:** Retail sale of new or used goods or retail provision of consumer, repair, or rental services, excluding the sale, service, or repair of motor vehicle or heavy equipment and firearms, any or all of which primary sale, service or repair activity occurs outside a completely enclosed structure.
- 343. Retaining Wall:** A wall which is designed to, and in fact does, retain the earth on one side at a higher elevation than the earth on the other side. Only that portion of the wall that actually retains earth shall be considered a retaining wall the remainder shall be a fence or wall and be measured as set forth in Section 13.1.4.
- 344. Rezoning:** For the purpose of this Code, an amendment to the Official Zoning Map.
- 345. Roof, Flat:** A roof that has no sloping plane greater than 2:12.
- 346. Roof Line:** The highest point on any building or structure where a exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.
- 347. Rooftop and/or Second Story Deck:** Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element either located on the roof of a primary or detached accessory structure or projecting from the building above the ground story.
- 348. Room:** Any enclosed division of a building containing over 70 square feet of floor space and commonly used for living purposes, not including lobbies, halls, closets, storage space, bathrooms, utility rooms and unfinished attics, cellars or basements. An enclosed division is an area in a structure bounded along more than 75 percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.
- 349. Rooming and/or Boarding; or Rooming and/or Boarding House:** A residential structure which provides lodging with or without meals, is available for permanent occupancy only and which makes no provision for cooking in any of the rooms occupied by paying guests.

350. Rotocraft: Any aircraft deriving its principal lift or support in the air from one (1) or more rotors or from the vertical component of the force produced by rotating airfoils.

351. Row House: A multiple-unit residential structure consisting of attached dwelling units arranged side-by-side parallel to a named or numbered street. Each dwelling unit has an individual, direct entrance to the exterior which faces the street and no part of any dwelling unit is constructed vertically above any part of another dwelling unit. [See Figure 13.3-1](#)

Figure 13.3-1



352. Safe House: A residential structure that provides residents a place of refuge from abusive people or dangerous social situations. Such structure does not provide refuge for fugitives from justice. Such use is categorized as a “Multiple Unit Dwelling” use.

353. Sand or Gravel Quarry: An open pit from which sand, gravel is taken to be processed for commercial purposes.

- 354. Sanitary Service Facility:** Establishments primarily engaged in sewage systems or sewage waste treatment facilities that collect, treat and dispose of waste.
- 355. School, Elementary or Secondary:** A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.
- 356. School, University or College:** An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. University or college uses may be composed of multiple buildings and uses organized on an integrated campus property composed of one or more zone lots and blocks. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining zone lots.
- 357. School, Vocational or Professional:** Education or training in business, commerce, language, or other similar activity or occupational pursuit, or in the use of specialized, technical, or technological equipment or office machines, and not otherwise defined as home occupation, college or university, or elementary or secondary school.
- 358. Screening:** A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation
- 359. Secondary Area of GDP:** Boundary of a designated area adjoining the primary area of the GDP where development may not be imminent, but based on adopted City plans, can be expected to transition over time.
- 360. Semi-Trailer:** Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.
- 361. Service, Repair, Commercial:** Commercial establishments primarily engaged in providing services to commercial and business establishments. Operations may include large-scale facilities and storage of merchandise and equipment outside enclosed buildings. Commercial services includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):
- a. Building maintenance service
 - b. Laundry or dry cleaning, commercial, industrial
 - c. 721 Laundry, Cleaning, and Garment Services
 - d. 735 Equipment Rental and Leasing
 - e. 7623 Refrigeration Service and Repair
 - f. 7692 Welding Repair
 - g. 7694 Armature Rewinding Shops
 - h. 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and, to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith, or gunsmith shops; and septic tank or sewer cleaning services; but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.
- 362. Setback:** The required minimum horizontal distance between the location of structures or uses and the related primary street (front), side, or rear zone lot line, measured perpendicular to such zone lot line.

- a. Primary street setback -- a setback extending across the full width of the zone lot measured perpendicular to the zone lot line abutting the primary street.
 - b. Rear setback -- a setback extending across the full width of the zone lot measured perpendicular to the rear zone lot line.
 - c. Side setback -- a setback extending the full length of the side property line measured perpendicular to the side zone lot line. The side setback typically overlaps with the primary street (front) or rear setback.
- 363. Setback Space or Area:** The required distance, and the land resulting therefrom, between a zone lot line and the closest possible line of a conforming structure.
- 364. Sexually Oriented Commercial Enterprise:** A massage parlor, nude studio, modeling studio, love parlor, encounter parlor or any other similar commercial enterprise whose major business is the offering of a service which is intended to provide sexual stimulation or sexual gratification to the customer but not including: (a) a business licensed to sell alcoholic beverages, (b) any bookstore or theater, (c) a business operated or employing licensed psychologists, licensed physical therapists, licensed cosmetologists or licensed barbers performing functions authorized under the license held, and (d) a business operated by or employing licensed physicians or licensed chiropractors engaged in the healing arts.
- 365. Shelter for the Homeless:** A facility that has as its primary function the provision for overnight sleeping accommodations for homeless people. A shelter for the homeless shall be considered a large residential care use.
- 366. Shielded:** The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.
- 367. Short-Term Occupancy:** The use of housing accommodations or rooms by a person or persons for periods less than one month.
- 368. SIC:** Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.
- 369. Side Zone Lot Line:** See "Zone Lot, Side".
- 370. Side Street:** See "Street, Side."
- 371. Sign:** A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination or projected images. Signs do not include the following:
- a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
 - b. Merchandise, pictures or models of products or services incorporated in a window display;
 - c. Time and temperature devices not related to a product;
 - d. National, state, religious, fraternal, professional and civic symbols or crests;
 - e. Works of art which in no way identify a product.
- 372. Sign Projection Distance:** The distance from the exterior wall surface of the building to the display face of a wall sign.

- 373. Sign With Backing:** Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
- 374. Sign Without Backing:** Any word, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.
- 375. Sign, Animated:** Any sign or part of a sign which changes physical position by any movement or rotation.
- 376. Sign, Arcade:** A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.
- 377. Sign, Billboard:** See definition of “Outdoor General Advertising Device,” above.
- 378. Sign, Flashing:** Any sign either stationary or animated, which exhibits any change in: natural or artificial light or color effects; text; pictures or any other form of message more frequently than once per hour by any means whatsoever.
- 379. Sign, Ground:** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.
- 380. Sign, Illuminated:** A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.
- 381. Sign, Individual Letter:** Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.
- 382. Sign, Joint Identification:** A sign which serves as a common or collective identification for three (3) or more business or industrial uses by right on the same zone lot excluding, however, the identification of products.
- 383. Sign, Marquee:** A sign attached to, painted on, erected against or extending from a marquee.
- 384. Sign, Noncommercial:** A sign expressing noncommercial speech generally in the form of an opinion on a particular subject, or support for, or opposition to, a particular cause, political or otherwise.
- 385. Sign, Off-Site Commercial:** A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed. This definition does not include noncommercial signs.
- 386. Sign, Outdoor General Advertising Device:** See definition of “Outdoor General Advertising Device,” above.
- 387. Sign, Political:** A sign expressing support for, or opposition to, a political candidate, political party, ballot or other election issue.
- 388. Sign, Portable:** Any sign that is not permanently affixed to building, structure or the ground.
- 389. Sign, Projecting:** A sign or graphic, other than a wall sign, that is attached to and projects from the wall, soffit, or eave of a building, is not in the same plane as the wall, soffit, or eave to which it is attached, and identifies a use within that building.

- 390. Sign, Roof:** A sign attached to the roof of a building which sign projects above the highest point of the roof of the building or the roof of that portion of the building to which it is attached.
- 391. Sign, Temporary:** Any sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material intended to be displayed for a short period of time.
- 392. Sign, Wall:** A sign attached to, painted on or erected against a wall, fascia, parapet wall or pitched roof of a building or structure, and no part of which sign projects above the highest point of the roof and whose display surface is parallel to and extends not more than twenty-four (24) inches from the wall to which it is attached and extends not more than eight (8) inches from the fascia to which it is attached or, if attached to a pitched roof, the bottom of its display surface does not extend more than six (6) inches vertically from the roof surface and the top of its display surface does not extend more than forty-eight (48) inches horizontally from the roof surface.
- 393. Sign, Window:** A sign which is applied or attached to, or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.
- 394. Sign, Wind:** Any sign in the nature of a series of two or more banners, flags, pennants or other objects or material which shall call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.
- 395. Single Room Occupancy (SRO) Hotel:** A specific type of “lodging accommodations” use that contains 6 or more “SRO rooms”. A SRO hotel does not include any institution in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing or psychiatric care, or fraternity or sorority houses. “SRO room” means a guest room intended or designed to be used, or which is used, rented, or hired out, to be occupied, or which is occupied, as a primary residence, by guests, for short-term occupancy or for occupancy longer than one month.
- 396. Site Development Plan:** A specific development plan for a zone lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs.
- 397. Siting Form Standards or Building Siting Standards:** Standards in this Code that regulate the size and dimension of a required zone lot, and the placement, orientation, and coverage of a building on a zone lot. Siting standards include, but are not limited to, standards addressing zone lot size and dimensions, setbacks, build-to requirements, and building coverage.
- 398. Solar Panel, Flush Mounted:** A solar energy collection device mounted to the roof of a structure in such a manner that the device is not more than one foot above the roof surface to which it is attached, and mounted so that the device plane is in a plane which is parallel to the surface of the roof to which it is attached, and mounted so that the edge of the device is at least two feet from the edge of the roof to which it is attached.
- 399. Solid Waste Facility:** An establishment in which municipal solid waste is collected, separated by material, compacted, baled or packaged for shipment to others for the manufacture of new products or for disposal. No manufacturing, remanufacturing, fabrication or processing of new products shall occur in this facility. This use may include a waste transfer station.
- 400. Special Care Home:** A special care home is a residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District in which the dwelling unit is located, where such persons are living as

a single housekeeping unit and are receiving more than 12 hours per day of on-premises treatment, supervision, custodial care or special care due to physical condition or illness, mental condition or illness, or behavioral or disciplinary problems. A special care home, depending on its size, shall be considered a large or small residential care use.

401. Specified Anatomical Area: Shall include:

- a. Less than completely and opaquely covered:
 - i. Human genitals and/or pubic region;
 - ii. The area of the buttock which is located around the lower backbone between straight lines drawn from the outermost point of the pelvis on the side of the body to the ischial tuberosity;
 - iii. The area of the female breast described as follows: the areola and the lower quadrant of each breast as defined by two (2) lines which crisscross the breast and intersect at right angles at the areola. Such lines also intersect at a forty-five-degree angle the vertical axis of the body as represented by the backbone when viewed from the front of the body;
 - iv. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

402. Specified Sexual Activities: Shall include:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, oral or anal sex, or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

403. Sports and/or Entertainment Arena or Stadium: Commercial establishments designed, intended, or used primarily for indoor or outdoor large-scale spectator events including, but not limited to, professional and amateur sporting events, concerts, theatrical presentations, or motor vehicle racing. Typical uses include coliseums, arenas and sports stadiums.

404. Standard: A mandatory regulation. Noncompliance with a standard may be grounds for denial of a proposal for development, and may subject an applicant or a development to the enforcement and penalty provisions of this Code. Mandatory standards are indicated by use of the terms “shall” and “must.”

405. Start of Construction: Includes substantial improvement, and means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

406. Stoop: An uncovered set of steps and a landing providing access to the primary uses within the building.

407. Storage: The act of depositing goods, wares and merchandise in any structure, part of a structure or warehouse, gratuitous or otherwise, shall be called storage.

- 408. Storage Services:** The use of a building or part of a building designed for storing non-hazardous goods; business, personal, or household effects; and other items of personal property by or with permission of the owner of that personal property. Typically, such building does not provide individual entrances to storage units from the exterior of the structure.
- 409. Store:** A use devoted exclusively to the retail sale of a commodity or commodities.
- 410. Story:** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.
- 411. Story, Ground:** The first story in a building or structure in which the ceiling is 4 feet or more above grade at the nearest building line.
- 412. Story, Habitable:** A story which:
- a. Has at least four feet between the ground level and the ceiling joists;
 - b. Has enough area to provide a habitable room with net floor-to-ceiling distance of 7'-6" over half the area of the room; and
 - c. Constitutes a habitable room as defined in the building code.
- 413. Story, Half:** A story of a building that has all of the following features:
- a. The space meets the definition of "habitable story" stated in this Article 13; and
 - b. The total gross floor area of the half story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 75 percent of the floor below.
- 414. Street:** A public thoroughfare, avenue, road, highway, boulevard, parkway, driveway, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.
- 415. Street, Primary:** A street as determined by the process and criteria stated in Article 13, Section 13.1.2, Siting Form Standards (Rules of Measurement).
- 416. Street, Private:** Any road or street that is privately developed, owned, and maintained that provides access within a development.
- 417. Street, Side:** Any street not considered a Primary Street.
- 418. Street Front or Frontage:** Any boundary line of a zone lot or parcel of land that runs parallel to and within 20 feet of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the City.
- 419. Street Property Line:** A common boundary between private property and a dedicated street or alley.
- 420. Structural Feature:** Any part of a structure which is designed for or indicative of the intent to accommodate any given use.
- 421. Structure:** Anything which is constructed or erected and the use of which requires more or less permanent location on ground or attachment to something having permanent location on ground, not, however, including wheels; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of a parts and joined together in some definite manner. (Entrances not more than 2 feet above grade and vents not more than 3 feet above grade, which are features of bomb or fallout shelters, shall not be considered a structure or structural feature for purposes of setback computations.)
- 422. Structure, Completely Enclosed:** A building enclosed by a permanent roof and by solid exterior walls pierced only by windows and customary entrance and exit doors.

- 423. Structure, Compliant:** A legally established structure that meets one of the following conditions:
- a. The legally established structure does not comply with one or more of the following standards in this Code:
 - i. Height Building Form Standards
 - a) Minimum, feet
 - b) Maximum, feet and stories
 - ii. Siting Building Form Standards
 - a) Building setback standards, including Block Sensitive Primary Street setback standards
 - b) Required build-to
 - c) Location of surface parking for vehicles
 - iii. Design Element Building Form Standards
 - a) Ground story activation standards;
 - b) Upper-story setback standards.
 - c) Overall structure length
 - d) [Pedestrian access, primary structure](#)
 - b. The legally established structure was conforming under Former Chapter 59 on June 24, 2010.
- 424. Structure, Conforming:** A structure which, when originally constructed, was in full compliance with all zoning regulations applicable to structures, and which complies with the following current regulations applicable to structures:
- a. All building form standards in this Code;
 - b. Standards for permitted structures in the Downtown, Campus, I-A, I-B, and C-CCN Zone Districts, as applicable, and
 - c. Standards established in Division 10.3, Multiple Buildings on a Single Zone Lot, as applicable.
- A structure that meets this definition of “conforming structure”, but which does not comply with zoning standards that are inapplicable to structures (e.g., site design standards such as landscaping, parking amount, signage), are still “conforming structures” under this Code.
- 425. Structure, Detached:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall. See Detached accessory dwelling unit, Detached garage and Detached utility building.
- 426. Structure, Nonconforming:** A structure or building that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming structure or a compliant structure in the Zone District in which such structure or building is located.
- 427. Structure, Permanent:** A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a period of time.
- 428. Structure, Permitted:** A structure meeting all the requirements established by this Code for the Zone District in which the structure is located.

- 429. Structure, Primary:** The main or primary structure or building in which the primary use of a property is conducted or operated.
- 430. Structure, Principal:** See “Structure, Primary.”
- 431. Structure, Residential:** Any building or part of a building constructed with or as sleeping accommodations for a person or group of persons. Other housekeeping accommodations also may be provided.
- 432. Structure, Temporary:** A structure that is built of such materials and in such a way that it would commonly be expected to have a relatively short life, or is built for a purpose that would commonly be expected to be relatively short, or any structure intended for nonpermanent use or occupancy.
- 433. Student Housing:** A structure used principally for long-term group residential accommodations for students of a college, university or seminary, and where such structure is related to the college, university or seminary. Common cooking facilities and common gathering rooms for social purposes may also be included. May include a building used for group living quarters for members of a fraternity or sorority that has been officially recognized by the college, university or seminary.
- 434. Studio, Artist:** A place where any of the commercial activities or a combination of commercial activities listed below occur:
- i. Art gallery.
 - ii. Custom or craft manufacturing, fabrication, and assembly.
 - iii. Professional studio.
- 435. Studio, Broadcast and/or Recording:** An establishment containing one or more broadcasting studios for the over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio, television programs or motion pictures. This term does not include transmission towers.
- 436. Studio, Professional:** A specific type of arts, recreation and entertainment service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.
- 437. Summary Use and Parking Tables:** Tables found in Articles 3, 4, 5, 6, 7, 8, and 9 of this Code, which list: (a) the principal, accessory, and temporary uses allowed in each Zone District, (b) the type of review procedure (e.g., zoning permit, zoning permit review with informational notice, special exception review.) required prior to a use’s establishment, and (c) the bicycle and vehicle parking requirements for each use.
- 438. Tandem Parking:** See “Parking, Tandem.”
- 439. Telecommunications Facilities:** The plant, equipment and property, including but not limited to, cables, wires, conduits, ducts, pedestals, antennas, towers, alternative tower structures, electronics and other appurtenances used to transmit, receive, distribute, provide or offer telecommunications services.
- 440. Telecommunications Service:** The providing or offering for rent, sale or lease, or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

- 441. Telecommunications Services, Emergency:** Telecommunications established or maintained by any public agency providing emergency services such as but not limited to fire, police, and other rescue or first responders.
- 442. Telecommunications Support Facilities:** Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
- 443. Telecommunications Towers:** Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures, including alternative tower structures. This term also includes any antenna or antenna array attached to the tower structure.
- 444. Terminal, Freight, Air Courier Services:** Facilities for handling freight, with or without storage and maintenance facilities. This definition includes, but is not limited to, all uses in the following SIC groups and the following uses:
- a. 421 Trucking and courier services;
 - b. 423 Trucking terminal facilities;
 - c. Railroad terminal facilities;
 - d. 4513 which includes:
 - i. Courier services, air;
 - ii. Letter delivery, private: air;
 - iii. Package delivery, private: air;
 - iv. Parcel delivery, private: air.
- 445. Terminal, Station or Service Facility for Passenger Transit System:** Facilities primarily engaged in furnishing mass passenger transportation (e.g., via bus or rail) over regular routes and on regular schedules, the operations of which may be principally outside of a single municipality, contiguous municipalities, a municipality and its suburban areas or a regional transportation district. Terminal and service facilities for passenger transit systems are limited only to the following specific uses:
- a. Passenger stations, terminals, or transfer stations;
 - b. Service facilities for transit vehicles but not including railway yard, maintenance, or fueling facilities for rail transit vehicles (the latter are categorized as “railway facility” uses); and
 - c. Parking lots provided for the use of passengers or employees of the transit provider.
- 446. Theater, Adult:** A theater used for the presentation of material distinguished or characterized by an emphasis on material depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- 447. Theater and/or Live Performance Space:** Establishments that produce, organize, promote, and/or present live performances of actors, singers, dancers, musical groups, artists, and other entertainers (including independent entertainers). Live performances may be presented as musicals, operas, plays, comedy and improvisation, mime, puppet shows, or dinner theater. Such performances are open to the general public and admission may be gained by a payment or fee. Meal service may be included with the performance. This definition excludes any establishment categorized by this Code as “adult business uses.”

- 448. Tower:** Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures, including alternative tower structures. This term also includes any antenna or antenna array attached to the tower structure.
- 449. Tower, Alternative Structure:** A man made structure that camouflages or obscures the presence of a tower and is designed to resemble architectural or natural features commonly associated with the site and district where they are located. All such structures shall be subject to the regulatory limitations, such as maximum height and bulk, which are otherwise applicable to like features in the Zone District. This term also includes any antenna or antenna array attached to the alternative tower structure.
- 450. Tower Height:** The distance measured from the lowest point at grade within ten feet of the tower to the highest point on the tower, including the base pad and any antenna.
- 451. Toxic and/or Hazardous Materials:** Those chemicals or substances that are physical hazards or health hazards as defined and classified by the Denver Fire Code, whether the materials are in usable or waste condition. Substances that are considered “toxic and/or hazardous materials” include, but are not limited to the following:
- a. Cryogenic fluids.
 - b. Corrosive materials.
 - c. Explosives and blasting agents.
 - d. Flammable and combustible liquids.
 - e. Flammable solids and gases.
 - f. Organic peroxide materials.
 - g. Oxidizer materials.
 - h. Pyrophoric materials (Material that ignites spontaneously or emits sparks when scratched or struck especially with steel).
 - i. Toxic Materials.
 - j. Unstable (reactive) materials.
- 452. Trailer:** Any vehicle without a motor or other means of self-propulsion designed to carry property primarily on its own structure and to be drawn by a motor vehicle. Trailers shall include but shall not be limited to the following: utility trailers, boat trailers, flatbed trailers, camper trailers, home-made trailers, and fifth-wheel trailers not designed to be used in conjunction with a truck-tractor.
- 453. Transitional housing:** A residential structure housing a number of unrelated persons in excess of the number of unrelated persons allowed per dwelling unit in the Zone District, where such persons are provided with individual bedrooms, where the primary service offered at the facility is related to transitioning into permanent housing and all services provided are not sufficient to constitute a “special care home” and where occupancy of such housing is primarily made available for more than 30 days and less than 2 years. Transitional housing shall be considered a small residential care use.
- 454. Transportation Facilities Use Category:** Transportation Facilities Category includes a variety of facilities, generally open to the public, related to the movement of passengers and goods, whether by private auto or public transportation. Typical uses include airports, mass transit facilities, and parking facilities for vehicles.
- 455. Travel Demand Management (TDM):** A broad range of strategies intended to reduce peak period vehicle trips.

- 456. Tree:** (1) Any live, self-supporting woody perennial plant which has a trunk diameter of 6 inches or more measured at a point four and one half (4 1/2) feet above ground level and which normally obtains a height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches; and (2) any woody bush in excess of 4 feet in height.
- 457. Truck Tractor:** A vehicle equipped with a chassis or flat-bed mounted ball or fifth wheel for attaching a trailer, designed to be used for the highway towing trailers and not designed primarily for hauling cargo.
- 458. University or College:** See “School, University or College.”
- 459. Unobstructed Open Space:** Land with no buildings thereon, except fenced or walled trash facilities. The following provisions apply to the specified Zone Districts:
- Except as otherwise provided herein, in the Single Unit (SU), Two Unit (TU), Townhouse (TH), or Rowhouse (RH) Zone Districts, unobstructed open space shall include any areas that are open to the sky including driveways; driving aisles; unenclosed parking spaces; front porches; and patios, decks or exterior balconies the surface of which is two and one half (2 1/2) feet or less above grade; and unenclosed areas covered by a trellis or arbor.
 - In the Single Unit (SU) and Two Unit (TU) Zone Districts, the following portions of the zone lot shall not be deemed to be unobstructed open space: any area bordered by walls on more than three sides; any porch, patio, or deck enclosed by any railing, wall, or similar structure in excess of three (3) feet in height above the surface of the porch, patio or deck; and any area beneath a projecting architectural or structural element such as balconies, bay windows, or second floor projections, excepting eaves.
 - In the Cherry Creek North (C-CCN) Zone District, the term “unobstructed open space” is synonymous with the term “open space” where required setback areas do not count as part of the open space.
- 460. Upper Story Setback:** The horizontal distance that an upper portion of a building facade is set back from the property or zone lot boundary line.
- 461. Upper Story Step-Back:** The horizontal distance that an upper portion of a building facade is set back from the face of the building’s lower portion.
- 462. Use:** The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.
- 463. Use, Allowed:** See “Use, Permitted.”
- 464. Use, By Right:** A use that is listed in the Summary Table of Uses and Parking as either a “permitted use” (“P” in the use table), or a “use subject to limitations” (“L” in the use table), or a use allowed subject to review according to the zoning permit with informational notice procedure in Article 12 (“ZPIN” in use table).
- 465. Use Category:** A category of uses within a “Use Classification.” “Use Categories” are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. A “Use Category” may be further subdivided into “Specific Use Types.”
- 466. Use Classification:** The broadest grouping of land uses in this Code, based on generally accepted industry groupings, similar descriptions of planning goals or functions, similar allowed use types, and similar allowed density/intensity of use.

- 467. Use, Compliant:** A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, or because other uses are established closer to the legally established use than this Code permits, does not comply with current use limitations ~~and standards~~ applicable to such use or activity.
- 468. Use, Conforming:** A use or activity that was lawful when originally established and that complies with current use limitations ~~and standards~~ applicable to the use or activity in the Zone District in which it is located. A use or activity that was lawful when originally established, but which, by reason of the adoption of or revision to this Code, does not comply with a review procedure (e.g., special exception review) or a site development or design standard (e.g., parking, landscaping, and signage) otherwise applicable to such use, shall be classified as a “conforming use.”
- 469. Use, Illegal:** Any use, whether of a building or other structure, or of land, in which a violation of any provision of this Code has been committed or shall exist.
- 470. Use, Nonconforming:** A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, is no longer allowed in the Zone District in which such use or activity is located.
- 471. Use, Permitted:** Any use listed as a primary use by right, a temporary use, a home occupation, an accessory use, a special exception use, or a use subject to limitations, as approved according to the required procedure.
- 472. Use, Primary or Principal:** The main or primary purpose for which land and the structures thereon are used, or for which land and the structures thereon may be maintained or occupied according to this Code.
- 473. Use, Prohibited:** A use that is not permitted in a Zone District (“NP” in the Summary Use and Parking Tables).
- 474. Use, Special Exception:** A use that is listed in the Summary Use and Parking Table as a use allowed subject to the special exception review by the Board of Adjustment, as set forth in Article 12 (“ZPSE” in use table).
- 475. Use, Temporary:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
- 476. Use Type or Specific Use Type:** The finest-grained category of uses in this Code; a “Use Type or Specific Use Type” is a sub-category of a “Use Category.” It is used when necessary to tailor the regulatory treatment to address issues such as the relative intensity of the use, issues related to building type, possible effects on neighboring land uses, consistency with Zone District purpose and goals, or possible operational externalities (such as odor, glare, or noise).
- 477. Utilities Use Category, Basic:** Basic Utilities is defined as buildings, structures, or other facilities used or intended to be used by any private or governmental utility, not including telecommunications. This category includes buildings or structures that house or contain facilities for the operation of water, wastewater, waste disposal, natural gas or electricity services. This use also includes water storage tanks; electric or gas substations, water or wastewater pumping stations, or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level.

- 478. Utility, Major Impact:** Above-grade utilities exceeding 10,000 square feet of gross site area that has a substantially larger-than-local impact.
- a. This definition includes all uses in the following SIC groups:
 - 4911 Electric services including wind and solar generating stations;
 - 4922 Natural gas transmission;
 - 4923 Natural gas transmission and distribution;
 - 4924 Natural gas distribution;
 - 4925 Mixed, manufactured, or liquefied petroleum gas production and/or distribution;
 - 493 Combination electric and gas, and other utility services;
 - 494 Water supply;
 - 495 Sanitary services;
 - 496 Steam and air-conditioning supply;
 - 497 Irrigation systems.
 - b. This definition shall include the following specific uses:
 - i. **Sanitary Service Facility**
 - ii. Other similar facilities, as determined by the Zoning Administrator.
- 479. Utility, Minor Impact:** Above-grade utilities of less than 10,000 square feet of gross site area that have a localized impact on surrounding properties and are necessary to provide essential services.
- a. This definition includes all uses in the following SIC groups:
 - i. 4813 Telephone communications, except radiotelephone, limited to telephone switching stations;
 - ii. 4911 Electric services, limited to electrical substations, and electrical relay switching stations;
 - iii. 4923 Natural gas transmission and distribution, limited to natural gas distribution substations;
 - iv. 494 Water supply, limited to utility pumping stations.
- 480. Vehicle / Equipment Sales, Leasing, Service, Rental**
- a. The sales, leasing, or rental, and related servicing, of:
 - i. Trucks in excess of one-and-one-half tons or equipment for use in agriculture, mining, industry, business, transportation, building, or construction; or
 - ii. Automobile hitches or trailers, house trailers, recreational vehicles, and boats, but excluding commercial wrecking, dismantling, or junkyard.
 - b. Establishments primarily engaged in servicing, repairing, overhauling, inspecting, licensing, and maintaining aircraft.
- 481. Vehicle / Equipment Sales, Rentals, Service & Repair Use Category:** Vehicle/Equipment Sales, Rental, Service and Repair includes establishments engaged in the sales, rental or service of motor vehicles and equipment for homeowner use and minor residential construction and landscaping projects. Accessory uses may include offices, parking, minor repair services, and storage of equipment and vehicles.
- 482. Vehicle Storage, Commercial:** The assembling or standing of operable vehicles for periods of more than one day. Such use shall not include the storage of damaged, dismantled or impounded vehicles. This land use need not be enclosed.
- 483. Vested Property Right:** Pursuant to this Denver Zoning Code, a property right granted after approval of a "site specific development plan," as approved by the City Council after a public hearing.

- 484. Vocational or Professional School:** See “School, Vocational or Professional”
- 485. Voluntary Demolition or Voluntarily Demolished:** In relation to a structure, voluntary demolition or voluntarily demolished shall mean the voluntary demolition of 40% or more of the square footage of a the structure’s exterior walls.
- 486. Warehouse:** A warehouse is a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same being public or private warehouse.
- 487. Warehousing:** The depositing or securing of goods, wares and merchandise in a warehouse.
- 488. Waste Related Services Use Category:** Waste Related Services include establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste/Salvage uses also include uses that receive hazardous wastes from others.
- 489. Wholesale:** Sale for resale not for direct consumption.
- 490. Wholesale Trade or Storage, General:** “Wholesale trade or storage, general” use is defined to include all of the following activities:
- a. Establishments primarily engaged in one or more of the following activities: Selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, or building trade contractors; to professional businesses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots.
 - b. The sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials as defined in Article 13 of this Code.
 - c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:
 - i. Advertising;
 - ii. Employment services;
 - iii. Equipment rental and leasing;
 - iv. Property management, security and maintenance, including custodial services;
 - v. Printing and reproduction services;
 - vi. Publishing and bookbinding;
 - vii. Air courier pickup and delivery “drop-off points”;
 - viii. Personnel services;
 - ix. Computer programming, data processing and other computer-related services;
 - x. Mailing, addressing, stenographic services; and
 - xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.
 - xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as “office” uses.
 - d. The wholesale trade, distribution, or storage of products in the following SIC groups:

- i. 501 Motor vehicles, parts, and supplies (except motor vehicle parts, used, SIC group 5015);
 - ii. 505 Metals and minerals, except petroleum;
 - iii. 5047 Medical, Dental and Hospital Equipment and Supplies
 - iv. 508 Machinery, equipment, and supplies;
 - v. 515 Farm-product raw materials;
 - vi. 516 Chemicals and allied products;
 - vii. 5191 Farm supplies.
- e. Operations with more than 25 percent of sales to retail customers shall be categorized as “retail sales” rather than as “wholesale trade” uses.

491. Wholesale Trade or Storage, Light: “Wholesale trade or storage, light” use is defined to include all of the following activities:

- a. Establishments primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, building trade contractors; to professional business uses; or to other wholesalers. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way as to have a minimal impact on surrounding properties.
- b. “Wholesale trade or storage, light” does not include the sale at wholesale and/or storage or warehousing of toxic and/or hazardous materials, as defined in Article 13 of this Code.
- c. Establishments providing support services primarily to other businesses (rather than to individuals), including but not limited to the following types of services:
 - i. Advertising;
 - ii. Employment service;
 - iii. Equipment rental and leasing;
 - iv. Property management, security and maintenance, including custodial services;
 - v. Printing and reproduction services;
 - vi. Publishing and bookbinding;
 - vii. Air courier pickup and delivery “drop-off points”;
 - viii. Personnel services;
 - ix. Computer programming, data processing and other computer-related services;
 - x. Mailing, addressing, stenographic services; and
 - xi. Special business services such as travel bureaus, news service, importer, interpreter, appraiser, film library.
 - xii. Business to business brokers or agents that arrange for the purchase or sale of goods for others, and which services do not include the warehousing of goods, are classified as “office” uses.
- d. The wholesale trade, distribution, or storage of products in the following SIC groups:
 - i. 502 Furniture and home furnishings;
 - ii. 503 Lumber and construction materials;
 - iii. 504 Professional and commercial equipment;

- iv. 506 Electrical goods;
 - v. 507 Hardware, plumbing, and heating equipment;
 - vi. 509 Miscellaneous durable goods (except scrap and waste materials, SIC group 5093);
 - vii. 511 Paper and paper products;
 - viii. 512 Drugs, proprietaries, and sundries;
 - ix. 513 Apparel, piece goods, and notions;
 - x. 514 Groceries and related products;
 - xi. 518 Beer, wine, and distilled beverages;
 - xii. 519 Miscellaneous nondurable goods (except farm supplies, SIC group 5191).
- e. The following specific uses:
 - i. Storage services, as defined in ~~Subsection B.3 above~~ [this Division 13.3](#).
 - f. Operations with more than 25 percent of sales to retail customers shall be categorized as “retail sales” rather than as “wholesale trade” uses.

492. Wholesale Trade, Storage, Warehouse & Distribution Use Category: Establishments primarily engaged in the sale, storage and distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This land use category does not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

493. Wind Energy Conversion System: Any mechanism including blades, rotors and other moving surfaces designed for the purpose of converting wind into mechanical or electrical power.

494. Zone Lot: The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area may be designated as a zone lot only by the owner or owners thereof.

495. Zone Lot, Area of: The area of land enclosed within the boundaries of a zone lot.

496. Zone Lot, Boundary Line of: Any line separating a zone lot from a street, an alley, another zone lot or any other land not part of the zone lot.

497. Zone Lot, Corner: A zone lot situated at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines coterminous with the street lines does not exceed 135 degrees.

498. Zone Lot, Flag: A zone lot not meeting minimum zone lot width or public street frontage requirements under this Code, and where access to a public street is limited to a narrow strip of land or private access way.

499. Zone Lot, Interior: Any zone lot that is not a corner zone lot.

500. Zone Lot, Nonconforming: A zone lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform with either:

- a. The present requirements for any of the building forms allowed in the Zone District in which the zone lot is located; or
- b. The minimum requirements for a zone lot, as stated in Article 1, Division 1.2, Zone Lots, of this Code.

- 501. Zone Lot, Rear:** That portion of the zone lot farthest removed from the abutting street on any zone lot not a corner lot, and that portion of the zone lot farthest removed from the abutting primary street on a corner lot.
- 502. Zone Lot Line:** Any boundary of a zone lot.
- 503. Zone Lot Line, Side:** Any boundary of a zone lot that is neither a Primary Street zone lot line nor a rear zone lot line. A side zone lot line may be either a side “street” zone lot line, or a side “interior” zone line, with the former type abutting a side street and the latter type not abutting a street.
- 504. Zone Lot Line, Rear:** A boundary of a zone lot that does not abut a street, and is determined according to Division 13.1 of this Code.
- 505. Zone Lot Size, Minimum:** The smallest size zone lot that may be newly created in a Zone District according to this Code’s requirements, or the smallest size zone lot that must exist as a prerequisite to development of a building form allowed in the Zone District.
- 506. Zone Lot, Width:** See Rule of Measurement Section 13.1.2.1.B.

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