



Denver Zoning Code Text Amendment #9

Active Centers and Corridors Design Overlay (DO-8) and Shopfront Consistency

LAND USE, TRANSPORTATION, AND INFRASTRUCTURE COMMITTEE DRAFT - 02/04/2021

This document contains the draft of a proposed text amendment to the Denver Zoning Code to create the Active Centers and Corridors Design Overlay (DO-8) and create consistency in the Shopfront building form in Article 5. Councilwoman Amanda Sandoval requested Community Planning and Development draft this text amendment. Councilwoman Sandoval has also sponsored an official map amendment (rezoning) to apply the Active Centers and Corridors Design Overlay to several existing Urban Mixed Use and Urban Main Street districts in the Berkeley and Regis neighborhoods.

This review draft includes proposed amendments to Article 5 (edit to the Shopfront building form to create consistency with Shopfront building forms in other contexts), Article 9 (regulations for the DO-8), and Article 13 (addition of a standard to definition of Structure, Compliant).

Review Draft Document Conventions

- Text in red underline is proposed new language.
- Text in ~~red strikethrough~~ is proposed deleted language.
- Text in ~~blue strikethrough~~ is being moved from one section/location to another.
- Text in blue, no strikethrough, has been moved from another section/location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure constancy of approach and administration with other ongoing text amendments. If other ongoing text amendments are adopted after the LUTI draft, the final, “clean” version of the text amendment that is filed for adoption by City Council will be updated to reflect the other adopted text amendment.

Visit www.denvergov.org/textamendments to learn more about this proposed text amendment. Please send any questions or comments to Kristofer Johnson at kristofer.johnson@denvergov.org.

Other Denver Zoning Code Text Amendments in Progress

The text in this document reflects changes to the Denver Zoning Code as amended through November 12, 2020. The changes indicated here do not reflect Text Amendment #8 (Group Living).

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

SHOPFRONT

	U-RX-3	U-RX-5	U-MX-2 U-MS-2x U-MX-2	U-MS-3 U-MX-3	U-MS-5
HEIGHT					
Stories (max)	3	5	2	3	5
A Feet (min/max)	na/45'	na/70'	na/30'	na/45'	24'/70'
SITING					
REQUIRED BUILD-TO					
B Primary Street (min build-to % within min/max range)	70% 0'/15'	70% 0'/15'	75% 0'/5' Residential Only Buildings: 0'/10'		
C Side Street (min build-to % within min/max range)	na	na	25% 0'/5' Residential Only Buildings: 0'/10'		
SETBACKS					
Primary Street (min)	0'	0'	0'	0'	0'
Side Street (min)	0'	0'	0'	0'	0'
Side Interior (min)	0'	0'	0'	0'	0'
D Side Interior, adjacent to Protected District (min)	10'	10'	U-MS-2x, U-MX-2x: 5' All Other Zone Dis- tricts:10'	10'	10'
Rear, alley and no alley (min)	0'	0'	0'	0'	0'
Rear, adjacent to Protected District , alley/no alley (min)	0'/10'	0'/10'	U-MS-2x, U-MX-2x: 12'/20' All Other Zone Dis- tricts: 0'/10'	0'/10'	0'/10'
PARKING					
Surface Parking between building and Primary Street/Side Street	Not Allowed/Allowed		MS: Not Allowed/Not Allowed		
E Surface Parking Screening	See Article 10, Division 10.5				
Vehicle Access	Shall be determined as part of Site Development Plan Review				
DESIGN ELEMENTS					
BUILDING CONFIGURATION					
Dwelling Unit Configuration	Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA				
F Upper Story Setback Above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	15'/25'	20'/25'	na	15'/25'	20'/25'
G Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	na	na	35'/40'
STREET LEVEL ACTIVATION					
H Transparency, Primary Street (min)			60%	Residential Only Buildings: 40%	
I Transparency, Side Street (min)			25%		
J Pedestrian Access, Primary Street			Entrance		
USES					
Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)	All U-RX Zone Districts		All U-MS and U-MX Zone Districts		
	na		100%		
	All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max. See Division 5.4 Uses and Parking		All permitted Primary Uses shall be allowed within this building form. See Division 5.4 Uses and Parking		

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

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4. No other such lodging is located within 500 feet of the proposed use as measured along the same face block from zone lot line to zone lot line.
5. The structure contains a minimum of 1,000 square feet of gross floor area and no guest room or suite contains less than 100 square feet of floor area.
6. The lodging shall provide breakfast as part of the room price.
7. The interior and exterior of the structure shall be maintained in a manner that reflects the original architectural character of the building, and the property shall be landscaped in a manner that protects the appearance and value of surrounding properties and neighborhoods and improves environmental conditions, thereby promoting the general welfare. The landscaping shall be Continuously Maintained which includes necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement shall occur in the next planting season; but, in any event, replacement time shall not exceed one year.
8. The sign regulations of Division 10.10, Signs, shall apply; provided, however, the maximum sign area permitted on any one street front shall not exceed 10 square feet. The maximum height of any ground sign shall be 4 feet.
9. Related retail sales may be conducted within the structure; however, the floor area allocated to this retail use shall not exceed 10 percent of the gross floor area of the structure. Access to this retail area shall be limited to use by overnight guests only.
10. No social activities, such as weddings, receptions, private parties or similar events, will be permitted unless at least 90 percent of the participants are overnight guests.

SECTION 9.4.5 DESIGN OVERLAY DISTRICTS (DO-)

9.4.5.1 General Purpose

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

- A. To implement land use and urban design recommendations and standards set forth in neighborhood or small area plans, which plans have been adopted as part of the Comprehensive Plan;
- B. To reinforce the desired character for newly developing or redeveloping areas.
- C. To provide uniformity in the design standards applicable to **arterial** streets or to river corridors having varied underlying zoning;
- D. To provide uniform standards for mitigating the impact of more intensive uses adjacent to less intensive uses;
- E. To provide for the enactment of urban design standards for specific segments of designated parkways and boulevards, and areas with cohesive design characteristics; and
- F. To implement design standards in a geographically specific area or multiple areas or districts with similar conditions and objectives throughout the city.

9.4.5.2 Applicable Standards and Modifications Allowed

A. Applicable Standards - In General

A design overlay zone district includes standards that modify otherwise applicable standards in the underlying zone district. Modifications include but are not limited to reducing or increasing a quantitative zoning standard, such as building height or setback standards, and may include new zoning standards not otherwise applicable in the underlying zone district, but not including new limitations on a permitted use. Any changes or modifications to the standards

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in a design overlay zone district are considered zoning text amendments subject to the review procedures stated in Section 12.4.11, Text Amendments.

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:

DESIGN OVERLAY DISTRICT NAME	ZONING MAP DESIGNATOR
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
<u>Active Centers and Corridors Design Overlay District</u>	<u>DO-8</u>

9.4.5.4 Effect of Approval

A. Official Map Designator

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

B. Limitation on Permit Issuance

No zoning permit for development or a use within an Design Overlay District shall be issued by the City unless the development or use meets the standards set forth in this Section, as applicable, and the applicable approved Rules and Regulations.

9.4.5.5 Uptown Design Overlay District (DO-1)

A. Creation

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;

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

A. Creation

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

B. Intent

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

C. Applicability

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

D. Primary Building Form Standards Within Overlay District

1. Intent for Overlay Building Form Standards

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

2. Applicability

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

3. General Standards

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

4. Building Forms Allowed

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

5. Overlay District-Specific Standards

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

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HEIGHT	DO-8 Overlay District		
	<u>Shopfront Building Form</u>	<u>Town House Building Form</u>	
<u>See Underlying Zone District for All Applicable Height Standards</u>			
SITING	DO-8 Overlay District		
	<u>Shopfront Building Form</u>	<u>Town House Building Form</u>	
<u>See Underlying Zone District for Additional Applicable Siting Standards Not Listed Below</u>			
ZONE LOT			
Zone Lot Width (min)	na	38'	
REQUIRED BUILD-TO			
Primary Street (min/max build-to range)	2'/10' Portion of Structure Subject to a Residential Setback: 7'/15'	See Underlying Zone District	
SETBACKS			
Primary Street (min)	2'	See Underlying Zone District	
RESIDENTIAL SETBACKS			
Primary and Side Street (min)	7'	na	
PARKING			
Surface Parking between Building and Primary Street/Side Street	Not Allowed / Not Allowed	Not Allowed / Not Allowed	
DESIGN ELEMENTS	DO-8 Overlay District		
	<u>Shopfront Building Form</u>	<u>Town House Building Form</u>	
<u>See Underlying Zone District for Additional Applicable Design Elements Standards Not Listed Below</u>			
BUILDING CONFIGURATION			
Street Level Height (min)	14'	na	
STREET LEVEL ACTIVATION			
Transparency Alternatives	See Section 9.4.5.12.F	See Section 9.4.5.12.F	
Pedestrian Access	See Underlying Zone District	See Underlying Zone District	
Additional Pedestrian Access, Primary and Side Street	Each Street Level Dwelling Unit shall have a Dwelling Unit Entrance with Entry Feature	na	
USES	DO-8 Overlay District		
	<u>Shopfront and Town House Building Forms</u>		
<u>See Underlying Zone District for Additional Applicable Uses Standards Not Listed Below</u>			
ACTIVE USES BY ZONE LOT WIDTH	<u>37.5' or less</u>	<u>Greater than 37.5' and up to 50'</u>	<u>Greater than 50'</u>
<u>Street Level Nonresidential Active Uses (min Primary Street % within Build-To min/max range and with Street Level Nonresidential Active Uses)</u>	<u>0% - See Section 9.4.5.12.E</u>	<u>50% - See Section 9.4.5.12.E</u>	<u>75% - See Section 9.4.5.12.E</u>

E. Supplemental Street Level Nonresidential Active Use Standards

The following supplemental design standards for Street Level nonresidential active uses in the DO-8 Overlay District shall apply:

- 1. Intent**
To promote activity on the street and sidewalk and encourage a vibrant urban environment with ground floor uses accessible to the general public.
- 2. Applicability**
This Section 9.4.5.12.E applies to all Primary Structures in zone districts that allow a maximum Building Height of 3 stories or more that are located on a Zone Lot with a Zone Lot Width greater than 37.5 feet.

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3. Allowance

- a. Street Level nonresidential active uses shall occupy Street Level floor area for a minimum depth of 15 feet except for the depth of recessed Pedestrian Access features required by the applicable building form table.
- b. Street Level nonresidential active uses include all permitted Primary Uses except the following:
 - i. Dwelling, Single Unit;
 - ii. Dwelling, Two Unit
 - iii. Dwelling, Multi-Unit;
 - iv. Dwelling, Live / Work;
 - v. Automobile Services, Light;
 - vi. Mini-storage Facility; or
 - vii. Wholesale Trade or Storage, Light.
- c. Street Level nonresidential active uses include all permitted Accessory Uses except the following:
 - i. Accessory Uses associated with Primary Uses prohibited by Section 9.4.5.12.E.3.b;
 - ii. Outdoor Storage, General;
 - iii. Outdoor Storage, Limited;
 - iv. Car Wash Bay Accessory to Automobile Services or Hotel Uses;
 - v. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses; or
 - vi. Off-Street Parking Areas.
- d. The length of any Build-To alternatives shall not apply toward the required percentage of Street Level building frontage that must be occupied by Street Level nonresidential active uses.

F. Street Level Transparency Alternatives and Exceptions for the DO-8 District

The following design standard alternatives and exceptions for Street Level transparency in the DO-8 Overlay District shall apply:

1. Intent

To provide visual interest on building Facades and enhance the visual quality of the built environment along Street Level Facade areas where windows are not feasible.

2. Allowance

Permanent art shall be the only transparency alternative allowed in the DO-8 Overlay Zone District and may count toward no more than 30% of the required transparency on Primary Streets or Side Streets, provided the permanent art meets the requirements stated in Section 13.1.6.3.A.5, Transparency Alternative Requirements.

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A structure that meets this definition of “conforming structure”, but which does not comply with zoning standards that are inapplicable to structures (e.g., site design standards such as landscaping, parking amount, signage), are still “conforming structures” under this Code.

Structure, Compliant: A legally established structure that meets one of the following conditions:

1. The legally established structure does not comply with one or more of the following Building Form Standards in this Code:
 - a. Height Standards
 - i. Minimum, feet
 - ii. Maximum, feet and stories
 - iii. 3rd Avenue CCN bulk plane
 - b. Siting Standards
 - i. Building setback standards, including Block Sensitive Primary Street setback standards
 - ii. Required build-to
 - iii. Location of surface parking for vehicles
 - c. Design Element Standards
 - i. Street Level activation standards
 - ii. Upper-story setback standards
 - iii. Overall structure length
 - iv. Pedestrian access, primary structure
 - v. Private open space
 - vi. Mass reduction
 - vii. Limitation on Visible Parking Above the Street Level
 - viii. Street Level height
 - d. Use Building Form Standards
2. The legally established structure was conforming under Former Chapter 59 on June 24, 2010, but does not currently comply with Denver Zoning Code “building height standards,” “siting form standards,” or “design element form standards,” as those terms are defined in Article 13.

Structure, Nonconforming: A structure or building that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements for a conforming structure or a compliant structure in the zone district in which such structure or building is located.

Structure - Group C:

Structure, Accessory: A subordinate structure located on the same zone lot with the primary building, structure, or use, and which is incidental and customary to the primary building, structure, or use. Accessory structures include man-made structures with walls and roofs, along with man-made structures with no walls or no roofs, including, but not limited to detached garages, fences, walls, gazebos, decks and patios.

Structure, Detached: Any structure having no party wall or common wall with another structure. Bridges, tunnels, breezeways and other similar means of connecting one (1) structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.