



Denver Zoning Code Text Amendment #2
River North Design Overlay District (DO-7)
38th and Blake Station Area Incentive Overlay District (IO-1)
CITY COUNCIL REDLINE DRAFT 01/11/18

This document contains a redlined draft of the proposed text amendments to create a new River North Design Overlay District, establish a new Incentive Overlay District category and create the 38th and Blake Station Incentive Overlay District. The City Council public hearing is tentatively scheduled for February 12, 2018.

1. Text in red underline is proposed new language.
2. Text in ~~red strikethrough~~ is proposed deleted language.
3. Pages with substantive additions (such as new code sections, requirements or clarifications) include a “RIVER NORTH DESIGN OVERLAY/38TH & BLAKE INCENTIVE OVERLAY TEXT AMENDMENT” header and “Amendment: 2” footer
4. Pages with redline changes that are not substantive (such as updated section numbers, figure numbers or cross-references) are also included in this document, but do not have a special Arapahoe Square header.

Note that this draft updates the Planning Board and City Council Land Use, Transportation and Infrastructure Committee drafts with edits for clarity, correctness, illustrative graphic, section references, and other non-substantive matters, as well changes made necessary by such edits. While every effort is made to ensure document quality, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a redlined draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.

Please visit www.denvergov.org/38blake to learn more about these proposed overlay zone districts.

Also visit our website at www.DenverGov.org/CPD, then click on Text Amendments under Zoning, to:

- Learn more about Text Amendments
- Learn more about the process for this text amendment
- Sign up for email newsletters

Please send any questions or comments to Abe Barge, Principal City Planner (Abe.Barge@denvergov.org) or Senior City Planner Andrew Webb (Andrew.Webb@Denvergov.org)

ALL INTERESTED PERSONS AND ORGANIZATIONS SHOULD EXPRESS THEIR CONCERNS OR SUPPORT AT THE AT THE PUBLIC HEARING BEFORE CITY COUNCIL.

**RIVER NORTH DESIGN OVERLAY/38TH & BLAKE INCENTIVE OVERLAY TEXT AMENDMENT
CITY COUNCIL REDLINE DRAFT 01/11/18**

2.3.1.3 Design Standards

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

2.3.1.4 Uses and Required Minimum Parking

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

SECTION 2.3.2 ARTICLE 8: DOWNTOWN NEIGHBORHOOD CONTEXT

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

SECTION 2.3.3 ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS

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

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

SECTION 2.3.4 ARTICLES 10 THROUGH 13: GENERAL STANDARDS AND PROCEDURES

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

**RIVER NORTH DESIGN OVERLAY/38TH & BLAKE INCENTIVE OVERLAY TEXT AMENDMENT
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MASTER PLANNED CONTEXT	
M-RH-3	Row House 3
M-RX-3	Residential Mixed Use 3
M-RX-5	Residential Mixed Use 5
M-RX-5A	Residential Mixed Use 5A
M-CC-5	Commercial Corridor 5
M-MX-5	Commercial Mixed Use 5
M-IMX-5	Industrial Mixed Use 5
M-IMX-8	Industrial Mixed Use 8
M-IMX-12	Industrial Mixed Use 12
M-GMX	General Mixed Use
OVERLAY DISTRICTS	
UO-	Use Overlay District
CO-	Conservation Overlay District
DO-	Design Overlay District
<u>IO-</u>	<u>Incentive Overlay District</u>
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

3.3.5.3 Street Level Active Uses in the S-MX-2A, -3A, -5A, -8A, -12A and S-MS Zone Districts

A. Intent

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

B. Applicability

This Section 3.3.5.3 applies to the General building form in the S-MX-2A, -3A, -5A, -8A, -12A zone districts and the Shopfront building form in the S-MS zone districts.

C. Street Level Active Uses

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

SECTION 3.3.6 DESIGN STANDARD ALTERNATIVES

3.3.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.67.E.

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

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

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

3.3.6.2 Primary Street Upper Story Setback

A. Intent

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

B. Applicability

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

C. Alternative

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

3.3.6.3 Transparency Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.45:

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

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

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

3.3.6.4 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

In the S-MX-2A, -3A, -5A, -8A, -12A zone districts for all building forms, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.2.B.4:

1. Courtyard or Plaza
2. Covered Walkway

3.3.6.5 Attached Garage Alternative

A. Intent

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

B. Applicability

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

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

C. Allowance

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

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

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

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

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

4.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.45:

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

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

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

4.3.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

In E-MX and E-RX zone districts, for all building forms except the Row House building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.2.B.34:

1. Courtyard or Plaza
2. Covered Walkway

SECTION 4.3.7 DESIGN STANDARD EXCEPTIONS

4.3.7.1 Height Exceptions

A. Intent

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

B. Applicability and Standards:

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 4.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.
3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

SECTION 5.3.6 DESIGN STANDARD ALTERNATIVES

5.3.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

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

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

5.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.45:

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

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

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

5.3.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

In U-MX and U-RX zone districts, for all building forms except the Row House building form, one of the following may be used as an alternative to a required, provided that the alternative meets the design standards described in Section Section 13.1.6.2.B.34:

1. Courtyard or Plaza
2. Covered Walkway

SECTION 5.3.7 DESIGN STANDARD EXCEPTIONS

5.3.7.1 Height Exceptions

A. Intent

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

B. Applicability and Standards

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 5.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.
3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

SECTION 6.3.6 DESIGN STANDARD ALTERNATIVES

6.3.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

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

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

6.3.6.2 Transparency Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.45:

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

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

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

6.3.6.3 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

In the G-RO, G-MU, G-MX and G-RX zone districts for all building forms except Row House, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section 13.1.6.2.B.34:

1. Courtyard or Plaza
2. Covered Walkway

SECTION 6.3.7 DESIGN STANDARD EXCEPTIONS

6.3.7.1 Height Exceptions

A. Intent

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

B. Applicability and Standards:

1. The following building features are allowed to exceed height in feet, stories, bulk plane and upper story setbacks as described in the table below, subject to the standards in this section 6.3.7.1.B.
2. Unoccupied elevator penthouses, stair enclosures, and enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment granted an exception for height in stories shall only be as large as necessary to achieve the intended function of the feature and shall not exceed the minimum required dimensions defined in the Denver Building and Fire Code.
3. An elevator lobby granted an exception for height in stories shall be no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
4. Unoccupied building features shall not include space for living, sleeping, eating, cooking, bathrooms, toilet compartments, closets, halls, storage, or similar space.

5. The length of any build-to alternatives permitted by Section 7.3.6.1 shall not apply toward the required percentage of Street Level building frontage that must be occupied by a Street Level active use.

SECTION 7.3.6 DESIGN STANDARD ALTERNATIVES

7.3.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

REQUIRED BUILD-TO ALTERNATIVES							
ZONE DISTRICT	PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)
C-RX C-MX	na	na	25%***	30%***	30%***	100%	100%
C-MS	na	na	25%***	30%***	30%***	100%	na
C-CCN	5'	100%**	25%***	30%***	30%***	100%	na

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

** If used in combination with each other, the permanent outdoor patio seating and private open space alternatives may count toward 100% of required build-to, provided the outdoor patio seating complies with the private open space rule of measurement in Article 13.

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

7.3.6.2 Primary Street Upper Story Setback

A. Intent

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

B. Applicability

C-MS-8, C-MS-12

C. Alternative

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

7.3.6.3 Transparency Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.45:

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

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

7.3.6.4 Pedestrian Access (Entrance) Alternatives

A. Intent

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

B. Allowance

In C-MX and C-RX zone districts, for all building forms except the Row House building form, one of the following may be used as an alternative to a required Entrance, provided that the alternative meets the design standards described in Section Section 13.1.6.2.A.34:

1. Courtyard or Plaza
2. Covered Walkway

SECTION 7.3.7 DESIGN STANDARD EXCEPTIONS

7.3.7.1 Height Exceptions

A. Intent

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

C. Allowance

1. Uses that meet the Limitation on Visible Parking above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum percentage of the Primary Street-facing zone lot width specified in the building form table.
2. Uses that meet the Limitation on Visible Parking above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

SECTION 8.8.6 DESIGN STANDARD ALTERNATIVES FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

8.8.6.1 Required Build-To Alternatives in D-AS-12+ and D-AS-20+ Districts

A. Intent

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

B. Allowance

The following alternative may be used as an alternative to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided it meets the requirements stated in Section 13.1.5.6.7.E:

REQUIRED BUILD-TO ALTERNATIVE	
ZONE DISTRICT	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)
D-AS-12+ D-AS-20+	25%

8.8.6.2 Primary Street Upper Story Setback Alternative for 21st Street & Park Avenue in D-AS-12+ and D-AS-20+ Districts

A. Intent

To allow a flexible alternative for creative designs fronting 21st Street and Park Avenue that maintain a building setback at or below 5 stories and 70 feet, but do not meet the specific Primary Street Upper Story Setback requirements set forth in the building form tables.

B. Applicability

This Section 8.8.6.2 applies to Primary Street upper story setbacks on the 21st Street and Park Avenue frontage of all building forms in the D-AS-12+ and D-AS-20+ zone districts.

C. Allowance

The Zoning Administrator may approve an alternative Primary Street Upper Story setback design that does not meet the specific Upper Story setback requirements set forth in the building form standards tables where the alternative is found to meet the design standards and guidelines for the Upper Story setback alternative on 21st Street and Park Avenue in the Design Standards and Guidelines for Arapahoe Square.

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9.1.3.5 Design Standards Alternatives

A. Required Build-To Alternatives

- 1. Intent**
To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.
- 2. Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

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

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

B. Transparency Alternatives

- 1. Intent**
To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.
- 2. Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required transparency standard and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.5:

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

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

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DIVISION 9.4 OVERLAY ZONE DISTRICTS

SECTION 9.4.1 GENERAL INTENT

Overlay Zone Districts are generally intended, in special and unique cases, to provide a vehicle to supplement otherwise generally applicable zone district standards with additional use or design limits, allowances, and prohibitions.

SECTION 9.4.2 OVERLAY ZONE DISTRICTS ESTABLISHED

To carry out the provisions of this Code, the following overlay zone districts have been established and are applied to property as set forth on the Official Map.

OVERLAY ZONE DISTRICTS	
CO-	Conservation Overlay District
UO-	Use Overlay District
DO-	Design Overlay District
IO-	Incentive Overlay District

9.4.2.1 Process to Establish Overlay Zone Districts - Text Amendment & Rezoning Required

Creation of an overlay zone district shall be by text amendment according to Section 12.4.11, Text Amendment, to codify the standards established within the overlay, and by an official map amendment (rezoning) according to Section 12.4.10. With the Manager’s approval, the map amendment may be filed and reviewed concurrent with the text amendment according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall the map amendment be approved until the text amendment creating the overlay zone district is approved.

9.4.2.2 Effect of Underlying Zone District Designation

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable overlay zone district; provided, however, except in an approved use overlay zone district (-UO), an overlay zone district shall not be used to add to the specific permitted uses in the underlying district, nor shall it be used to prohibit specific permitted uses in the underlying district.

9.4.2.3 Effect of Overlay Zone District Designation

All zoning applications within a specific overlay zone district shall comply with the applicable provisions of that overlay zone district, and the underlying zone district, and shall be reviewed under this Code to assure such compliance. Where the provisions of the overlay zone district are different from (e.g., in the case of an overlay use district), or more restrictive than (e.g., in the case of a neighborhood conservation overlay zone district) the provisions of the underlying zoning designation, the provisions of the overlay zone district shall apply. A change in the underlying zone district does not change the content or applicability of the overlay zone provisions.

SECTION 9.4.3 CONSERVATION OVERLAY DISTRICT (CO-)

9.4.3.1 Purpose

The Conservation Overlay District is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of specific areas within Denver possessing distinctive features, identity, or character worthy of retention and enhancement. A Conservation Overlay District takes effect through adoption of area specific standards that will facilitate maintenance and protection of the area’s existing character and the development of vacant or under used lots. The overlay may also be used to establish specific design guidelines that are more detailed than the standards of this Code for use during review of development within the overlay zone district.

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B. Modification of Underlying Zone District Standards

1. Modification of Permitted Uses and Use Limitations Not Allowed

A Design Overlay District shall not be used to add to the specific permitted uses in the underlying zone district, nor shall it be used to prohibit specific permitted uses in the underlying district, nor shall it be used to add, revise, or delete use limitations applicable to specific permitted uses in the underlying zone district.

2. All Other Applicable Standards -- Modification Allowed

All of the provisions of the underlying zone district shall be in full force and effect, unless such provisions are specifically varied by the provisions of the applicable design overlay zone district, in which case the standard in the design overlay zone district shall apply.

9.4.5.3 Design Overlay Districts Established

The following Design Overlay Districts are established:

Uptown Design Overlay District	DO-1
Washington Street Design Overlay District	DO-2
Lafayette Street Design Overlay District	DO-3
Side Interior Setback Design Overlay District	DO-4
South Sloan's Lake Design Overlay District	DO-5
Peña Station Next Design Overlay District	DO-6
River North Design Overlay District	DO-7

9.4.5.4 Effect of Approval

A. Official Map Designator

Each Design Overlay District shall be shown on the official map by an "DO-" designator and an appropriate number placed after the underlying zone district designation.

B. Limitation on Permit Issuance

mit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

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

B. Lower Floor Building Design

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

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9.4.5.11 River North Design Overlay District (DO-7)

A. Creation

There is hereby created a design overlay district designated as the River North (RiNo) Design Overlay District (DO-7).

B. General Purpose of Overlay District

1. Implement adopted plans; and
2. Promote creative, high-quality, design in the general area covered by the adopted 38th and Blake Station Area Height Amendments and the RiNo Business Improvement District;
3. Provide flexibility to support the diverse design traditions of RiNo;
4. Activate the South Platte River frontage to promote the river as a neighborhood asset;
5. Maintain human scale and access to daylight as heights and densities increase throughout the district;
6. Promote vibrant pedestrian street frontages with active uses and street-fronting building entries;
7. Provide transitions between residential frontages and mixed-use streets;
8. Ensure that buildings are designed to adapt to new uses as the district changes and evolves;
9. Promote active transportation options, such as walking and biking;
10. Minimize potential conflict points between pedestrians and motor vehicles;
11. Minimize the visibility of surface and structured parking areas for vehicles; and
12. Encourage small, privately-owned, open spaces to increase design diversity along the street frontage and support pedestrian activity.

C. Applicability of Overlay District

The provisions of this DO-7 district shall apply only to those areas within Denver Zoning Code Mixed Use Commercial, Industrial Mixed Use and Residential Mixed Use Underlying Zone Districts that are designated with the DO-7 Overlay Zone District on the Official Zone Map.

D. Building Form Intent Within Overlay District

1. Siting

a. Required Build-To

- i. Provide a consistent street edge.
- ii. Define streets to promote pedestrian activity and sense of place.
- iii. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.

b. Residential Setbacks

- i. Promote a vibrant and safe pedestrian experience.
- ii. Provide transitional space between the edge of a public sidewalk and a Street Level building frontage containing residential dwellings.
- iii. Activate the street while providing privacy for residents.

c. Parking Location and Access

- i. Minimize the visual impact of parking areas on streets and adjoining properties where parking is needed.
- ii. Minimize conflict between pedestrians, cyclists and vehicles where parking is needed.
- iii. Ensure that surface parking is well integrated into to the streetscape.

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2. Design Elements

- a. **Street Level Height**
 - i. Promote Street Level designs that can be adapted to a wide array of future uses.
 - ii. Ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.
- b. **Limitation on Visible Parking Above the Street Level**
 - i. Promote structured parking designs that are compatible in character and quality with the overall building facade, adjoining buildings and streetscapes.
 - ii. Promote visual interest on upper story building facades.
- c. **Incremental Mass Reduction**
 - i. Reduce the perceived mass and scale of buildings.
 - ii. Preserve access to daylight.
 - iii. Promote creative building designs.
 - iv. Incentivize provision of Private Open Space.
- d. **Transparency**
 - i. Maximize transparent windows at the Street Level to activate the street.
 - ii. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and connect to uses within the building.
 - iii. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties.
- e. **Dwelling Unit Entrance with Entry Feature**
 - i. Ensure that individual residential units contribute to activation of the street.
 - ii. Promote frontage designs with a traditional semi-public transition area between the public street frontage and private residential units.
 - iii. Promote visually interesting and human-scaled facades.

E. Primary Building Form Standards Within Overlay District

- 1. **Applicability**
All development, except detached accessory structures, in the DO-7 district.
- 2. **General Standards**
Except as modified in this Section 9.4.5.11.E, the primary building form standards set forth in the Underlying Zone District shall apply.
- 3. **District Specific Standards Summary**
The maximum number of structures per Zone Lot and building forms allowed in the Underlying Zone District are modified as summarized below:

Max Number of Primary Structures per Zone Lot	Building Forms													
	Suburban House	Urban House	Detached Acc. Dwelling Unit	Duplex	Tandem House	Town House	Garden Court	Row House	Apartment	Drive Thru Services	Drive Thru Restaurant	General	Shopfront	Industrial
no max												■	■	

■ = Allowed □ = Allowed subject to limitations

- 4. **District Specific Standards Within Overlay Zone District**
The district-specific standards of the Underlying Zone District are modified as set forth in the following table.

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HEIGHT	DO-7 Overlay District	
<u>Height in feet and stories, height adjacent to a Protected District and height exceptions</u>	<u>See Underlying Zone District or Other Applicable Overlay</u>	
SITING	DO-7 Overlay District	
REQUIRED BUILD-TO		
<u>Primary Street (min build-to %)</u>	<u>70%</u>	
<u>Primary Street (min/max build-to range)</u>	<u>0'/15'</u>	
<u>Build-to Exceptions and Alternatives</u>	<u>Frontage Subject to a Residential Setback: 7'/20'</u>	
<u>Build-to Exceptions and Alternatives</u>	<u>See Section 9.4.5.11.G.1</u>	
SETBACKS		
<u>Primary Street, Side Street, Side Interior, Rear, Setback adjacent to Protected District and Setback exceptions/encroachments</u>	<u>See Underlying Zone District</u>	
RESIDENTIAL SETBACKS		
<u>Primary and Side Street (min)</u>	<u>7'</u>	
PARKING		
<u>Surface Parking between building and Primary Street</u>	<u>Not Allowed</u>	
<u>Surface Parking Screening Required</u>	<u>See Section 7.3.5.1.C</u>	
<u>Surface Parking Screening Required</u>	<u>See Section 9.4.5.11.F.1</u>	
<u>Vehicle Access</u>	<u>See Underlying Zone District</u>	
DESIGN ELEMENTS	DO-7 Overlay District	
BUILDING CONFIGURATION		
<u>Street Level Height (min)</u>	<u>16'</u>	
<u>Limitation on Visible Parking Above Street Level for Structures Over 5 stories or 70' feet in height (min % of Primary and Side Street-facing Zone Lot Width)</u>	<u>70%</u>	
<u>Alternative to Limitation on Visible Parking Above Street Level</u>	<u>See Section 9.4.5.11.F.2</u>	
<u>Alternative to Limitation on Visible Parking Above Street Level</u>	<u>See Section 9.4.5.11.G.2</u>	
<u>Upper Story Setback adjacent to Primary Street and Protected District</u>	<u>See Underlying Zone District</u>	
INCREMENTAL MASS REDUCTION BY ZONE LOT SIZE/WIDTH		
	<u>≤18,750 Sq. Ft/ ≤150'</u>	<u>>18,750 Sq. Ft/ >150'</u>
<u>Incremental Mass Reduction for Stories 3-5</u>	<u>na</u>	<u>10%</u>
<u>Incremental Mass Reduction for Stories 6-8</u>	<u>na</u>	<u>15%</u>
<u>Incremental Mass Reduction for Stories 9-12</u>	<u>na</u>	<u>20%</u>
<u>Incremental Mass Reduction for Stories 13-16</u>	<u>na</u>	<u>30%</u>
<u>Alternative to Incremental Mass Reduction</u>	<u>na</u>	<u>See Section 9.4.5.11.G.3</u>
STREET LEVEL ACTIVATION		
<u>Transparency, Primary Street (min for all uses)</u>	<u>50%</u>	
<u>Transparency, Side Street (min for all uses)</u>	<u>40%</u>	
<u>Transparency Alternatives</u>	<u>See Section 9.4.5.11.G.4</u>	
<u>Pedestrian Access, Primary Street</u>	<u>See Underlying Zone District</u>	
<u>Additional Pedestrian Access, Primary and Side Street (min. required for each Street Level Dwelling Unit)</u>	<u>1 Dwelling Unit Entrance with Entry Feature for each Street Level Dwelling Unit</u>	
	<u>See Section 13.1.6.2.B.3.c.</u>	
USES	DO-7 Overlay District	
<p><u>(1) On all Zone Lot Sizes and Widths, 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 7.3.5.5.C; (2) Where Zone Lot Size is greater than 18,750 square feet, or Zone Lot Width is greater than 150 feet, 70% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied only by Street Level non-residential active uses as described in Section 9.4.5.11.F.3 (note that the remaining 30% shall be occupied by Street Level active uses as described in Section 7.3.5.5.C); and (3) The exterior of the Structure shall not have individual entrances to storage units within a Mini-Storage Facility use.</u></p>		

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F. Supplemental Design Standards for the DO-7 Overlay District

1. Perimeter Surface Parking Lot Landscaping Standards

a. Applicability

- i. Whenever the area of an existing surface parking lot is expanded or when a new area is constructed, the entire Off-Street Parking Area shall be landscaped according to this Section 9.4.5.11.F.1 rather than Section 10.5.4.4 Perimeter Surface Parking Lot Landscaping Standards.
- ii. Section 10.5.4.1,B Exceptions, shall apply to the standards in this Section 9.4.5.11.F.1.

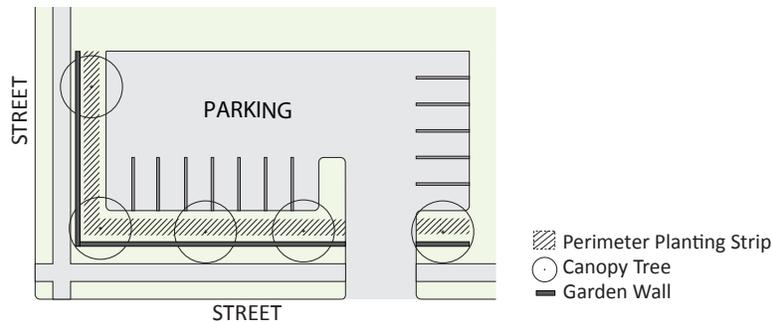
b. Allowance for Perimeter Surface Parking Lots Abutting Street Right-of-Way

Perimeter Surface Parking Lots Abutting Street the Right-of-Way shall be landscaped to the following standards:

- a) To the maximum extent feasible, on-site drainage required for a Zone Lot shall be integrated into the perimeter planting strip.
- b) Alternatives to required landscape and wall materials may be allowed to better match primary building materials used on the site according to Section 12.4.5 Administrative Adjustment.
- c) The following shall be provided within Zone Lot boundaries between the boundary of any surface parking lot and street rights-of-way. See Figure 9.4-15.

PERIMETER PLANTING STRIP REQUIRED	PLANTINGS REQUIRED WITHIN THE PERIMETER PLANTING STRIP	GARDEN WALL REQUIRED	GARDEN WALL HEIGHT	GARDEN WALL MATERIALS	PEDESTRIAN ACCESS REQUIRED
<u>Yes, minimum width of 8'</u>	<u>1 deciduous canopy tree for every 25' of linear frontage. Spacing of trees may vary; the maximum spacing is 40'</u>	<u>Yes</u>	<u>Min. 30 inches; Max. 42 inches</u>	<u>Masonry or Ornamental fence with masonry piers spaced not more than 25'</u>	<u>Yes; Min. 3' wide access at max. of 80' intervals along all public street and alley frontages of the parking lot</u>

Figure 9.4-15



c. Allowance for Perimeter Surface Parking Lot Landscaping Standards Adjacent to a Residential Use or Zone

The fence requirements set forth in Section 10.5.4.4.C shall apply to off-street parking areas adjacent to a residential use or zone district in addition to the standards set forth in this Section 9.4.5.11.F.1.

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2. Limitation on Visible Parking Above Street Level in the DO-7 District

a. Intent

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

b. Applicability

This Section 9.4.5.11F.2 applies to all Structures in the DO-7 district that are greater than 5 stories or 70 feet in height (excluding permitted height exceptions) and include structured parking above Street Level, except where an exception has been used as set forth in Section 9.4.5.11G.2.

c. Allowance

i. Uses that meet the Limitation on Visible Parking Above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary or Side Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth) to wrap structured parking.

ii. Uses that meet the Limitation on Visible Parking Above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum specified percentage of the Primary or Side Street-facing Zone Lot Width.

3. Street Level Active Non-Residential Use in the DO-7 District

a. Intent

To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment with uses accessible to the general public.

b. Applicability

This Section 9.4.5.11.F.3 applies to all Structures in the DO-7 district that are greater than 3 stories or 45 feet in height (excluding permitted height exceptions) and are located on Zone Lots that are:

i. Greater than 18,750 square feet in Zone Lot Size; or

ii. Greater than 150 feet in Zone Lot Width.

c. Allowance

i. Street Level active non-residential uses include all permitted primary uses except the following:

a) Dwelling, Single Unit;

b) Dwelling, Two Unit

c) Dwelling, Multi-Unit;

d) Dwelling, Live / Work;

e) Automobile Services, Light;

f) Mini-storage Facility; or

g) Wholesale Trade or Storage, Light.

ii. Street Level active non-residential uses include all permitted accessory uses except the following:

a) Accessory uses associated with primary uses prohibited by Section 9.4.5.11.F.3.c.i;

b) Outdoor Storage, General;

c) Outdoor Storage, Limited;

d) Car Wash Bay Accessory to Automobile Services or Hotel Uses; or

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- e) Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
- iii. Street Level active non-residential uses shall not include Parking Spaces or Parking Aisles.
- iv. Street Level active nonresidential uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards).
- v. The length of any build-to alternatives permitted by Section 9.4.5.11.G.1, except the Private Open Space alternative, shall not apply toward the required percentage of Street Level building frontage that must be occupied by Street Level active nonresidential uses.

G. Design Standard Alternatives and Exceptions for the DO-7 District

1. Required Build-to Alternatives in the DO-7 District

- a. **Intent**
To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.
- b. **Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required build-to standard in the DO-7 district and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.7.E:

REQUIRED BUILD-TO ALTERNATIVES						
PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)
<u>na</u>	<u>25%</u>	<u>25%*</u>	<u>30%*</u>	<u>30%*</u>	<u>100%</u>	<u>na</u>
<u>na</u>	<u>25%</u>	<u>25%*</u>	<u>30%*</u>	<u>30%*</u>	<u>100%</u>	<u>na</u>
<u>na</u>	<u>25%</u>	<u>25%*</u>	<u>30%*</u>	<u>30%*</u>	<u>100%</u>	<u>na</u>
<u>na</u>	<u>25%</u>	<u>25%*</u>	<u>30%*</u>	<u>30%*</u>	<u>100%</u>	<u>na</u>

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

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2. **Limitation on Visible Parking Above Street Level Alternative for Integrated Facade Design**

a. **Intent**

To ensure structured parking designs that are compatible with the character and quality of the overall building facade where it is not possible to wrap or screen structured parking with other uses.

b. **Allowance**

Where 100% of a street-facing building facade containing structured parking meets the standards set forth in i-iii below, the resulting integrated facade design may be used as an alternative to the Limitation on Visible Parking Above Street Level in the DO-7 district. See Figure 9.4-16.

i. Where the alternative is used, Street-facing facades containing structured parking shall be integrated into the overall facade design through use of:

a) Similar building materials to those used on adjacent facade areas that do not contain structured parking

b) Facade articulation and fenestration patterns that integrate with portions of the building facade that do not contain structure parking

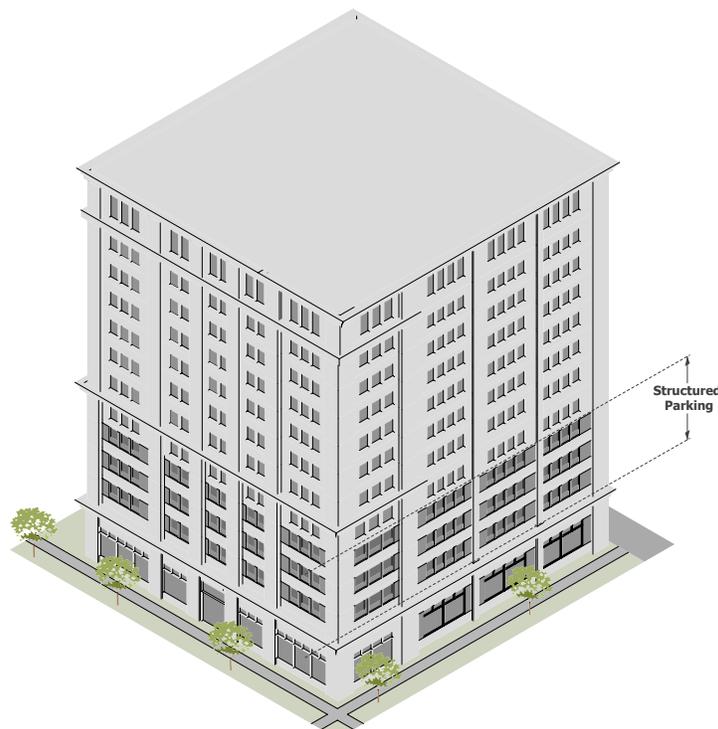
ii. Where the alternative is used, Street-facing facades containing structured parking shall minimize the visibility of parking areas through use of:

a) Non-transparent facade materials for a minimum height of 4 feet from the finished floor of each story

b) Fully-shielded LED or other lighting not exceeding 6,500 lumens in any parking aisle behind a street-facing facade

iii. Where the alternative is used, Section 10.4.6.5 Parking Structure Design Standards shall apply in addition to the Standards set forth in this Section 9.4.5.11.G.2.

Figure 9.4-16

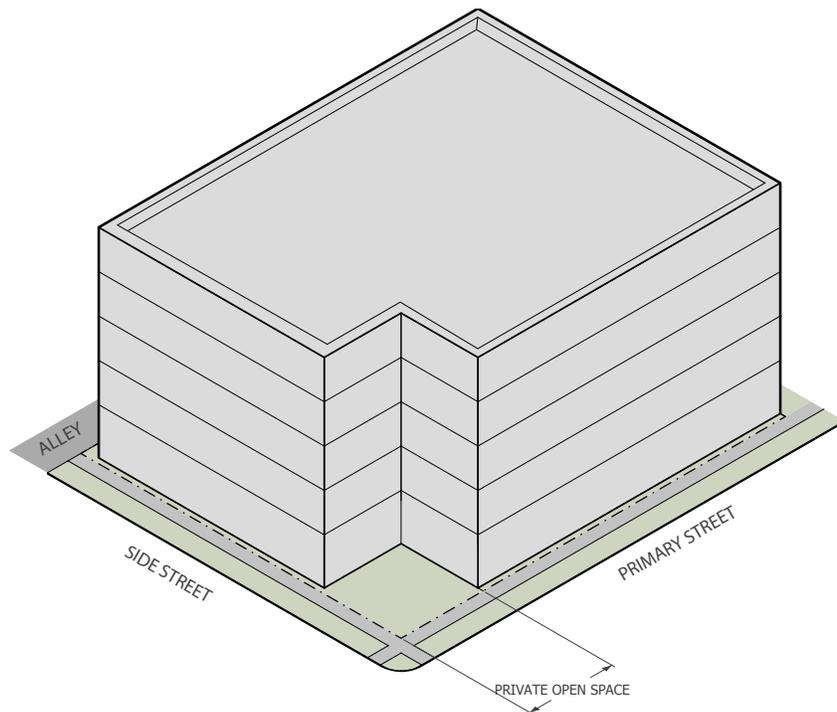


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3. Incremental Mass Reduction Alternative for Provision of Private Open Space in the DO-7 District

- a. **Intent**
To encourage provision of active, pedestrian-oriented courtyards and plazas while allowing maximum flexibility for creative building massing.
- b. **Allowance**
Where the minimum percentage of the gross area of a Zone Lot set forth in i-ii below is provided as Private Open Space meeting the rules of measurement set forth in Section 13.1.6.1.B, all Structures on the Zone Lot are not required to meet Incremental Mass Reduction standards. See Figure 9.4-17.
 - i. Structures that are up to 150 feet or 12 stories in height (excluding permitted height exceptions): 10% Private Open Space
 - ii. Structures that are greater than 150 feet or 12 stories in height (excluding permitted height exceptions): 15% Private Open Space

Figure 9.4-17



4. Street Level Transparency Alternatives in the DO-7 District

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

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- b. **Allowance**
The following alternatives may be used singularly or in combination as alternatives to a required transparency standard in the DO-7 district and may count toward required transparency no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.6.2.A.5:

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

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

- a. **Intent**
To promote multi-modal transportation options near major transit investments and provide flexibility for development with reduced automobile orientation.
- b. **Applicability**
- i. The vehicle parking exception set forth below shall apply all to all uses located within the boundary of this DO-7 district that are also located within 1/2 mile of the outer boundary of the Rail Transit Station Platform at the 38th and Blake commuter rail station.
 - ii. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.10 Measurement of Separation or Distance.
- c. **Exemption Allowed**
- i. All uses in the area described by Section 9.4.5.11.H.b.i shall be exempt from providing the minimum amount of vehicle parking otherwise required by this Code.
 - ii. Minimum bicycle parking requirements set forth in the Underlying Zone District shall apply.
- d. **Relationship to Maximum Vehicle Surface Parking for Transit Oriented Development**
Where Section 10.4.4.4 Maximum Vehicle Surface Parking for Transit Oriented Development applies, maximum parking standards shall apply, based on the minimum amount of parking set forth in the Underlying Zone District for such use or structure absent any exemption or reduction.

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SECTION 9.4.6 INCENTIVE OVERLAY DISTRICTS (IO-)

9.4.6.1 General Purpose

Incentive Overlay Districts are intended to serve one or more of the following purposes:

- A. Provide flexibility in zoning standards for projects that deliver specified community or citywide benefits beyond what is required by the Denver Zoning Code and other regulations, including, but not limited to:
 - 1. Affordable housing;
 - 2. Community amenities;
 - 3. Cultural facilities; or
 - 4. Publicly-accessible open space.
- B. Incentivize provision of community benefits specified in an adopted neighborhood or small area plan that sets forth community priorities and is adopted as part of the Comprehensive Plan.
- C. Incentivize provision of community benefits that are not attainable through other requirements or programs.
- D. Provide clear and predictable development outcomes.

9.4.6.2 Minimum Requirements for Establishment

In addition to the minimum criteria for official map amendment applications specified in Section 12.4.10 Official Map Amendment (Rezoning), an application for a rezoning to apply an Incentive Overlay District shall comply with the following provisions:

A. Application Requirements

An application to rezone to an Incentive Overlay District shall include, in addition to other submittal requirements, the following information:

- 1. A statement of purpose and an explanation of how the review criteria stated in Section 9.4.6.2.B are met.
- 2. A map indicating the boundaries of all lots located within the proposed Incentive Overlay District and the Underlying Zone Districts contained within the proposed Incentive Overlay District.

B. Review Criteria for Approval of District

In addition to the review criteria applicable to rezonings stated in Section 12.4.10, Official Map Amendment (Rezoning), and to text amendments stated in Section 12.4.11 Text Amendment, the Incentive Overlay District shall meet the following criteria:

- 1. Application of an Incentive Overlay District will provide community benefits that further one or more adopted city policies; and
- 2. Such community benefits have been determined by the City to be best achieved through incentives, rather than requirements; and
- 3. Application of an Incentive Overlay District will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and
- 4. Application of an Incentive Overlay District will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted City policies.

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9.4.6.3 Modification of Underlying Zone District Standards

A. Modification of Permitted Uses

1. An Incentive Overlay District shall not modify uses permitted in the Underlying Zone District.
2. An Incentive Overlay District may modify use limitations otherwise applicable to permitted uses in the Underlying Zone District.

B. Modification of Standards

1. An Incentive Overlay District may modify building form standards and general design standards otherwise applicable in the Underlying Zone District to incentivize specified community benefits. Allowed modifications include, but are not limited to:
 - a. Increased building height; and/or
 - b. Increased floor area; and/or
 - c. Reduced setbacks; and/or
 - d. Reduced minimum vehicular parking.
2. An Incentive Overlay District shall not introduce new building form standards or general design standards that are not applicable in the Underlying Zone District. However, the adoption of an Incentive Overlay District may be accompanied by the adoption of a Conservation Overlay District or Design Overlay District that includes the introduction of new building form standards and/or general design standards.

9.4.6.4 Incentive Overlay Districts Established

The following Incentive Overlay Districts are established:

INCENTIVE OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
<u>38th and Blake Station Area Incentive Overlay</u>	<u>IO-1</u>

9.4.6.5 Effect of Approval

A. Official Map Designator

Each Incentive Overlay District shall be shown on the official map by an "IO-#" designator and an appropriate number placed after the Underlying Zone District designation.

B. Limitation on Permit Issuance

No building permit for development within an Incentive Overlay District shall be issued by the City unless the development meets the standards set forth in the adopted Incentive Overlay District, any applicable incentive requirements set forth in the Denver Revised Municipal Code (D.R.M.C) and any applicable approved Rules and Regulations. Coordination with, and approval from other City agencies, such as the Office of Economic Development, may be required prior to permit issuance in an Incentive Overlay District.

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9.4.6.6 38th and Blake Station Area Incentive Overlay District (IO-1)

A. Creation

There is hereby created an Incentive Overlay District designated as the 38th and Blake Station Area Incentive Overlay District (IO-1).

B. General Purpose of Overlay District

1. Ensure that higher-intensity development in the area covered by the adopted 38th and Blake Station Area Height Amendments complements public transit investments by providing specific community-benefits as recommended by the adopted plan; and
2. Implement specific adopted plan policies for the 38th and Blake Station area by requiring additional affordable housing and other community benefits in excess of standard requirements for development above plan-specified Base Heights; and
3. Implement an incentive-based system to that recognizes development entitlements within Underlying Zone Districts while allowing greater development potential for projects that provide community benefits in excess of standard requirements.

C. Applicability

1. The provisions of this IO-1 district shall apply only to those areas within Denver Zoning Code Mixed Use Commercial, Mixed Use Industrial and Residential Mixed Use Underlying Zone Districts that are designated with the IO-1 Overlay Zone District on the Official Zone Map.
2. The provisions of this IO-1 district shall apply in conjunction with applicable requirements in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

D. Maximum Base Height

1. Maximum Base Height shall be the maximum height in stories and feet set forth in the Underlying Zone District.
2. Structures that do not exceed the maximum Base Height shall not be subject to the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height.

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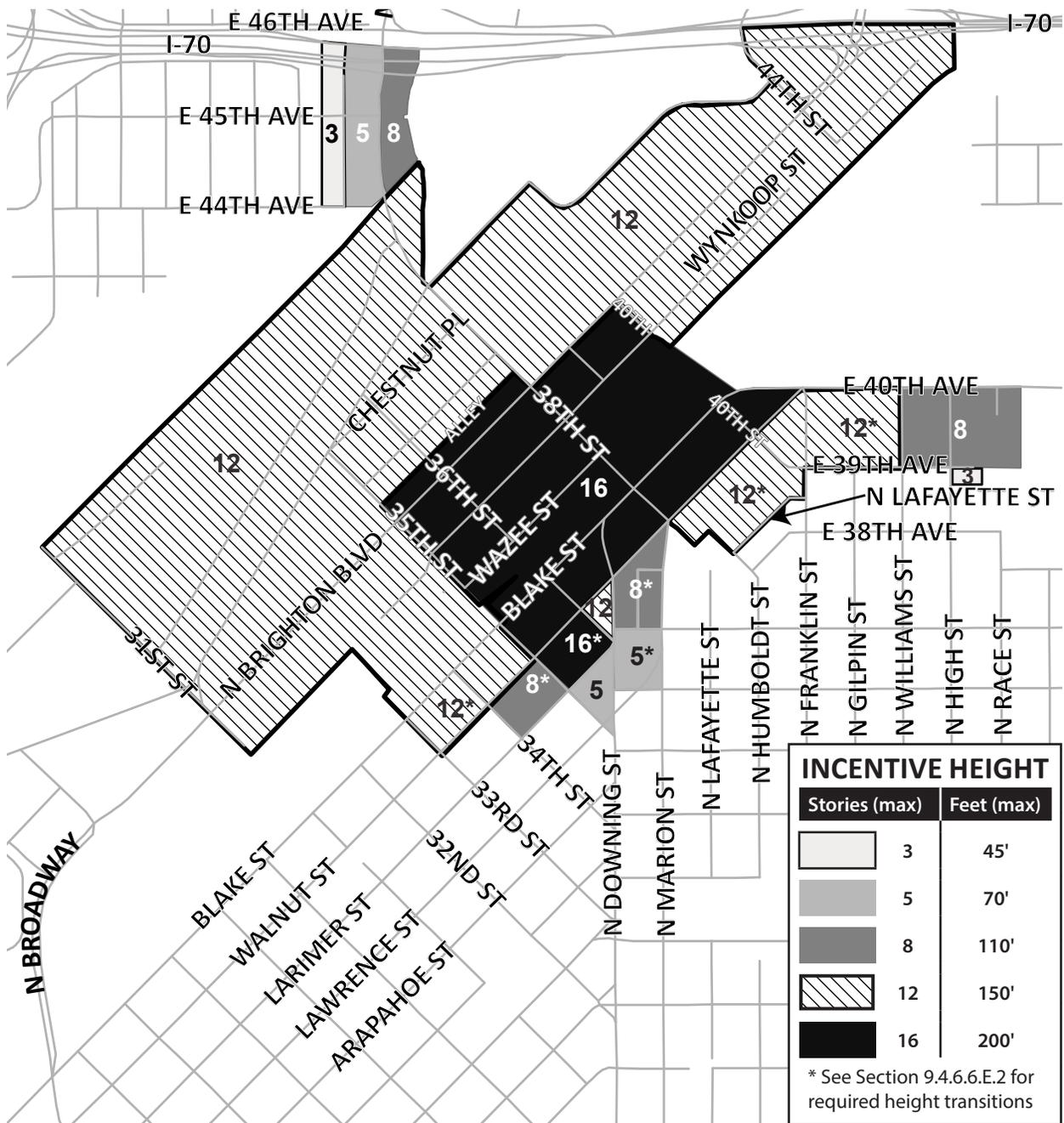
E. Maximum Incentive Height

Structures that meet the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in this Section 9.4.6.6.E.

1. Maximum Incentive Height Map

- a. For properties in the IO-1 district, Incentive Height maximums are set forth on the map in Figure 9.4-18, except where height transitions are required by Section 9.4.6.6.E.2.
- b. Community Planning and Development shall maintain a detailed map for application of Incentive Height to specific Zone Lots.

Figure 9.4-18



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2. **Incentive Height in Transition Areas**

To promote compatibility with lower-scale districts, neighborhoods or street frontages, a reduced maximum Incentive Height shall apply in transitional areas as set forth in Sections a and b below. Where the provisions of both Sections a and b apply, the maximum Incentive Height shall be the lower of the applicable maximum heights.

a. **Height Transition Adjacent to Specific Streets**

The maximum Incentive Height shall be as follows within the specified distance of a Primary or Side Street Zone Lot line fronting the following streets:

STREET	DISTANCE FROM ZONE LOT LINE	MAXIMUM INCENTIVE HEIGHT	
		STORIES	FEET
39TH AVENUE			
West of Williams Street*	85'	8	110'
LAFAYETTE STREET			
West of Franklin Street*	210'	8	110'
MARION STREET			
From 300' South of Walnut Street to 36th Avenue	35'	3	45'
LARIMER STREET			
Northeast of 35th Street	135'	12	150'
Southwest of 35th Street	135'	5	70'
33RD STREET			
Northwest of Walnut Street	175'	8	110'

*A portion of this area may be subject to a reduced maximum Incentive Height adjacent to a Protected District. See Section 9.4.6.6.E.2.b.

b. **Height Transition Adjacent to a Protected District**

The maximum Incentive Height shall be 75 feet within 175 feet of a Protected District unless further limited by Section 9.4.6.6.E.2.a.

F. **Requirements for Structures Using Incentive Height**

- No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.
- No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height is greater than the gross square footage of uses other than Parking Spaces or Parking Aisles located above the maximum Base Height.

Draft Note: As referenced above, a new Chapter 27, Article VI ' to follow the existing Chapter 27, Article V 'Dedicated Funding for Affordable Housing' (new 2017 Article setting forth the citywide linkage fee) is proposed to provide related affordable housing requirements.

SECTION 9.7.6 DESIGN STANDARD ALTERNATIVES

9.7.6.1 Required Build-To Alternatives

A. Intent

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

B. Allowance

The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.6.7.E:

REQUIRED BUILD-TO ALTERNATIVES							
ZONE DISTRICT	PERMANENT OUTDOOR PATIO SEATING (MAX INCREASE IN BUILD-TO RANGE)	PRIVATE OPEN SPACE (MAX % OF BUILD-TO)	GARDEN WALL (MAX % OF BUILD-TO)	GARDEN WALL WITH COVERED SEATING FOR PEDESTRIANS (MAX % OF BUILD-TO)	PERGOLA (MAX % OF BUILD-TO)	ARCADE (MAX % OF BUILD-TO)	COURTYARD (MAX % OF BUILD-TO)
M-RH M-RX M-MX M-IMX M-GMX	na	na	25%*	30%*	30%*	100%	100%

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

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B. Applicability

1. This Section 10.4.4.4 shall apply to all uses located within 1/4 mile of the outer boundary of a Rail Transit Station Platform in all zone districts except the CMP zone districts; and
2. This Section 10.4.4.4 shall apply only to limit the amount of Surface Parking.
3. If a structure or use is exempt according to Section 10.4.5 Vehicle Parking Exceptions or Section 9.4.5.11.H Vehicle Parking Exception for Transit Oriented Development in the DO-7 District, 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 or reduction.
4. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.10, Measurement of Separation or Distance.

C. Maximum Vehicle Surface Parking Permitted

For all applicable zone districts, Surface Parking spaces shall not exceed 110 percent of the minimum parking spaces required by the subject property's zone district, except that up to 1 vehicle surface parking space per dwelling unit shall be allowed even if exceeding the 110 percent.

10.4.4.5 Location of Required Vehicle Parking

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

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

B. Off-Site Vehicle Parking

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

1. The subject Primary Use may provide off-site vehicle parking provided that the parking spaces on the off-site Zone Lot are not required vehicle parking spaces for any other Primary Use(s) (See Section 10.4.5.4 Shared Vehicle Parking for that scenario).
2. Parking requirements may be met off the zone lot by ownership or a current lease of parking spaces on another zone lot and dedicated to the primary use being served. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the zoning permit until the parking deficiency is remedied.
3. Off-site parking shall be located within a "walking distance" of 1,500 feet from the use served by the remote parking. "Walking distance" shall be measured from the primary entrance of the primary use served along a connection that meets ADA requirements.

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C. Application and Fees

1. Submittal in Writing

All applications for site development plan review shall be filed in writing with Community Planning and Development. The applicant shall pay all required fees at the same time the application is submitted. See Section 12.3.3, Submission of Applications.

2. Concurrent Applications

Concurrent applications may be allowed according to Section 12.3.3.9, Concurrent Applications. In no case, however, shall a building permit, as applicable, be issued until the site development plan is approved and all zoning permits issued according to this Article, unless the Zoning Administrator allows an exception in writing.

D. Public Notice Requirements

Informational Notice shall be provided according to Section 12.3.4.5, Informational Notice-General Provisions, for the following types of site development plan review applications only:

1. Site development plans where multiple primary buildings will be sited on the same zone lot in a Residential Zone District, but not including development of a tandem house building form on a single zone lot. For such site development plans, written informational notice shall be given only for receipt of the application.
2. Certain construction and exceptions in the Campus Healthcare (CMP-H and CMP-H2) zone districts, as specified in Article 9, Section 9.2.3.2.3, Construction Subject to Review and Final Decision by Planning Board.

E. Review, Referral and Decision by Development Review Committee

1. The DRC shall refer the site development plan application to other affected or interested agencies for review and comment.
 - a. For proposed development in the DIA Influence Area Overlay District, the DRC shall refer the site development plan application to the Department of Aviation for review. The DRC shall not approve a site development plan in the DIA Influence Area Overlay District until the Manager of the Department of Aviation, or designee, has found that the proposed development complies with the DIA Influence Area Overlay District standards in Article 9 of this Code. The Manager of Aviation shall comment within 14 days from the referral of the complete application. Non-response by the Manager of Aviation within the 14-day time period, or any extension agreed to by the DRC, shall be deemed a recommendation of approval.
 - b. For proposed development in an Incentive Overlay District, the DRC shall refer the site development plan application to other City agencies, such as the Office of Economic Development where an Incentive Overlay District requires agency approval for Structures using incentives.
2. If required by Section 12.4.3.3.F, Review and Final Decision by Planning Board, the DRC shall forward the site development plan application, together with the DRC's recommendation, to the Planning Board for the Planning Board's review and final decision on the site development plan application.
3. The DRC shall consider the relevant comments of all interested parties, the actions taken by other agencies on the site development plan, as applicable, the recommendation by the Planning Board, as applicable, and the review criteria stated below, in approving, approving with conditions, or denying a site development plan application.
4. The DRC may attach conditions to the site development plan approval reasonably necessary to protect the health, safety and welfare of the community and to minimize adverse impacts on adjacent properties, as authorized by this Code.

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SECTION 13.1.5 SITING FORM STANDARDS

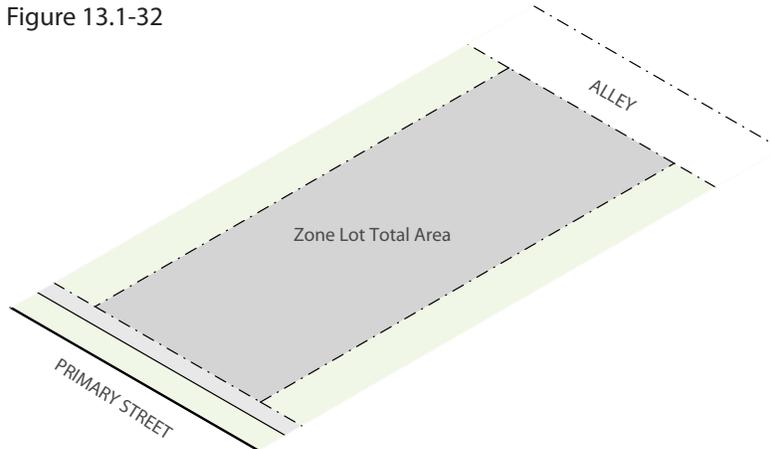
13.1.5.1 Zone Lot Size and Width

A. Zone Lot Size (Min)

1. Rule of Measurement

Zone lot size is the total area within a property's zone lot lines, excluding adjacent or abutting right-of-way. See Figure 13.1-32.

Figure 13.1-32



B. Zone Lot Width

1. Rule of Measurement

Zone lot width is the distance between the zone lot lines intersecting the Primary Street zone lot line, measured along the required minimum primary street setback line. See Figures 13.1-33 and -34.

Figure 13.1-33

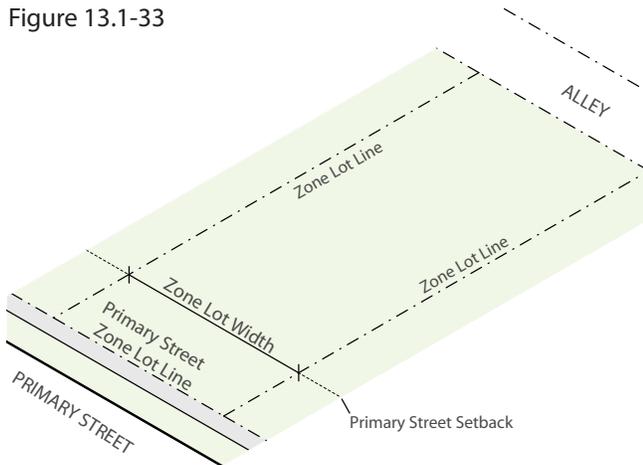
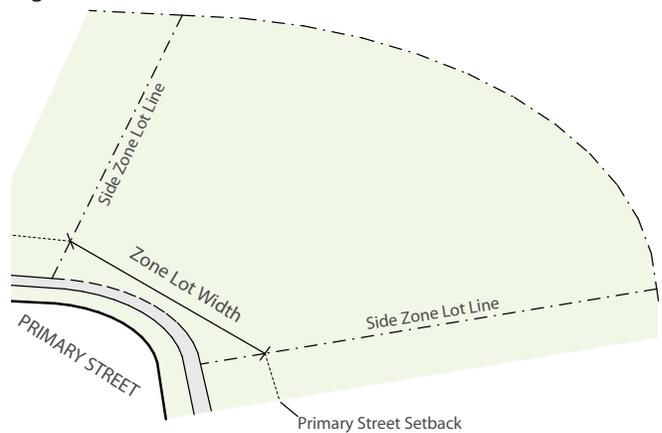


Figure 13.1-34



C. Zone Lot Width in the DO-7 Overlay District

1. Rule of Measurement

In lieu of the rule of measurement set forth in Section 13.1.5.1.B, Zone Lot Width in the DO-7 district shall be the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line measured along the Primary Street Zone Lot Line. For Zone Lots with multiple Primary Street Zone Lot Lines, the Primary Street Zone Lot Line with the greatest length will used to determine Zone Lot Width.

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13.1.5.6 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District

A. Intent

To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

B. General Requirements

The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B General Requirements shall apply in addition to the requirements set forth in this Section 13.1.5.6.

C. Criteria for Zoning Administrator Determinations

For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
 - a. Guidance provided in any applicable General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Streets.
 - b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street designation for more than one Abutting street.
2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
 - a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
 - b. Where a corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.
3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-57.
4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets

In lieu of the provisions set forth in Sections 13.1.5.4.E-G, the Zoning Administrator shall designate a Zone Lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-57.

13.1.5.7 Required Build-To

A. Intent

To clearly define the public realm through consistent building placement, massing and orientation.

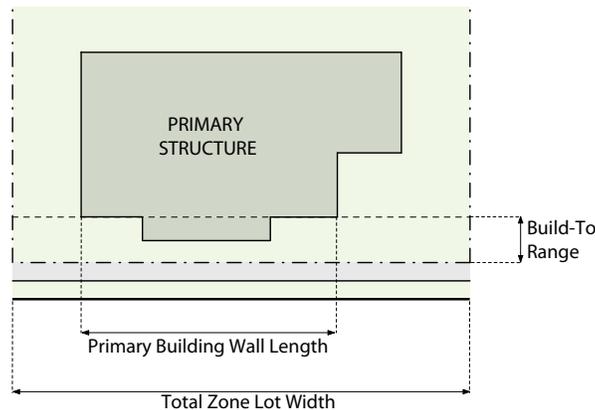
B. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify required build-to standards for many Primary Building Forms. Rules of measurement, general requirements, and build-to alternative requirements are provided in this Section 13.1.5.67.

C. Rule of Measurement

See Figure 13.1-5758

Figure 13.1-58



1. Min/Max Range:

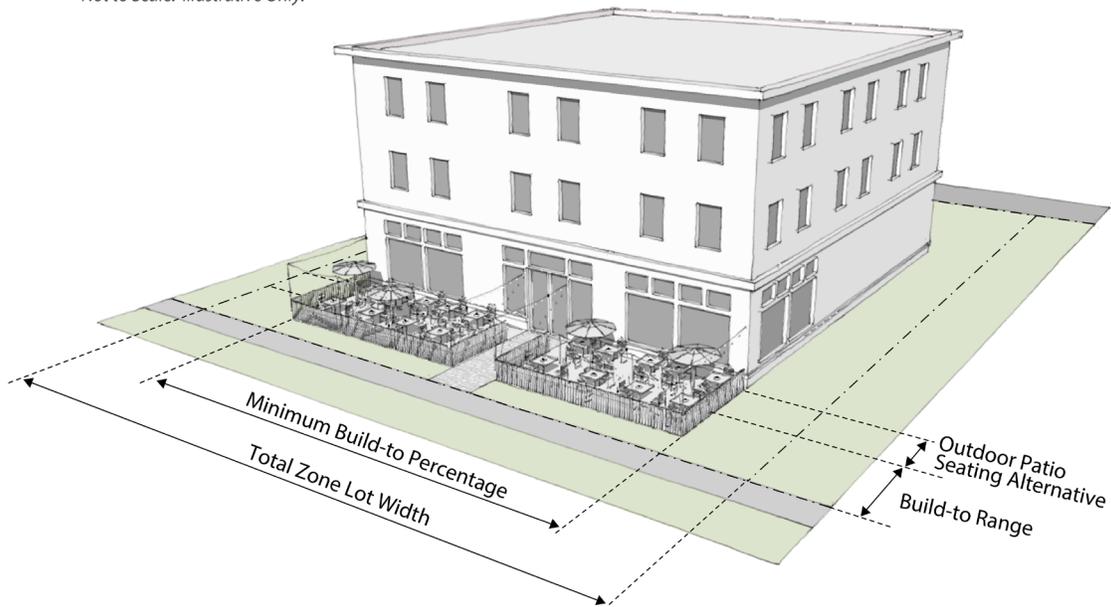
- a. Required build-to standards are measured from and perpendicular to the zone lot line abutting a named or numbered street.
- b. Where a zone lot includes an easement for public access or the benefit of a public utility, and such easement abuts the public street right-of-way, a required build-to shall be measured from the easement rather than from the zone lot line.
- c. Where a Zone Lot includes open space meeting the requirements of 12.4.12.5 abutting the public street right-of-way, a required Build-to shall be measured from the open space rather than the zone lot line.

2. Minimum Percentage:

- a. Required build-to is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative such as a garden wall, located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right-of-way.
- b. For a Zone Lot including an easement for public access or the benefit of a public utility, the required Build-To is calculated as a percentage (%) using the length of the primary building front or side wall, and/or the length of a permitted build-to alternative located at or within the range of the Build-To requirement, divided by the total zone lot width at the zone lot line abutting the street right of way less the dimension of the easement.

Figure 13.1-60

Not to Scale. Illustrative Only.



2. Private Open Space

Private Open Space shall comply with the following standards:

- a. Private Open Space used as a build-to alternative in any zone district:
 - i. Shall be open to the sky
 - ii. Shall not be covered by an Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies
 - iii. May include tables, chairs, benches, sculptures and similar elements
 - iv. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district
 - v. Shall be fully visible from a primary street
 - vi. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.
- b. Private Open Space used as a build-to alternative in a C-CCN zone district shall contain at least one Minimum Contiguous Area meeting the requirements of Section 13.1.6.1.B.3.b.vi†

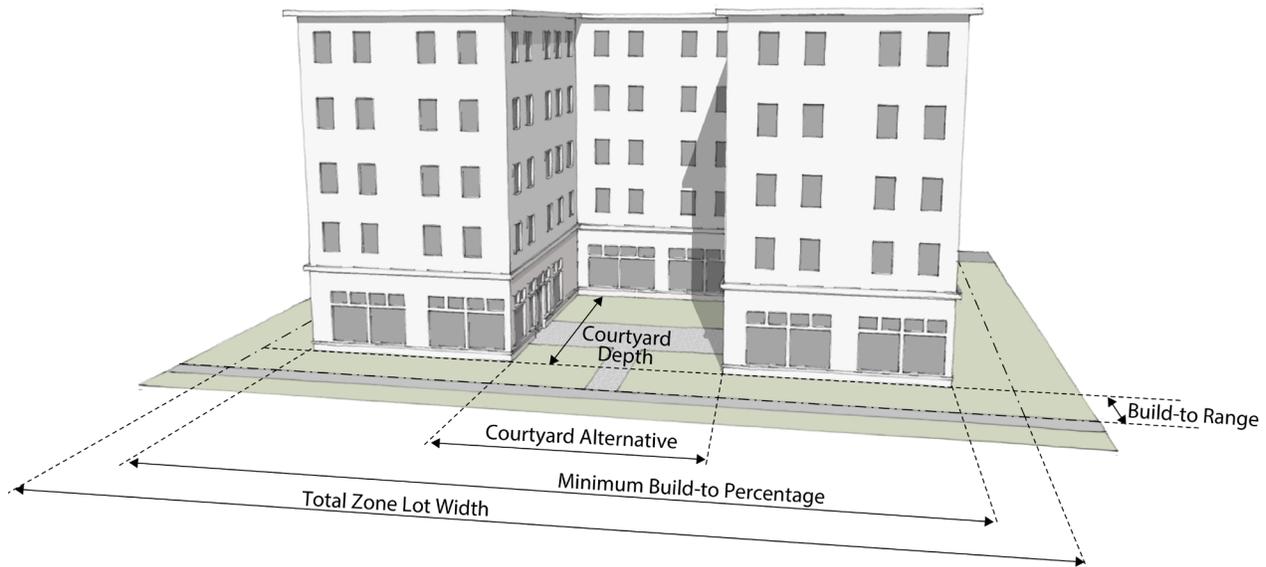
3. Garden Wall

A garden wall shall comply with all of the following standards:

- a. Garden Walls must be between 30 inches and 42 inches in height with the following exceptions:
 - i. Decorative and/or structural piers may exceed 42 inches in height.
 - ii. Seating incorporated into the wall may be a minimum of 18 inches in height and may be accessed from both sides of the wall without an intervening division.
 - iii. Pergola, awning and trellis structures must maintain clear visual sight lines between the public right of way and the property between the heights of 42 inches and 84 inches.

Figure 13.1-64

Not to Scale. Illustrative Only.



13.1.5.8 Setbacks

A. Intent

To provide adequate separation for privacy and access to sunlight.

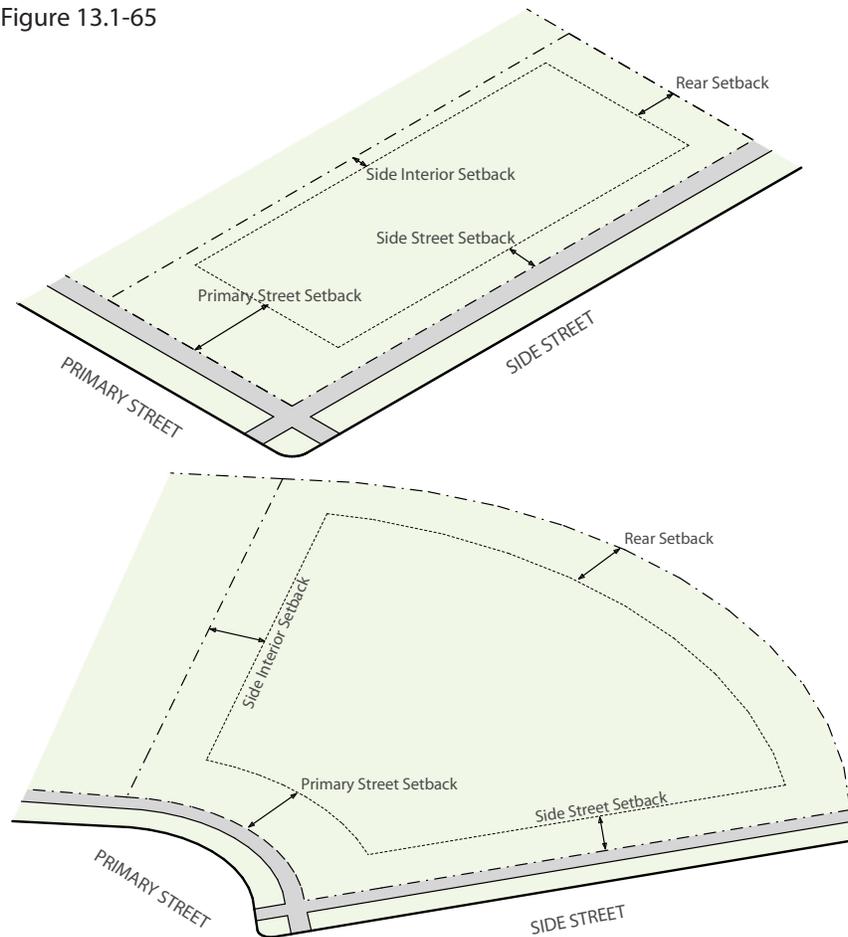
B. Rules of Measurement

Setbacks provide a minimum horizontal distance between a zone lot line and the location of uses and structures on a zone lot, measured as follows: See Figure 13.1-6465

1. Primary and Side Street setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a name or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.
2. Side Interior and Rear setbacks are measured perpendicular to the side interior or rear zone lot line abutting another zone lot, a public alley, or an easement for public access Abutting an Alley.
3. Where a Side Interior setback standard is stated as “min one side/min combined:”
 - a. One side interior setback shall meet the standard meeting the “min one side” and the total of both side interior setbacks shall be equal to or greater than the standard of the “min combined.”
 - b. If zone lot has only one Side Interior Zone Lot Line, the “min one side” standard shall apply.
4. Primary street and rear setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.
5. Side interior and side street setbacks extend the full length of the side zone lot lines, overlapping with both the primary street and rear setbacks.

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Figure 13.1-65



13.1.5.9 Residential Setbacks

A. Intent

To provide transitional space between the edge of a public sidewalk and dwelling units located at the Street Level

B. Applicability

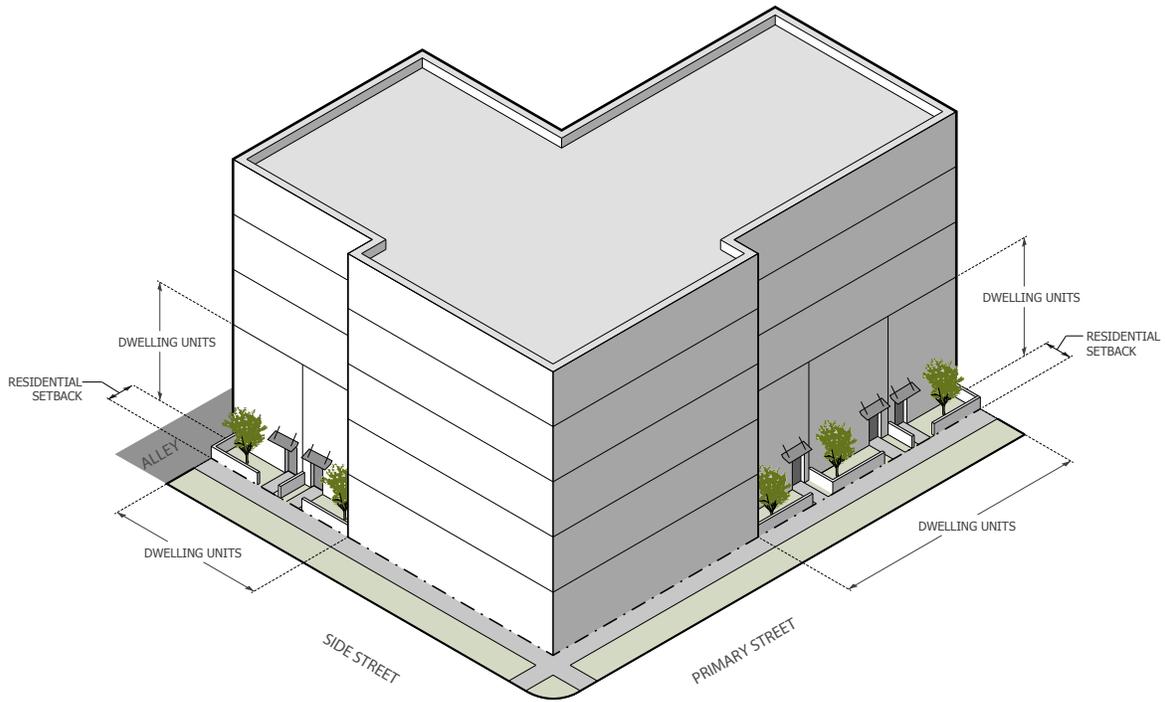
Residential setback standards apply to the portion of a Structure that contains street-facing dwelling units at the Street Level.

C. Rules of Measurement

- Residential Setbacks are measured perpendicular to the Zone Lot Line at the edge of the right-of-way Abutting a named or numbered street or an easement for public access Abutting the right-of-way of a named or numbered street.
- Residential Setbacks are measured from the Primary or Side Street Zone Lot Line to the outside wall of any street-facing dwelling unit. See Figure 13.1-66.
- Portions of a Structure containing residential lobbies, rental offices, amenity areas or nonresidential uses shall not be subject to a Residential Setback.
- Residential Setbacks shall be considered to be a Primary Street setback for purposes of allowed encroachments.

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Figure 13.1-66



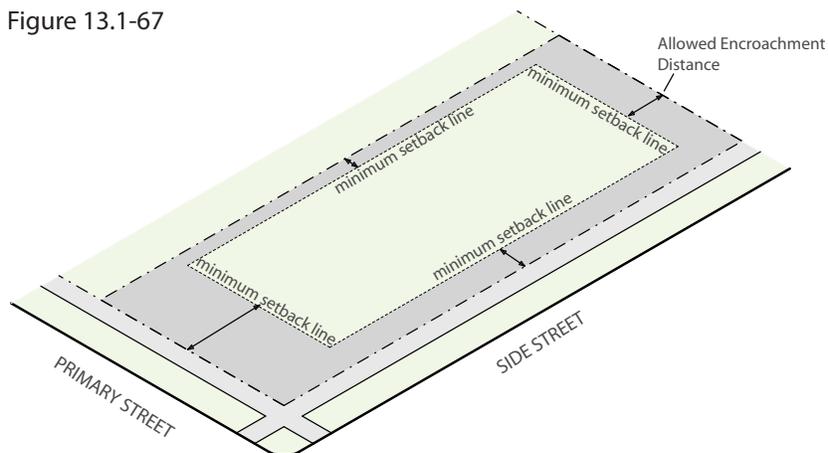
Not to Scale. Illustrative Only.

13.1.5.10 Setback Encroachments

A. Rule of Measurement

1. Each setback encroachment shall be measured from the required minimum setback line.
2. Setback encroachments are not cumulative in that they are always measured from the same point.
3. The entirety of the element permitted as an encroachment shall be within the permitted encroachment distance. See Figure 13.1-6567

Figure 13.1-67



13.1.5.11 Building Coverage

A. Intent

To provide openness on a lot by limiting the amount of area buildings can cover.

B. Rule of Measurement

Building coverage shall be measured as the “gross area of a footprint” on the zone lot according to C below, divided by the total gross square foot area of the Zone Lot and multiplied times 100, as building coverage is expressed as a percentage.

C. Gross Area of Footprint

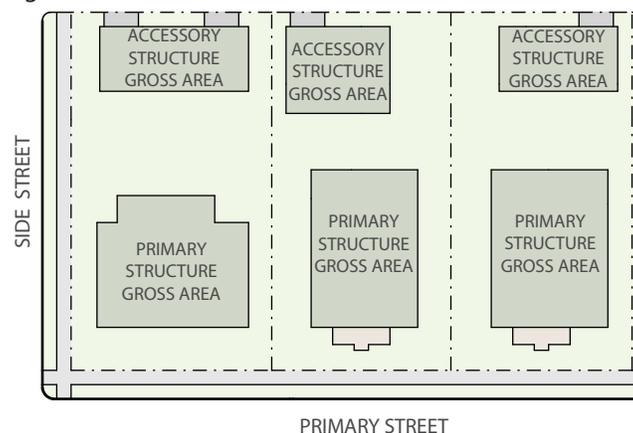
For purposes of building coverage, “gross area of a footprint” shall include: See Figure 13.1-6668

1. The gross area of the actual footprint measured to the exterior faces of the structure and any enclosed projections beyond the footprint of all Primary and/or Accessory:
 - a. Structure, Completely Enclosed;
 - b. Structure, Partially Enclosed;
 - c. Deck, Raised; and
 - d. Balcony, Exterior.

D. Building Coverage Exceptions

Exceptions to building coverage are permitted by Neighborhood Context. See Articles 3-9, Design Standard Exceptions section.

Figure 13.1-68



13.1.5.12 Building Separation

A. Intent

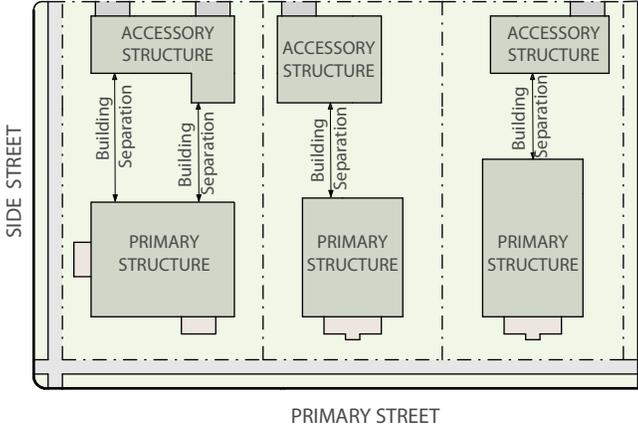
To provide a sense of openness.

B. Rule of Measurement

1. For purposes of building coverage exception contained within Articles 3-9, Design Standard Exceptions: See Figure 13.1-6769
 - a. Building separation shall be measured as the horizontal distance between the two closest portions of each subject structure, provided each subject structure meets one of the following definitions (see Article 13 for definitions):
 - i. Structures, Completely Enclosed
 - ii. Structures, Partially Enclosed

- iii. Raised Decks
 - iv. Balconies
 - b. Where another structure interrupts the separation between the two subject structures, building separation shall still be considered met.
2. For all other purposes, building separation shall be measured as the horizontal distance between the two closest portions of each building's exterior walls.

Figure 13.1-69

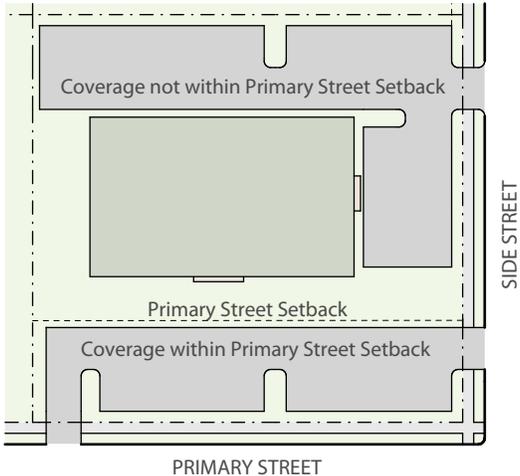


13.1.5.13 Parking and Drive Lot Coverage in Primary Street Setback

A. Rule of Measurement

Parking and drive lot coverage in the primary street setback is measured as the total amount of material used for vehicle access or vehicle storage within the primary street setback area of a zone lot. See Figure 13.1-6870.

Figure 13.1-70

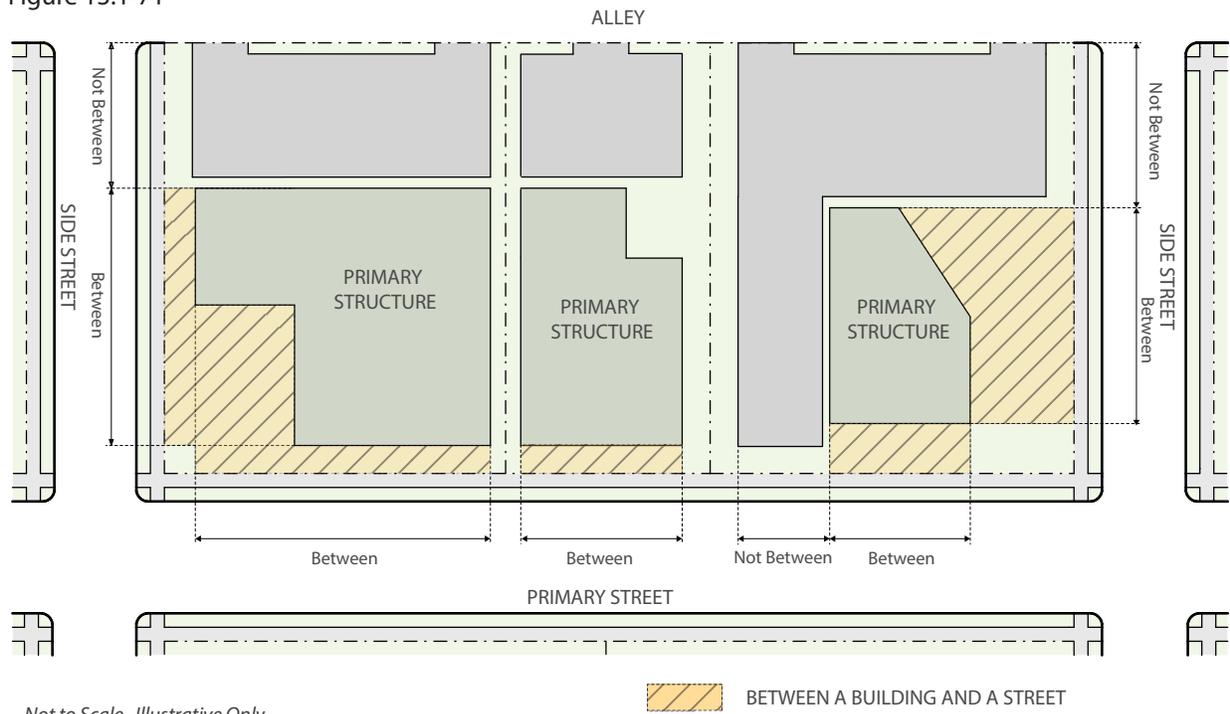


13.1.5.14 Surface Parking Between Building and Primary Street/Side Street

A. Rule of Measurement

For the purposes of determining if an area is between a Building and a Primary Street/Side Street, extend a line perpendicular from the Primary or Side Street Zone Lot Line. If any portion of said line touches the Building Facade, then said line is between the Building and such Street. See Figure 13.1-6971.

Figure 13.1-71



Not to Scale. Illustrative Only.

13.1.5.15 Floor Area Ratio (FAR)

A. Rule of Measurement - FAR

Floor area ratio (FAR) is the ratio of gross floor area of a building to the area of the zone lot on which the building is located. For example, 43,560 square feet of building on one acre of land (43,560 sq. ft.) would equal a 1:1 floor area ratio. See Figure 13.1-7072

B. Calculation of Gross Floor Area

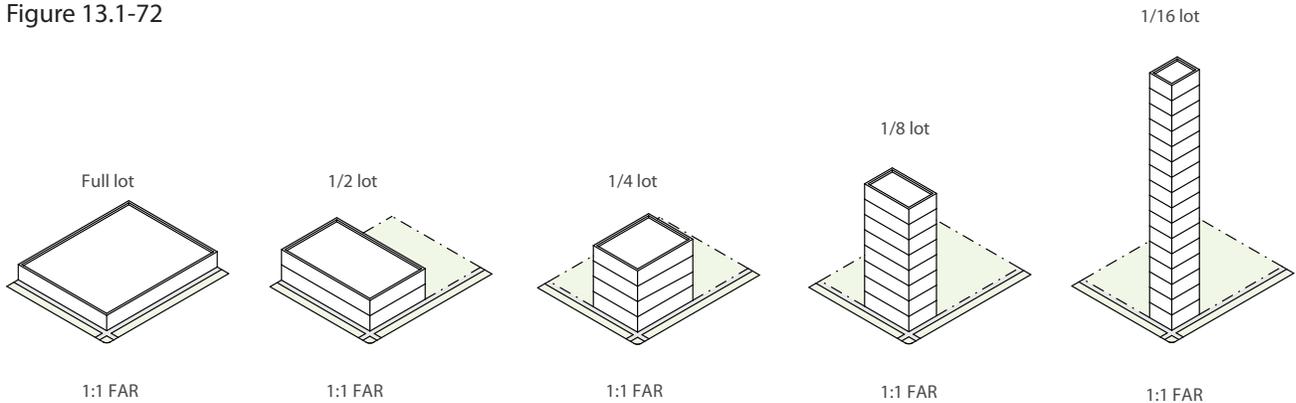
For purposes of calculating FAR, “gross floor area” means the sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are to be measured by the exterior faces of walls of each such floor. The floor area of a building shall include the floor area of accessory buildings on the same zone lot, measured the same way. In computing gross floor area there shall be excluded the following:

1. Any floor area devoted to mechanical equipment serving the building, provided that the floor area of such use occupies not less than 75 percent of the floor area of the story in which such mechanical equipment is located;
2. Any floor area in a story in which the floor above is less than 6 feet above the finished grade for more than 50% of the total building perimeter;
3. Any floor area used exclusively as parking space for motor vehicles; and

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4. Any floor area that serves as a pedestrian mall or public access way to shops and stores.
5. For purposes of calculating parking amounts, see rule provided in Article 10, Division 10.4 Parking and Loading.

Figure 13.1-72



SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

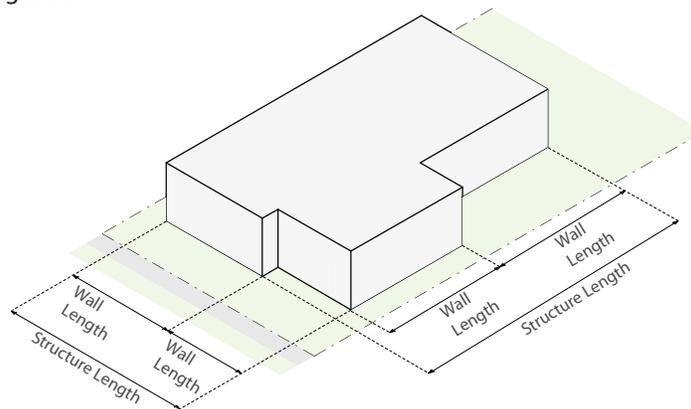
The design element form standards of this Code are defined and measured as set forth below.

13.1.6.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length

The length of the front or side wall of a structure, or the overall structure length, shall be measured along the primary or side street zone lot line for the entire length of the structure, as shown in Figure 13.1-~~74~~73 below.

Figure 13.1-73



B. Private Open Space ~~for Cherry Creek Open Space Building Forms~~

1. Intent

To create quality privately owned open spaces - that are adjacent and physically open to the street. Private open space should provide visual interest and activate the pedestrian realm.

2. Applicability

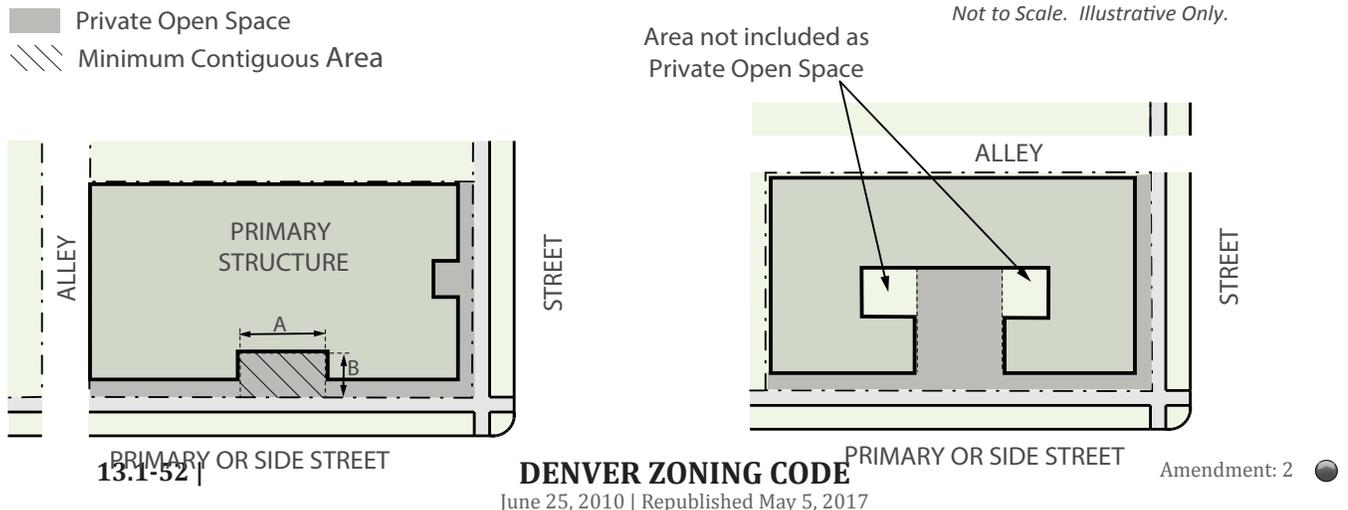
This section applies ~~to zone lots in the C-CCN zone districts~~ where Primary Building Form Standards or Overlay District Standards specify a minimum percentage of Private Open Space.

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3. Rules of Measurement

- a. ~~For Cherry Creek Open Space building forms,~~ Private Open Space shall be calculated as a percentage (%) using the total area open to the sky, subject to the below requirements, divided by the total gross square footage of the ~~z~~Zone ~~H~~Lot and multiplied by 100.
- b. For purposes of Private Open Space measurement ~~for Cherry Creek Open Space building forms,~~ the total area open to the sky:
 - i. Shall not be covered by Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. Private Open Space may also include tables, chairs, benches, sculptures and similar elements.
 - ii. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district.
 - iii. ~~Any portion of the Private Open Space within the build-to range shall count toward the required build-to percentage (see Subsection 7.3.6.1, Required-Build-To Alternatives):~~
 - iv. Shall ~~a~~Abut a ~~p~~Primary ~~s~~Street ~~or Side Street~~ ~~z~~Zone ~~H~~Lot ~~H~~Line.
 - v. Shall be fully visible from a ~~p~~Primary ~~s~~Street ~~or Side Street~~.
 - vi. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.
 - vii. Shall contain at least one Minimum Contiguous Area, subject to the minimum dimensions below. The width of the Minimum Contiguous Area shall be measured parallel to the ~~p~~Primary ~~s~~Street ~~or Side Street~~ ~~z~~Zone ~~H~~Lot ~~H~~Line, shown as "A" in Figure 13.1-74. The depth of the Minimum Contiguous Area shall be measured as the horizontal distance between the ~~p~~Primary ~~s~~Street ~~or Side Street~~ ~~z~~Zone ~~H~~Lot ~~H~~Line and the closest facade of the exterior building wall facing the ~~p~~Primary ~~s~~Street ~~or Side Street~~, measured perpendicular to the ~~Z~~Zone ~~H~~Lot ~~H~~Line, shown as "B" in Figure 13.1-74.
 - a) For ~~z~~Zone ~~H~~Lots 9,375 square feet or less, as of October 27, 2014, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep.
 - b) For ~~z~~Zone ~~H~~Lots 9,375 square feet or less as of October 27, 2014, ~~in the C-CCN zone districts,~~ where the ~~z~~Zone ~~H~~Lots ~~a~~Abuts the southern boundary of the 3rd Avenue right-of-way, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep and shall ~~a~~Abut, be fully visible from, and fully accessible from the 3rd Avenue right-of-way.
 - c) For all other ~~z~~Zone ~~H~~Lots the Minimum Contiguous Area shall be at least 15 feet wide and 30 feet deep.

Figure 13.1-74



C. Mass Reduction

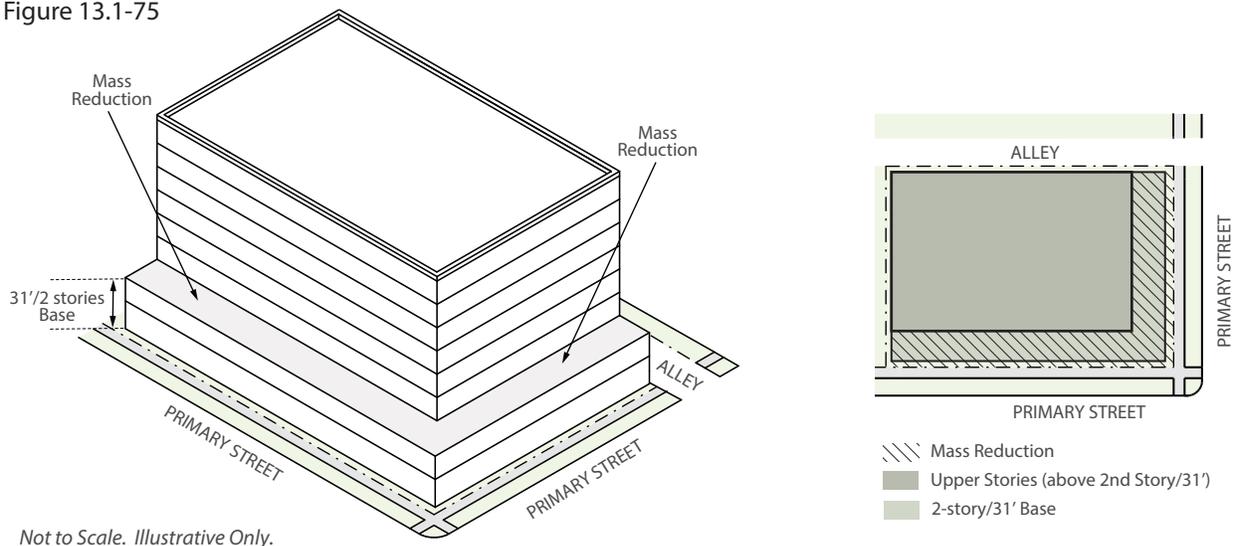
1. Intent

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

2. Rule of Measurement see Figure 13.1-~~7375~~

- a. The Mass Reduction is calculated as a percentage (%) using the “gross area without building coverage” at a height of 31 feet or the highest point of the second story, whichever is less, divided by the total gross square foot area of the zone lot and multiplied times 100. For purposes of Mass Reduction, “gross area without building coverage” shall be calculated as the gross area from all zone lot lines to the exterior faces of the following structures:
 - i. Structure, Completely Enclosed;
 - ii. Structure, Partially Enclosed; and
 - iii. Balcony, Exterior.

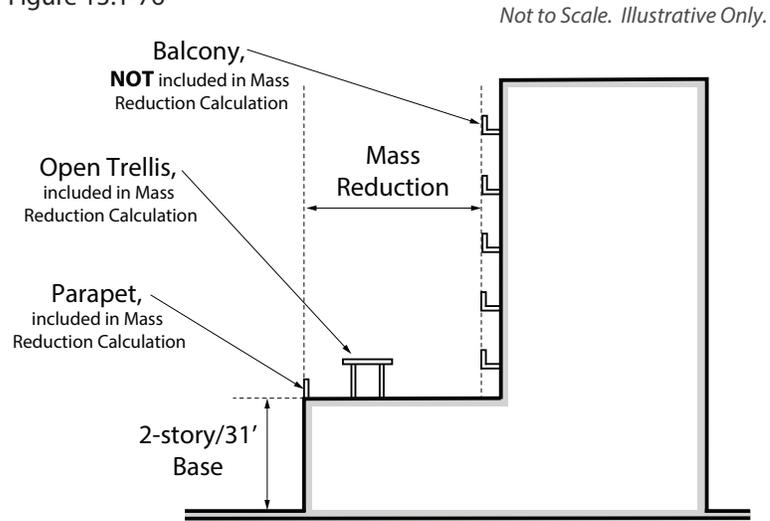
Figure 13.1-75



b. For purposes of measuring the Mass Reduction:

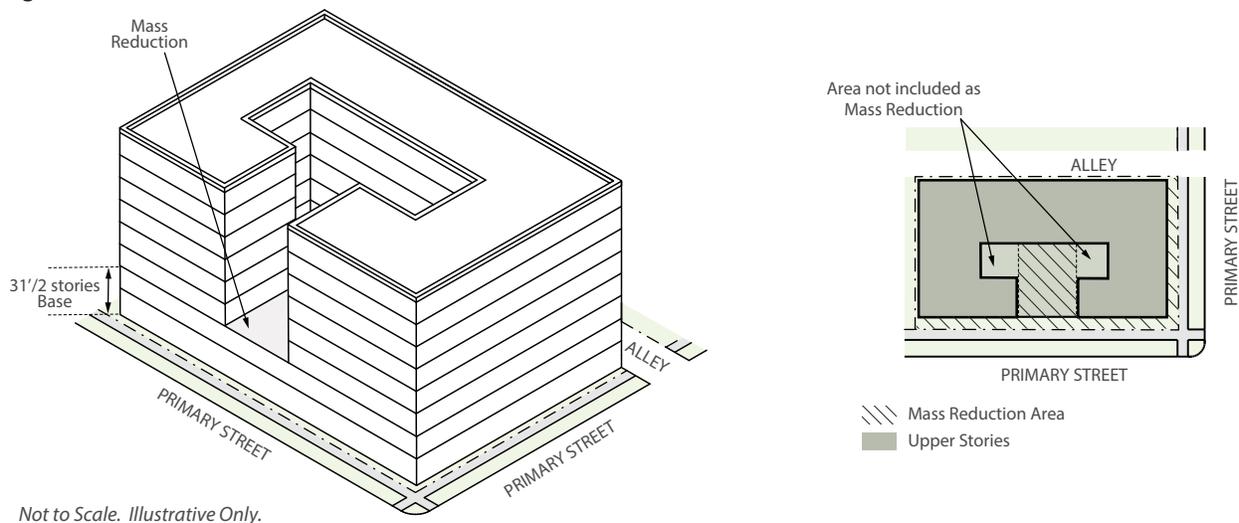
- i. The Mass Reduction shall be open to the sky from above a height of 31 feet or the highest point of the second story, whichever is less, except the following shall be permitted:
 - c. Safety Railings and Parapet Walls no taller than 4 feet; and
 - d. Open Structures, excluding Exterior Balconies. See Figure 13.1-~~7476~~

Figure 13.1-76



- ii. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the public right-of-way. See Figure 13.1-7577.

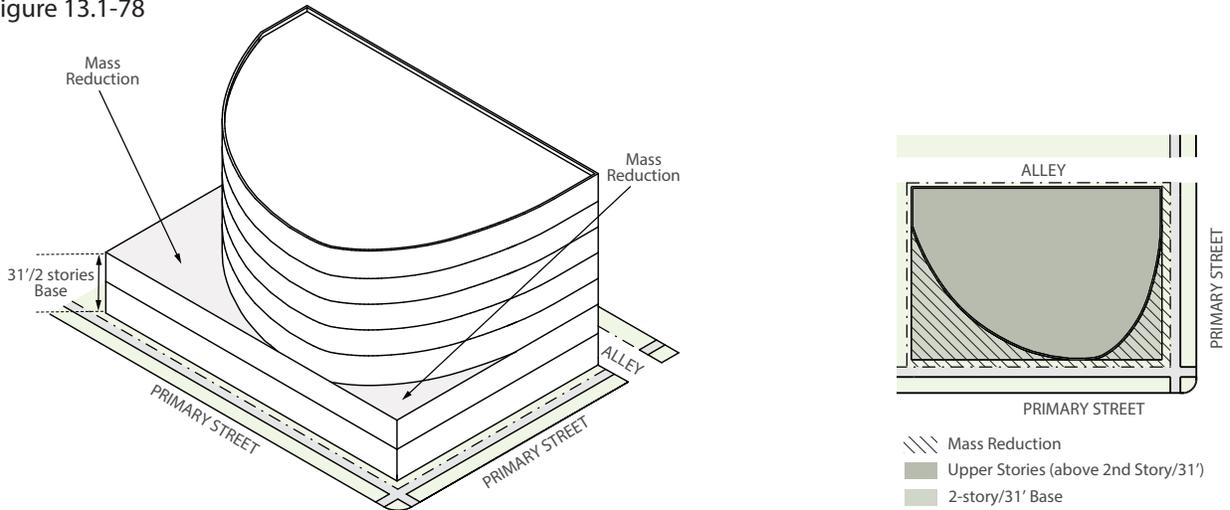
Figure 13.1-77



- iii. Off Street Parking Area is not permitted in the Mass Reduction.
- iv. A Zone Lot may have one or more Mass Reductions which may not be contiguous. The areas of multiple Mass Reductions may be summed to meet the minimum Mass Reduction requirement, provided that each Mass Reduction shall comply with all other standards in this Section 13.1.6.1.C Mass Reduction rule of measurement. See Figure 13.1-7678.

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Figure 13.1-78



Not to Scale. Illustrative Only.

D. Incremental Mass Reduction

1. Intent

To reduce the perceived mass and scale of buildings and promote creative building designs.

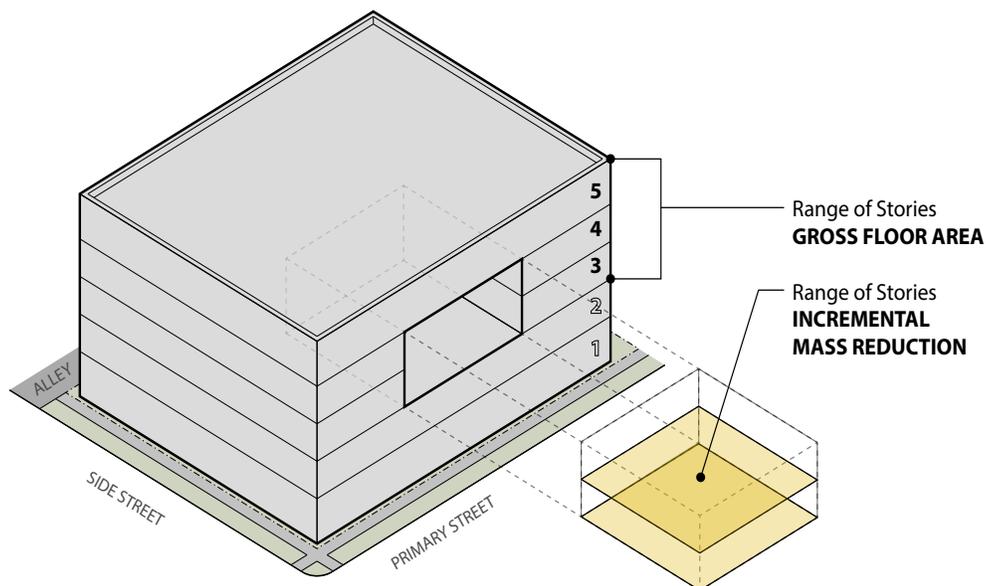
2. Applicability

Where specified in a building form table or applicable Overlay District, Incremental Mass Reduction standards apply to all Structures on a Zone Lot.

3. Rules of Measurement for Incremental Mass Reduction

Incremental Mass Reduction creates a reduction in the gross floor area of Structures on a Zone Lot by requiring a minimum "gross area of mass reduction" within a specified range of Stories based on the percentage of Zone Lot Size specified in a building form table or applicable Overlay Zone District. See Figure 13.1-79.

Figure 13.1-79

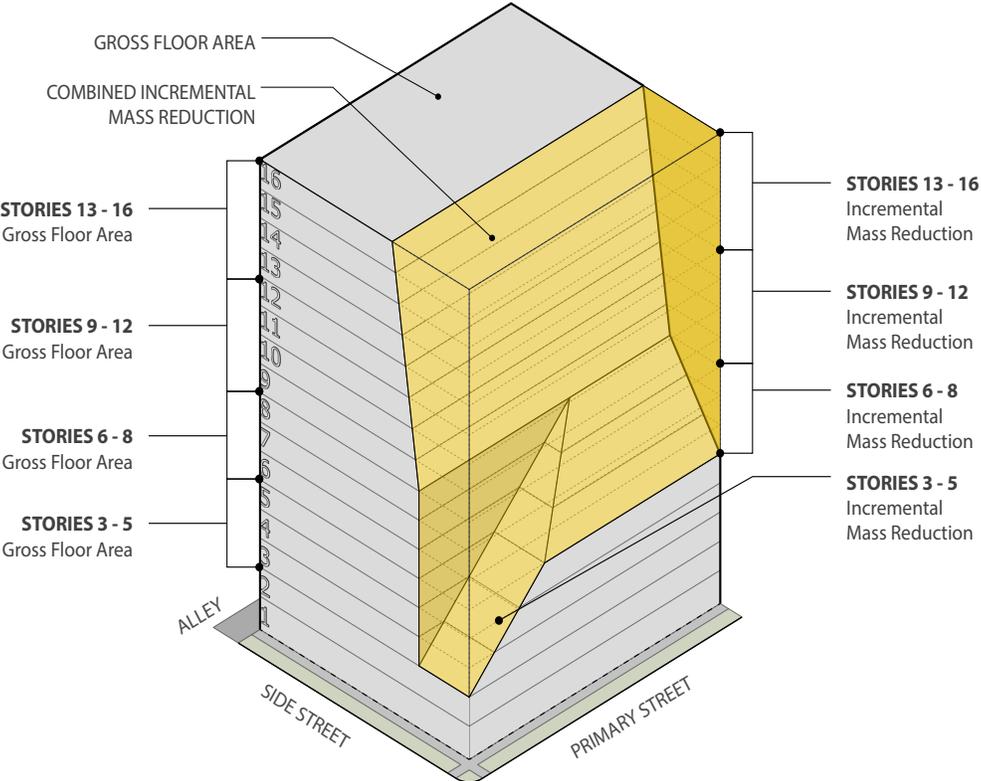


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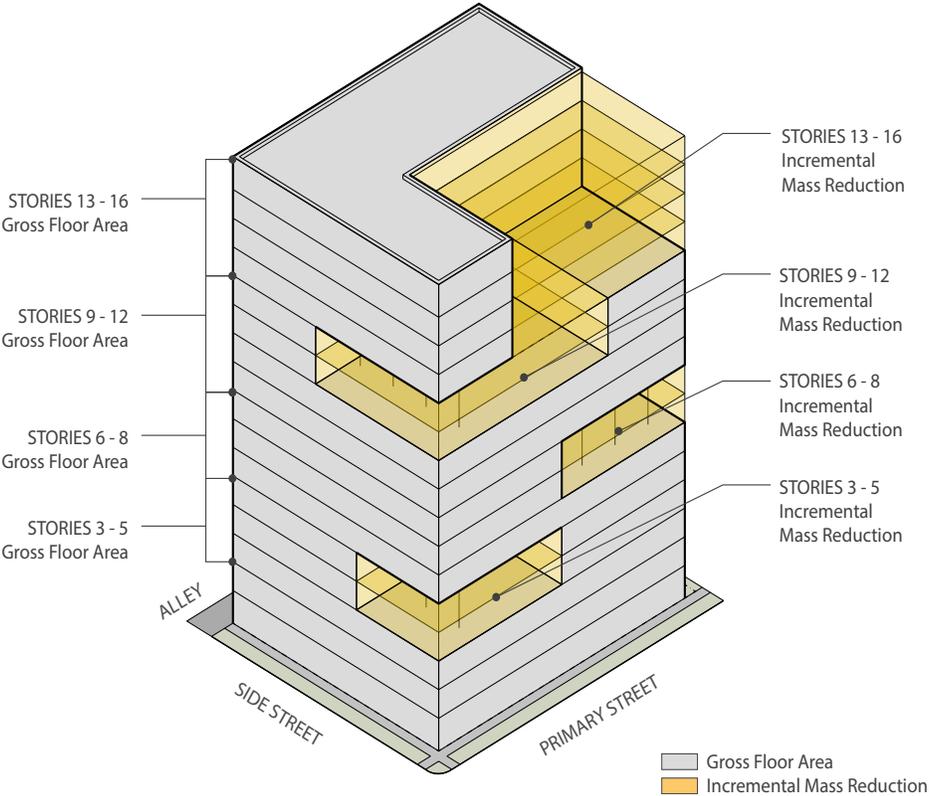
- a. **Calculation of Incremental Mass Reduction**
- i. **Method of Calculation**
For each specified range of Stories, Incremental Mass Reduction is calculated using a percentage (%) of the Zone Lot Size multiplied by the number of Stories in the specified range, which yields the minimum "gross area of mass reduction" that must occur within the specified range of Stories.
- ii. **Measurement of Stories**
For purposes of Incremental Mass Reduction, specified ranges of Stories shall be measured according the method set forth in Section 13.1.2.3 Height in Stories.
- iii. **Measurement of "Gross Area of Mass Reduction"**
- a) For purposes of Incremental Mass Reduction, "gross area of mass reduction" is any unbuilt area that would not be measured as gross floor area using the method set forth in Section 13.1.5.15.B Calculation of Gross Floor Area except as set forth in b) below.
- b) In lieu of the exception set forth in Section 13.1.5.15.B.3, any enclosed floor area used exclusively as parking space for motor vehicles shall be included when calculating gross floor area for purposes of this Section 13.1.6.1.D.3 and shall not count toward "gross area of mass reduction".
- iv. **Calculation Examples: Incremental Mass Reduction in One Range of Stories**
- a) Minimum "Gross Area of Mass Reduction" Example: On a 25,000 square foot Zone Lot, where the specified Incremental Mass Reduction is 10% for Stories 3-5 (a 3 Story range), application of the method of calculation specified in Section 13.1.6.1.D.3.a.i would yield a minimum 7,500 square foot "gross area of mass reduction" $((25,000 \times 3) \times 0.10) = 7,500$.
- b) Remaining Gross Floor Area Example: The 7,500 square foot minimum "gross area of mass reduction" calculated in a) above would leave a remaining maximum gross floor area of 67,500 square feet for Stories 3-5 $(25,000 \times 3 - 7,500 = 67,500)$ absent other standards, such as minimum Setbacks, which could reduce gross floor area.
- v. **Illustrated Example: Incremental Mass Reduction in Four Ranges of Stories**
See Figure 13.1-80 for examples of combined mass reduction on a 16-Story Structure with four specified ranges of Stories requiring increased Incremental Mass Reduction as the Structure increases in height.
- b. **Location of Incremental Mass Reduction**
The "gross area of mass reduction" that meets a specified percentage of Incremental Mass Reduction shall have an uninterrupted perpendicular connection with one or more of the following frontages. See Figure 13.1-81.
- i. Primary Street(s), including the South Platte River
- ii. Side Street(s)
- iii. Public Park(s)
- c. **Minimum Dimensions of Areas Counting Towards Incremental Mass Reduction**
- i. Incremental Mass Reduction may be provided in one or more areas that are not contiguous with each other.
- ii. Any single area of Incremental Mass Reduction shall be a minimum of 15 feet wide as measured along a frontage specified in Section 13.1.6.1.D.3.b Location of Incremental Mass Reduction, and a minimum of 7 feet deep as measured perpendicular to the Zone Lot Line parallel to that frontage. See Figure 13.1-82.

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Figure 13.1-80



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Figure 13.1-81

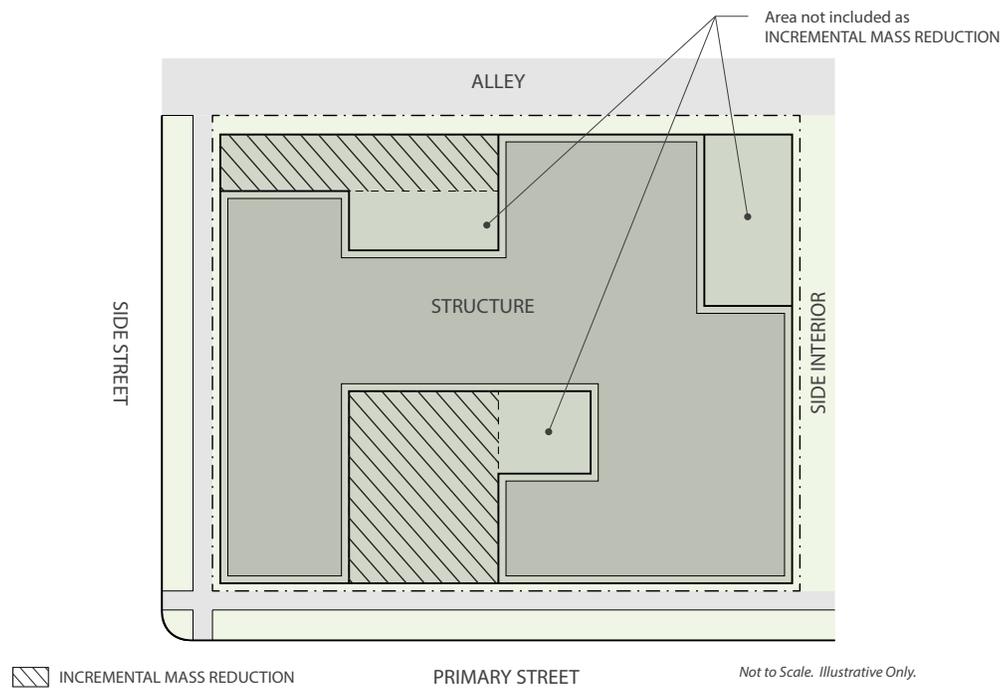
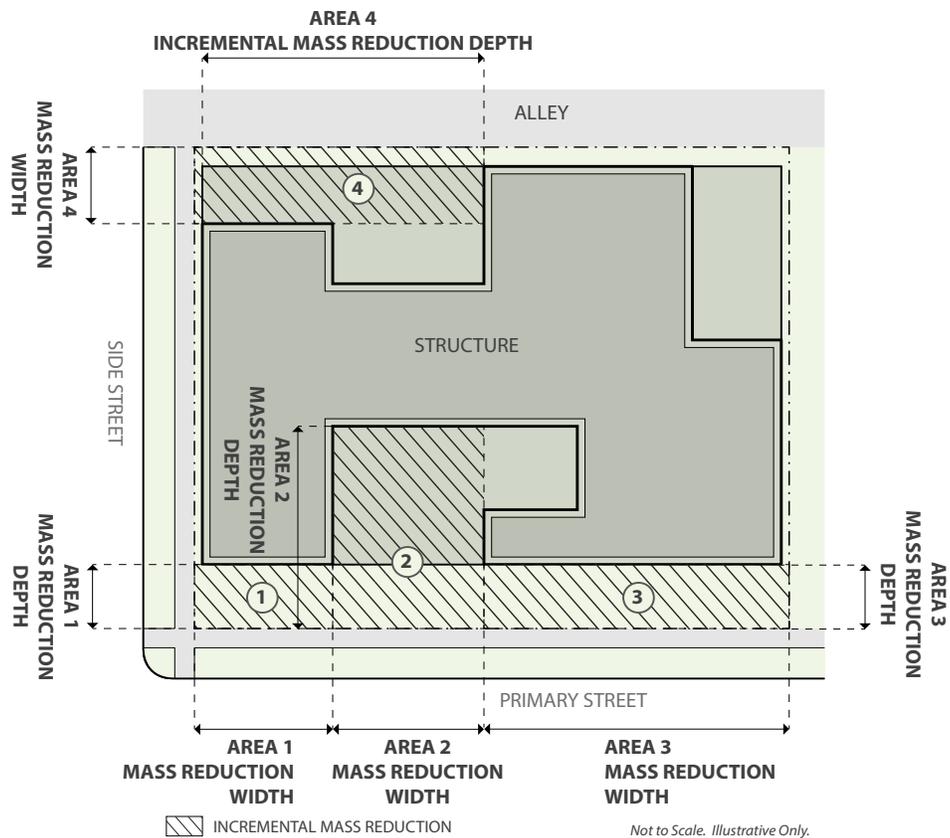


Figure 13.1-82



E. Point Tower Floor Plate

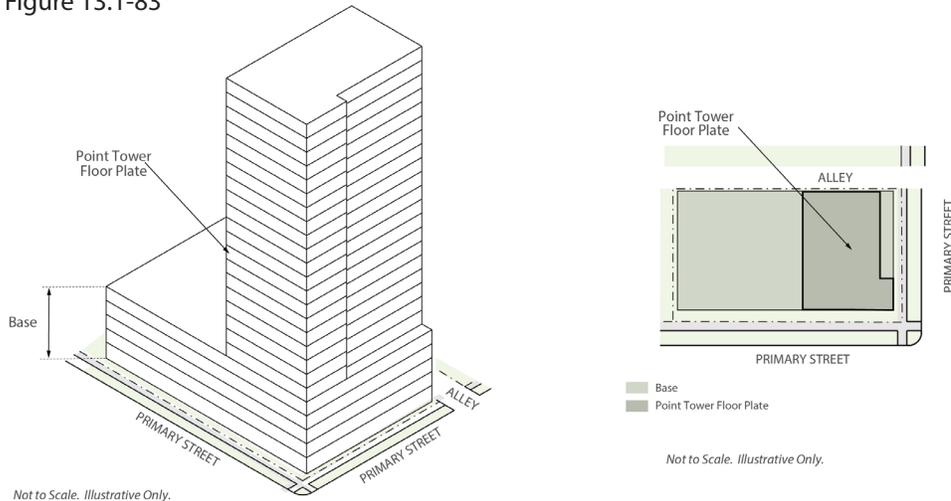
1. Intent

To preserve sky exposure and encourage architectural variety by reducing the horizontal scale of the tower portion of a point tower building form.

2. Rule of Measurement

- a. Point Tower Floor Plate shall be measured as the Floor Plate of the largest Habitable Story located above the specified height in the building form table. See Figure 13.1-~~7783~~.

Figure 13.1-83



F. Upper Story Side or Rear Setback, adjacent to Protected District

1. Intent

To provide appropriate height and massing transitions to less intensive adjoining zone districts.

2. Rule of Measurement

An upper-story side or rear setback is measured from the side or rear zone lot line, extending to the specified height from the Base Plane and then horizontally to the specified setback distance. See Figure 13.1-~~7884~~.

G. Primary Street Upper Story Setback

1. Intent

To provide appropriate pedestrian scale, height and massing along a Primary Street.

2. Rules of Measurement

a. Upper Story Setback

A minimum Primary Street Upper Story setback shall be measured from the Primary Street zone lot line, extending to the maximum specified height in feet and stories from the Base Plane and then horizontally to the specified setback distance, see Figure 13.1-~~7884~~.

b. Percentage of Zone Lot Width for an Upper Story Setback

Where a minimum percentage of Zone Lot Width is specified for a Primary Street Upper Story Setback, the minimum percentage of Zone Lot Width at the Primary Street Zone Lot Line specified in the building form table shall be required to meet the minimum Upper Story Setback. See Figure 13.1-~~7985~~

Figure 13.1-84

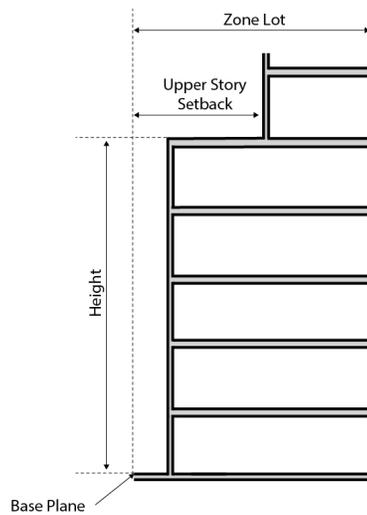
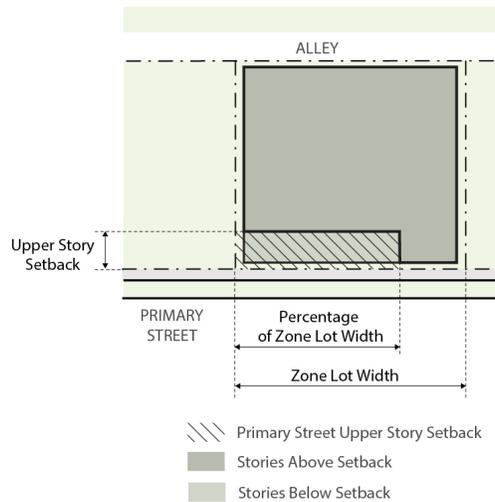


Figure 13.1-85

Not to Scale. Illustrative Only.

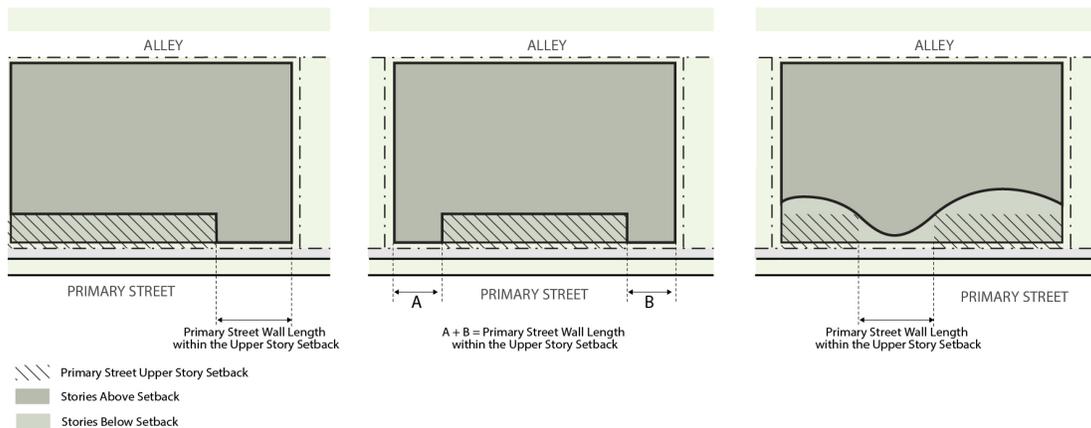


c. Primary Street Wall Length Within the Upper Story Setback

- i. Where a maximum Primary Street Wall Length within the Upper Story Setback is specified, it shall be measured as the total length of walls along the Primary Street zone lot line within the specified depth of the Upper Story Setback. For example, if the minimum Primary Street Upper Story Setback is 10 feet, and the maximum Wall Length within the Upper Story Setback is 80 feet, the combined length of all walls above the Upper Story Setback height and within 10 feet of the Primary Street property line may be no more than 80 feet. See Figure 13.1-~~8086~~.

Figure 13.1-86

Not to Scale. Illustrative Only.



H. Upper Story Stepback

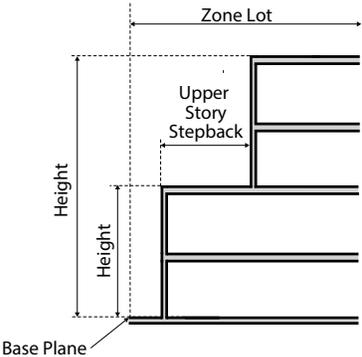
1. Intent

To shape building forms to reduce effect of massing on adjoining properties or along a street.

2. Rule of Measurement

Upper Story Stepback is measured as the specified vertical distance starting at the Base Plane, and then extending the specified horizontal distance from the face of the building's lower portion, as shown in Figure 13.1-~~8187~~.

Figure 13.1-87



I. Limitation on Visible Parking Above Street Level

1. Intent

To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

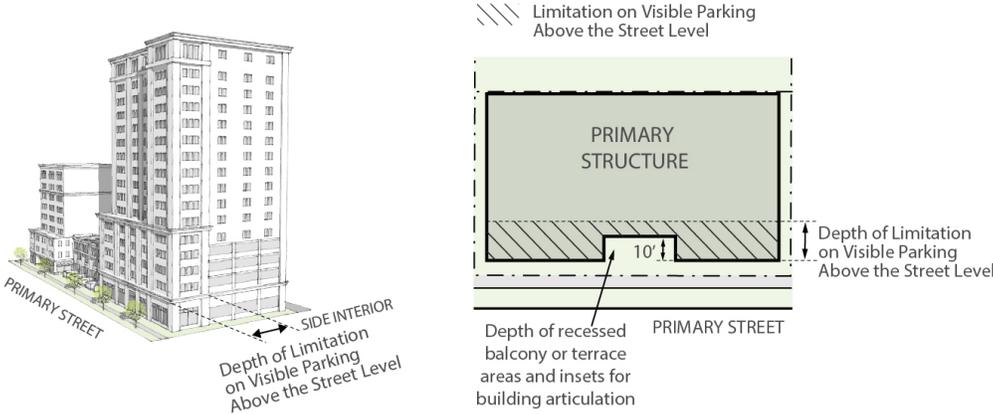
2. Rules of Measurement

a. Depth of Limitation on Visible Parking Above Street Level

- i. The depth of a Limitation on Visible Parking above Street Level shall be measured from the exterior of the street-facing building wall. See Figure 13.1-8288. Uses that meet the Limitation on Visible Parking above Street Level shall be located within the specified depth, except as provided below.
- ii. Recessed balcony/terrace areas or insets for building articulation up to 10 feet in depth shall be excluded from the Limitation on Visible Parking above Street Level. The remaining depth after recessed balcony/terrace areas and insets for building articulation are excluded shall be subject to the uses that meet the Limitation on Visible Parking above Street Level. See Figure 13.1-8288.

Figure 13.1-88

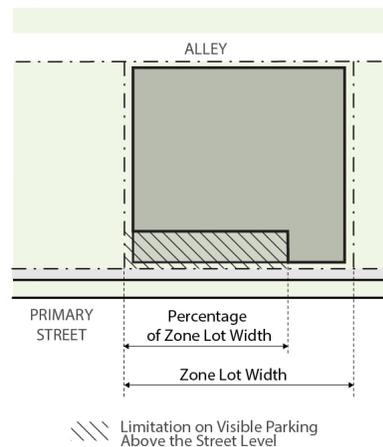
Not to Scale. Illustrative Only.



b. Percentage of Zone Lot Width for a Limitation on Visible Parking Above Street Level

The minimum specified building form table percentage of Zone Lot Width at the Primary Street Zone Lot Line shall be required to meet the Limitation on Visible Parking above Street Level. See Figure 13.1-8389

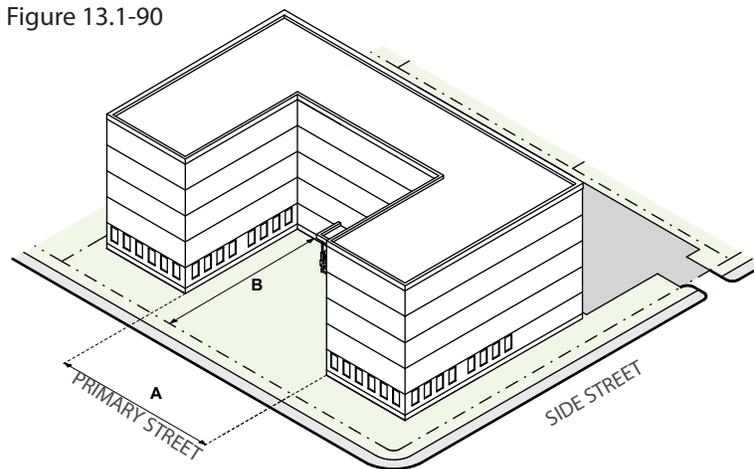
Figure 13.1-89 Not to Scale. Illustrative Only.



J. Street-facing Courtyard Width and Depth

1. The street-facing courtyard width shall be measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard, shown as “A” in Figure 13.1-8490.
2. The street-facing courtyard depth shall be measured as the horizontal distance between the primary street zone lot line and the closest facade of the exterior building wall facing the primary street, measured perpendicular to the zone lot line, shown as “B” in Figure 13.1-8490.

Figure 13.1-90

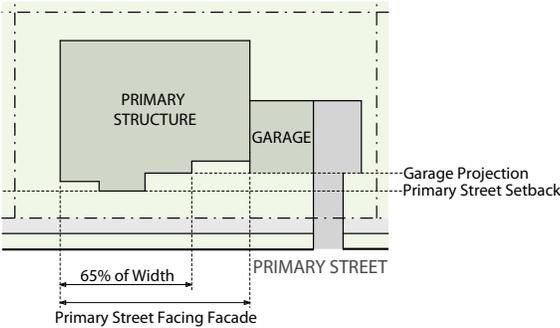


K. Attached Garage Design Standard

1. Rule of Measurement

- a. Identify the portions of the Primary Street facing facade that shall constitute at least 65% of the total width of the primary structure enclosing the primary use.
- b. Draw a line parallel to the primary street setback line that is not forward at any point of the 65% identified in a. above, thereby determining the maximum permitted attached garage projection. See Figure 13.1-8591.

Figure 13.1-91



L. Street-facing Attached Garage Door Width

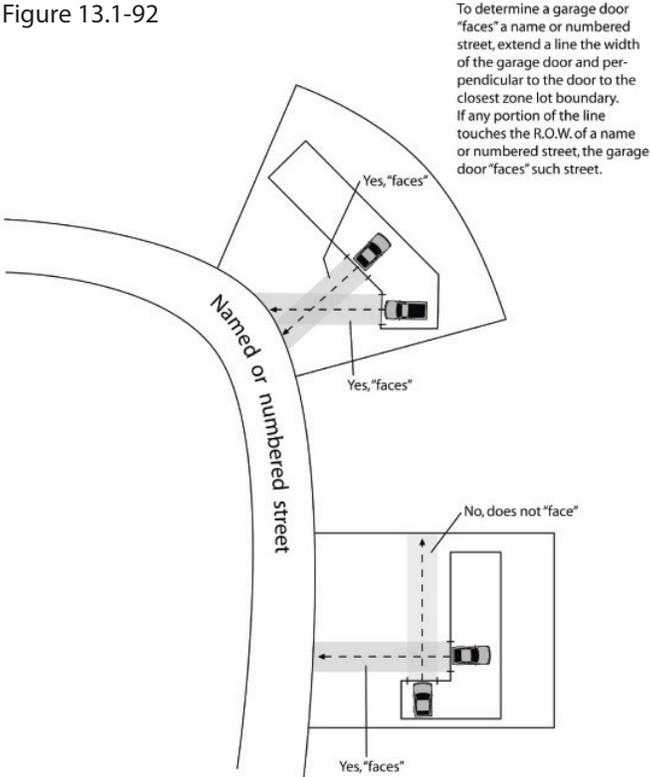
1. Rule of Measurement

- a. "Street-facing attached garage door width" is measured as the total width of all street-facing garage doors attached to the primary building form, divided by the total width of the front facade of the primary building, or of the front facade of an individual dwelling unit, as applicable.
- b. For purposes of this rule, the total width of a street-facing garage door(s) shall be measured as the linear distance between the outer edges of the door(s).

2. Determination of "Street-facing"

A garage door is "street facing" if it faces a named or numbered street, which shall be determined by extending a line the width of the garage door and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a named or numbered street at the zone lot boundary then said garage door faces a named or numbered street. See Figure 13.1-8692.

Figure 13.1-92



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13.1.6.2 Street Level Activation

A. Transparency, Primary Street and Side Street

1. Intent

To provide visual interest to building facades, to activate the street and sidewalk, and to provide a safe pedestrian realm.

2. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify transparency standards for many Primary Building Forms. Rules of measurement, window requirements, and transparency alternative requirements are provided in this Section 13.1.6.2.A.

3. Rules of Measurement

a. Zone of Transparency

The Zone of Transparency is the area between 2 feet and 9 feet above the finished upper surface of the floor of the Street Level ~~height~~ across the entire street-facing Street Level building facade. See Figure 13.1-~~8793~~.

- i. A building facade is “street-facing” if it faces a name or numbered street, which shall be determined by extending a line the width of the facade and perpendicular to it to the zone lot boundary. If any portion of said line touches the right-of-way of a name or numbered street at the zone lot boundary, then said facade is “street-facing.” See Figure 13.1-~~8894~~.
- ii. The required amount of transparency shall be provided within the zone of transparency for the subject building, unless an exception or alternative is permitted by this Code.

b. Street Level Transparency

Street Level transparency, primary or side street, is measured as the total amount of linear feet of windows or permitted alternatives provided within the Zone of Transparency divided by the total length of that same street-facing building facade (including any open parking structure entrances).

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B. Pedestrian Access

1. Intent

To provide clear, obvious connections for pedestrians between Primary Streets and primary uses within buildings.

2. Applicability

The Primary Building Form Standards in Articles 3 through 9 specify which type of Pedestrian Access is required for each Primary Building Form- or Dwelling Unit. Pedestrian access requirements are provided in this Section 13.1.6.2.B.

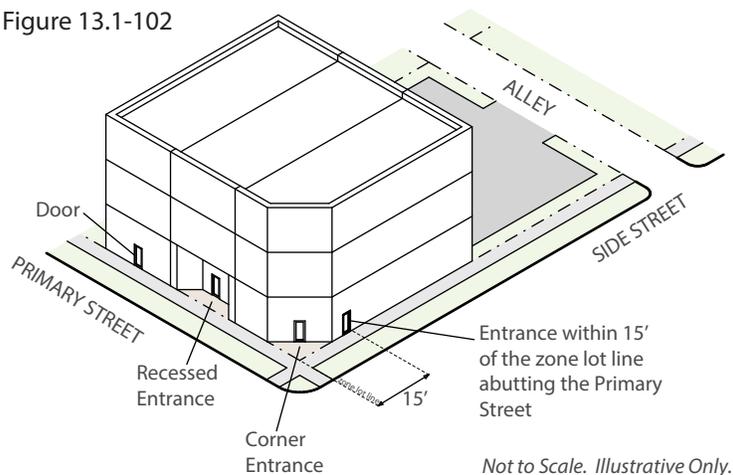
3. Pedestrian Access Requirements

The following are required supplemental standards for each type of Pedestrian Access:

a. Entrance

- i. Where required by the Primary Building Form Standards, an Entrance shall provide a clear, obvious, publicly accessible connection between the Street defined by the building form (Primary and/or Side) and the primary uses within the building.
- ii. For the Garden Court, Town House, and Row House building forms, an entrance shall be street-facing according to the standards specific to such building forms in Articles 3 through 9.
- iii. For all other building forms, an entrance shall be located:
 - a) On the Primary Street facing facade; or
 - b) Located on a Side Street facing facade but entirely within 15 feet of the zone lot line abutting the Primary Street and provided the entrance is clearly visible from the public right-of-way. See Figure 13.1-~~96~~102.
- iv. An entrance shall be one of the following three types:
 - a) Door - An entrance on the same plane as the building facade.
 - b) Recessed Entrance - An entrance inset behind the plane of the building facade by no more than 15 feet.
 - c) Corner Entrance - An angled street-facing entrance located on the corner of a building at approximately 45 degrees to the intersecting streets.

Figure 13.1-102

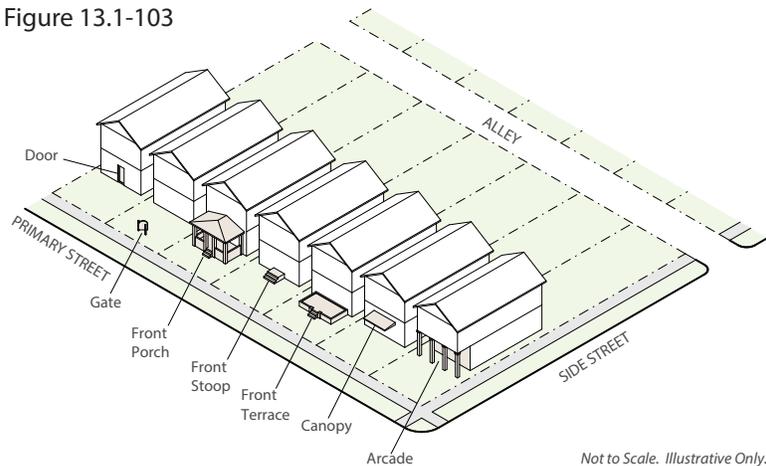


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b. Entry Feature

- i. Where required by the Primary Building Form Standards, an Entry Feature shall signal the connection between the Primary Street and the primary uses within the building.
- ii. An entry feature shall be located either on the Primary Street facing facade or be visible from the Primary Street. See Figure 13.1-97103.
- iii. An entry feature shall be a Door, Gate, Front Porch, Front Stoop, Front Terrace, Canopy, and/or Arcade

Figure 13.1-103

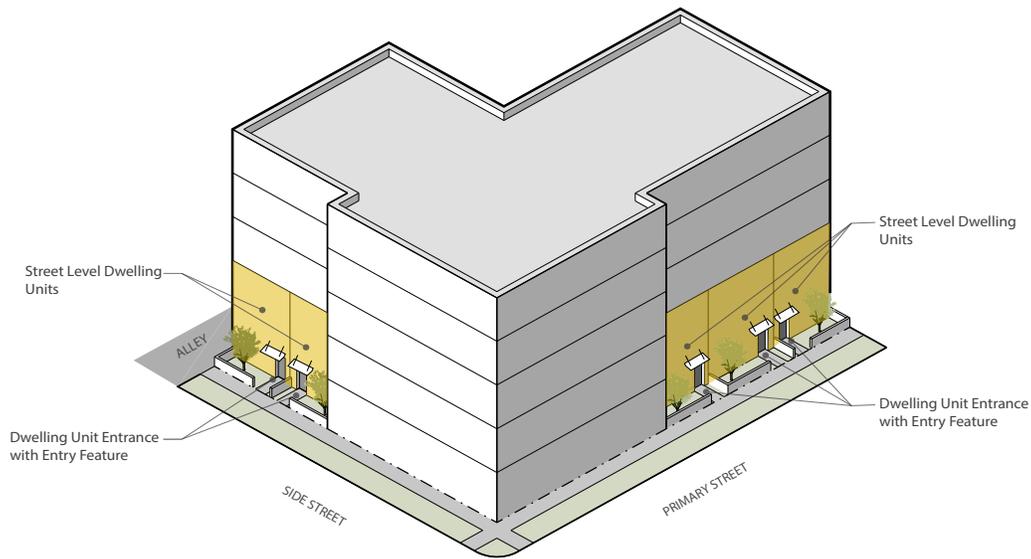


c. Dwelling Unit Entrance with Entry Feature

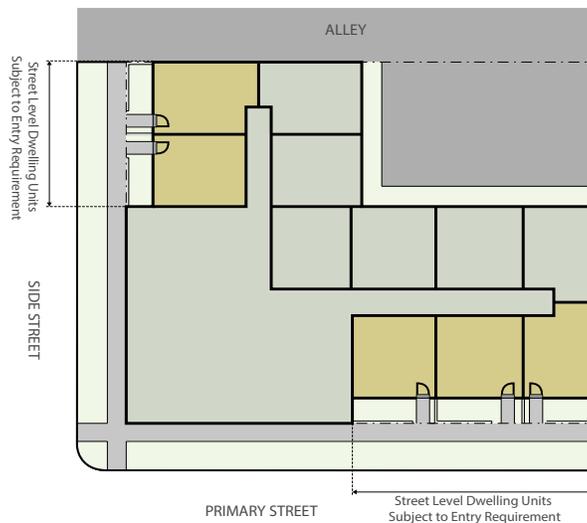
- i. Where required by Primary Building Form Standards or Overlay District Standards, a Dwelling Unit Entrance with Entry Feature shall reinforce a traditional semi-public transition area between the public street frontage and individual private dwelling units.
- ii. A Dwelling Unit Entrance with Entry Feature shall provide access to individual Street Level Dwelling Units located behind any street-facing building facade that is within 10 feet of a required Primary or Side Street Setback or Residential Setback. See figure 13.1-104.
- iii. Each Dwelling Unit Entrance with entry feature shall combine one of the Entrance types listed in Section 13.1.2.6.B.3.a.iv with one of the following entry features:
 - a) A Front Porch with a minimum depth of 5 feet between the door and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line; or
 - b) A Canopy with a minimum depth of 3 feet between the door and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line.
- iv. A building facade is “street-facing” if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is “street-facing.” See Figure 13.1-94.

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Figure 13.1-104



Not to Scale. Illustrative Only.



Not to Scale. Illustrative Only.

d. Pedestrian Connection

- i. Where required by the Primary Building Form Standards, a Pedestrian Connection shall provide a clear, obvious, publicly accessible connection between the Primary Street and the primary uses within the building. See Figure 13.1-98105. The Pedestrian Connection shall comply with the following:
 - a) Fully paved and maintained surface not less than 5 feet in width.
 - b) Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - c) Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
 - d) The portions of pedestrian connection that cross driveways or drive aisles shall not exceed 25 feet in length.

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C. Street Level Height

1. Intent

Promote Street Level designs that can be adapted to future uses and ensure that Street Level building spaces have an appropriate scale in relationship to the pedestrian realm.

2. Applicability

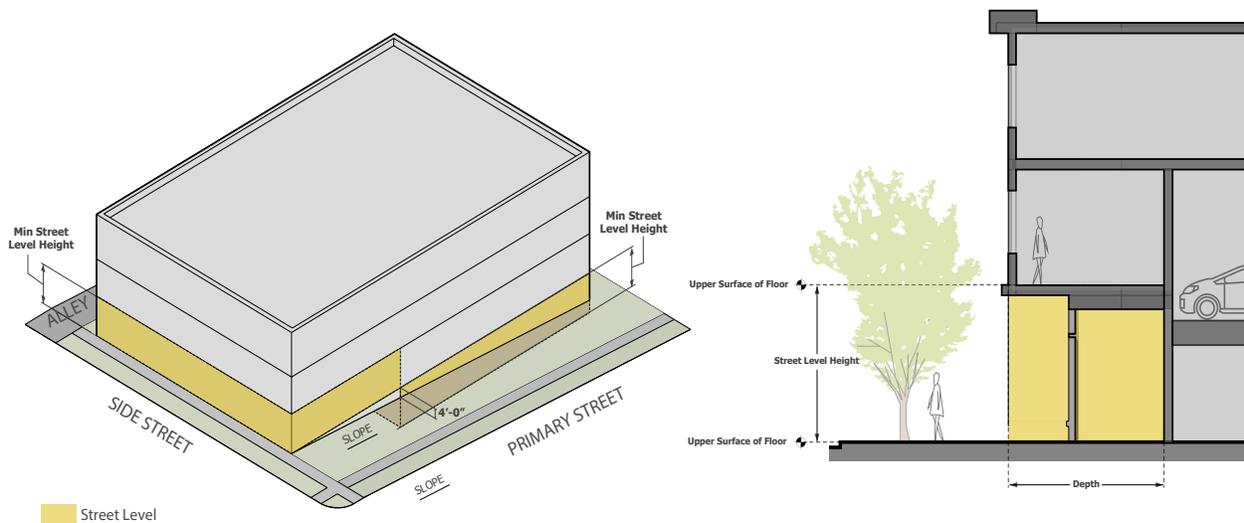
Street Level Height shall apply to any street-facing story meeting the definition of Street Level in Section 13.3.

3. Rules of Measurement

a. Street Level Height is measured from the upper surface of the floor of the Street Level, to the upper surface of the floor or roof next above across the entire street-facing Street Level building facade for a minimum depth of 15 feet from the street-facing building facade. See Figure 13.1-108.

b. A building facade is “street-facing” if it faces a Primary or Side Street Zone Lot Line, which shall be determined by extending a line the width of the facade and perpendicular to it to the Primary or Side Street Zone Lot Line. If any portion of said line touches the Primary or Side Street Zone Lot Line, then said facade is “street-facing.” See Figure 13.1-94.

Figure 13.1-108



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B

Backhaul or Backhaul Network: The lines that connect a provider’s tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Balcony, Exterior: A projecting cantilevered platform on a building that is not supported on the ground by posts, columns, or similar supporting structural members. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry to habitable space, provided such landing does not exceed the minimum required dimensions for a landing as defined in the Building Code.

Base Height: the maximum Building Height established in the Underlying Zone District, including any Building Height limits associated with proximity to a Protected District, to which Structures can be constructed without meeting the additional requirements set forth in an Incentive Overlay District.

Berm: A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

Billboard: See “Outdoor General Advertising Device”.

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.

Block, Square: A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.

Block, Oblong: A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.

Block Face: See definition of “Face Block.”

Build-to: An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a street-facing, primary building wall must be built.

Building: Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.

Building, Principal or Primary: A building in which is conducted the principal or primary use of the zone lot on which it is situated.

Building Form Standards: Standards applicable to the development of buildings and structures in this Code which, taken together, regulate building height (Building Height Standards), building siting (Siting Standards), building design elements (Design Element Standards), and the permitted use of buildings (Use Building Form Standards).

Building Front or Frontage: That exterior wall of a building facing a front line of the zone lot.

Building Height: The height of a building, measured in accordance with the Rules of Measurement (see Division 13.1 of this Article.)

Building Height Standards or Height Standards: Standards in this Code that address how tall a building and its component parts may be. Building height standards include, but are not limited to, standards addressing overall building height in feet or stories, side wall height, and bulk plane requirements.

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Impervious Material: A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

Incentive Height: Additional Building Height permitted above the Base Height for development meeting the additional requirements set forth in an Incentive Overlay District.

Industrial Zone District: The Industrial A (“I-A”) and the Industrial B (“I-B”) Zone Districts, but not including the Industrial Mixed Use (“I-X” or “M-IMX”) Zone Districts established by this Code.

Involuntary Demolition or Involuntarily Destruction: The destruction or demolition of a structure caused by natural forces (e.g., accidental fire; flood; tornado) and not by man-made forces.

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U

Underlying Zone District: The standard non-overlay zone district providing base building form and use requirements is considered to be the Underlying Zone District when used in combination with an Overlay Zone District. Underlying Zone Districts may include, but are not limited to, Residential Zone Districts and Mixed Use Commercial Zone Districts.

Unobstructed Open Space: Land with no buildings thereon, except fenced or walled trash facilities. The following provisions apply to the specified zone districts:

1. Except as otherwise provided herein, in the Single Unit (SU), Two Unit (TU), Townhouse (TH), or Rowhouse (RH) zone districts, unobstructed open space shall include any areas that are open to the sky including driveways; driving aisles; unenclosed parking spaces; front porches; and patios, decks or exterior balconies the surface of which is two and one half (2 1/2) feet or less above grade; and unenclosed areas covered by a trellis or arbor.
2. In the Single Unit (SU) and Two Unit (TU) zone districts, the following portions of the zone lot shall not be deemed to be unobstructed open space: any area bordered by walls on more than three sides; any porch, patio, or deck enclosed by any railing, wall, or similar structure in excess of three (3) feet in height above the surface of the porch, patio or deck; and any area beneath a projecting architectural or structural element such as balconies, bay windows, or second floor projections, excepting eaves.

Upper Story Setback: The horizontal distance that an upper portion of a building facade is set back from the property or zone lot boundary line.

Upper Story Step-Back: The horizontal distance that an upper portion of a building facade is set back from the face of the building's lower portion.

Use: The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use, Allowed: See "Use, Permitted."

Use, Accessory: A subordinate use, clearly incidental and related to the primary use of land, and, unless otherwise permitted by this Code, located on the same zone lot as that of the primary use.

Use, By Right: See "Use, Permitted."

Use, Compliant: A use or activity that was lawful prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, or because other uses are established closer to the legally established use than this Code permits, does not comply with current use limitations applicable to such use or activity.

Use, Conforming: A use or activity that was lawful when originally established and that complies with current use limitations applicable to the use or activity in the zone district in which it is located. A use or activity that was lawful when originally established, but which, by reason of the adoption of or revision to this Code, does not comply with a review procedure (e.g., special exception review), or with a reduceable spacing/distance requirement, or with a site development or design standard (e.g., parking, landscaping, and signage) otherwise applicable to such use, shall be classified as a "conforming use."