

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.

SECTION 9.5.5 USES AND REQUIRED MINIMUM PARKING

9.5.5.1 Allowed Uses in the DIA Zone District

Permitted uses in the DIA Zone District, and any applicable use limitations and standards, shall be determined by the Denver Manager of Aviation.

9.5.5.2 Generally Applicable Standards

A. Compliance with Section 9.5.5 Overview – Summary Use and Parking Table

1. ~~The This Section's~~ 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.
 - a. **Unlisted Uses (moved here)**
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.
2. 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.

B. Compliance with Other Code Provisions Required (moved here)

1. ~~The~~ Establishment of ~~all~~ uses ~~is subject to compliance shall comply~~ 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 (moved here)~~

2. A Zoning Permit is required prior to establishment of any primary or temporary use permitted by this Code according to ~~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 and may also require~~ Site Development Plan Review prior to issuance of a ~~Z~~ zoning ~~P~~ permit: according to ~~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. Accessory uses may require a zoning permit, as indicated in the Summary Use and Parking Table.~~

C. Number of Uses Allowed per Zone Lot

There is no maximum on the number of primary, accessory, or temporary uses per zone lot.

9.5.5.3 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.

9.5.5.4 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”).

a. 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. **Combinations**

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.~~

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.~~

9.5.5.5 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	DISTRICT		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 ZONING DISTRICTS		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	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 9.5.5.1 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	O-1	APPLICABLE USE LIMITATIONS AND STANDARD IN THE O-1 ZONE DISTRICT ONLY
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>		NP	
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.