

ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

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DIVISION 13.1 RULES OF MEASUREMENT

SECTION 13.1.1 INTRODUCTION

This Division provides explanations of how to make determinations and measurements for standards contained within this Code.

SECTION 13.1.2 HEIGHT FOR ALL SU, TU, **TH**, RH, E-MU-2.5, MU-3, AND RO-3 ZONE DISTRICTS

13.1.2.1 Applicability

This Section 13.1.2 applies to all SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3 and RO-3 zone districts.

13.1.2.2 Base Plane

A. Intent

The purpose of using a dual base plane and a building-specific base plane on large zone lots associated with a front and rear percentage of lot depth is to measure height in a way that accounts for accommodate changes in slope ~~from the front to rear~~ across a zone lot.

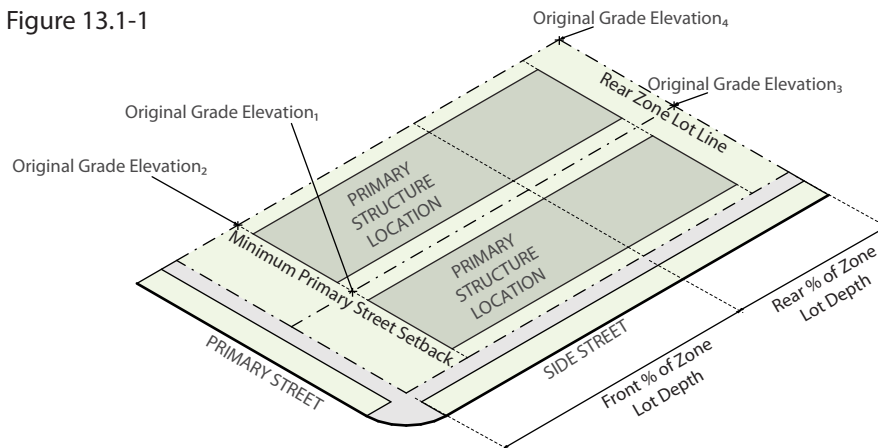
B. Rule

Two base planes or a building specific base plane shall be used as a basis for measuring height for all primary and accessory structures:

1. Two Base Planes

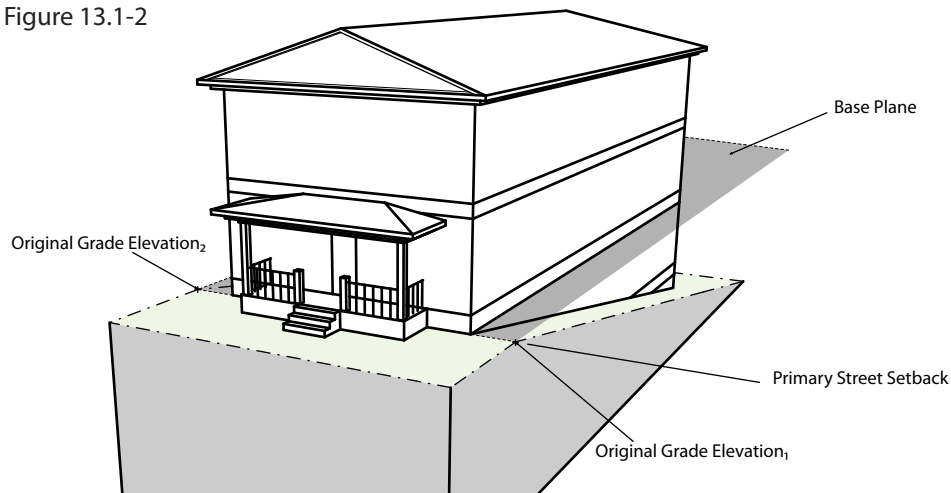
- a. A Front Base Plane shall be the basis for measuring height in the portion of the Zone Lot ~~described below~~:
 - i. The front 65% of the Zone Lot Depth for all S-SU, S-RH, S-MU-3, E-SU, E-TU, E-RH, E-MU, U-SU, U-TU and U-RH zone districts
 - ii. The front 80% of the Zone Lot Depth in the G-RH, G-MU-3 and G-RO-3 zone districts
- b. The Front Base Plane shall be a horizontal plane established at:
 - i. ~~t~~The average elevation of original grade measured 20 feet from the Primary Street Zone Lot Line along of two Side Interior Zone Lot Lines, or
 - ii. ~~t~~The elevation of original grade of one Side Interior Zone Lot Line, when two are not present, measured 20 feet from the Primary Street Zone Lot Line along the single Side Interior Zone Lot Line. at the minimum primary street setback line. See Figure 13.1-1.
 - iii. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

Figure 13.1-1



- c. A Rear Base Plane shall be the basis for measuring height in the portion of the Zone Lot described below:
 - i. The rear 35% of the Zone Lot Depth for all S-SU, S-RH, S-MU-3, E-SU, E-TU, E-RH, E-MU, U-SU, U-TU and U-RH zone districts; and
 - ii. The rear 20% of the Zone Lot Depth in the G-RH, G-MU-3 and G-RO-3 zone districts.
- d. The Rear Base Plane shall be a horizontal plane established at the average elevation of the original grade of the two Side Interior Zone Lot Lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the Rear Zone Lot Line. See Figure 13.1-2. In any case where a Side Interior Zone Lot Line does not intersect with a Rear Zone Lot Line, the Zoning Administrator shall determine the points where the Rear Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

Figure 13.1-2



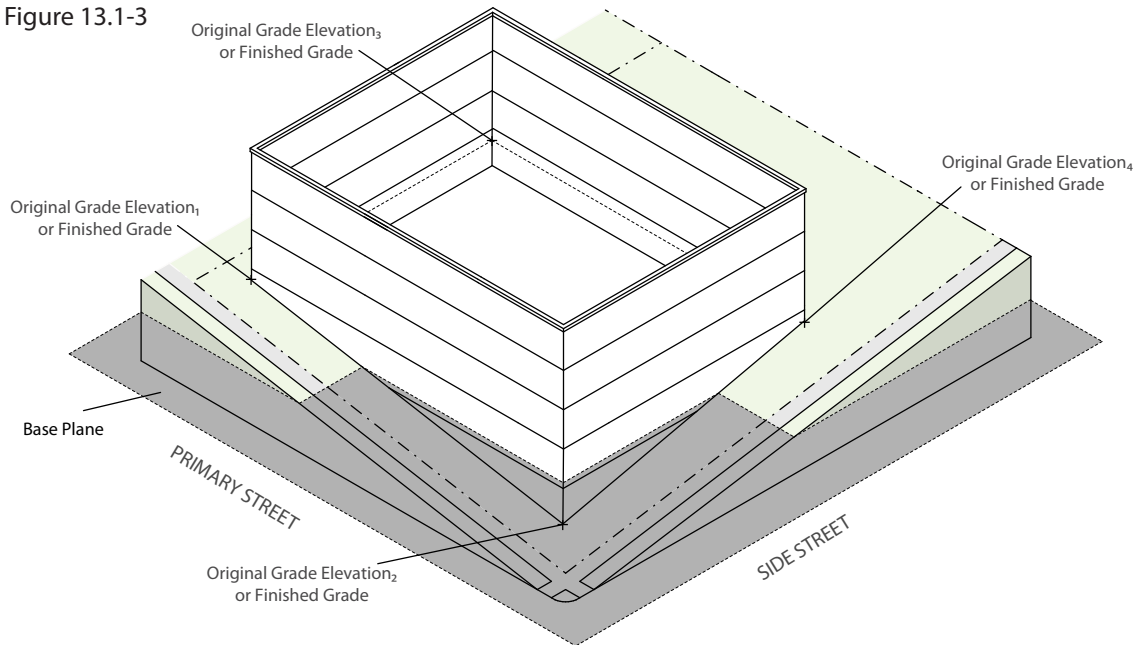
2. Building Specific Base Plane

- a. **Applicability:**
For development of multiple primary buildings on a single zone lot that is 18,000 square feet or more, a building specific base plane may be used.

b. Base Plane:

A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-3

Figure 13.1-3



13.1.2.3 Height in Stories

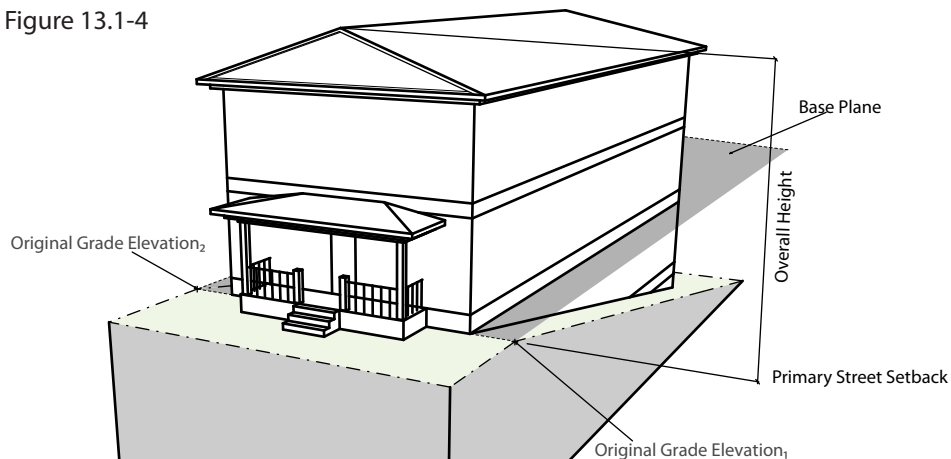
A. Intent

To provide an easy reference for visualizing building height, to provide an appropriate consistency of building scale and to shape and/or maintain neighborhood character.

B. Stories (max) Rule of Measurement

1. Overall height in stories shall be measured as the total number of stories. See Figure 13.1-4.
2. A Story shall count towards the total number of stories when:
 - a. The Story has the upper surface of its floor entirely above the Front Base Plane or the Building Specific Base Plane, where applicable; or
 - b. The Story is located below a story which has the upper surface of its floor more than 6 feet above the Front base plane or the Building Specific Base Plane, where applicable; or
 - c. The Story is located below a story which has the upper surface of its floor more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
 - d. The Story is located below a story which has the upper surface of its floor more than 12 feet above finished grade at any point.

Figure 13.1-4



3. Half Story

a. Intent

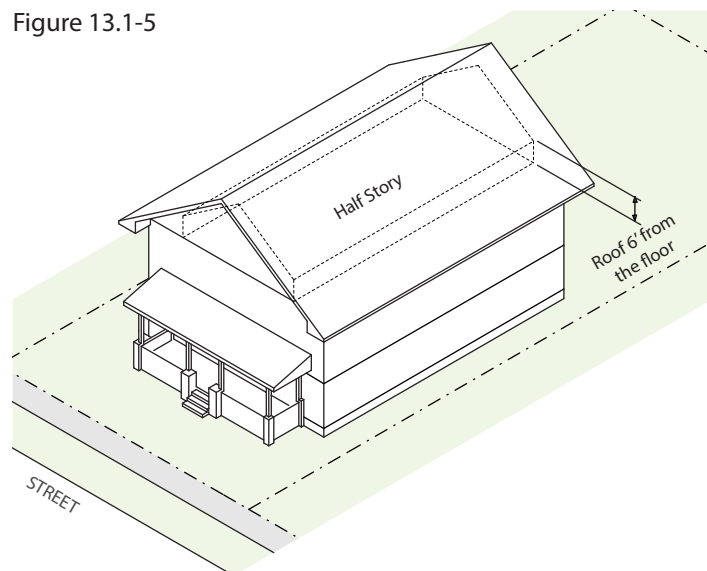
To allow for additional floor area while minimizing additional bulk.

b. Rule of Measurement

Where a half story is permitted, it shall meet the following:

- i. The total Gross Floor Area of a half story shall be no greater than 75 percent of the Gross Floor Area of the Story below. The calculation for the total Gross Floor Area of a half story may exclude portions of a Story where the upper surface of the Roof is located less than 6-feet from the elevation of the upper surface of the floor of that Story. See Figure 13.1-5.
- ii. All half stories are calculated based on the Gross Floor Area of the Story below contained within the same Dwelling Unit.

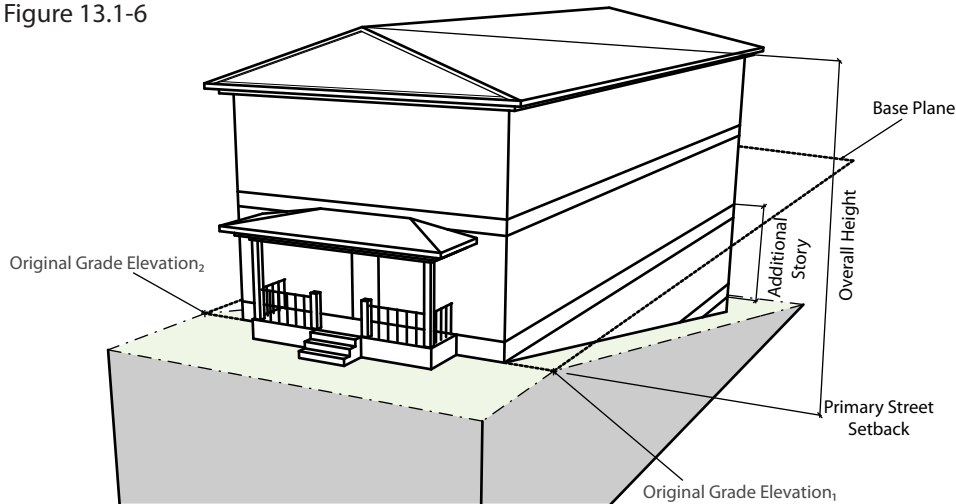
Figure 13.1-5



4. Overall Height in Stories for Sloping Lots

For Primary Structures only, where a lot slopes downward from the Primary Street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the Front Base Plane elevation. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street zone lot line. See Figure 13.1-6.

Figure 13.1-6



C. Exceptions From Stories (Max)

Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

13.1.2.4 Height in Feet

A. Feet (max) Rule of Measurement

Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure, including parapet walls or safety railings. See Figure 13.1-7 and 13.1-8.

B. Exceptions From Feet (max)

Exceptions from overall building height in feet are found in each of Articles 3-9 of this Code.

Figure 13.1-7

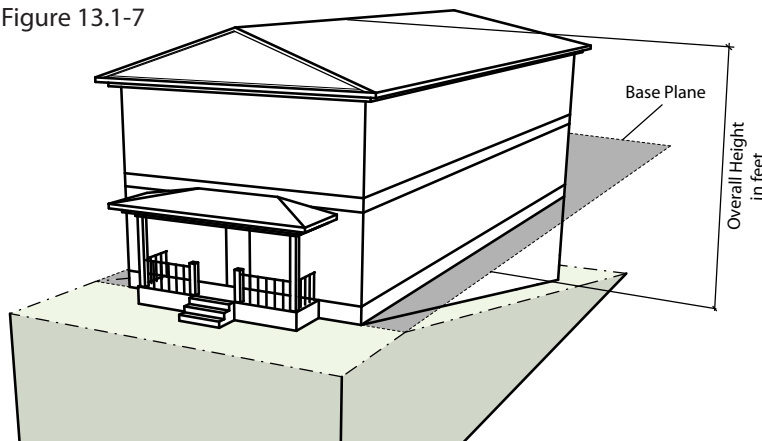
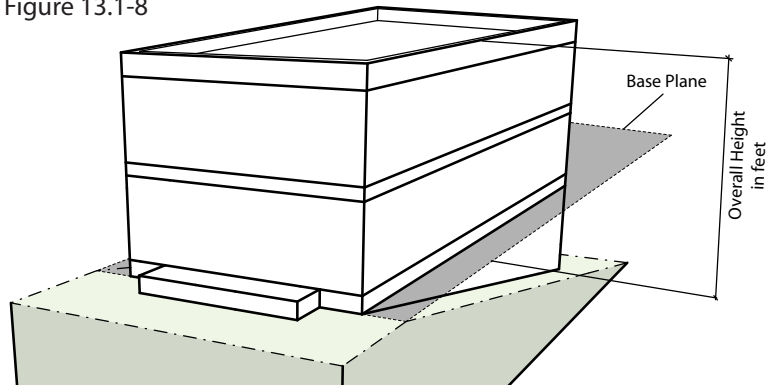


Figure 13.1-8

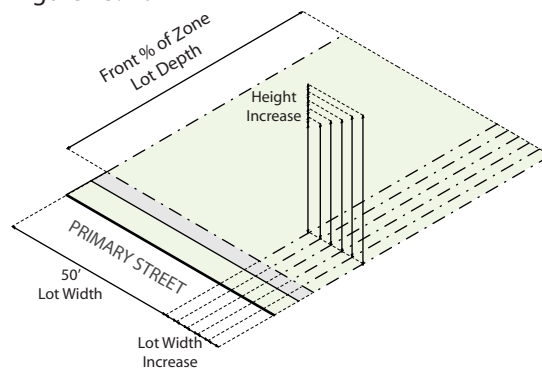


13.1.2.5 Feet, Permitted height increase

A. Feet, Permitted Height Increase Based on Zone Lot Width

The overall height of a structure may increase in feet as specified in the building form tables, when the overall zone lot width increases. See Zone Lot Width for how to measure. See Figure 13.1-9.

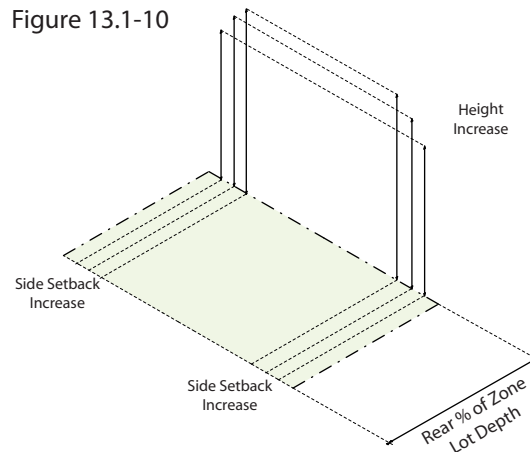
Figure 13.1-9



B. Feet, Permitted Height Increase Based on Increased Setback

The overall height of a structure may increase in feet as specified in the building form tables, when one side interior setback is increased in excess of the required minimum side interior setback. See Figure 13.1-10.

Figure 13.1-10



SECTION 13.1.3 HEIGHT FOR ALL OTHER ZONE DISTRICTS

13.1.3.1 Applicability

This Section 13.1.3 shall apply to all zone districts except SU, TU, TH, RH (excluding M-RH), E-MU-2.5, MU-3, and RO-3 zone districts.

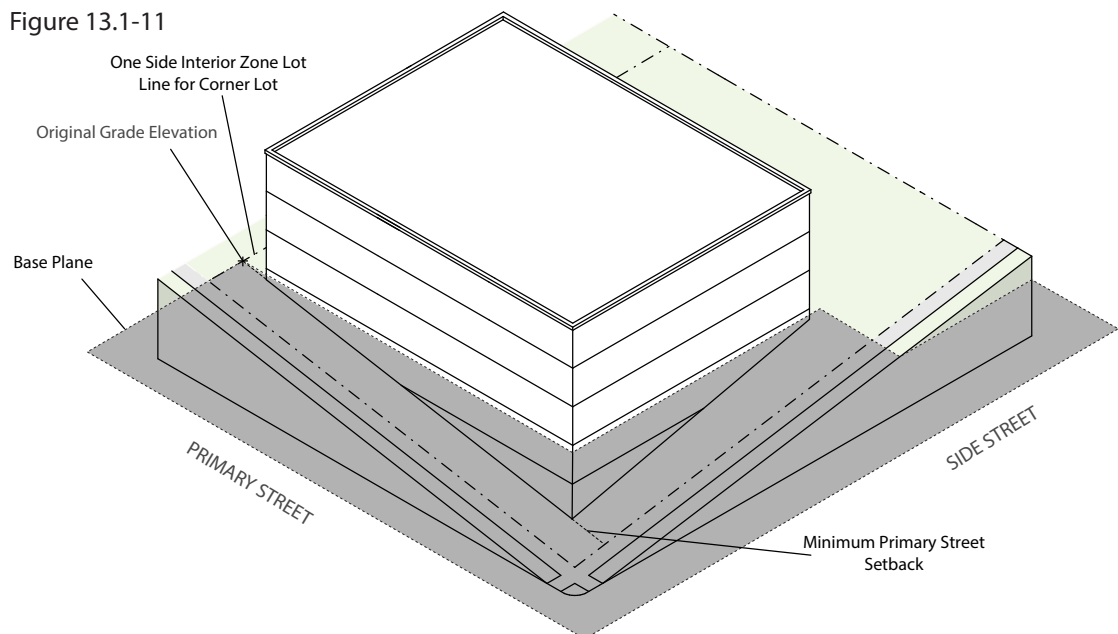
13.1.3.2 Base Plane

Overall height for all buildings and structures on the zone lot shall be measured from a base plane. The applicant shall apply either a single base plane for the entire zone lot or a building-specific base plane:

A. Single Base Plane

1. A single base plane shall be a horizontal plane established at the average elevation of the original grade of the two side interior zone lot lines, or the elevation of original grade of one side interior zone lot line when two are not present, measured at the minimum primary street setback line. See Figure 13.1-11.
2. In any case where a Side Interior Zone Lot Line does not intersect with a Primary Street Zone Lot Line, the Zoning Administrator shall determine the points where the Front Base Plane shall originate based on the criteria for determining zone lot lines in Section 13.1.5.2.A.3, Criteria for Zoning Administrator Determination.

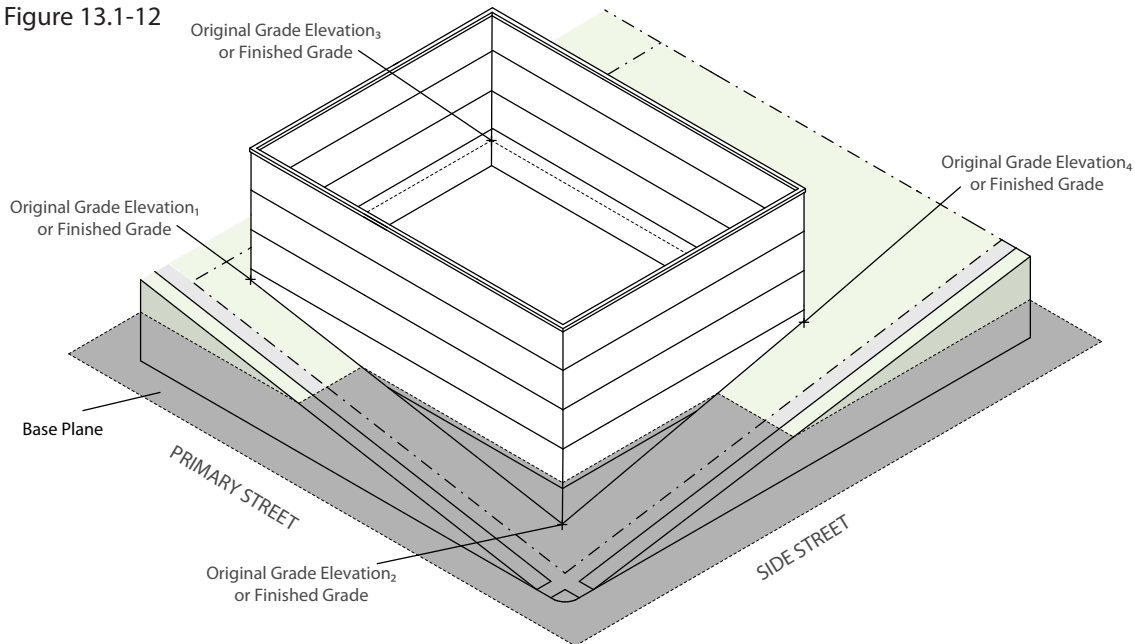
Figure 13.1-11



B. Building-Specific Base Plane

A building-specific base plane shall be a horizontal plane established at the average elevation of the original grade or finished grade, whichever is lower, of the corners of each building. With this approach, a building-specific base plane is established for each building sited on the same zone lot. See Figure 13.1-12

Figure 13.1-12



13.1.3.3 Height in Stories

A. Intent

To provide an easy reference for visualizing building height and to provide an appropriate consistency of building scale.

B. Stories (max) Rule of Measurement

1. Overall height in stories shall be measured as the total number of stories.
2. A Story shall count towards the total number of stories when:
 - a. The Story has the upper surface of its floor entirely above the Base Plane; or
 - b. The Story is located below a story which has the upper surface of its floor more than 6 feet above the base plane (See Figure 13.1-13); or
 - c. The Story is located below a story which has the upper surface of its floor more than 6 feet above the finished grade for more than 50% of the total building perimeter; or
 - d. The Story is located below a story which has the upper surface of its floor more than 12 feet above finished grade at any point. (See Figure 13.1-14)

Figure 13.1-13

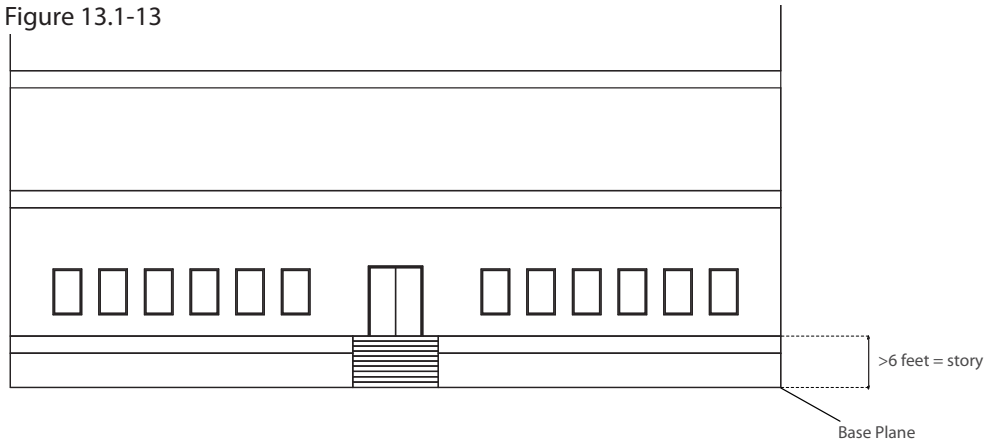
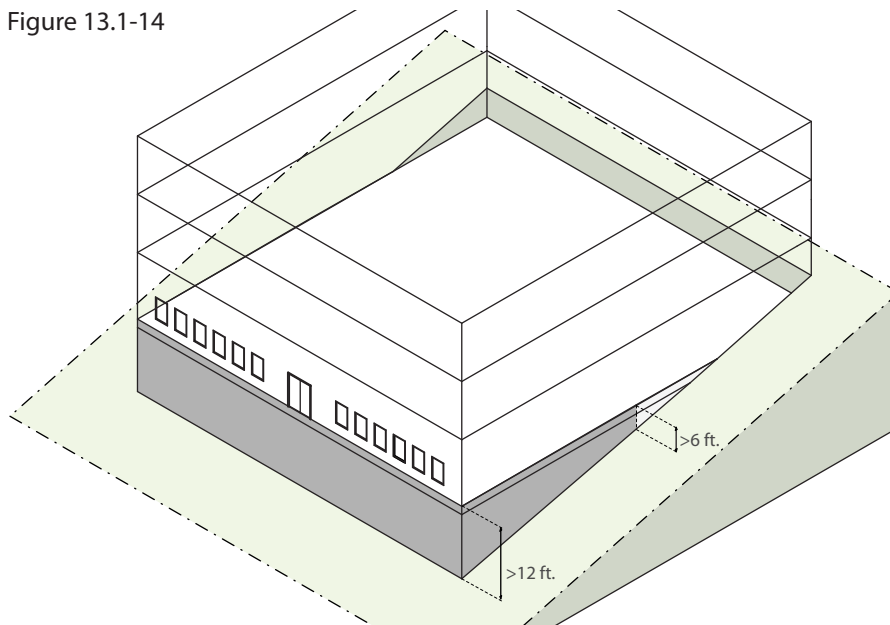


Figure 13.1-14

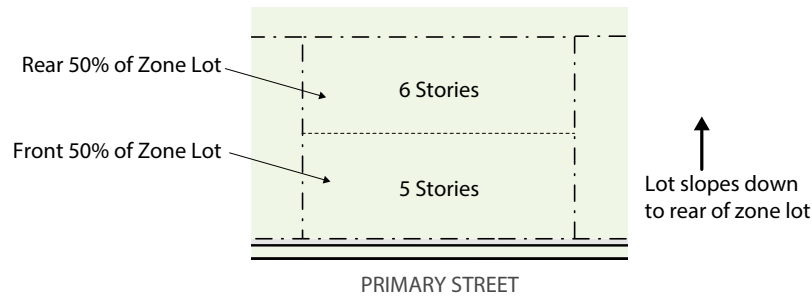


3. Overall Height in Stories for Sloping Lots

For Primary Structures only, where a lot slopes downward from the primary street zone lot line, one story that is additional to the specified maximum number of stories may be built entirely below the Single Base Plane elevation. See Figure 13.1-15. This section shall not apply to zone lots that do not have a rear zone lot line, or when the rear zone lot line intersects the Primary Street or Side Street Zone Lot Line.

Figure 13.1-15

**Graphic is illustrative of a 5-Story Zone District.*



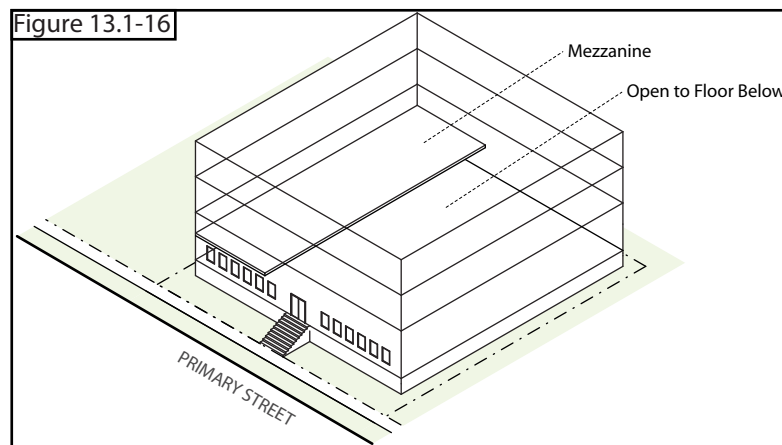
4. Mezzanine

a. Intent

Interior building mezzanines are accommodated only when the mezzanine reads as a single story as viewed from the primary street building elevation, and when the mezzanine space physically protrudes over the space below.

b. A mezzanine is floor space within a building that has all of the following features:

- i. The floor space contains a minimum of 70-square feet in area not less than 7-feet in any horizontal dimension that has at least 7-feet net floor-to-ceiling height throughout that area. For floor space with sloped ceilings, the floor space provides a minimum of 70-square feet in area with at least 5-feet net floor-to-ceiling height throughout that area and with at least 7-feet net floor-to-ceiling height over half that area.
- ii. The total gross floor area of the mezzanine story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 33% of the floor area of the Room below to which the mezzanine opens.
- iii. The mezzanine shall be open and unobstructed to the Room in which such mezzanine is located except for walls not more than 42 inches high, columns, or posts.
- iv. Such floor space shall not count as a story or towards F.A.R. See Figure 13.1-16.



5. Parking Structure Stories

a. Intent

To promote a high-quality pedestrian experience along the Street Level of a structure containing vehicle parking by providing an exception to the allowed height in stories, but not to height in feet.

b. Applicability

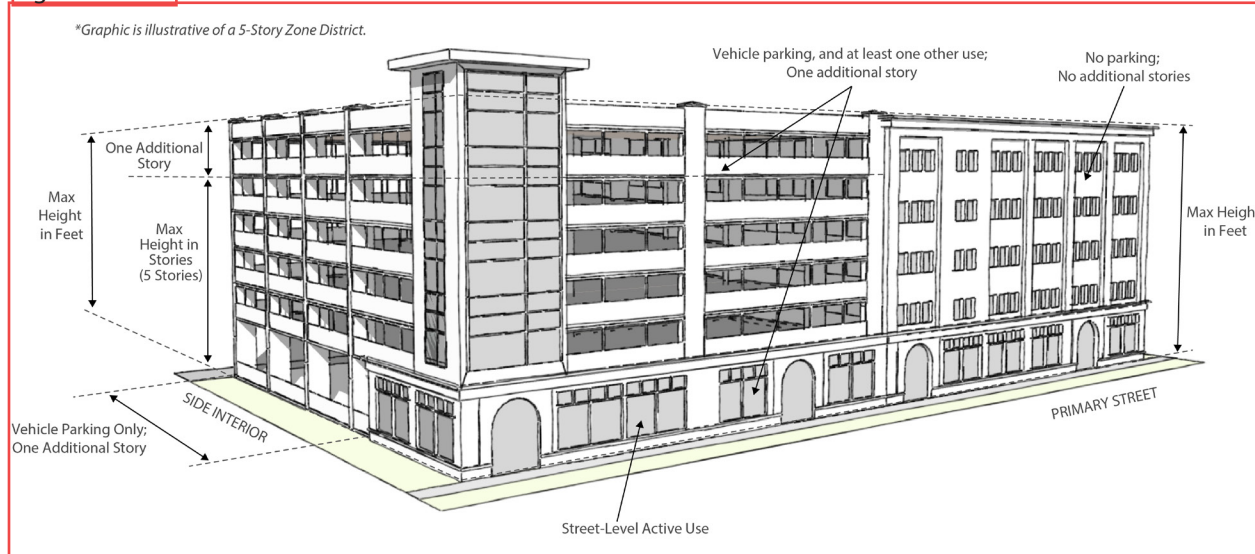
This section 13.1.3.3.B.5 shall apply to multi-story structures that contain both vehicle parking and at least one primary Street Level active use other than Garage Parking.

c. Standards

- i. If no design standard alternatives set forth in the Underlying Zone District or any applicable Overlay Zone District are used to meet any of the required Building Form Standards, and a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts, then the structure may exceed the maximum height in stories allowed by the applicable Building Form by one additional story at such locations as:
 - a) The structure contains vehicle parking and at least one other use, or
 - b) The structure contains vehicle parking.

For example, in a 5-story zone district, a structure meeting the Street Level active use requirements may have 6 stories of vehicle parking, or 6 stories of a combination of vehicle parking and office uses. However, a structure may only have 5 stories at such locations as all of the stories contain office uses with no vehicle parking. Stories containing vehicle parking may be sandwiched between stories containing other uses. See Figure 13.1-17.

Figure 13.1-17

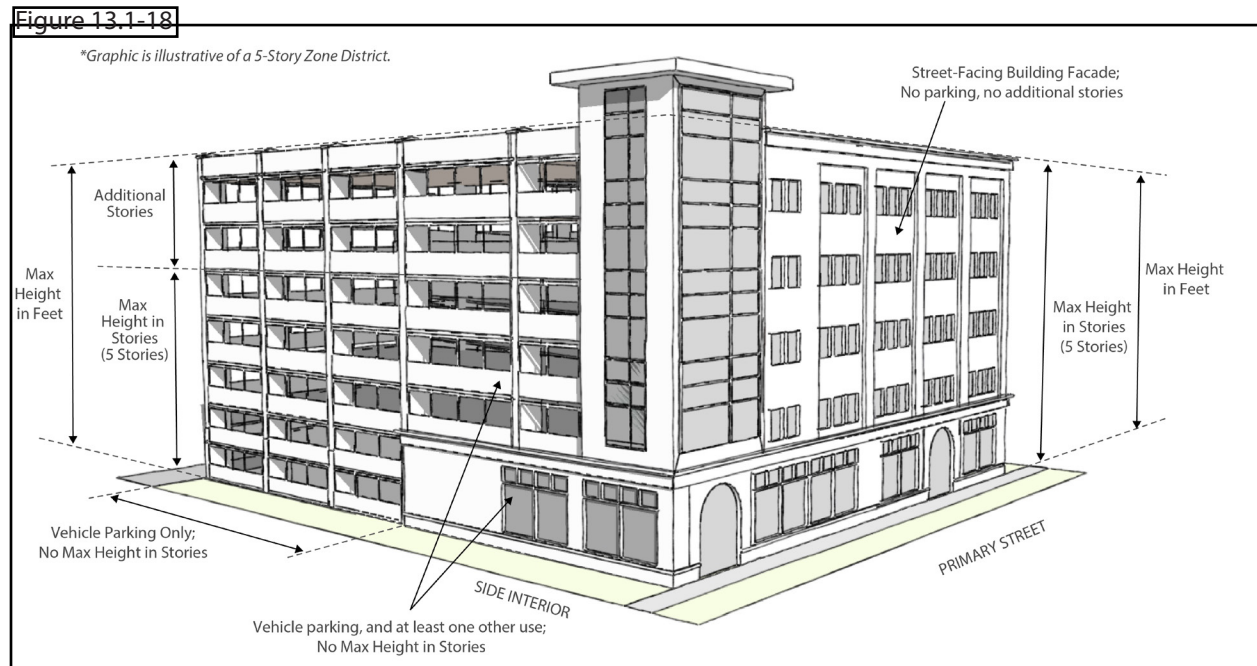


- ii. If a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts and such Street Level active uses are provided on all stories along each street-facing building façade, then the structure shall have no maximum height in stories at such locations as:
 - a) The structure contains vehicle parking and at least one other use, or

- b) The structure contains vehicle parking.

A building facade is Street-facing when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.

For example, in a 5-story district, a structure meeting the Street Level active use requirements on all stories along all street-facing building facades may have an unlimited number of stories containing vehicle parking, or the structure may have an unlimited number of stories containing both vehicle parking and office uses. However, the structure may have only 5 stories at such locations as all of the stories contain office uses with no vehicle parking. See Figure 13.1-18.



- iii. In addition to the standards in Sections 13.1.2.3.B.5.c.i and ii, the following additional standards shall apply:
- a) An additional story in height is allowed only at such locations within the Structure where vehicle parking and another non-parking use both occur and are vertically aligned; and
 - b) Except as detailed in the building form standard tables in each of Articles 3-9, a Structure shall not be exempt from the maximum height in feet allowed by the applicable Building Form; and
 - c) A Structure exceeding the maximum height in stories as allowed by this Section 13.1.2.3.B.5 that is not utilizing the height flexibility allowed by Section 10.12.1 Height Incentives, shall not be required to meet the increased requirements for enhanced on-site compliance as set forth in D.R.M.C. Chapter 27, Article X Mandatory Affordable Housing and any applicable Rules and Regulations.

C. Exceptions From Stories (Max)

Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

13.1.3.4 Height in Feet

A. Feet (max)

1. Rule of Measurement

Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure. See Figures 13.1-19 and -20.

2. Exceptions

Exceptions from overall height in feet are found in each of Articles 3-9 of this Code.

Figure 13.1-19

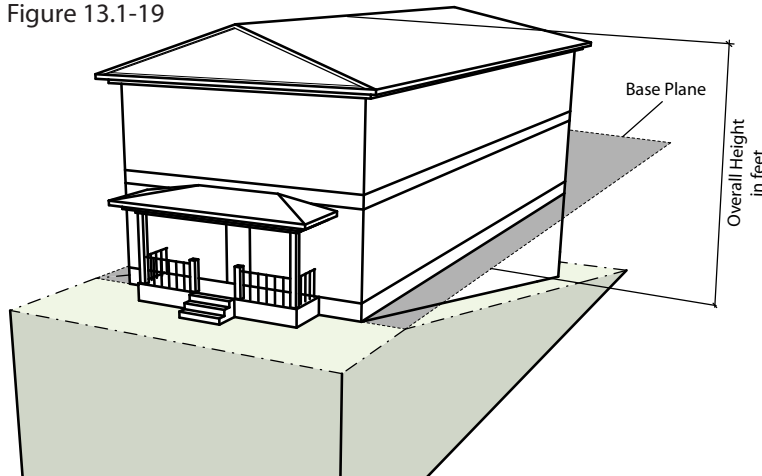
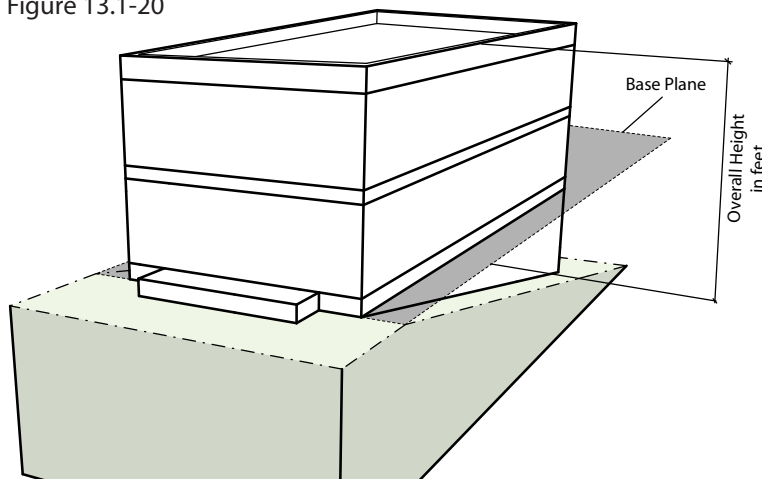


Figure 13.1-20



B. Feet, within 175 feet of Protected District (max)

1. Rule of Measurement

Height of all portions of a Structure ~~or any portion thereof~~, developed with or without height incentives, that is within 175 feet of a Protected District shall not exceed the maximum height specified in the applicable building form table.

C. Feet (min)

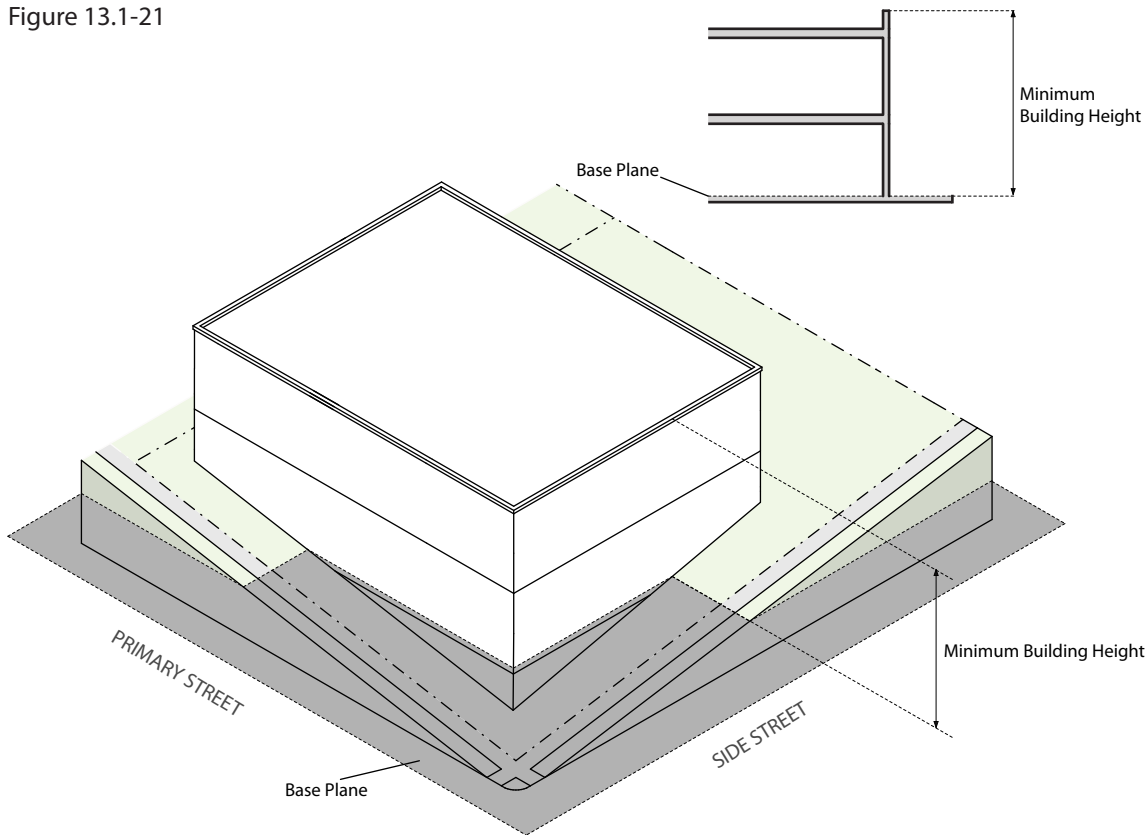
1. Intent

To provide a minimum street wall.

2. Rule of Measurement

Minimum building height shall be measured as the vertical distance in feet from a base plane to the highest point of a roof or to the top of a parapet wall which runs along the Street-facing sides of the building. See Figure 13.1-21.

Figure 13.1-21



SECTION 13.1.4 OTHER HEIGHT RULES

13.1.4.1 Percentage of Zone Lot Depth, Front, and Rear

A. Intent

To reduce height and bulk in the rear yard to provide a privacy, access to sunlight, and sense of openness.

B. Rule of Measurement

See Figure 13.1-22.

1. Determine the rear percentage of zone lot depth:
 - a. Multiply the required rear percentage found in the building form table (e.g. 35%) by the total length of one of the side zone lot lines intersecting the rear zone lot line (e.g. 100 feet).
 - b. Starting from the rear zone lot line, measure a distance equal to the product calculated in Paragraph 1.a. above along each of the intersecting side zone lot lines.
 - c. The area between the rear zone lot line and a straight line connecting the two points defined in Paragraph 1.b. above shall be the rear percentage of the zone lot depth.
 - d. When calculating the rear percentage of Zone Lot depth for a Flag Zone Lot, the length of the intersecting side Zone Lot Line(s) referenced in Section B.1.a. above

shall exclude any length of the side Zone Lot Line where the Flag Zone Lot is less than 30 feet in width. See Figure 13.1-23

2. The remaining area of the zone lot shall be the front percentage of the zone lot depth.
3. For irregularly shaped zone lots, the Zoning Administrator may establish the front and rear for purposes of applying the percentage required by the building form.

Figure 13.1-22

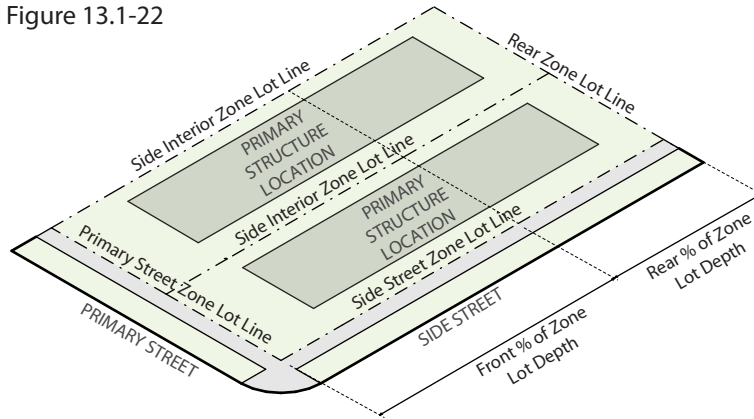
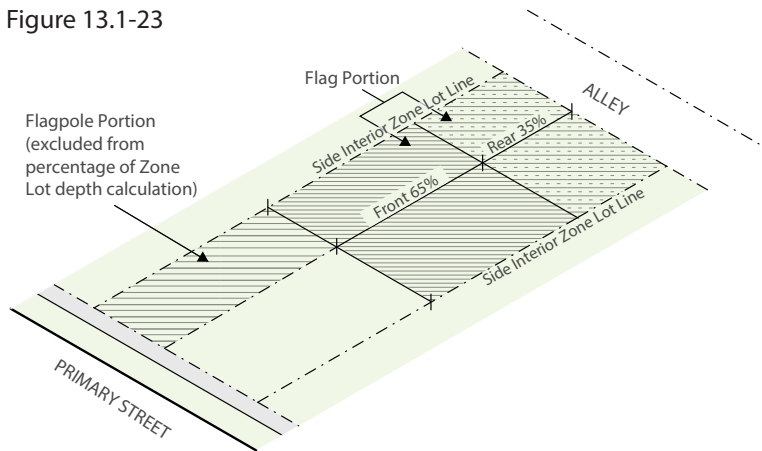


Figure 13.1-23



13.1.4.2 Bulk Plane

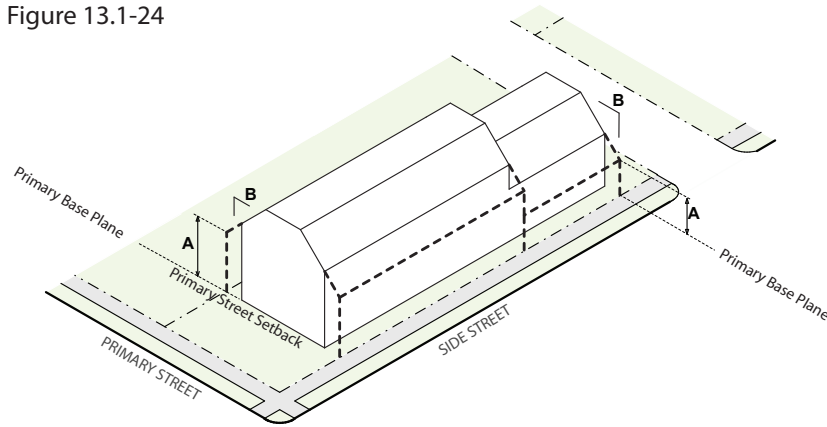
A. Intent

To shape building forms to reduce effect of massing on adjoining properties.

B. Rule of Measurement

The bulk plane is measured starting from the Base Plane(s) established in Section 13.1.2.2, then rising vertically to a point (A) above the Base Plane(s) at the side zone lot lines for a distance established by the applicable building form standards. From this point above the Primary Base Plane, the bulk plane slopes (B) inward toward the center of the zone lot at an angle with respect to the horizontal established by the applicable building form standards. See Figure 13.1-24.

Figure 13.1-24



13.1.4.3 Bulk Plane Exception for Dormers Where Allowed by Articles 3-9

A. Intent

To encourage sloped roof forms with Dormers on Detached Accessory Dwelling Unit building forms and on Primary Structures where a Conservation Overlay Zone District includes a reduced bulk plane starting height.

B. Applicability

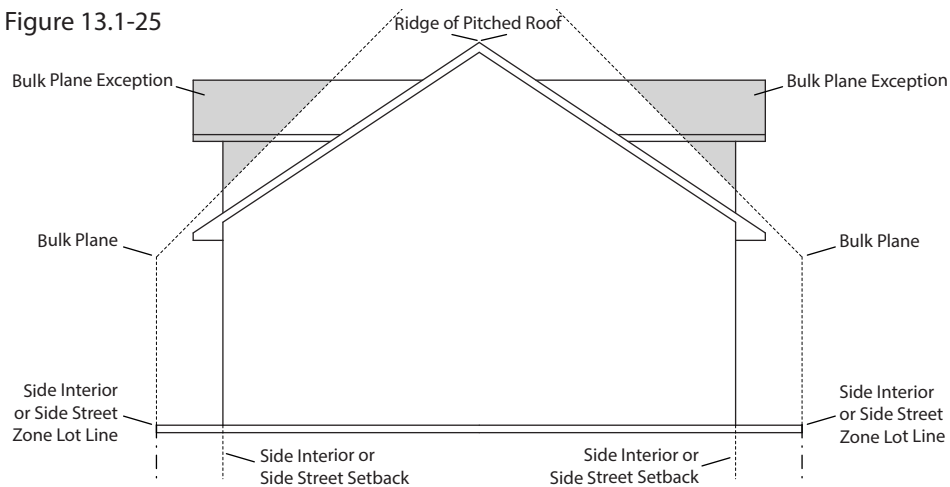
This section 13.1.4.3 shall apply only when a height exception for a Dormer to project through the bulk plane is allowed in an Article 3-9 design standard exception.

C. Standards

Where allowed as a height exception, a Dormer may project through the bulk plane provided the projecting Dormer meets all of the following conditions:

1. The highest point of the Dormer shall not exceed the height of the ridge of the Pitched Roof. (See Figure 13.1-25)

Figure 13.1-25

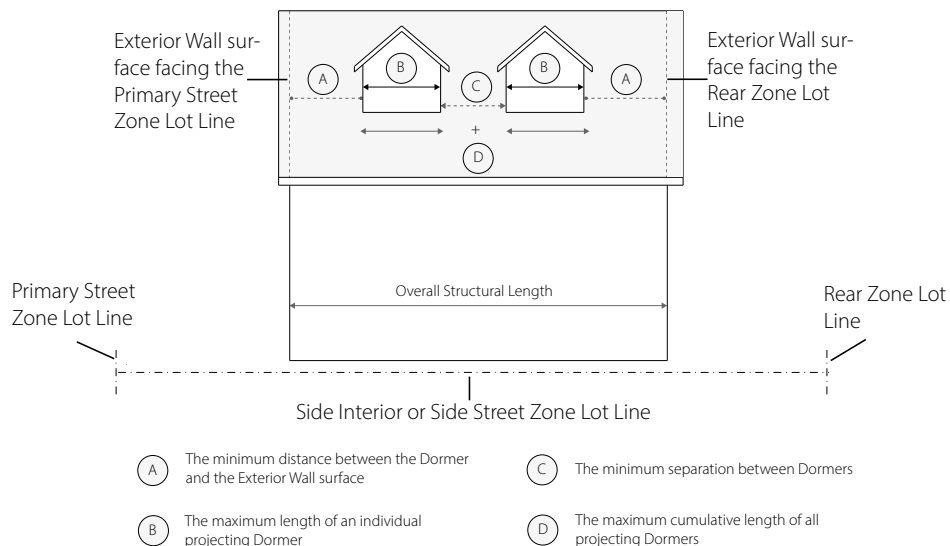


Not to Scale. Illustrative Only.

2. The Dormer shall contain at least one window that faces a Side Interior or Side Street Zone Lot Line.
3. The Dormer shall not have a Low-Slope Roof.

4. The Dormer's roof overhangs shall not exceed 3 feet, measured perpendicular from the Exterior Wall of the Dormer to the edge of the roof overhang.
5. The Dormer shall be located according to the following minimum distances from the Primary Street-facing Exterior Wall surface, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. See Figure 13.1-26.
 - a. When Dormer is located on a Primary Structure: 5 feet
 - b. When Dormer is located on a Detached Accessory Structure: 3 feet
6. The Dormer shall be located a minimum distance of 3 feet from the Exterior Wall surface located between the Dormer and the Rear Zone Lot Line, measured perpendicular from the Dormer to the Exterior Wall. Roof overhangs may encroach into the minimum distance. See Figure 13.1-26.
7. The maximum length of an individual projecting Dormer shall be 12 feet (length is measured from the Exterior Wall surface), measured parallel to the Exterior Wall facing the Side Interior or Side Street Zone Lot Line. Roof overhangs shall be excluded from the calculation of maximum length. See Figure 13.1-26.
8. The minimum separation between projecting Dormers shall be 4 feet (separation is measured from the Exterior Wall surface), measured parallel to the building facade facing the Side Interior or Side Street Zone Lot Line. The Roof overhangs shall be excluded from the calculation of minimum separation. See Figure 13.1-26.
9. The maximum cumulative length of all projecting Dormers shall not exceed 50% of the overall structure length facing the Side Interior or Side Street Zone Lot Line. Maximum cumulative length shall be calculated using the sum of the length of all projecting Dormers divided by the Overall Structure Length (see Section 13.1.6.1 for rule of measurement) facing the Side Interior or Side Street Zone Lot Line.) See Figure 13.1-26.

Figure 13.1-26



13.1.4.4 Side Wall Height

A. Intent

To shape building forms to reduce the effect of massing on adjoining properties.

B. Rule of Measurement

Side wall height is measured from the Base Plane, as established in Section 13.1.2.2 or Section 13.1.3.2, as applicable, as described below:

1. For any portion of a Structure where the Exterior Wall does not extend above the elevation of its Roof, the Side Wall Height shall be measured from a Base Plane to the highest point where the outside plane of an Exterior Wall intersects with the outside plane of its Roof. See Figure 13.1-27.
2. For any portion of a structure where the Exterior Wall extends above the elevation of its Roof, or where there is a parapet, railing, or similar element above the elevation of the Roof, the Side Wall Height shall be measured from a Base Plane to the highest point of the Exterior Wall, parapet, railing, or similar element. See Figure 13.1-28.

Figure 13.1-27

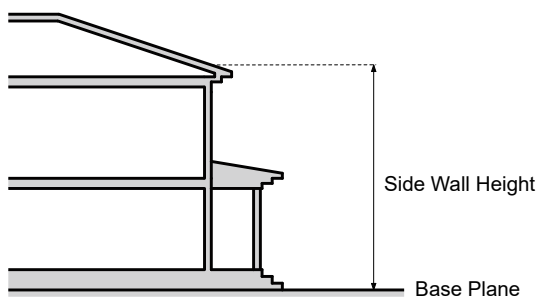
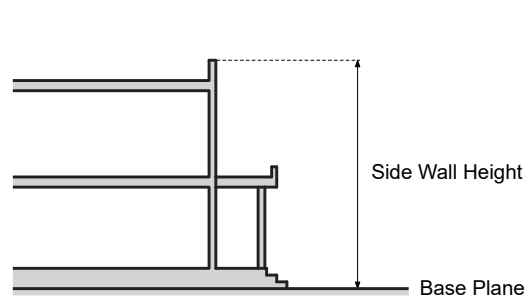


Figure 13.1-28



13.1.4.5 3rd Avenue CCN Bulk Plane

A. Intent

To shape building form to reduce the effect of massing and shadow on the pedestrian environment along 3rd Avenue in the Cherry Creek North mixed use shopping district. The bulk plane is intended to allow sunlight on the sidewalk on the north side of 3rd Avenue.

B. Applicability

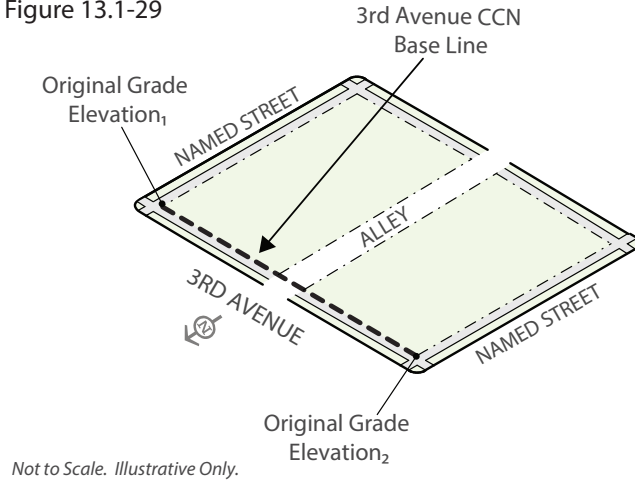
This Section 13.1.4.4 shall apply to zone lots located south of 3rd Avenue in a C-CCN zone district. This includes zone lots south of 3rd Avenue that do not abut the 3rd Avenue right-of-way.

C. Rule of Measurement

No part of any structure shall project through the 3rd Avenue CCN Bulk Plane where established by the applicable building form standards, measured as follows:

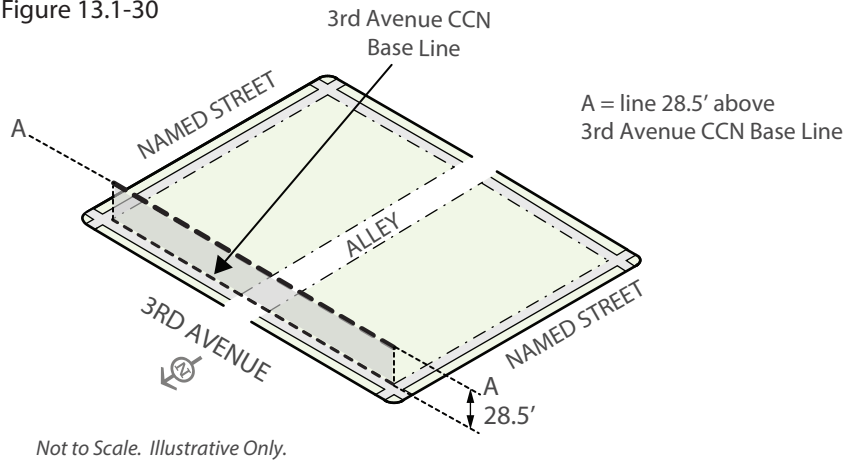
1. For each zone lot, a 3rd Avenue CCN Base Line is established and starts at the average elevation of the original grade at the two points where the nearest right-of-way boundaries of the two nearest named streets intersect the southernmost right-of-way line of 3rd Avenue. See Figure 13.1-29.

Figure 13.1-29



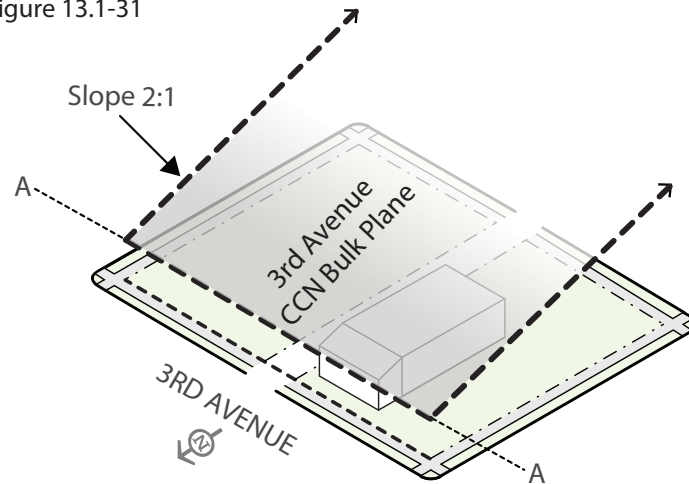
2. The 3rd Avenue CCN Bulk Plane is measured from the applicable 3rd Avenue CCN Base Line, rising vertically for a distance of 28.5 feet above the 3rd Avenue CCN Bulk Plane Base Line to a horizontal line that is co-directional to the southern right-of-way line of 3rd Avenue, shown as "A" in Figure 13.1-30.

Figure 13.1-30



3. From the horizontal line described in Subsection 13.1.4.4.C.2 above, the 3rd Avenue CCN Bulk Plane slopes toward the south at an angle of 26 degrees 34 minutes with respect to the horizontal (a pitch of 2:1, or one foot additional rise for each two additional feet of setback from the south right-of-way line of 3rd Avenue), as shown in Figure 13.1-31.

Figure 13.1-31



Not to Scale. Illustrative Only.

13.1.4.6 3rd Avenue CCN Bulk Plane Exception

A. Intent

To encourage small lot reinvestment by enabling certain small zone lots on the south side of 3rd Avenue in the Cherry Creek North mixed use shopping district to be partially exempt from the 3rd Avenue CCN Bulk Plane.

B. Applicability

This section 13.1.4.5 shall apply to zone lots with a total gross area of 6,250 SF or less, as of October 27, 2014, and located to the south of 3rd Avenue in a C-CCN zone district, where this exemption is permitted in the applicable building form standards.

C. Rule of Measurement

The 3rd Avenue CCN Bulk Plane Exception defines a non-fixed portion or portions of a zone lot that are exempt from the 3rd Avenue CCN Bulk Plane. It is measured along the zone lot line abutting the south side of the 3rd Avenue right-of-way and extends for the full depth of the zone lot measured perpendicular to 3rd Avenue. The exempt area extends from the finished grade to the sky. See Figure 13.1-32. One or more portions of the zone lot may be included in the 3rd Avenue CCN Bulk Plane Exception provided the total width of the zone lot area exempted shall not exceed the maximum established in the building form standards. See Figure 13.1-33.

Figure 13.1-32

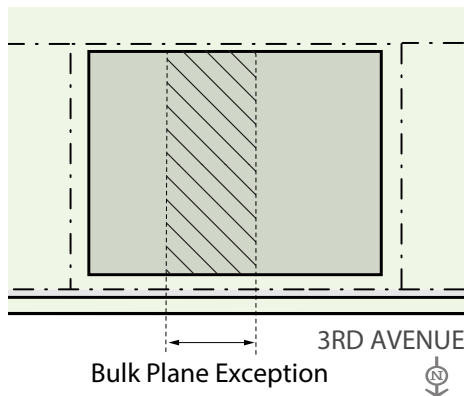
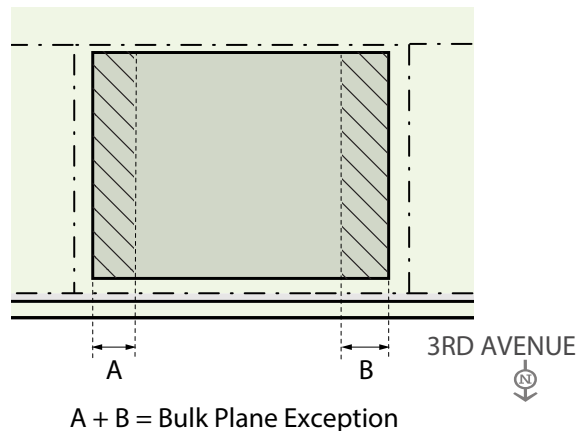


Figure 13.1-33



13.1.4.7 Measurement of Permitted Height Exceptions

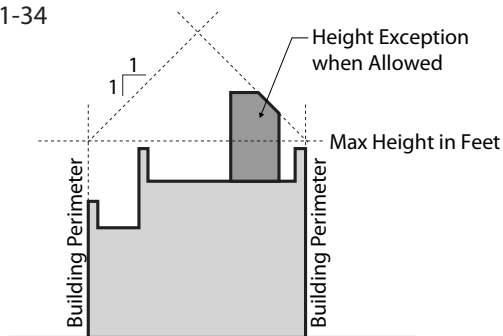
A. Basis for Height Exception

Permitted height exceptions shall be measured from the maximum height specified by the applicable building form table. Height exceptions may be combined as long as each individual exception does not exceed the permitted maximum height for that exception.

B. Height Exceptions Set Back from Perimeter of Building

Permitted height exceptions listed as required to be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height shall be measured starting from a point where the plane of the respective building perimeter intersects the plane of the maximum height in feet. See Figure 13.1-34.

Figure 13.1-34



13.1.4.8 Height Measurement Under Minor Detached Accessory Structure Building Form

A. Rule of Measurement

The height of a structure assigned the Minor Detached Accessory Structure building form shall be measured from the finished grade immediately adjacent to the structure.

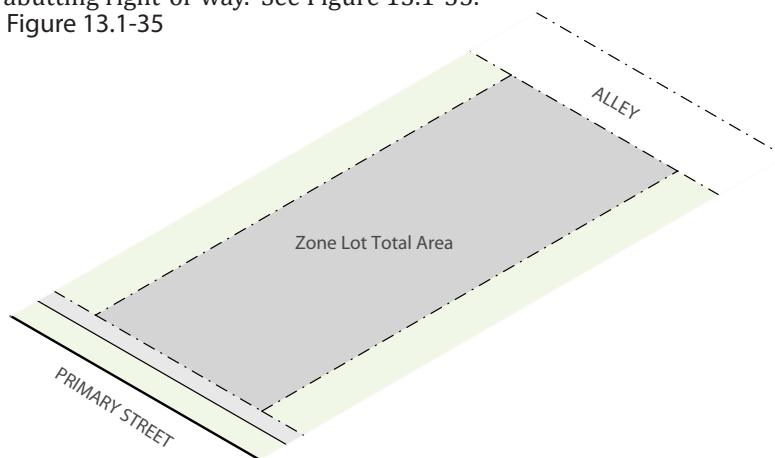
SECTION 13.1.5 SITING FORM STANDARDS

13.1.5.1 Zone Lot AreaSize and Width

A. Zone Lot AreaSize (Min)

1. Rule of Measurement

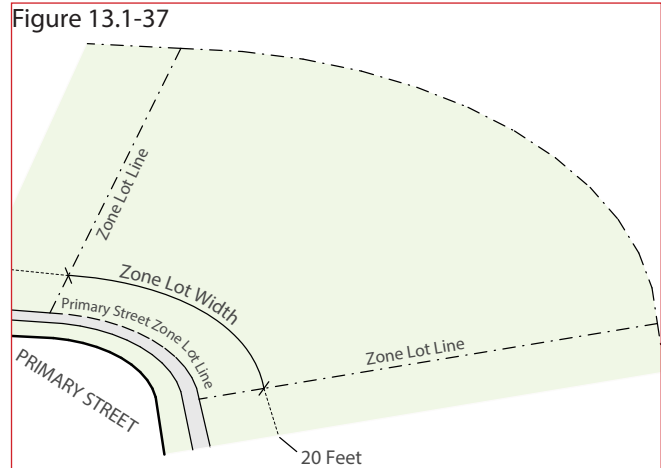
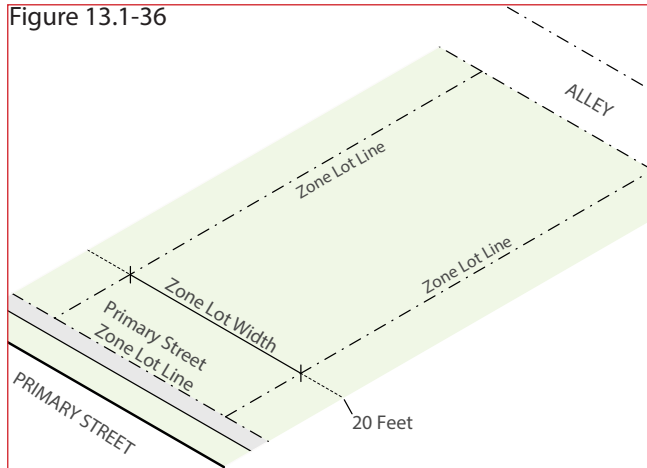
Zone lot areaisize is the total area within a property's zone lot lines, excluding adjacent or abutting right-of-way. See Figure 13.1-35.
Figure 13.1-35



B. Zone Lot Width

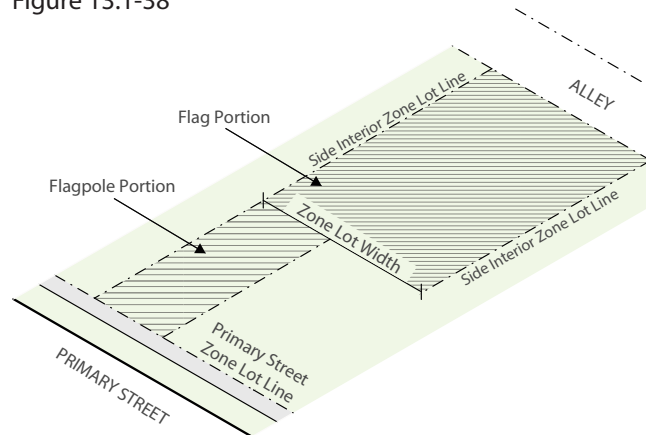
1. Rule of Measurement

- a. For Zone Lots other than a Flag Zone Lot, Zone Lot Width is the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line, measured 20 feet from the point of intersection with along the required minimum Primary Street Setback line Zone Lot Line. See Figures 13.1-36 and -37.



- b. For Flag Zone Lots, Zone Lot Width is the distance between the Side Interior Zone Lot Lines, measured parallel to the Primary Street Zone Lot Line where the narrow "flagpole" portion ends and the wider "flag" portion begins. See Figure 13.1-38. The Zoning Administrator shall make all final decisions regarding application of this Zone Lot width rule of measurement to a Flag Zone Lot.

Figure 13.1-38



C. Zone Lot Width in the D-GT Zone District and 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 D-GT and DO-7 districts shall be the distance between the Zone Lot Lines intersecting the Primary Street Zone Lot Line measured along the Primary Street Zone Lot Line.

- a. For Zone Lots with multiple Primary Street Zone Lot Lines in the D-GT zone district, the Primary Street Zone Lot Line abutting a named street will be used to determine

Zone Lot Width. If two Primary Street Zone Lot Lines abut named streets, the street with north-south orientation will be used to determine Zone Lot Width.

- b. For Zone Lots with multiple Primary Street Zone Lot Lines in the DO-7 overlay district, the Primary Street Zone Lot Line with the greatest length will be used to determine Zone Lot Width.

D. Basis of Zone Lot ~~Size (Area)~~ and Width

1. Intent

To recognize historic development patterns by requiring certain specified dimensions of a Zone Lot to be measured based on Record Documents rather than based on actual surveyed dimensions, and where Record Documents are not available, to clarify how certified survey measurements will be interpreted for purposes of zoning compliance.

2. Applicability ~~and Exceptions~~

All building form dimensions that reference Zone Lot Width, Depth, or Area shall be calculated using the Record Document, where available.

This rule of measurement shall be applied to determine the dimensions of a Zone Lot as they relate to compliance with the following standards only:

- a. Qualifications for permitted height increase based on Zone Lot Width in the applicable Building Form Tables in Articles 3-9;
- b. Zone Lot Size (Area) as stated in the following Code provisions:
 - i. In the applicable Building Form Tables in Articles 3-9 for the Suburban House, Urban House, Duplex, Tandem House, and Row House Primary Building Forms; and
 - ii. In the applicable Cherry Creek General - Small Lot on South Side of 3rd Avenue Building Form table in Article 7; and
 - iii. As applicable, Zone Lot Area in Overlay District standards stated in Article 9; and
 - iv. Qualification for a "Small Zone Lot" according to Section 10.4.5.1, Vehicle-Parking Exemptions, of this Code.
- c. Zone Lot Width as stated in the following Code provisions:
 - i. In the applicable Building Form Tables in Articles 3-9 for the Suburban House, Urban House, Duplex, Tandem House, and Row House Primary Building Forms; and
 - ii. In the applicable Cherry Creek General - Small Lot on South Side of 3rd Avenue Building Form table in Article 7; and
 - iii. As applicable, Zone Lot Width in Overlay District standards stated in Article 9.
- d. All other standards and rules of measurement in this Code that reference dimensions of the subject Zone Lot or real property shall be based on measurements contained in an Improvement Survey Plat (ISP) or a Land Survey Plat (LSP) prepared by a Qualified Professional.

3. Exception

Where a Record Document is not available, an applicant shall submit an Improvement Survey Plat (ISP) or a Land Survey Plat (LSP) prepared by a Qualified Professional to determine the dimensions or area of the Zone Lot.

4. Rule of Measurement

- a. The Zoning Administrator shall make a final determination of the dimensions or area of the Zone Lot based on the Record Document, where available.

- i. For the purposes of this provision, a "Record Document" shall mean the recorded ~~Plat or Subdivision, plat, or deed~~ that specifies historic ~~platted~~ lot ~~measurements-dimensions~~ applicable to the subject property. An approved Zone Lot Amendment or recorded dedication shall also qualify as a "Record Document" for the Zone Lot.
 - ii. For purposes of this provision, the Zoning Administrator shall not rely on resurveys as the Record Document when the original historic subdivision or plat is available.
- b. ~~Where a Record Document is not available, an applicant shall submit an Improvement Survey Plat (ISP) or a Land Survey Plat (LSP) prepared by a Qualified Professional to determine the dimensions of the Zone Lot. Whether using the Record Document or an ISP or LSP, W~~when a Zone Lot measurement is ~~within~~between ~~99.5% and 100.5% of one-tenth of a foot per 25 feet of~~ the applicable standard, it shall be determined to meet that standard.

~~For example:-~~

~~The required minimum side interior setback for an Urban House building form in an U-SU zone district varies depending on the Zone Lot Width. According to this rule of measurement, for example, as long as the ISP or LSP shows a Zone Lot Width of between 74.7' and 75.3', the setback standard applicable to a 75-foot wide Zone Lot will apply. The formula applied in this example is broken down below:-~~

- ~~• The Zone Lot Width threshold at issue for determining the applicable setback is 75 feet. Using the results of an ISP or LSP, an applicant needs to know whether to apply the setback standard for a less-than-75-foot wide zone lot (5 feet) or the setback standard for a 75 feet or more wide zone lot (7.5 feet).~~
- ~~• One-tenth of 1 foot = 0.10~~
- ~~• For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times (75 divided by 25 = 3)~~
- ~~• $0.10 \times 3 = .30$~~
- ~~• 75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.~~
- ~~• 75 feet plus .30 feet = 75.3 feet, which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.~~

13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. General Provisions

1. Intent and Applicability

a. Intent

To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

b. Applicability

This Section 13.1.5.2 shall apply to determine Zone Lot Lines in all zone districts except in the CC, MX, MS, C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts.

2. General Requirements

- a. A primary street zone lot line or a side street zone lot line may abut a private street if approved by the Zoning Administrator.
- b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.

3. Criteria for Zoning Administrator Determinations

- a. Where identified in the following sections, the Zoning Administrator shall designate a zone lot's Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, based on an analysis, at a minimum, of:
 - i. The prevailing building orientation and setback patterns of buildings located on the same, opposite, and adjacent face block(s) as the subject zone lot;
 - ii. Block and lot shape;
 - iii. The functional street classification of all abutting streets as adopted by the Public Works Department of Transportation and Infrastructure ("DOTI");
 - iv. The future street classification of all abutting streets as adopted in Blueprint Denver;
 - v. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan; and
 - vi. In a Campus zone district, guidance provided in any applicable Campus Master Plan or similar document formally adopted by the primary campus user (e.g., a university or college) to guide land development within the campus, such as designation of pedestrian priority streets in such plan.
 - vii. Design intent language in an overlay district where South Side Zone Lot Lines and North Side Zone Lot Lines are distinguished.
- b. The Zoning Administrator shall have authority to designate a Zone Lot's Primary Street Zone Lot Line(s) contrary to the results in Section 13.1.5.2 when:
 - i. The Zone Lot contains a Historic Structure, and
 - ii. The Zone Lot is located within a Residential Zone District, and
 - iii. The strict application of Section 13.1.5.2 will result in adverse impacts on the established development pattern within the subject property's Existing Neighborhood (as defined in Section 12.4.7.5.D), and
 - iv. The resulting Primary Street Zone Lot Line(s) will be more compatible with an established pattern of setbacks for buildings on the same face block(s) containing the subject property.

B. Determination of Zone Lot Lines

1. Interior Zone Lots: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines

On an interior Zone Lot, the following figures shall be used to determine the Primary Street, Side Street, Side Interior Zone Lot Line, and Rear Zone Lot Line. See Figure 13.1-39.

- a. The Primary Street Zone Lot Line shall be the zone lot line abutting the named or numbered street.
- b. The Rear Zone Lot Line shall be the zone lot line opposite the Primary Street.
- c. The remaining zone lot lines shall be Side Interior Zone Lot Lines.
- d. There shall be no Side Street Zone Lot Line designation.

- e. For zone lots which have unique conditions ~~including such as, but not limited to,~~ more than four zone lot lines, two or more abutting alleys, or irregular shaped lots, the Zoning Administrator may designate the zone lot lines using the criteria in Section 13.1.5.2.A.3, and may designate one or more Primary Street Zone Lot Lines. See Figure 13.1-40.
- f. Where an applicable overlay district specifies South Side Zone Lot Lines and North Side Zone Lot Lines for determining the required Interior Side Setbacks on a Zone Lot, the Zoning Administrator shall determine each Side Interior Zone Lot Line is either a South Side Zone Lot Line or North Side Zone Lot Line.

Figure 13.1-39

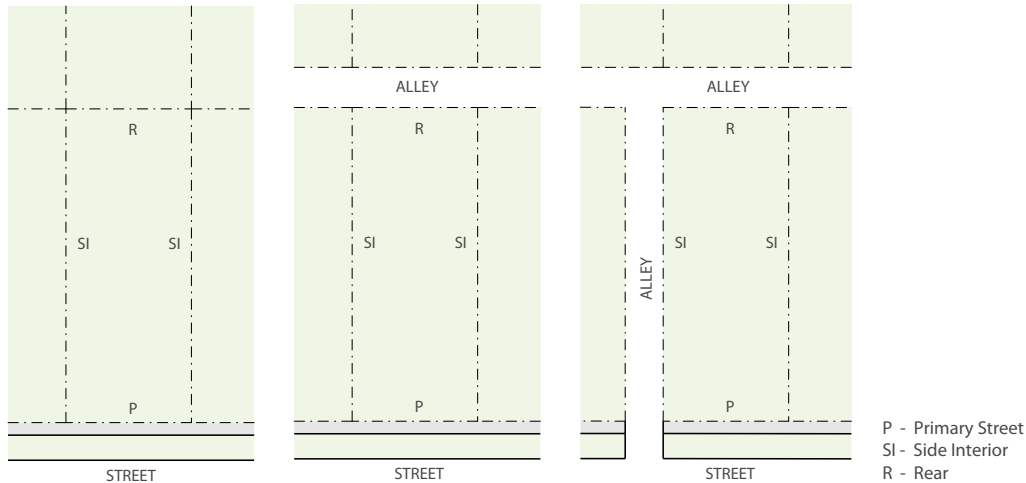
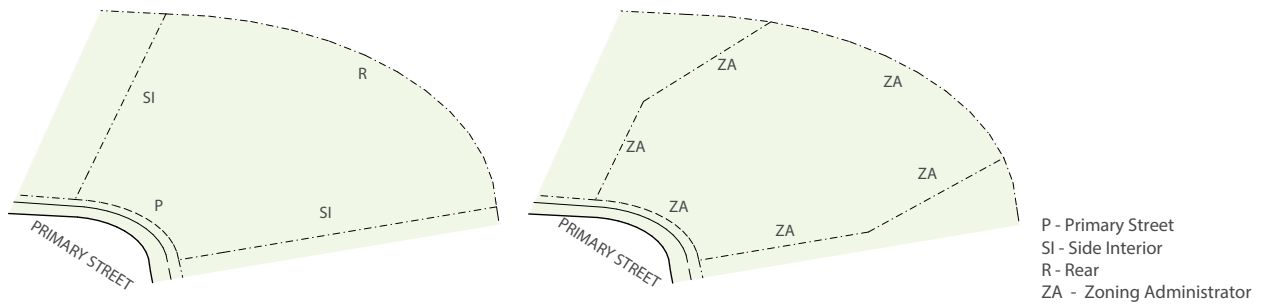


Figure 13.1-40

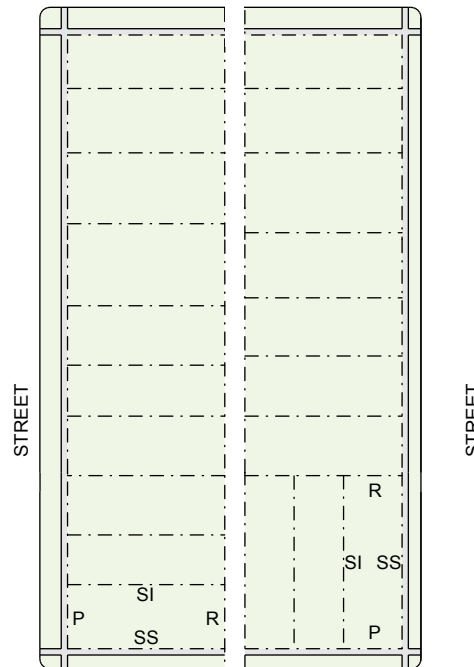


2. Corner Lots: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines

a. Corner Zone Lots of Oblong Blocks

- i. The Zone Lot Line abutting the “long side of an oblong block” shall be the Primary Street Zone Lot Line and the Zone Lot Line abutting the “short side of an oblong block” shall be the Side Street Zone Lot Line, with the following exceptions:
 - a) The applicant may designate the Zone Lot Line abutting the “short side of the oblong block” the Primary Street Zone Lot Line, only if:
 - 1) Three or more existing Zone Lots, including the subject property, are present along the short side of the oblong block; and
 - 2) The Zone Lot Line abutting the short side of the oblong block is 50% or less of the length of the other Zone Lot Line abutting the long side of the block.
 - b) The applicant may request an Administrative Adjustment to designate the Zone Lot Line abutting the “long side of the block” as the Side Street. See Article 12, Section 12.4.5, Administrative Adjustment. The Zoning Administrator may reference the criteria in Section 13.1.5.2.A.3, [Criteria for Zoning Administrator Determinations](#), in addition to the review criteria for Administrative Adjustments stated in Section 12.4.5.4, and may designate more than one Primary Street Zone Lot Line.
 - c) Using the ~~the~~ criteria in Section 13.1.5.2.A.3.b, on a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line.
- ii. The Rear Zone Lot Line shall be the Zone Lot Line opposite the shorter of the two Zone Lot Lines parallel to and abutting a street.
 - a) If they are of equal length, the Zoning Administrator shall designate the rear Zone Lot Line.
 - b) The applicant may request the Zoning Administrator designate a different Zone Lot Line as the Rear, following criteria in Section 13.1.5.2.A.3.~~a~~, [Criteria for Zoning Administrator Determinations](#).
 - c) In no case shall a Zone Lot Line parallel and abutting a street be determined as the Rear Zone Lot Line.
- iii. The remaining Zone Lot Lines shall be designated Side Interior. See Figure 13.1-41.
- iv. Where an applicable overlay district specifies South Side Zone Lot Lines and North Side Zone Lot Lines for determining the required Interior Side Setbacks on a Zone Lot, the Zoning Administrator shall determine each Side Interior Zone Lot Line is either a South Side Zone Lot Line or North Side Zone Lot Line.

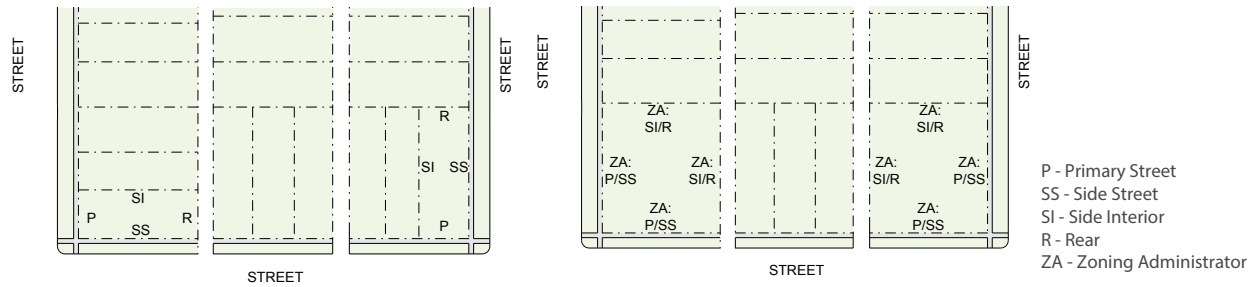
Figure 13.1-41



b. Corner Zone Lots of Square Blocks

- i. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the street frontage, between any intervening rights-of-way (including alleys), on which a greater number of primary buildings face. If they have equal number of primary structures, the Zoning Administrator shall designate one or more Primary Street Zone Lot Lines according to the criteria in Section 13.1.5.2.A.3, [Criteria for Zoning Administrator Determinations](#). The Side Street Zone Lot Line shall be the Zone Lot Line abutting the other street, as applicable.
 - a) The applicant may request an Administrative Adjustment to designate a different Zone Lot Line as the Primary Street zone lot line. See Article 12, Section 12.4.5, Administrative Adjustment.
 - b) Using the criteria in Section 13.1.5.2.A.3, the Zoning Administrator may designate more than one Primary Street Zone Lot Line.
 - c) On a Zone Lot containing a Historic Structure, the Zoning Administrator may designate the Primary Street Zone Lot Line and may designate more than one Primary Street Zone Lot Line in accordance with Sec. 13.1.5.2.A.3.
- ii. The Rear Zone Lot Line shall be the Zone Lot Line opposite the shorter of the two Zone Lot Lines parallel and abutting a street.
 - a) If they are of equal length, the Zoning Administrator shall designate the rear Zone Lot Line .
 - b) The applicant may request the Zoning Administrator designate a different Zone Lot Line as the Rear, using the criteria in Section [13.1.5.2.A.3, Criteria for Zoning Administrator Determinations](#)13.1.5.2.C.
 - c) In no case shall a Zone Lot Line parallel and abutting a street be determined as the Rear Zone Lot Line.
- iii. The remaining Zone Lot Lines shall be designated as Side Interior. See Figure 13.1-42.

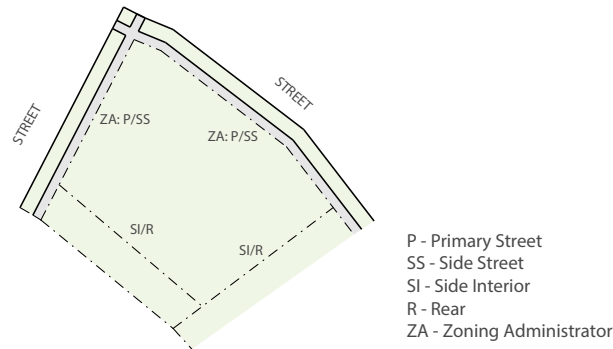
Figure 13.1-42



c. Corner Zone Lots of Curvilinear Blocks

- i. Using the ~~the~~ criteria in Section 13.1.5.2.A.3, [Criteria for Zoning Administrator Determinations](#), for Corner Lots on a curvilinear block, the Zoning Administrator shall designate one or more Primary Street Zone Lot Lines, and shall designate the remaining Zone Lot Lines as either Side Street, Side Interior, or Rear Zone Lot Lines. See Figure 13.1-43.
- ii. For purposes of this provision, a “Corner Lot” is a Zone Lot that abuts only two intersecting Streets.

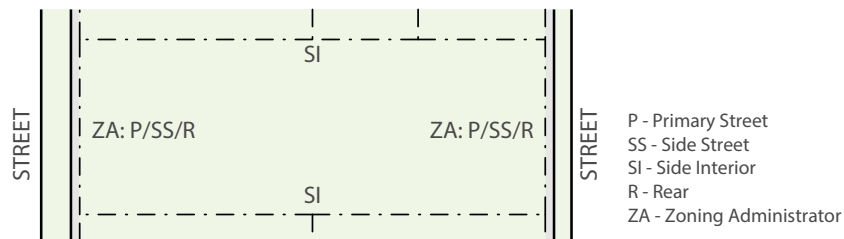
Figure 13.1-43



3. Double Frontage: Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines

Using ~~the~~ the criteria in Section 13.1.5.2.A.3, [Criteria for Zoning Administrator Determinations](#) for Zone Lots with double frontage, the Zoning Administrator shall designate one or more Primary Street Zone Lot Lines, and shall designate the remaining Zone Lot Lines as Side Street, Side Interior, or Rear Zone Lot Lines. See Figure 13.1-44.

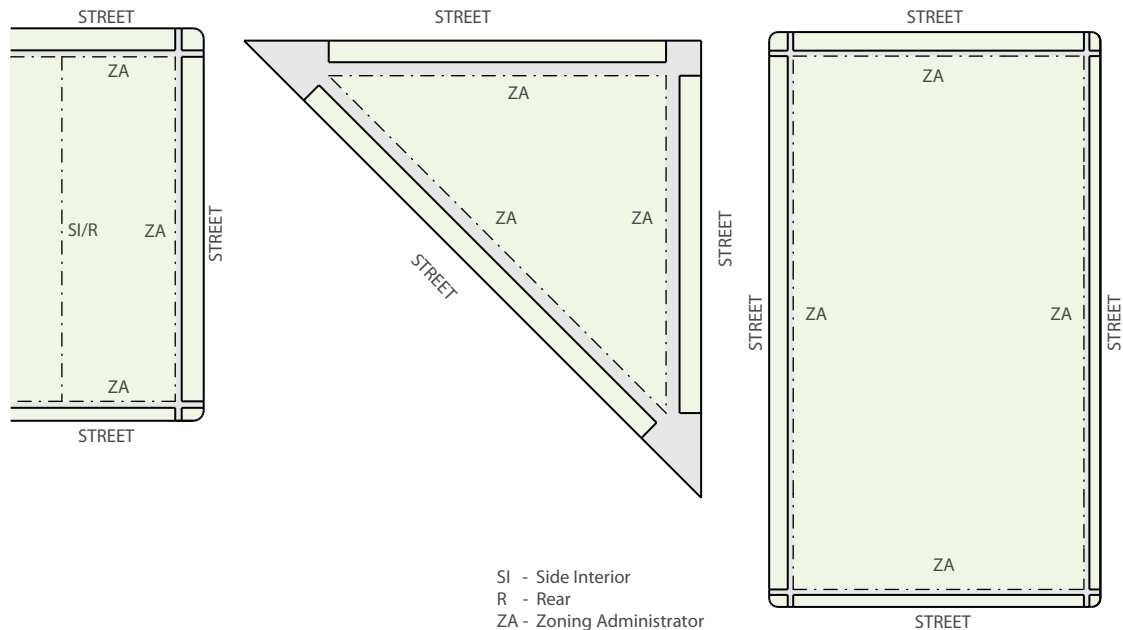
Figure 13.1-44



4. Zone Lots with Frontage on 3 or More Streets/Full Blocks: Primary Street, Side Street, Side Interior and Rear Zone Lot Lines

Using the criteria in Section 13.1.5.2.A.3, [Criteria for Zoning Administrator Determinations](#), for Corner Lots with frontage on 3 or more streets, including Zone Lots with full block frontage, the Zoning Administrator shall designate the Primary Street Zone Lot Line, and may designate more than one Primary Street Zone Lot Line, and shall designate the remaining Zone Lot Lines as Side Interior, Side Street, or Rear Zone Lot Lines. See Figure 13.1-45.

Figure 13.1-45



13.1.5.3 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines for all CC, MX, and MS Zone Districts

A. Intent and Applicability

1. Intent

This Section provides a reference of measurement for standards related to form and building placement (e.g. Build-to, Setbacks).

2. Applicability

This Section 13.1.5.3 shall apply to determine Zone Lot Lines in all CC, MX, and MS Zone Districts.

B. General Requirements

1. Each Zone Lot Line shall have a designation of Primary Street, Side Street, Side Interior or Rear.
2. Each Zone Lot shall have at least one Primary Street Zone Lot Line.
3. A Primary Street Zone Lot Line or a Side Street Zone Lot Line may abut a private street if approved by the Zoning Administrator.
4. Once designated for a Zone Lot, a Primary Street Zone Lot Line designation cannot be changed after development (e.g., a Primary Street Zone Lot Line cannot, for purposes of

subsequent development, be re-designated a Side Street Zone Lot Line) unless all requirements of the zone district can be met.

C. Criteria for Zoning Administrator Determinations

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:

1. Plan Guidance

Guidance provided in any applicable Site Development Plan, Infrastructure Master Plan, General Development Plan, Regulating Plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.

2. Additional Criteria

If criteria 1 above does not apply or does not provide guidance for all Zone Lot Lines, then the following criteria shall be used:

a. Limit on Number of Primary Street Zone Lot Lines

The Zoning Administrator may designate no more than:

- i. One Primary Street Zone Lot Line in the S-CC, S-MX, E-CC, and E-MX zone districts.
- ii. Two Primary Streets Zone Lot Lines in the U-MX and G-MX zone districts.
- iii. Two Primary Streets Zone Lot Lines in the C-MX and I-MX zone districts, and any additional Primary Street Zone Lot Line being designated Primary Street B Zone Lot Line.

b. Blueprint Denver Street Classification

The Blueprint Denver Street Classification of all abutting streets, per the following table:

Blueprint Denver Street Classifications Map	Zone District					
	All Main Street	C-MX I-MX	G-MX	U-MX	E-MX	E-CC, S-MX, S-CC
Main (all types)	Primary Street	Primary Street	Primary Street	Primary Street	Primary Street	May be Primary or Side Street
Mixed Use (all types)	Primary Street	*May be Primary or Side Street				
Commercial (all types)	Primary Street	*May be Primary or Side Street				
Industrial (all types)	Primary Street	*May be Primary or Side Street				
Residential Arterial	*May be Primary or Side Street	*May be Primary or Side Street	**Side Street	**Side Street	**Side Street	**Side Street
Residential Collector and Local and Undesignated	**Side Street	**Side Street	**Side Street	**Side Street	**Side Street	**Side Street
*The Zoning Administrator shall use Criteria 2c to determine the Primary and/or Side Street(s) Zone Lot Lines						
**If all streets meet this Classification, the Zoning Administrator shall designate no more than one Primary Street per Criteria 2c						

c. Existing Conditions

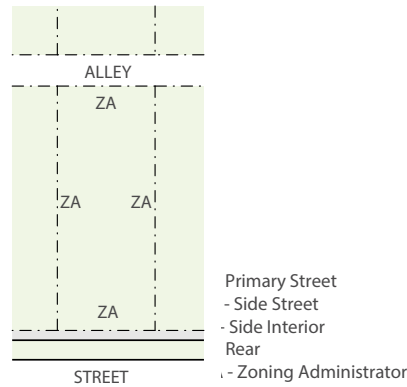
- i. The same or similar use, building form and/or zone district occurring on the same and opposing face block frontage;
- ii. Frontage facing a public park;
- iii. Frontage facing a Parkway designated under D.R.M.C, Chapter 49; and
- iv. The functional street classification of all abutting streets as adopted by the Department of Transportation and Infrastructure ("DOTI").

D. Interior Zone Lots

1. MS Zone Districts

Using the **the** criteria in Section 13.1.5.3.C, the Zoning Administrator shall designate the Primary Street, Side Street, Side Interior and Rear Zone Lot Lines for all Zone Lots in the MS zone districts. See Figure 13.1-46.

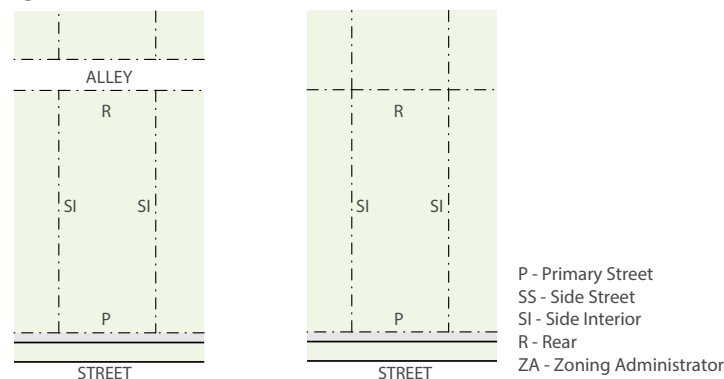
Figure 13.1-46



2. CC and MX Zone Districts

- The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
- The Rear Zone Lot Line shall be the Zone Lot Line opposite the Primary Street.
- The Side Interior Zone Lot Line shall be the remaining two Zone Lot Lines.
- There shall be no Side Street Zone Lot Line designation.
- See Figure 13.1-47.

Figure 13.1-47



E. Corner Zone Lots

1. CC and MX Zone Districts

- The applicant shall designate a Primary Street Zone Lot Line and Side Street Zone Lot Line.
- Using the **the** criteria in Section 13.1.5.3.C, the Zoning Administrator may designate additional Primary Street Zone Lot Lines, and shall designate remaining Zone Lot Lines as either Side Interior and/or Rear Zone Lot Lines. See Figure 13.1-48.

2. MS Zone Districts

Using the **the** criteria in Section 13.1.5.3.C, the Zoning Administrator shall designate one or more Primary Street Zone Lot Lines, and shall designate remaining Zone Lot Line as either Side Street, Side Interior, or Rear Zone Lot Line(s). See Figure 13.1-49.

Figure 13.1-48

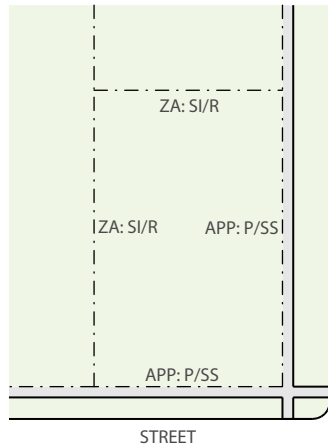
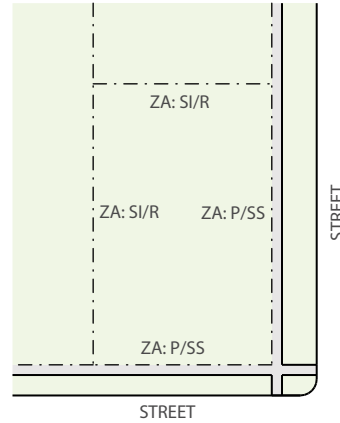
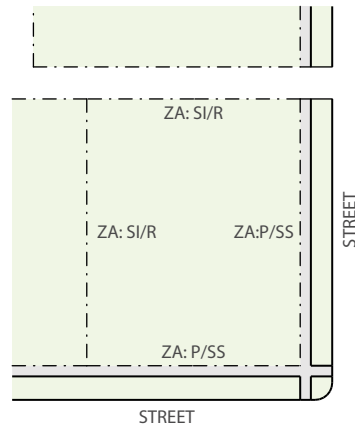


Figure 13.1-49

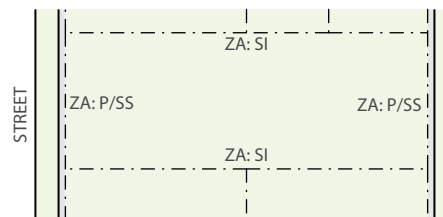


P - Primary Street
SS - Side Street
SI - Side Interior
R - Rear
ZA - Zoning Administrator

F. Double Frontage Zone Lots

Using the **the** criteria in Section 13.1.5.3.C, for Zone Lots with double frontage, the Zoning Administrator shall determine one or more Primary Street Zone Lot Lines, and shall designate the remaining Zone Lot Lines as either Side Street, Side Interior, or Rear Zone Lot Line(s). See Figure 13.1-50.

Figure 13.1-50

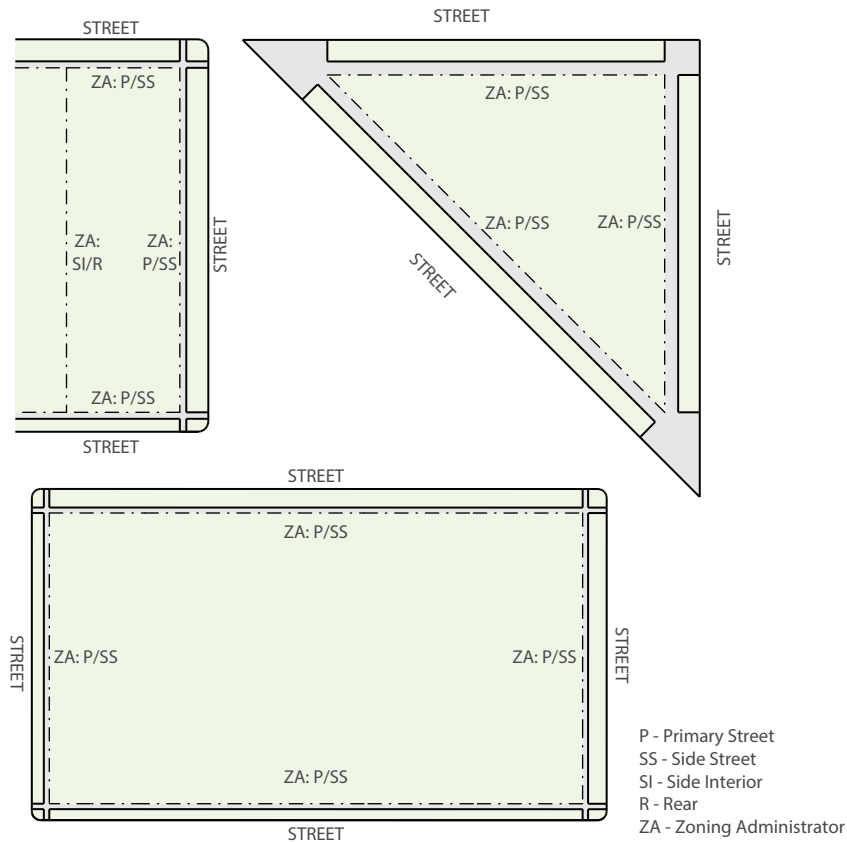


P - Primary Street
SS - Side Street
SI - Side Interior
R - Rear
ZA - Zoning Administrator

G. Zone Lots with Frontage on 3 or More Streets/Full Block

Using the **the** criteria in Section 13.1.5.3.C, for Corner Zone Lots with frontage on 3 or more streets, including zone lots with full block frontage, the Zoning Administrator shall designate one or more Primary Street Zone Lot Lines, and shall designate the remaining Zone Lot Lines as either Side Interior Zone Lot Lines and/or Rear Zone Lot Lines. See Figure 13.1-51.

Figure 13.1-51



13.1.5.4 Determination of Primary Street, Side Interior, and Rear Zone Lot Lines for all C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent

To provide a reference of measurement for standards related to form, building placement, and design elements (e.g. Build-to, Setbacks, Transparency) in Cherry Creek North (C-CCN), Downtown Golden Triangle (D-GT), Downtown Arapahoe Square 12+ (D-AS-12+), Downtown Arapahoe Square 20+ (D-AS-20+), Downtown Central Platte Valley - Auraria Transition (D-CPV-T), Downtown Central Platte Valley - Auraria River (D-CPV-R), and Downtown Central Platte Valley - Auraria Center (D-CPV-C) zone districts.

B. General Requirements

Each Zone Lot Line shall have a designation of Primary Street, Side Interior or Rear.

C. Criteria for Zoning Administrator Determinations

The Zoning Administrator shall designate a Zone Lot's Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of:

1. Guidance provided in any applicable Infrastructure Master Plan, General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines.
2. If criterion C.1 does not apply, then the following criteria shall be used:
 - a. The prevailing building orientation and setback patterns of buildings located on the same Face Block(s) as the subject Zone Lot; and
 - b. Block and lot shape.

D. Determining Zone Lot Lines

1. All Zone Lots - Primary Street Zone Lot Lines

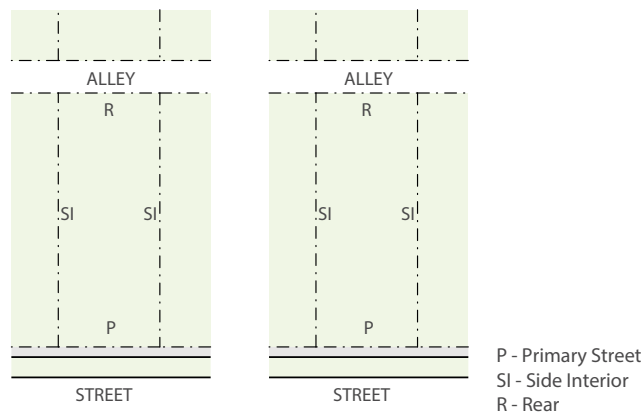
- a. The Zoning Administrator shall designate all Zone Lot Lines abutting a street to be Primary Street Zone Lot Lines.
- b. In D-CPV-R zone districts only, any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River shall be designated as a Primary Street Zone Lot Line.
- c. In D-CPV-T, D-CPV-R, and D-CPV-C zone districts only, any Zone Lot Line that Abuts a public park shall be designated as a Primary Street Zone Lot Line.

2. Interior Zone Lots

For interior zone lots in all C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C zone districts:

- a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
- b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street.
- c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.
- d. See Figure 13.1-52.

Figure 13.1-52

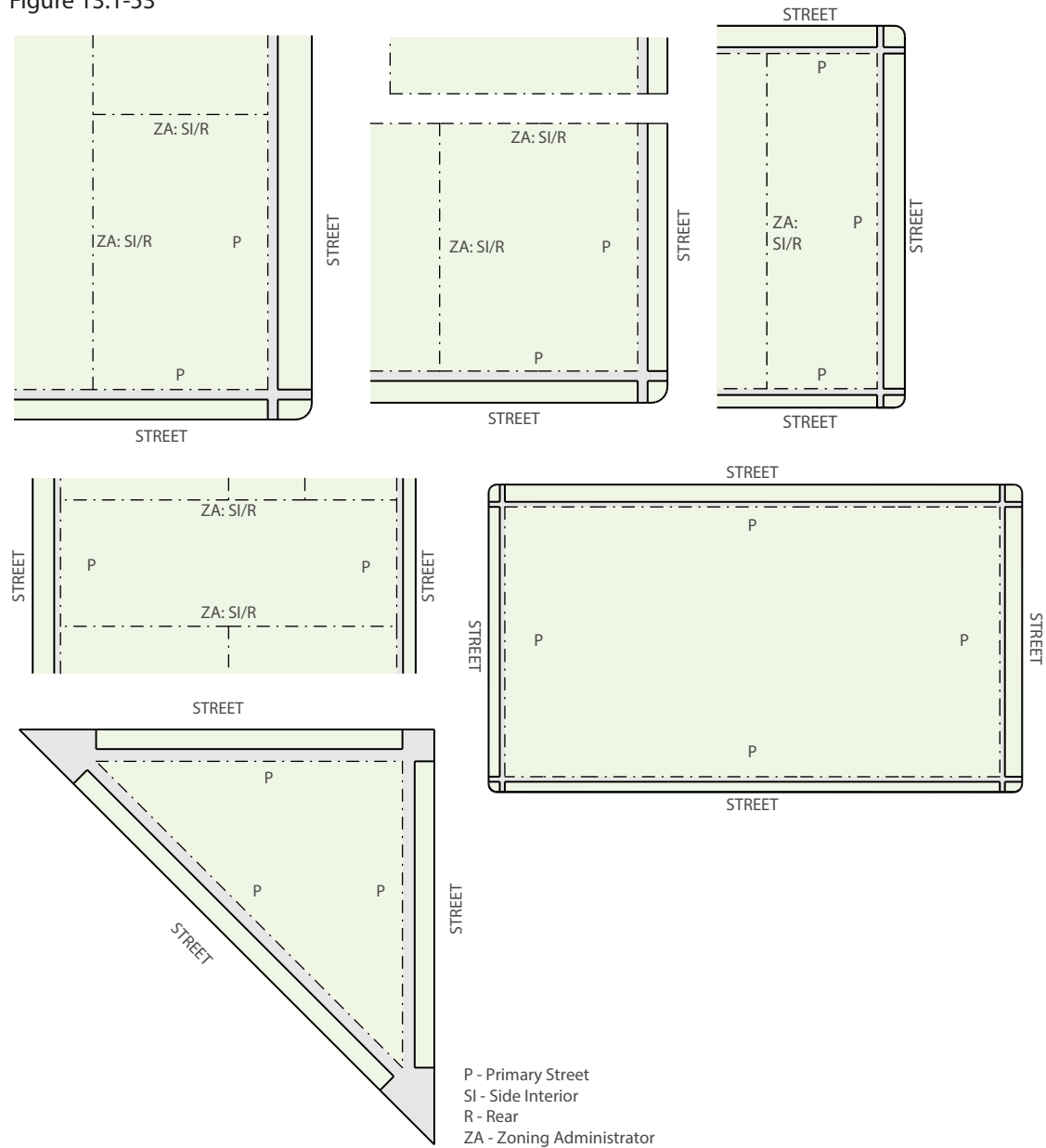


3. Corner Zone Lots, Double Frontage Zone Lots, and Zone Lots with Frontage on 3 or More Streets/Full Block

For all Corner Zone Lots, double frontage Zone Lots, and Zone Lots with frontage on 3 or more streets or a full block in all C-CCN, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts:

- All Zone Lot Lines abutting a named or numbered street shall be Primary Street Zone Lot Lines.
- Based on the criteria in Section 13.1.5.4.C, the Zoning Administrator shall determine the Side Interior and Rear Zone Lot Lines, as applicable. See Figure 13.1-53.

Figure 13.1-53



13.1.5.5 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 13.1.5.3.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 13.1.5.3.C, Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.3.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 Infrastructure Master Plan, Site 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 Street Zone Lot Lines.
 - b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.3.C.2.b indicates Primary Street Zone Lot Line 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 13.1-54.
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 13.1.5.3.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 13.1.5.5.C. See Figure 13.1-54.

C. Criteria for Zoning Administrator Determinations

Where Section 13.1.5.6.D does not apply, 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:

1. Guidance provided in any applicable General Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan.
2. If criterion C.1 does not apply, then the following criteria shall be used:
 - a. The prevailing building orientation and setback patterns of buildings located on the same Face Block(s) as the subject Zone Lot; and
 - b. Block and lot shape.

D. Determining Zone Lot Lines

1. All Zone Lots - Primary Street Zone Lot Lines

- a. In CMP-NWC-C, CMP-NWC-F, and CMP-NWC-R zone districts only, 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.
- b. In the CMP-NWC-C zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting Bettie Cram Drive.
- c. In the CMP-NWC-G zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.
- d. In the CMP-NWC-F zone district only, the Primary Street Zone Lot Lines shall be Zone Lot Lines abutting National Western Drive and Race Court.
- e. In the CMP-NWC-R zone district only, the Primary Street Zone Lot Line shall be the Zone Lot Line abutting National Western Drive.
- f. Where a Zone Lot does not Abut any of the streets identified as a Primary Street in this Section 13.1.5.6.D, 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 13.1.5.6.C.

2. Interior Zone Lots - Primary Street Zone Lot Lines

For Interior Zone Lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:

- a. The Primary Street Zone Lot Line shall be the Zone Lot Line abutting the named or numbered street.
- b. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street Zone Lot Line.
- c. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

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

For all Corner Zone Lots in the CMP-NWC-C, CMP-NWC-G, CMP-NWC-F and CMP-NWC-R zone districts:

- a. The Primary Street Zone Lot Line shall be as specified in Section 13.1.5.6.D.1.
- b. The Side Street Zone Lot Line shall be the remaining Zone Lot Line abutting a named or numbered street.
- c. The Rear Zone Lot Line shall be the Zone Lot Line(s) opposite the Primary Street Zone Lot Line.
- d. The Side Interior Zone Lot Line shall be the remaining Zone Lot Lines.

13.1.5.7 Required Build-To

A. Intent

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

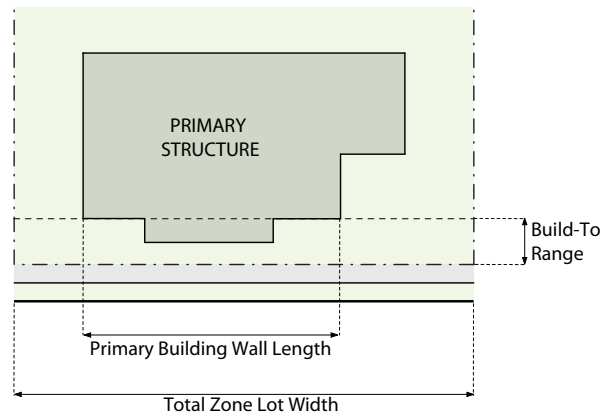
B. Applicability

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 13.1.5.7.

C. Rule of Measurement

See Figure 13.1-55.

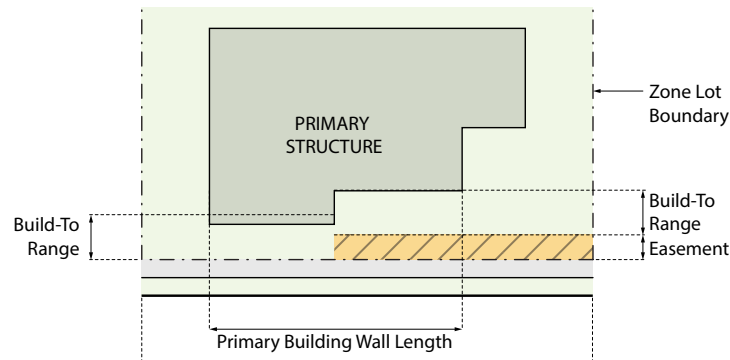
Figure 13.1-55



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 for the benefit of a public utility, and such easement abuts the public street right-of-way, a required build-to shall be measured from the easement rather than from the Zone Lot Line. See Figure 13.1-56.
- c. Where a Zone Lot includes open space meeting the requirements of [Section 10.8.1, Open Space in Large Developments, 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.

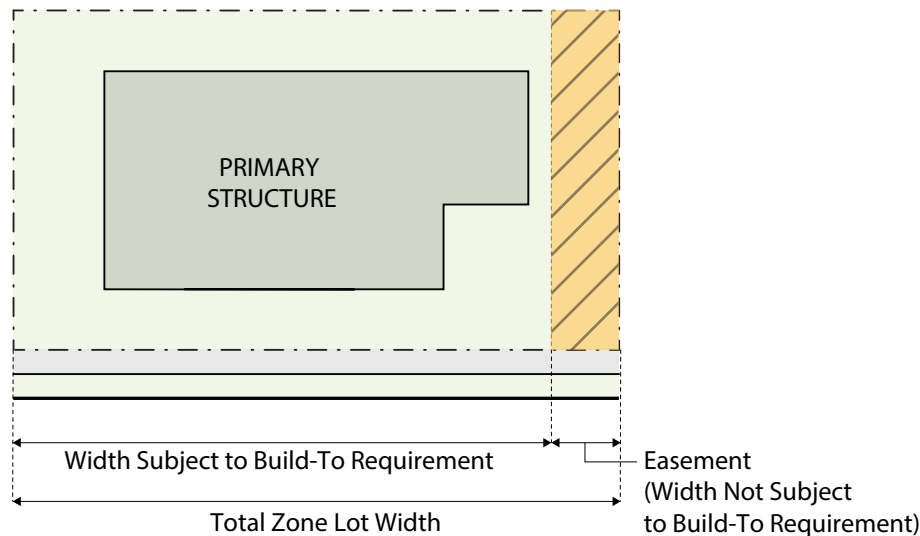
Figure 13.1-56



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. See Figure 13.1-57.

Figure 13.1-57



- c. The width in linear feet of recessed pedestrian entries, used to meet a required Entrance standard and recessed no deeper than 15 feet from the maximum build-to line, may be added to the length of the applicable wall for purposes of meeting a minimum percentage build-to requirement, not to exceed the width of the doors and typical sidelights, as applicable.
- d. For recessed vehicle garage doors that provide direct entrance to an integrated parking structure, but which are setback farther than the max of the build-to range due to City standards, rules or regulations, the width in linear feet may be added to the length of the applicable building wall for purposes of meeting the minimum percentage build-to requirement.

D. Required Build-To Exceptions

1. Civic, Public & Institutional Uses

- a. **Intent**
To accommodate signature entrance architecture, gathering spaces, plazas, or community amenities along the front facades of structures containing civic, public and institutional uses.
- b. **Standard**
Structures containing one or more uses in the Civic, Public & Institutional Use Classification are not required to meet the Primary Street and Side Street Build-To standards.

2. Parkways

a. Intent

To ensure structures contribute to the look and feel of a Parkway and great public space along Parkways, when Parkway setbacks are more restrictive than this Code's build-to range.

b. Standard

Where a zone lot has street frontage on a Parkway designated under D.R.M.C, Chapter 49, if the parkway setback is greater than the outer range of the required build-to range, the build-to shall follow the setback established by the Parkway. The minimum build-to percentage shall still apply.

3. Primary Street Offset Distance

a. Intent

To maintain an established context or pattern by ensuring the Primary Street setback establishes the build-to range.

b. Standard

~~w~~When the Primary Street setback is different than the Primary Street required build-to min/max range, the following shall establish the min/max build-to range. In all cases, the minimum build-to percentage shall apply:

i. The minimum in the build-to min/max range shall follow:

- a) The Primary Street setback when greater than the min.
- b) The build-to min in the min/max range, when the Primary Street setback is less than the min.

ii. The maximum in the build-to min/max range shall follow:

- a) The Primary Street setback when greater than the max.
- b) The build-to max in the min/max range, when the Primary Street setback is less than the max.

E. General Requirements

- 1. Required build-to standards shall apply only to the Street Level of the primary structure(s) on a Zone Lot.
- 2. Buildings, or a permitted alternative, shall be built at or within the Build-To requirement for at least the minimum percentage (%) required along the Primary and/or Side Street frontage.
- 3. Build-to requirements are calculated separately for each separately owned Zone Lot frontage comprising a development site.

F. Build-to Alternative Requirements

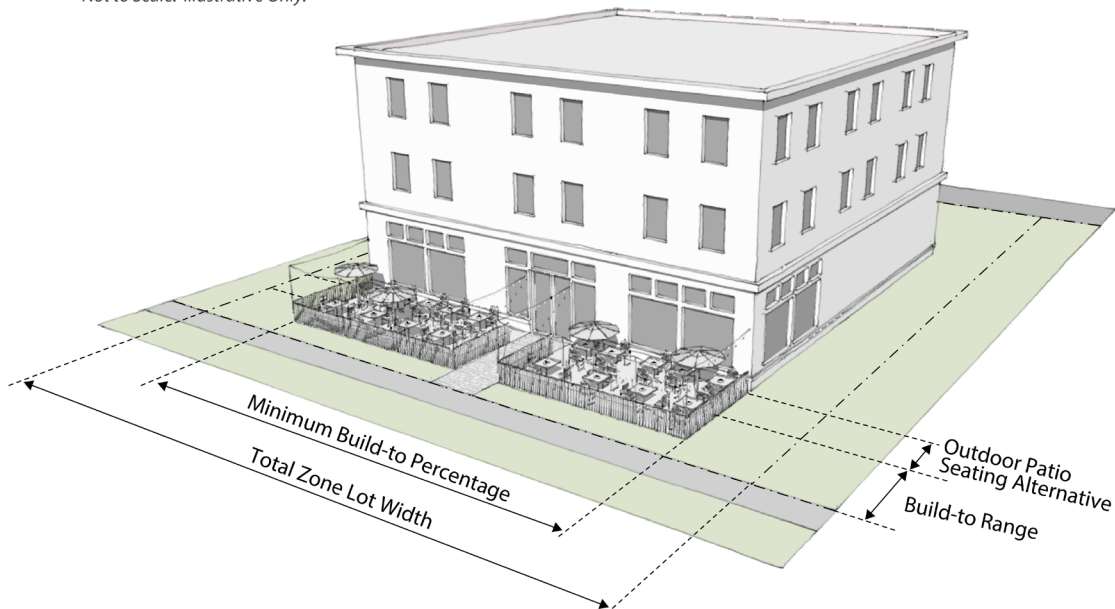
Where permitted, the following alternatives may be used singularly or in combination as alternatives to a required build-to minimum percentage standard:

1. Permanent Outdoor Patio Seating

Permanent outdoor patio seating shall be placed between the building and the Primary Street zone lot line. Street Level activation standards shall still apply for portions of the facade behind permanent outdoor patio seating. See Figure 13.1-58.

Figure 13.1-58

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 D-GT, D-CPV-T, D-CPV-R, D-CPV-C, or 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.
- b. Allowed materials are limited to masonry or an ornamental metal fence with masonry piers spaced at not more than 25 feet with landscaping.
 - i. An Administrative Adjustment to the allowed material is permitted to better match the primary building. See Article 12.
- c. Garden walls used as a Required Build-To Alternative may also be counted toward Perimeter Landscaping Requirements in Article 10.
- d. See Figure 13.1-59.

Figure 13.1-59

Not to Scale. Illustrative Only.



4. Pergola

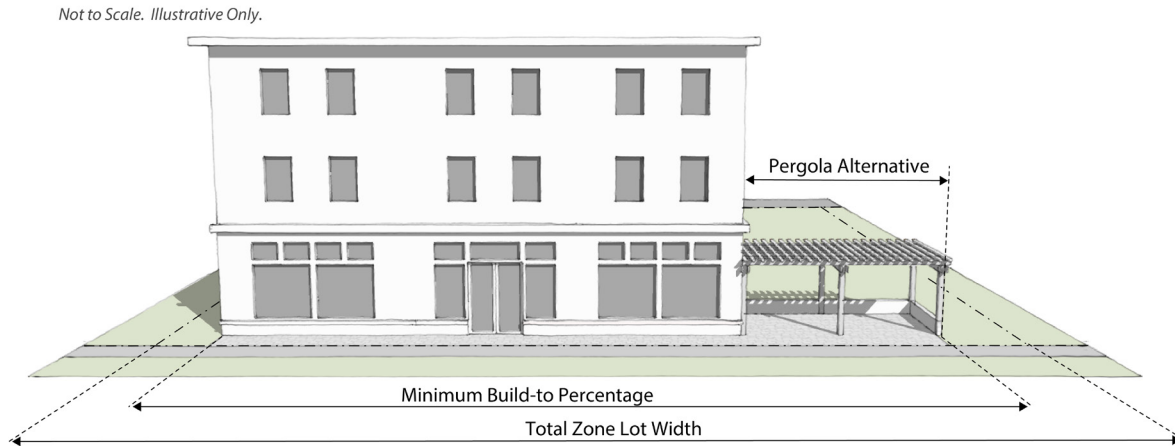
A pergola shall comply with all of the following standards:

- a. Pergola structure shall consist of an arbor or passageway of columns that is at least 50% open to the sky.
- b. Pergola structure shall be no less than 5 feet deep as measured perpendicular to the Primary or Side Street zone lot line.
- c. Pergola structure shall not be erected over a Drive or Driveway, or over any part of an Off-Street Parking Area.
- d. Pergola structure shall maintain at least 8 feet clearance between the structure and grade where erected over any public rights-of-way or pedestrian walkways.
- e. Pergola structure shall be made of metal, masonry, treated wood, or other materials that are durable in an exterior urban environment.
- f. Pergola structure shall be supported by vertical columns, posts, or piers not less than 15 feet on center, which means the center of each column, post, or pier is a minimum of 15 feet from the center of the next column, post, or pier, and then the next, and so on.
- g. Garden walls, seating and/or landscaping may be incorporated between the pergola's vertical supports, provided that the pergola maintains at least 75% open area

for clear visual sight lines between the public rights-of-way and the interior of the property between the heights of 42 inches and 84 inches above grade.

- h. See Figure 13.1-60.

Figure 13.1-60



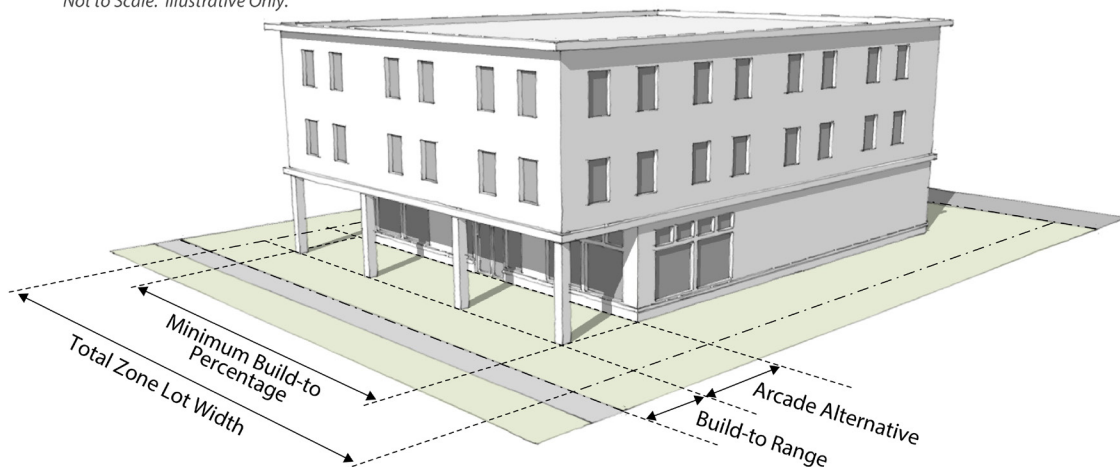
5. Arcade

An arcade shall comply with all of the following standards:

- a. An arcade shall be located below an occupied building area,
- b. The arcade column line shall generally align with, and run parallel to, the wall plane of the building above,
- c. An arcade shall extend no more than 2 stories in height,
- d. The exterior face of the arcade column line shall be within the required build-to range,
- e. The average depth of the arcade shall be no less than 6 feet clear, as measured from the interior face of the columns (benches, trash receptacles and other non-permanent features may be located in the clear area),
- f. The average depth of the arcade shall be no more than $\frac{2}{3}$ of the average height of unobstructed arcade openings, as measured from the front face of the columns
- g. The interior wall of the arcade shall meet the required Street Level activation standards or alternatives.
- h. An Arcade may contribute to the Street Level Active use requirement for a maximum of 6 feet of the required 15 foot depth.
- i. See Figure 13.1-61.

Figure 13.1-61

Not to Scale. Illustrative Only.



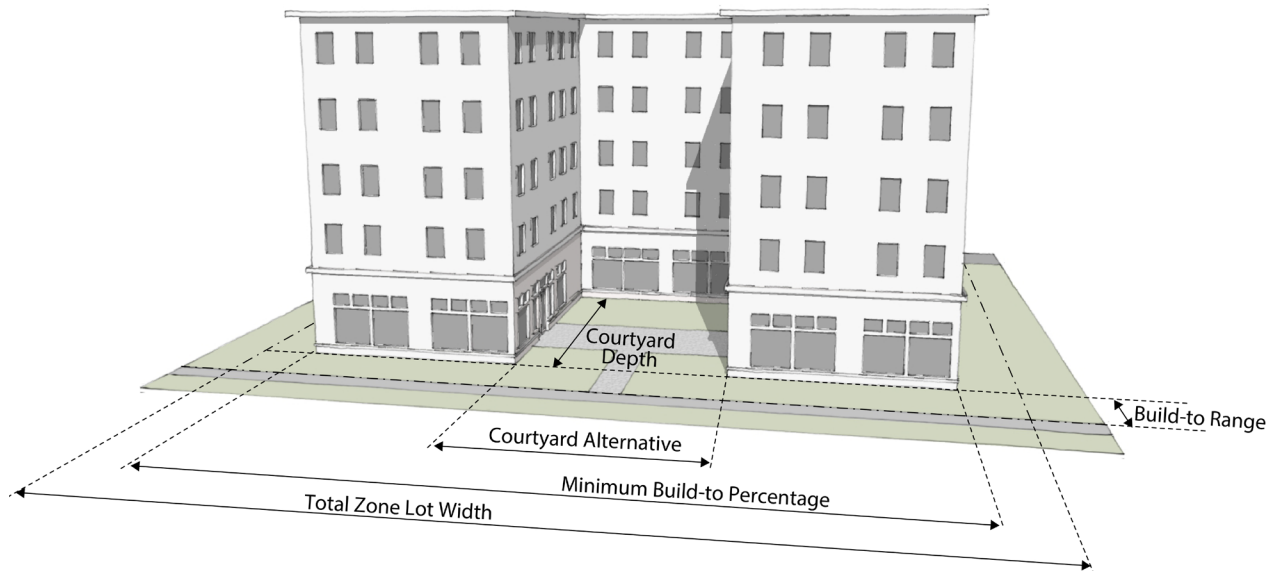
6. Courtyard

A courtyard shall comply with all of the following standards:

- a. Minimum Courtyard Design:
 - i. Shall face the Primary Street;
 - ii. Shall have a width of at least 15 feet, measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard; and
 - iii. Shall have a depth of at least 30 feet measured as the horizontal distance between the primary Street-facing exterior building wall nearest to the primary street zone lot line and the closest facade of the exterior building wall facing the primary street behind the courtyard, measured perpendicular to the zone lot line.
- b. The Courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:
 - i. Shall be no more than one-half story above or below grade at the zone lot line adjoining the primary street;
 - ii. Shall be physically accessible from the primary street, but may be secured for private use;
 - iii. Shall be visible from the primary street zone lot line;
 - iv. Shall be open to the sky; and
 - v. Shall be bounded on not less than 3 sides with connected building facades.
- c. The Courtyard area may be used for any of the following:
 - i. Single or multiple entries to uses within the building;
 - ii. Public or private landscaped area;
 - iii. Outdoor seating area; or
 - iv. Motor Court, which is intended primarily for pedestrian activity but may include shared space for limited vehicular circulation for loading/unloading and access to parking areas outside the courtyard area. Driveways, Internal Drives, and Off-street Parking Areas are not permitted in the Motor Court. The vehicular circulation areas must meet enhanced or upgraded paving standards, including but not limited to unit pavers, porous pavers, or integrally colored concrete with a module of not more than 4 feet.
- d. See Figure 13.1-62.

Figure 13.1-62

Not to Scale. Illustrative Only.



7. Drive Way Access

a. Applicability

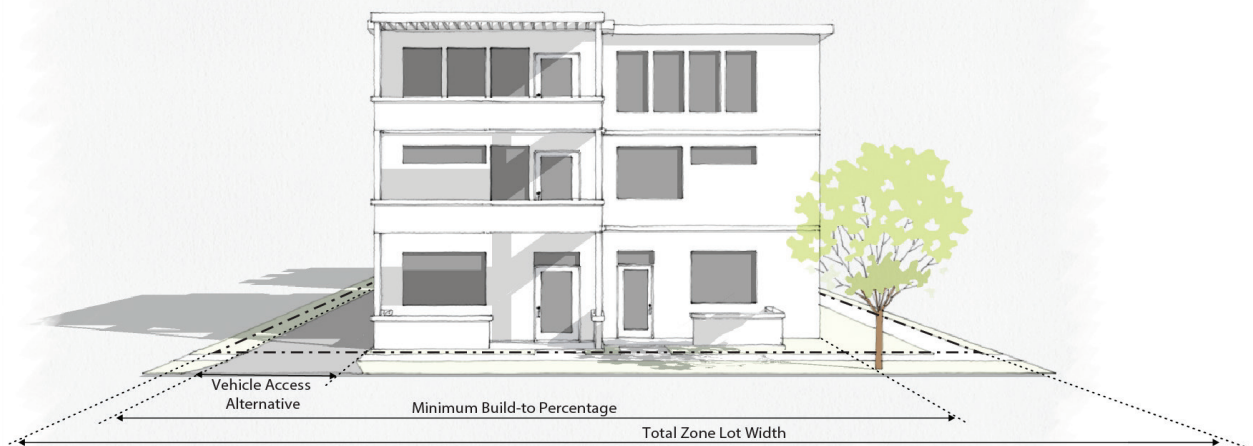
The build-to alternative Drive Way Access may only be used when vehicular access is required from the street.

b. Rule of Measurement

The Build-To Alternative shall be calculated by subtracting the alternative from the Build-To requirement. For example, on a 100 foot wide Zone Lot where the Build-To percentage is 70 percent, 70 feet of the building must be within the build-to range. When using the Drive Way Access Build-To Alternative, a maximum of 12 feet is subtracted from 70 foot required build-to, resulting in a required build-to of 58 feet. See Figure 13.1-63.

Figure 13.1-63

Not to scale. Illustrative Only.



13.1.5.8 Setbacks

A. Intent

Setbacks are intended to provide adequate separation for privacy and access to sunlight and to provide a minimum unobstructed horizontal distance between a Zone Lot line and the location of Uses and Structures on a Zone Lot.

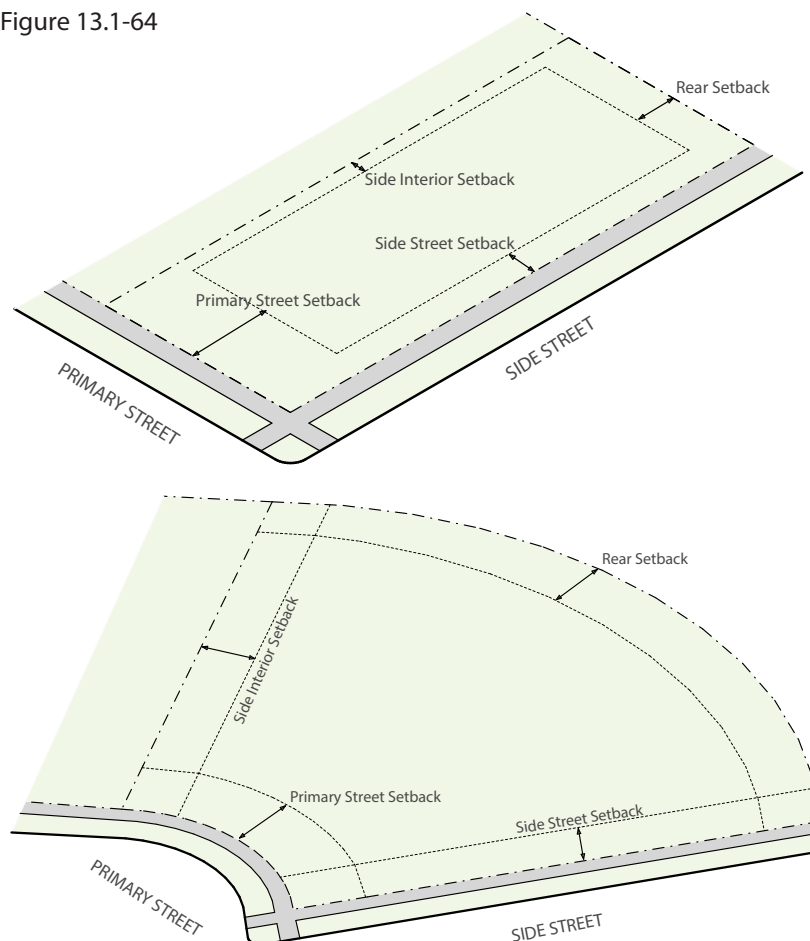
B. Applicability

This Section 13.1.5.8 shall provide rules of measurement for Setbacks in all zone districts, except when the more specific rule of measurement for "Residential Setback" in Section 13.1.5.10 applies. See also Section 13.1.5.9 for determining the Primary Street Setback Offset Distance.

C. Rule of Measurement

The Setback shall be the portion of the Zone Lot located between a Zone Lot Line and a continuous parallel line or curve offset from and following along the respective Zone Lot Line. Except as specifically required below, the offset distance shall be equal to that specified in the applicable Building Form table or in an applicable standard stated elsewhere in this Code or in a Planned Unit Development (PUD) zone district. The Setback shall extend continuously across the full width or length of the Zone Lot, overlapping with any other Setback. See Figure 13.1-64.

Figure 13.1-64



D. Exceptions

For the conditions identified below, the Setback shall be determined as follows:

1. Easement for Public Access

If the subject Zone Lot includes an easement for public access abutting the right-of-way of a named or numbered street or includes an easement for public access abutting an Alley, the parallel line shall be offset from the line of the easement instead of the respective Zone Lot Line.

2. Parkways

a. Intent

To promote compatible building character along Parkways, when Parkway setbacks are more restrictive than this Code's setbacks.

b. Standard

Where a zone lot has street frontage on a Parkway designated under D.R.M.C., Chapter 49, the greater of the following street setbacks shall apply:

- i. The street setback required by the applicable building form standards in this Code; or
- ii. The required Parkway setback established under D.R.M.C., Chapter 49.

3. Minimum One Side/Minimum Combined Site Interior Setback

If the Side Interior Setback standard is specified in the applicable Building Form table as "min one side/min combined", the parallel lines shall be offset such that the cumulative sum of the offset distances at the Side Interior Zone Lot Lines shall be equal to or greater than the "min combined" standard indicated. The parallel lines shall be offset such that the distance of the offset at every individual Side Interior Zone Lot Line shall be greater than or equal to the "min one side" standard indicated. If the subject zone lot has only one Side Interior Zone Lot Line, the parallel line shall be offset from that Zone Lot Line a distance equal to that indicated for "min one side."

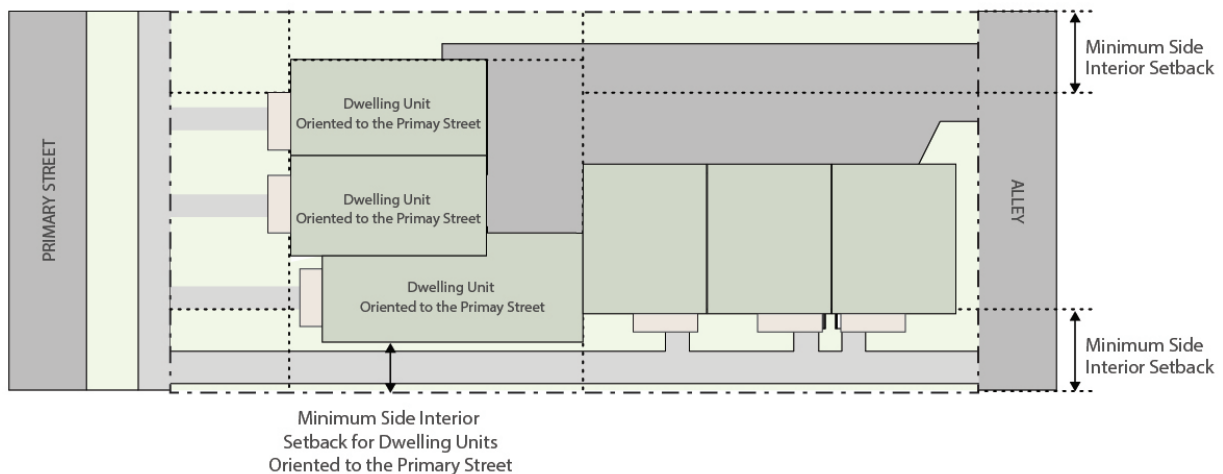
4. Side Interior Setback for Dwelling Units Oriented to the Street

If the Side Interior Setback standard is specified for "Dwelling Units Oriented to the Street", the Side Interior Setback for Dwelling Units Oriented to the Street shall only extend along the Side Interior Zone Lot Line a distance where lines extending perpendicular from the Side Interior Zone Lot Line at every point intersect any Façade of a Side-by-Side Dwelling Unit Oriented to the Primary Street. See Figure 13.1-65.

5. Primary Setback as Percentage of Zone Lot Width

Where a minimum percentage of Zone Lot Width is specified for a Primary Street 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 Primary Street Setback.

Figure 13.1-65



13.1.5.9 Determination of Primary Street Setback Offset Distance

A. Intent

To provide a method to establish a contextual Primary Street setback offset distance appropriate to existing conditions.

B. Applicability

This Section 13.1.5.9 shall apply when no single numerical distance is prescribed for the Primary Street setback offset distance in the applicable building form table, except when the more specific rule for "Residential Setback" in Section 13.1.5.10 applies. See also Section 13.1.5.8 for how to measure the determined for Primary Street Setback offset distance.

C. Determination of Primary Street Setback Offset Distance

1. Using Reference Lots

Except for the conditions identified below, Reference Zone Lots shall be identified per Section 13.1.5.9.D to determine the Primary Street Setback offset distance. The Primary Street setback offset distance shall be equal to the one shortest distance measured from a Façade of a Primary Residential Structure on the Reference Zone Lots to its respective Primary Street Zone Lot Line.

2. Conditions When Reference Zone Lots are Not Applicable

For the conditions identified below, Reference Zone Lots are not required to establish the Primary Street setback offset distance and the Primary Street setback offset distance shall be determined as follows:

- a. When a single numerical distance is prescribed for the Primary Street setback offset distance in the applicable building form table (with no reference to this Section 13.1.5.9), the Primary Street setback offset distance shall be equal to that prescribed numerical distance.
- b. When the conditions described in the table below exist, the Primary Street setback offset distance shown in the table below shall apply:

Zone District	Building Form	Conditions When Reference Zone Lots are Not Applicable	Primary Street Setback Offset Distance
G-MU-3 and G-RO-3	Garden Court, Town House, and Apartment Building Forms	If the Face Block of the subject Zone Lot does not include at least 3 Zone Lots, including the subject Zone Lot, that (a) contain Primary Residential Structures that are completely constructed, and (b) share the same Primary Street Zone Lot Line designation as the subject Zone Lot.	10 feet
	All Other Building Forms		20 feet
All Other Zone Districts	All Building Forms		20 feet

3. Administrative Adjustment Available

The applicant may request an Administrative Adjustment to determine the Primary Street setback distance per Section 12.4.5, Administrative Adjustment.

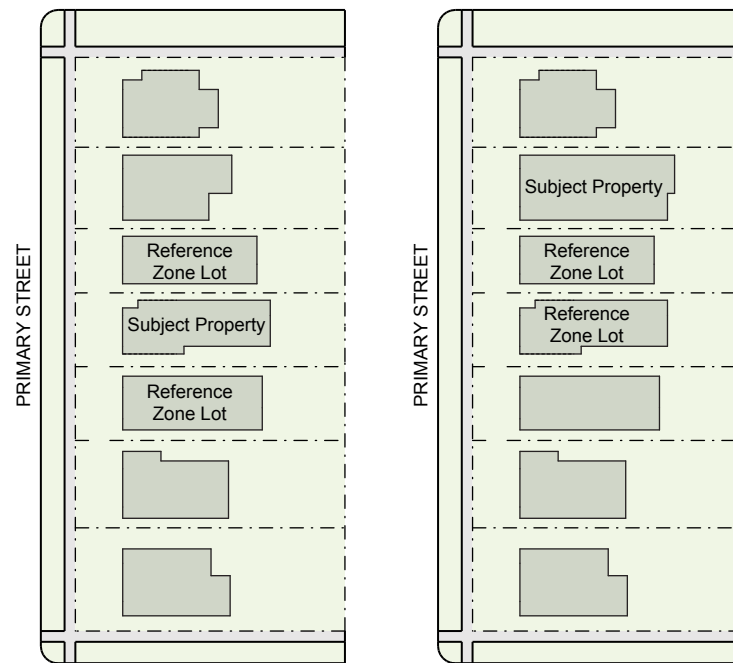
D. Identification of Reference Zone Lots

1. Standard

Except as specifically required below, the Reference Zone Lots for establishing the Primary Street Setback shall be determined by identifying the two closest Zone Lots to the subject Zone Lot that meet the following criteria. For the purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest zone lot lines of the subject Zone Lot and a possible reference Zone Lot. See Figure 13.1-66.

- a. Contains a primary residential structure that has been completely constructed, which means the City has issued either a Temporary Certificate of Occupancy or Certificate of Occupancy for residential occupancy;
- b. Is located along the same Face Block as the subject Zone Lot;
- c. Is not a Corner Zone Lot; and
- d. Is in a Residential Zone District, but not including a -MU, -RO, or -RX zone district with one or more building forms allowing a 5-story building height or greater.

Figure 13.1-66



2. Exceptions

For the conditions identified below, the Reference Zone Lots shall be determined as follows:

a. Exception When Two Reference Zone Lots Cannot Be Identified

Where two reference Zone Lots cannot be identified using the criteria in Section 13.1.5.9.D.1.a-1.d above, the Zoning Administrator shall identify one or more Reference Zone Lots based on the criteria in Section 13.1.5.2.A.3 and considering the intent of the Primary Street setback stated in Section 13.1.5.9.A.

b. Exception When One (not both) Reference Zone Lot Setback is Less Than 20 Feet

- i. If the Façade of a Primary Structure on only one of the Reference Zone Lots is less than 20 feet from the Primary Street Zone Lot line, then the next two closest qualifying Zone Lots to the subject Zone Lot shall be added into the evaluation. For the purposes of this Subsection, "closest" is measured as the shortest linear distance in feet between the two nearest Zone Lot lines of the subject property and a possible Reference Zone Lot. In addition, the subject Zone Lot shall be added to the evaluation to determine the minimum setback, but only if the subject Zone Lot contains a Primary Structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator.
- ii. The rules for determining the Reference Zone Lots follow, and only one rule from the three possible rules below shall apply:
 - a) If only one Zone Lot in the evaluation has a Primary Street setback less than 20 feet, said Zone Lot with the less than 20 feet setback shall be considered an outlier and removed from consideration of establishing the minimum setback. The next two closest Reference Zone Lots (not including the subject property or the outlier zone lot) shall be evaluated to establish the minimum setback. See Figure 13.1-67.
 - b) If a majority of the Zone Lots in the evaluation have a Primary Street setback of less than 20 feet, the two closest Reference Zone Lots (not

including the subject property) shall be evaluated to establish the minimum setback. See Figure 13.1-68.

- c) If a minority of Zone Lots in the evaluation has a Primary Street setback of less than 20 feet, the Zoning Administrator shall establish the minimum setback based on an analysis of the pattern of all Zone Lots on the subject Face Block. See Figure 13.1-69.

Figure 13.1-67

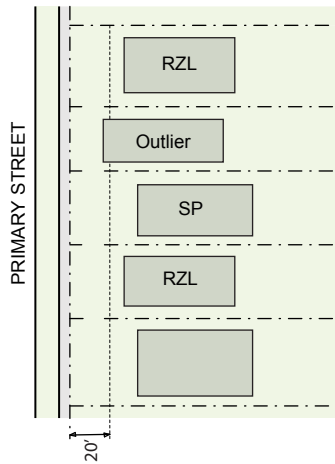


Figure 13.1-68

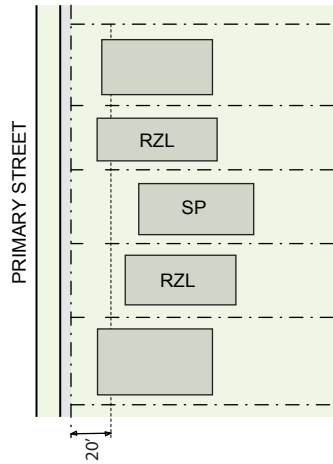
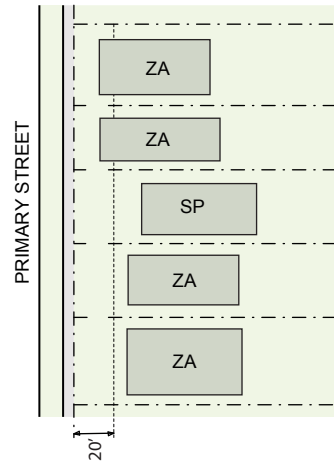


Figure 13.1-69



SP = Subject Property
RZL = Reference Zone Lot
ZA = Zoning Administrator

c. Exception when Reference Zone Lot Front Façade Setback 50% of the Zone Lot Depth or Greater

- i. If the Façade of only one of the structures on a Reference Zone Lot, identified in subsection 13.1.5.9.D.1. above, is setback 50% of the Zone Lot Depth or more from the Primary Street Zone Lot Line, then the next two closest qualifying Reference Zone Lots shall be added into the evaluation. For purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest Zone Lot Lines of the subject property and a possible Reference Zone Lot.
- ii. The subject Zone Lot shall be added to the evaluation if it contains a structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determining the reference Zone Lots follow, and only one rule from the possible rules below shall apply:
 - a) If none of the other Zone Lots in the evaluation has a Primary Street setback of 50% of the Zone Lot Depth or more, the next two closest Reference Zone Lots (not including the subject property) shall establish the minimum setback. See Figure 13.1-70.
 - b) If there are other Zone Lots in the evaluation that have a 50% or deeper setbacks, the Zoning Administrator shall establish the minimum setback based on an analysis of the pattern of all Zone Lots on the subject Face Block. See Figure 13.1-71.

Figure 13.1-70

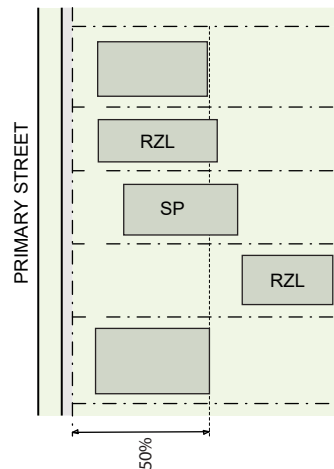
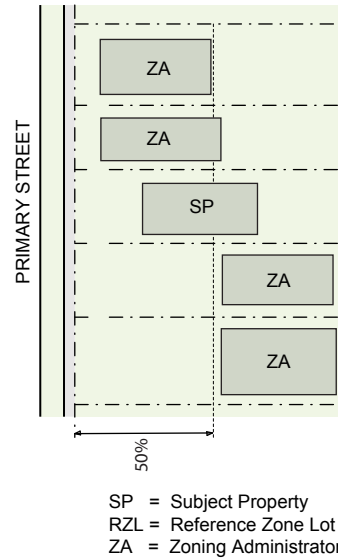


Figure 13.1-71



13.1.5.10 Residential Setbacks

A. Intent

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

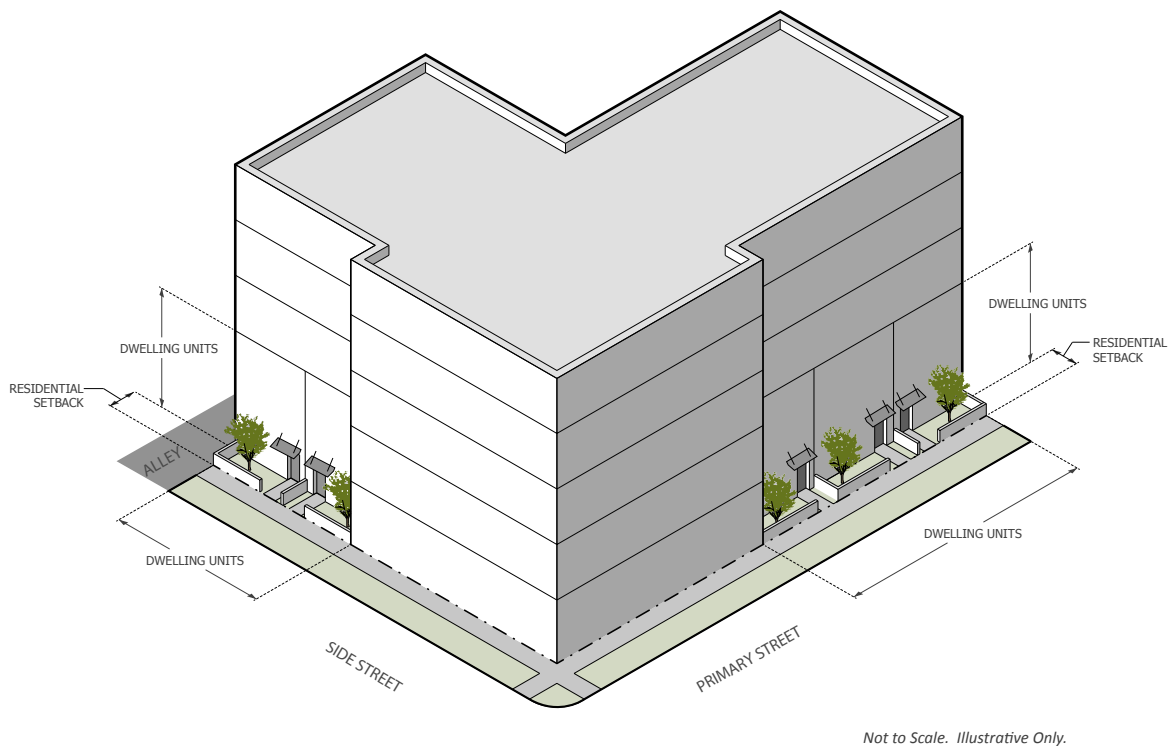
B. Applicability

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

C. Rules of Measurement

1. 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.
2. 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 13.1-72.
3. Portions of a Structure containing residential lobbies, rental offices, amenity areas or nonresidential uses shall not be subject to a Residential Setback.
4. Residential Setbacks shall be considered to be a Primary Street setback for purposes of allowed encroachments.

Figure 13.1-72



13.1.5.11 Primary Street Parking Setbacks

A. Intent

To promote a pedestrian-oriented, active streetscape by prohibiting parking near the street.

B. Rules of Measurement

Primary Street Parking Setbacks provide a minimum horizontal distance between a Primary Street zone lot line and the location of an Off-Street Parking Area, measured as follows:

1. Primary Street Parking Setbacks are measured perpendicular to the zone lot line at the edge of the right-of-way abutting a named or numbered street.
2. Primary Street Parking Setbacks extend across the full width of the zone lot, overlapping with the side interior and side street setbacks as applicable.

13.1.5.12 Location of Structure for ~~Detached Garage Building Form; Other Minor~~ Detached ~~Accessory Structures Building Form; and General~~ Detached ~~Accessory Structures Building Form~~

A. Intent

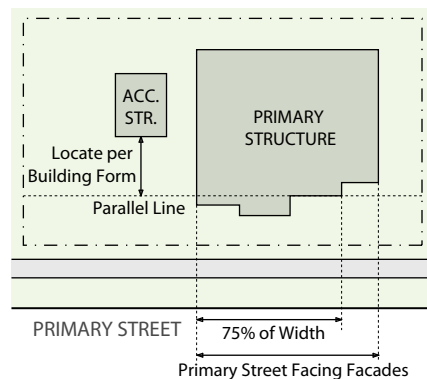
To ensure allowed Accessory Structures remain subordinate to the location of Primary Structures on the Zone Lot with respect to distance and visibility from the Primary Street Zone Lot Line.

B. Rule of Measurement

Except when the rule in Section 13.1.5.12.C for multiple Primary Structures on one Zone Lot applies, when the applicable building form table requires the structure to be located behind a portion of the total width of the Primary Street-facing Façade(s) of a Primary Structure, the required location shall be calculated as follows:

1. Calculate the total width of the Primary Street-facing Façade(s) of the Primary Structure, measured parallel to the Primary Street Zone Lot Line.
2. Identify the portions of the Primary Street-facing Façade(s) of the Primary Structure representing at least 75% of the total width of such Façade(s) using the portions of the structure closest to the Primary Street. A Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.
3. Draw a line parallel to the Primary Street Zone Lot Line that is not forward of the portions of the Primary Street-facing Façade(s) of the Primary Structure representing at least 75% of the total width of such Façade(s) See Figure 13.1-71.
4. The ~~Detached Garage Building Form, Other Detached Accessory Structures Building form, or Detached Accessory Structures Building form~~ shall be located no closer to the Primary Street Zone Lot Line than a distance behind the parallel line drawn as specified in the applicable Building Form table in Articles 3-9. See Figure 13.1-73.

Figure 13.1-73



C. Rule of Measurement for Multiple Primary Structures on One Zone Lot

1. Intent

To ensure the incidental and secondary siting and location of detached accessory structures compared to the siting and location of Primary Structures on the same Zone Lot, and to ensure the dominance and visibility of Primary Street-facing Façades of Primary Structures when viewed from the primary street.

2. Applicability

This rule of measurement shall apply when there are multiple ~~p~~Primary ~~s~~Structures on a zone lot, and such structures are assigned one or more of the following primary building forms:

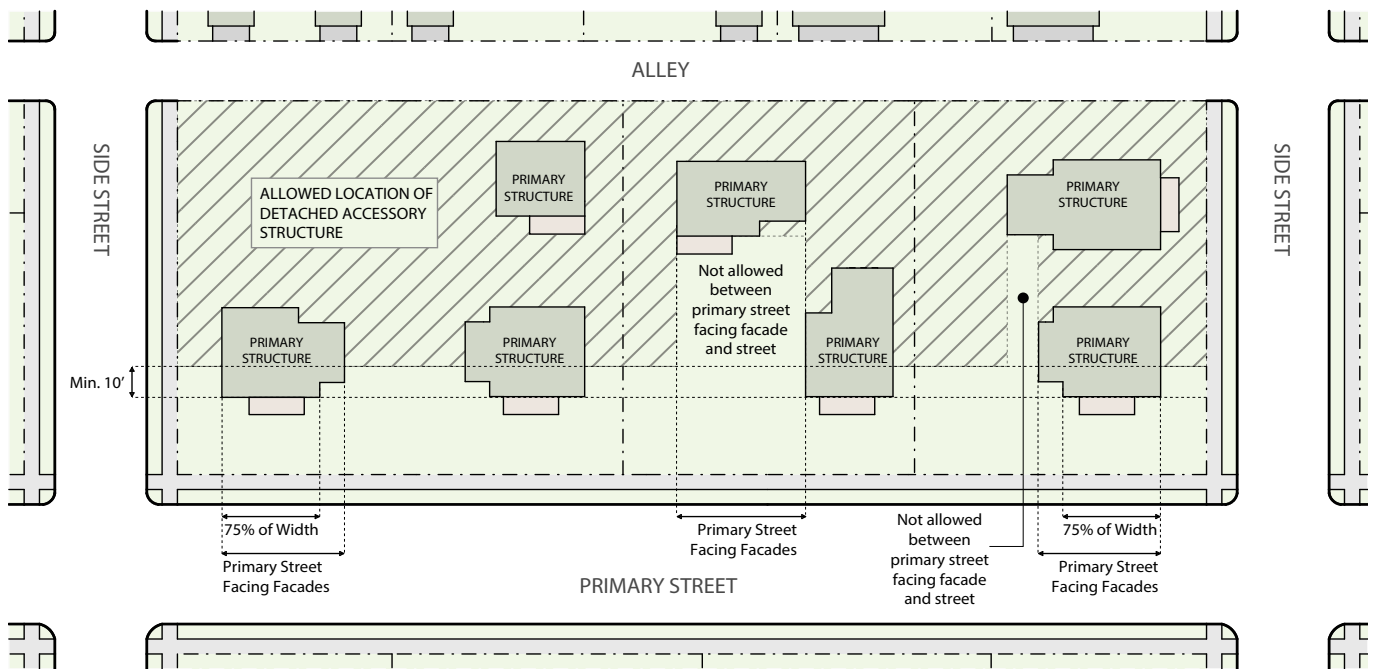
- a. Suburban House
- b. Urban House
- c. Tandem House
- d. Duplex
- e. Row House
- f. Town House

3. Rule of Measurement

- a. A detached accessory structure subject to this rule of measurement:
 - i. Shall be located a minimum of 10 feet behind 75% of the total width of the Primary Street-facing facade(s) of at least one Primary Structure on the zone lot; and
 - ii. Shall not be located between any portion of the Primary Street-facing Facades of each Primary Structure on the zone lot and the Primary Street zone lot line, except that a detached accessory structure may be located between two or more Primary Structures as long as the subject detached accessory structure does not have a Primary Street-facing Facade.
 - iii. A Facade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.

See Figure 13.1-74.

Figure 13.1-74



- b. As an alternative to compliance with the rule stated in Section 13.1.5.12.3.C above, the DRC may approve the location(s) of detached accessory structures during the Site Development Plan process stated in Section 12.4.3. The DRC shall find that the location(s) of such detached ~~accessory~~ ~~accessory~~ structures is consistent with the intent stated in this Section 13.1.5.12.C. The approved location(s) for detached accessory structures shall be shown on the face of the approved Site Development Plan to allow future permitting consistent with such location(s).

D. Location of Detached Structure When There is No Primary Street-facing Facade

When a Zone Lot does not contain a Primary Structure with a Primary Street-facing Facade, the Zoning Administrator shall determine a Primary Street Setback applicable to a detached accessory structure consistent with the intent of this Section 13.1.5.12 and based upon an analysis of the prevailing building orientation and setback patterns for all structures located on the same and opposite Face Blocks as the subject Zone Lot.

13.1.5.13 Building Footprint

A. Intent

To provide appropriate scale by limiting the amount of Zone Lot area a Structure can occupy or obstruct.

B. Rule of Measurement

Except as specifically allowed below, the Building Footprint of a Structure shall be the total area of the portion of the Zone Lot occupied or obstructed from ground to sky by the Structure or portion of the Structure, as measured to the exterior face of above-grade Exterior Walls on all levels, to the furthest edge of Roofs, and to the furthest edge of any other above-grade surfaces.

C. Exceptions

The portions of the Zone Lot occupied or obstructed only by the following Structures or portions of Structures shall be excluded from the calculation of the total area of the Building Footprint:

1. Structures or portions of Structures which maintain at least 50% of the underlying Zone Lot unobstructed from ground to sky;
2. Structures or portions of Structures with surfaces located no more than 30-inches above Original Grade;
3. Roof Overhangs extending no more than 3-feet, measured perpendicular from the exterior face of the Exterior Wall to the furthest edge of the projection;
4. Fences and Retaining Walls; and/or
5. Detached ground-mounted mechanical equipment serving permitted uses on the Zone Lot.

13.1.5.14 Building Coverage

A. Intent

To provide openness on a Zone Lot by limiting the amount of area Structures can cover.

B. Rule of Measurement

Building Coverage shall be expressed as a percentage calculated by dividing the cumulative area of Building Footprints of all Structures on the Zone Lot by the Area of the Zone Lot.

C. Exceptions

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

13.1.5.15 ~~Reserved Minimum Unobstructed Distance Between Primary and Accessory Structures for Building Coverage Exceptions~~

A. Intent

~~To provide openness between buildings located in the front and back of the Zone Lot in association with exceptions to building coverage permitted by Neighborhood Context.~~

B. Rule of Measurement

1. ~~Unobstructed Distance Between Primary and Accessory Structures~~

~~Unobstructed distance between Primary and Accessory Structures for the purpose of building coverage exceptions provided in Article 3-9 Design Standard Exceptions sections refers to the unobstructed space between the Primary Structure and the applicable detached building form (either Detached Accessory Dwelling Unit or Detached Garage). This space is measured from the closest portion of the applicable detached accessory building form that is more than 30 inches above grade, excluding roof overhangs, to the closest portion of the Primary Structure on the Zone Lot that is more than 30 inches above grade, excluding roof overhangs. See Figures 13.1-75 and 13.1-76.~~

2. ~~Definition of 'Unobstructed'~~

~~For the purpose of Unobstructed Distance Between Primary and Accessory Structures, "unobstructed" means that the distance between Primary and Accessory Structures described in Section 13.1.5.15.B is free and clear of any Structure which measures more than 30 inches above grade, including Structures which are completely enclosed, partially enclosed, or open, but excepting the Structures listed in a-c below. See Figure 13.1-76.~~

- ~~a. Pergolas which are at least 50% open to the sky;~~
- ~~b. Air conditioning units; and~~
- ~~c. Stair railings.~~

Figure 13.1-75

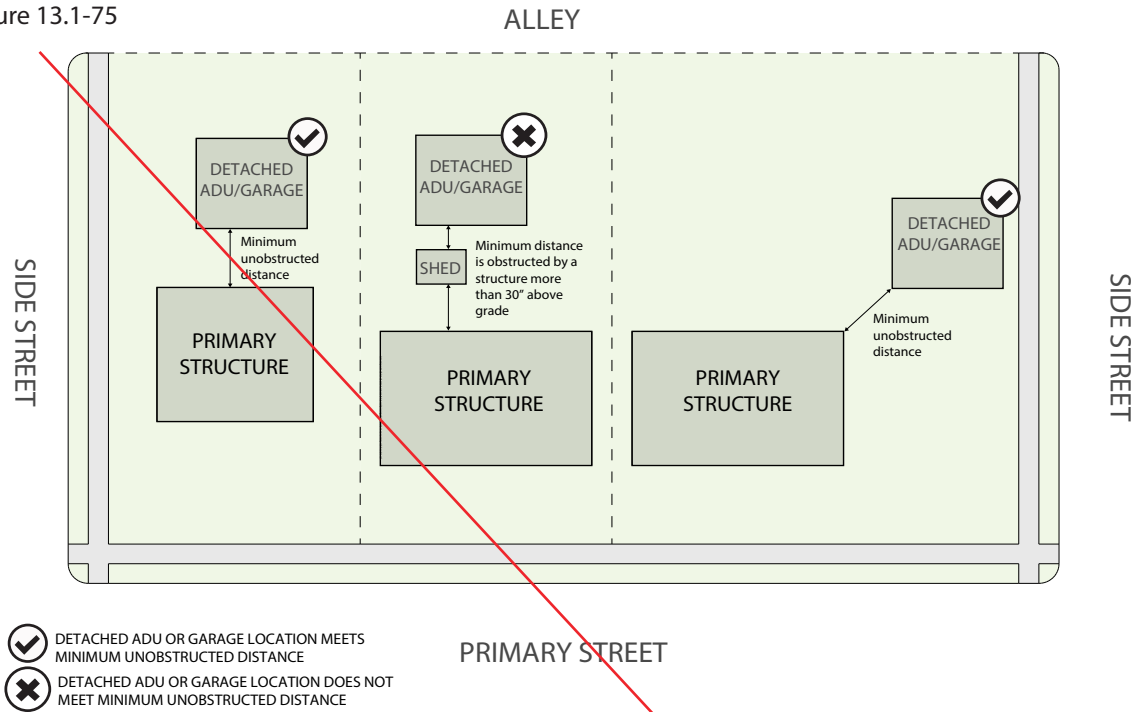
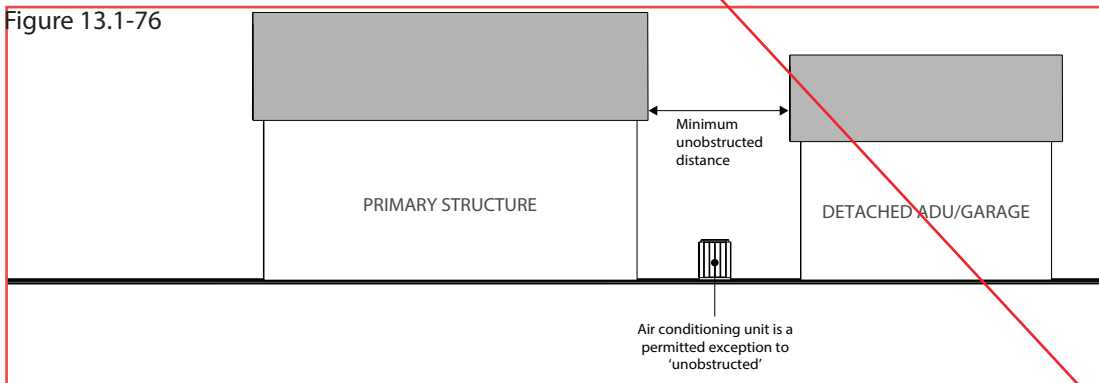


Figure 13.1-76

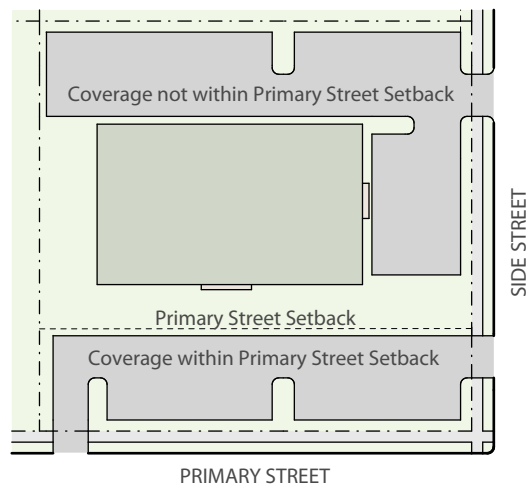


13.1.5.16 Parking and Drive Lot Coverage in Primary Street Setback

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 13.1-77.

Figure 13.1-77

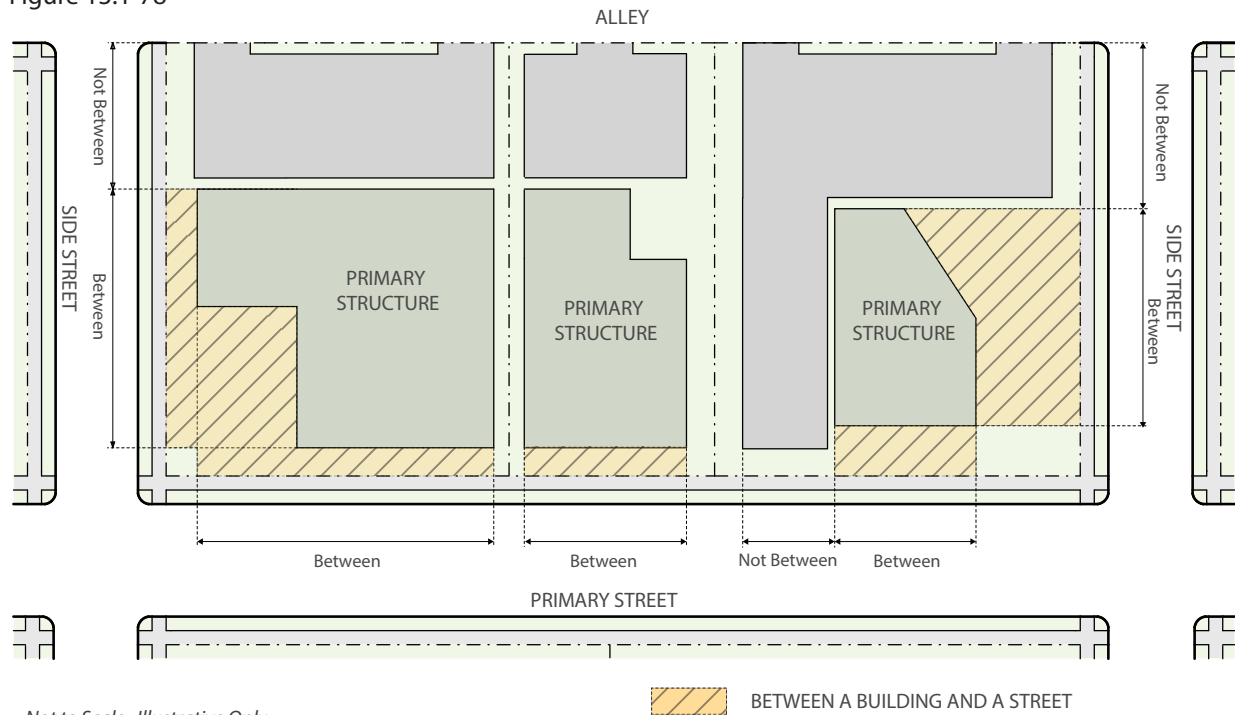


13.1.5.17 Surface Parking Between Building and Primary Street/Side Street

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 13.1-78.

Figure 13.1-78



Not to Scale. Illustrative Only.

13.1.5.18 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 Zone Lot Area on which the building is located. For purposes of this Section 13.1.5.17-18 only, "Zone Lot Area" shall include all land area required by the Department of Transportation and Infrastructure ("DOTI") to be dedicated for public purpose, when such dedication is contemporaneous with or necessitated by Development of the Zone Lot.

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 13.1-79.

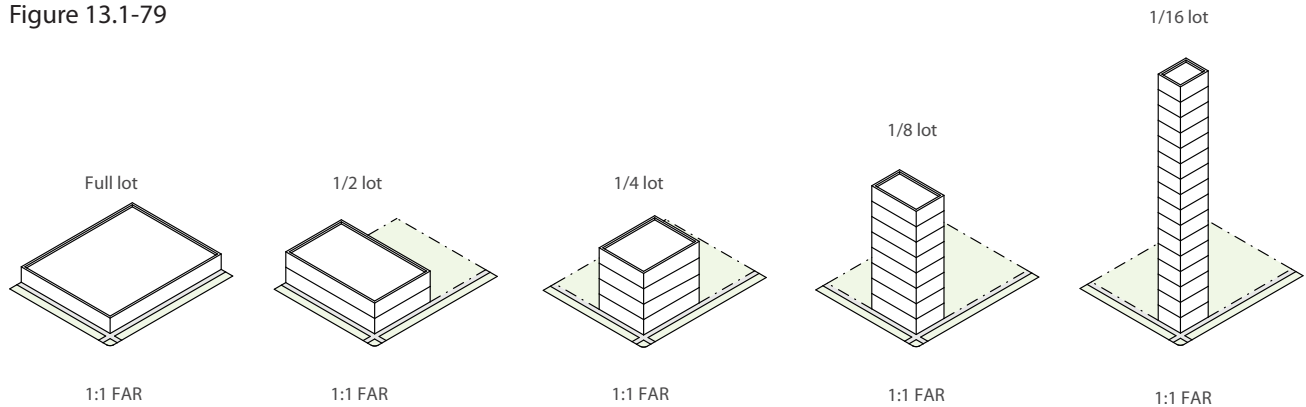
B. Calculation of Gross Floor Area

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 the following exclusions shall apply:

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 vehicles and/or bicycles. This exclusion shall not apply in the D-GT or D-CPV-C zone districts where any floor area used exclusively as parking space for vehicles and/or bicycles shall be included in the calculation of gross floor area.

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 13.1-79



SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

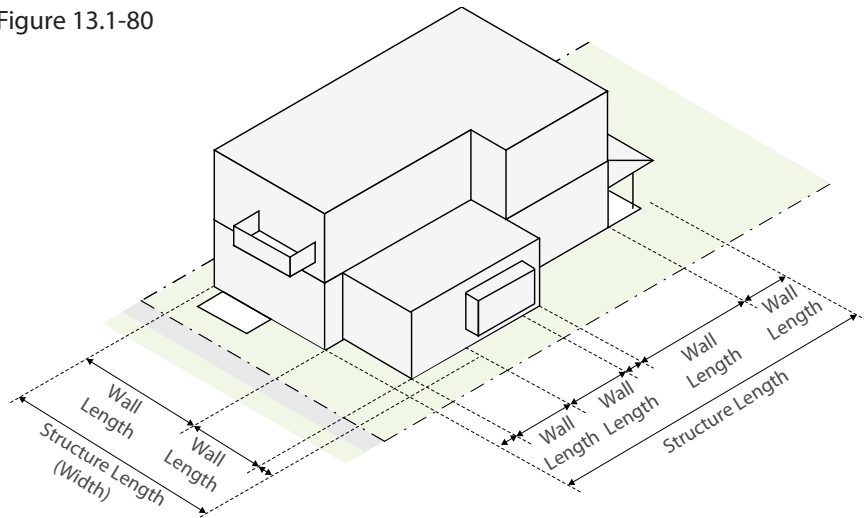
The design element form standards of this Code are defined and measured as set forth below.

13.1.6.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length or Width

1. The length of the front or side wall of a structure, or the overall structure length, shall be measured parallel to the primary street, side street, or side interior zone lot line and includes the length of a Completely Enclosed Structure plus the length of any portion of any attached Partially Enclosed Structure(s), as shown in Figure 13.1-80.
2. The overall structure width includes the length of a Completely Enclosed Structure plus the length of any portion of any attached Partially Enclosed Structure(s) and shall be measured parallel to the primary street zone lot line or the side street/side interior zone lot line, whichever zone lot line is shorter. When an overall structure width standard is not explicitly stated, the overall structure length standard shall apply to the front, side and rear walls of a structure.
3. The Zoning Administrator shall determine the zone lot line corresponding with the overall structure width in cases where the length of the primary street zone lot line and side street/side interior zone lot line are equal.

Figure 13.1-80



B. Private Open Space

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

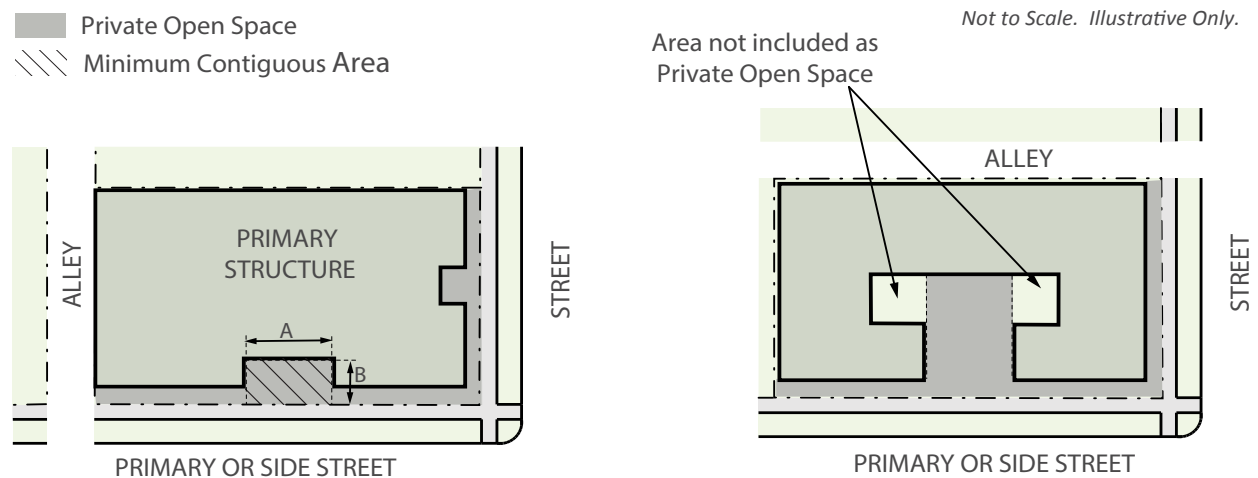
This section applies where Primary Building Form Standards or Overlay District Standards specify a minimum percentage of Private Open Space or when Private Open Space is used as an alternative to a Street Level nonresidential active use requirement.

3. Rules of Measurement

- a. 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 Zone Lot and multiplied by 100.
- b. For purposes of Private Open Space measurement, 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. Shall Abut a Primary Street or Side Street Zone Lot Line.
 - iv. Shall be fully visible from a Primary Street or Side Street.
 - v. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.
 - vi. 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 Primary Street or Side Street Zone Lot Line, shown as "A" in Figure 13.1-81. The depth of the Minimum Contiguous Area shall be measured as the horizontal distance between the Primary Street or Side Street Zone Lot Line and the closest facade of the exterior building wall facing the Primary Street or Side Street, measured perpendicular to the Zone Lot Line, shown as "B" in Figure 13.1-81.

- a) For Zone 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 Zone Lots 9,375 square feet or less as of October 27, 2014, in the C-CCN zone districts, where the Zone Lots 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 Abut, be fully visible from, and fully accessible from the 3rd Avenue right-of-way.
- c) For Zone Lots in the D-GT zone district, at least one instance of Private Open Space shall contain a Minimum Contiguous Area at least 15 feet wide and 30 feet deep. Any additional separate Private Open Space areas shall contain a Minimum Contiguous Area at least 15 feet wide and 15 feet deep.
- d) For all other Zone Lots the Minimum Contiguous Area shall be at least 15 feet wide and 30 feet deep.

Figure 13.1-81



C. Mass Reduction

1. Intent

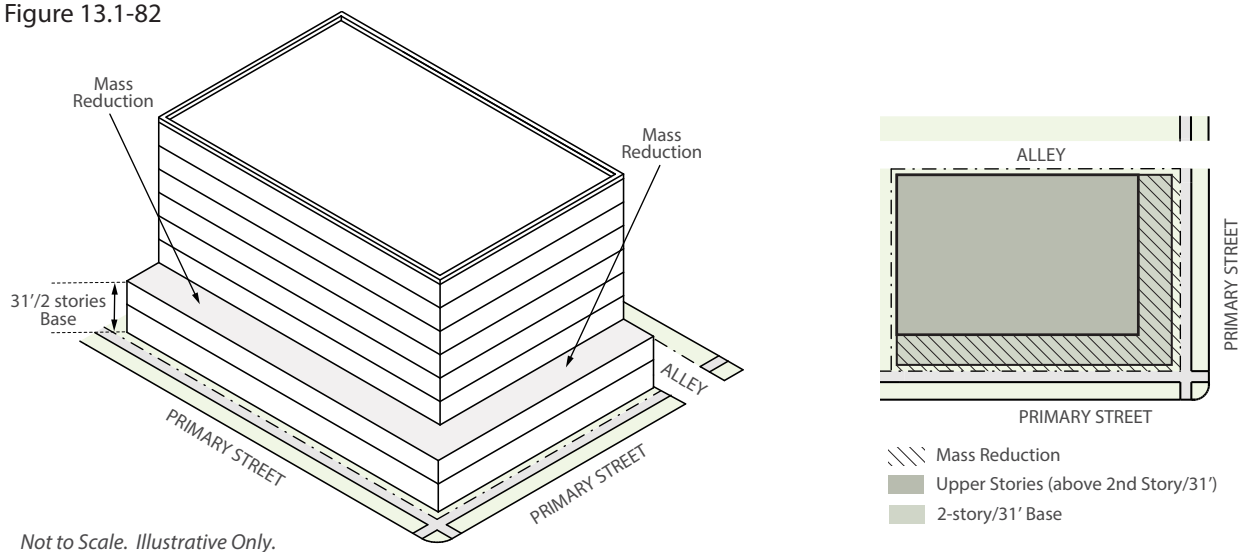
To sculpt building mass above the base of a building, to reduce the horizontal scale of taller buildings, to provide sun and light exposure through taller buildings, and to encourage architectural variety.

2. Rule of Measurement

- 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; **and**
 - iv. **Balcony, Interior.**

See Figure 13.1-82

Figure 13.1-82



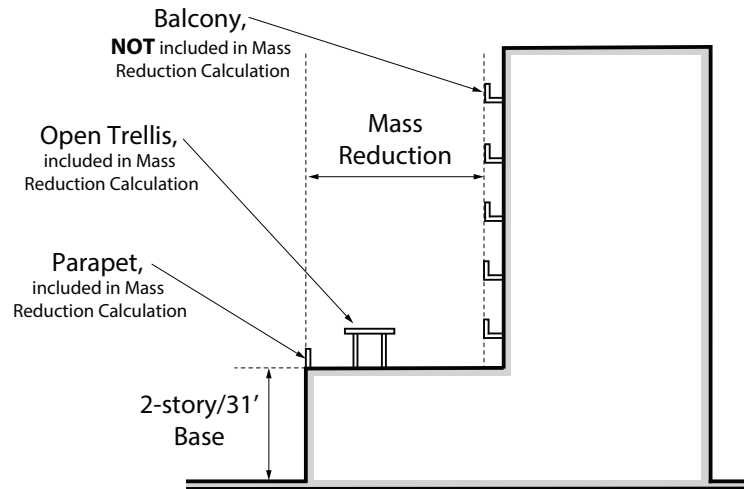
Not to Scale. Illustrative Only.

- 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:
 - a) Safety Railings and Parapet Walls no taller than 4 feet; and

b) Open Structures, excluding Exterior Balconies. See Figure 13.1-83.

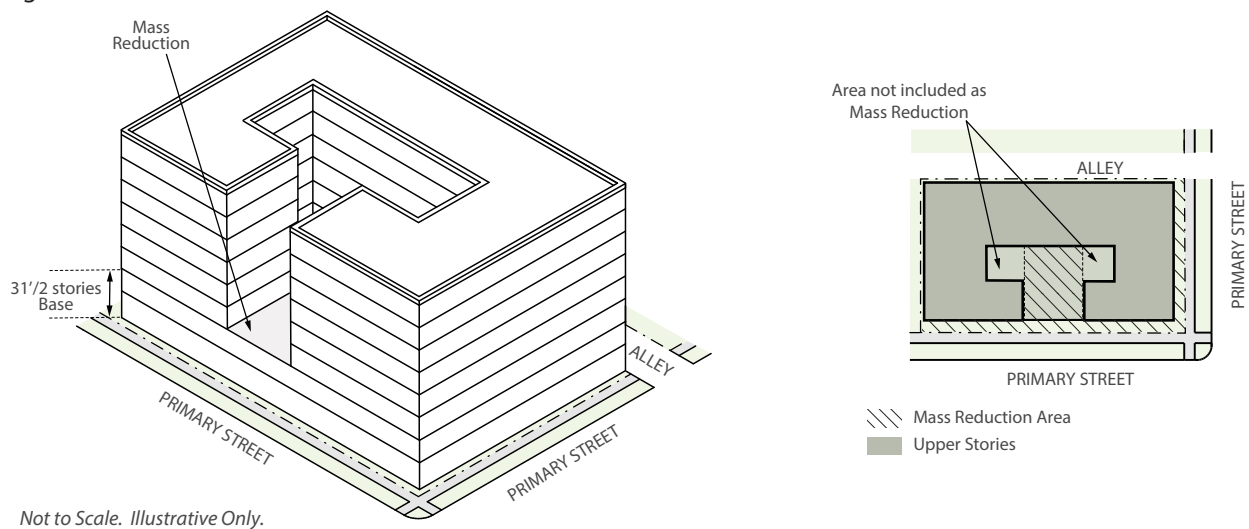
Figure 13.1-83

Not to Scale. Illustrative Only.



- ii. All portions of the Mass Reduction shall have an uninterrupted perpendicular connection to the public right-of-way. See Figure 13.1-84.

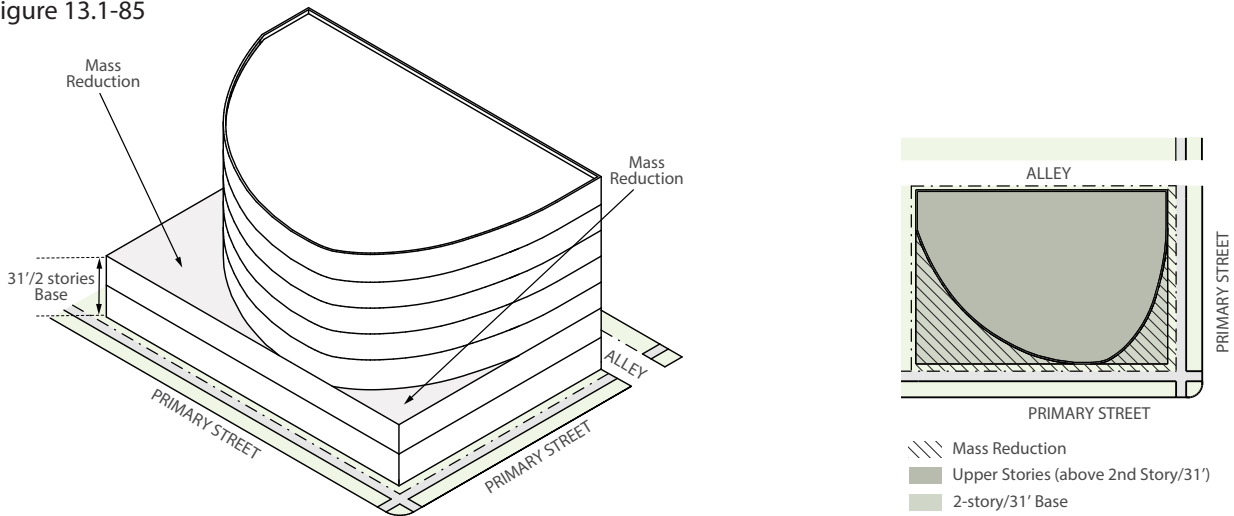
Figure 13.1-84



Not to Scale. Illustrative Only.

- 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 13.1-85.

Figure 13.1-85



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.

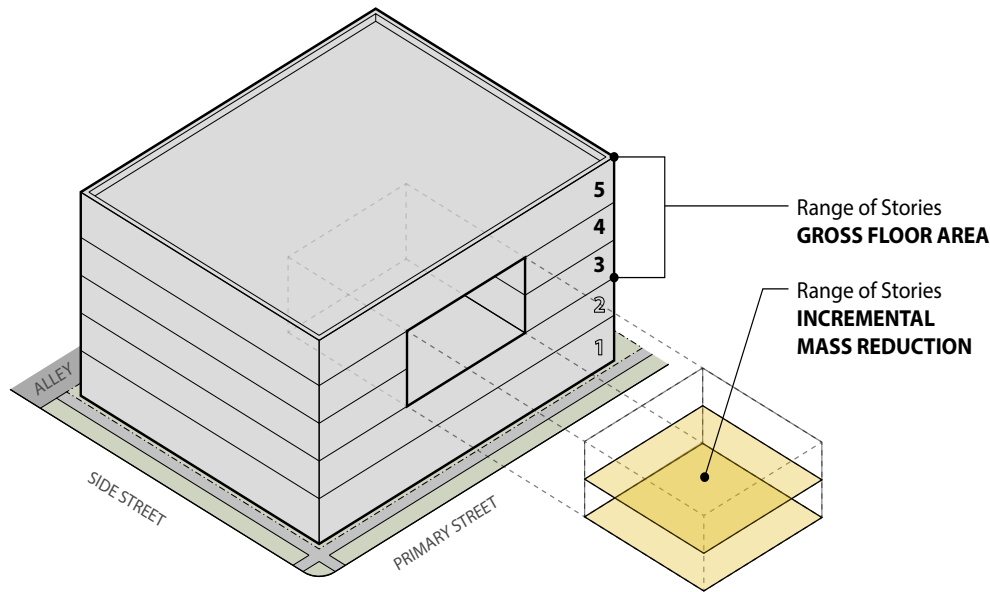
2. Applicability

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 [AreaSize](#) specified in a building form table or applicable Overlay Zone District. See Figure 13.1-86.

Figure 13.1-86



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 **AreaSize** multiplied by the number of Stories **to be provided** 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 to 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 13.1.5.1718.B Calculation of Gross Floor Area except as set forth in b) **and c)** below.
- b) For purposes of Incremental Mass Reduction, Interior and Exterior Balconies shall not count toward "gross area of mass reduction."
- c) In lieu of the exception set forth in Section 13.1.5.1718.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 Example: 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 re-

maining maximum gross floor area of 67,500 square feet for Stories 3-5 (25,000 x 3 - 7,500 = 67,500) absent other standards, such as minimum Setbacks, which could reduce gross floor area.

v. Illustrated Examples: Incremental Mass Reduction in Four Ranges of Stories

See Figure 13.1-87 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:

- i. Primary Street(s), including the South Platte River
- ii. Side Street(s)
- iii. Public Park(s)
- iv. [Publicly Accessible Open Space](#)

See Figure 13.1-88.

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 13.1-89.

Figure 13.1-87

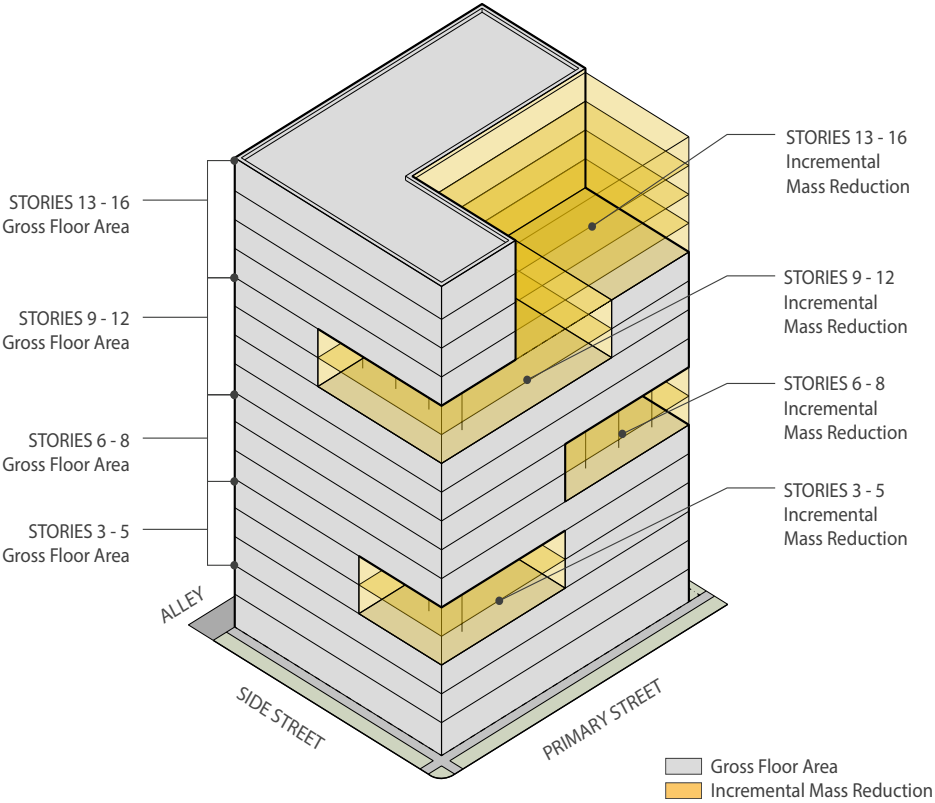
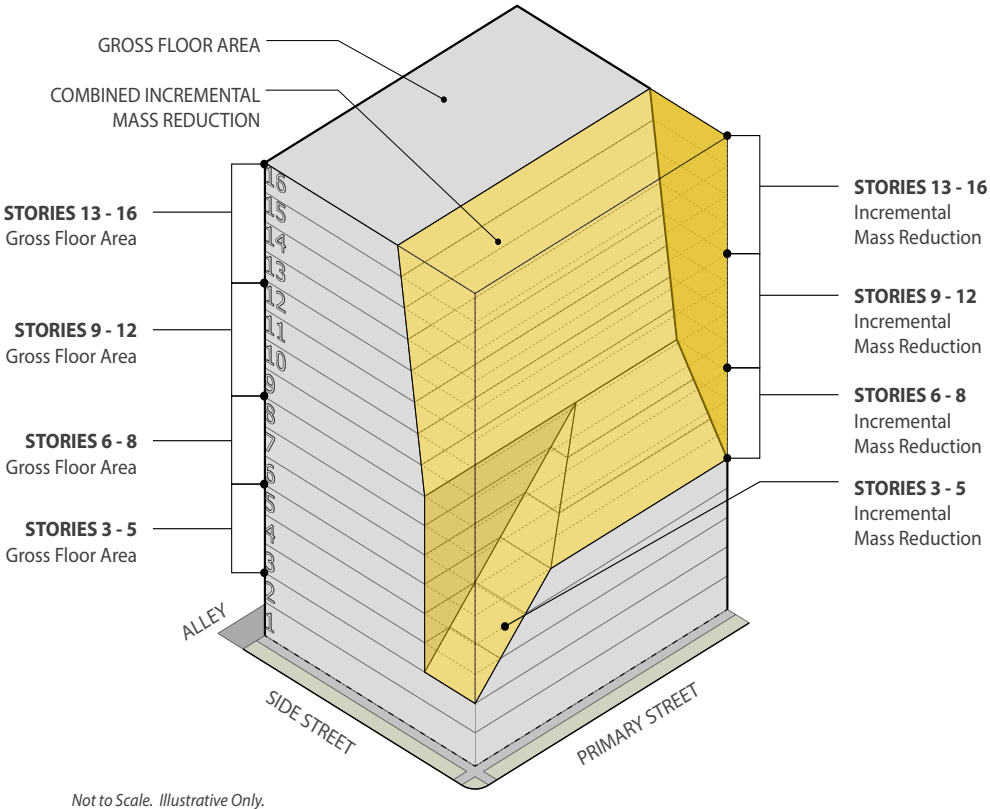


Figure 13.1-88

● Amendment: 1

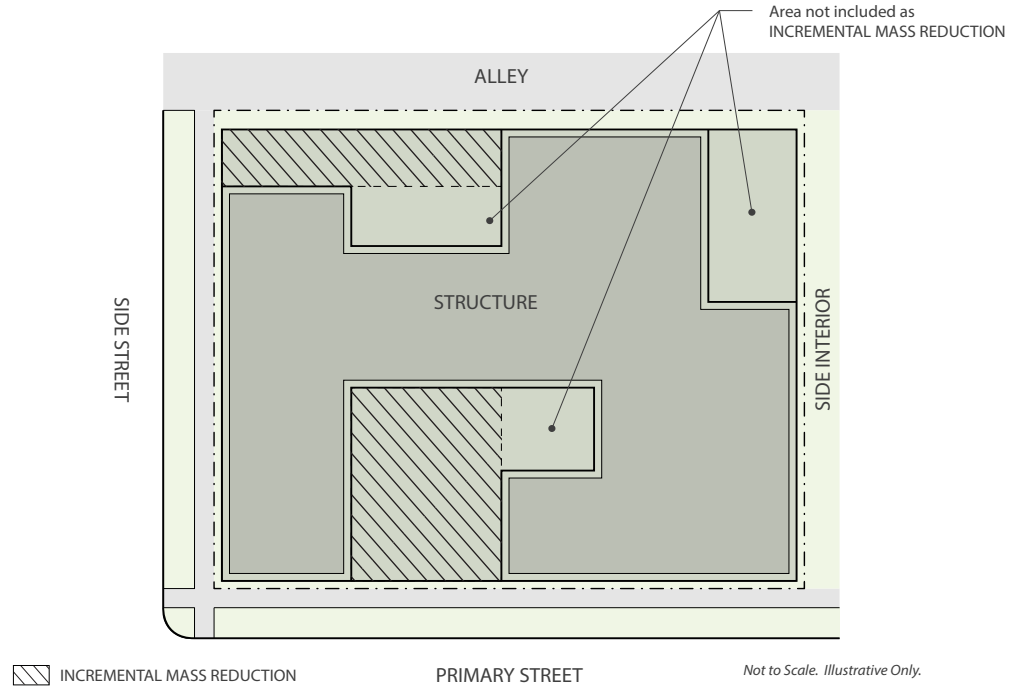
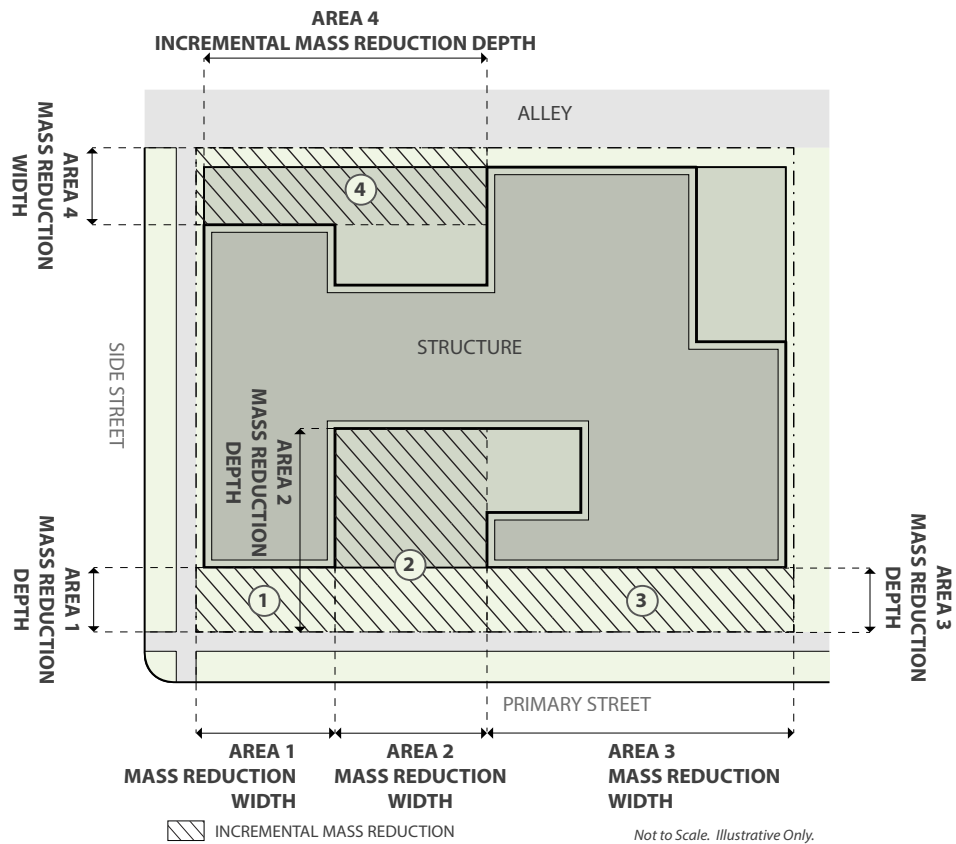


Figure 13.1-89



E. Tower Floor Plate

1. Intent

To preserve sky exposure and encourage architectural variety by reducing the horizontal scale and ensuring appropriate spacing of the tower portion(s) of Standard Tower and Point Tower building forms.

2. Applicability

Tower Floor Plate standards required by the building form table shall apply to all Structures built under the Standard Tower and Point Tower building forms.

3. Rules of Measurement

a. Tower Floor Plate Area

Tower Floor Plate Area shall be measured as the area of the Floor Plate of the largest Story located above the specified height in the building form table. Tower Floor Plate Area shall not exceed the maximum area specified in the building form table. See Figure 13.1-90.

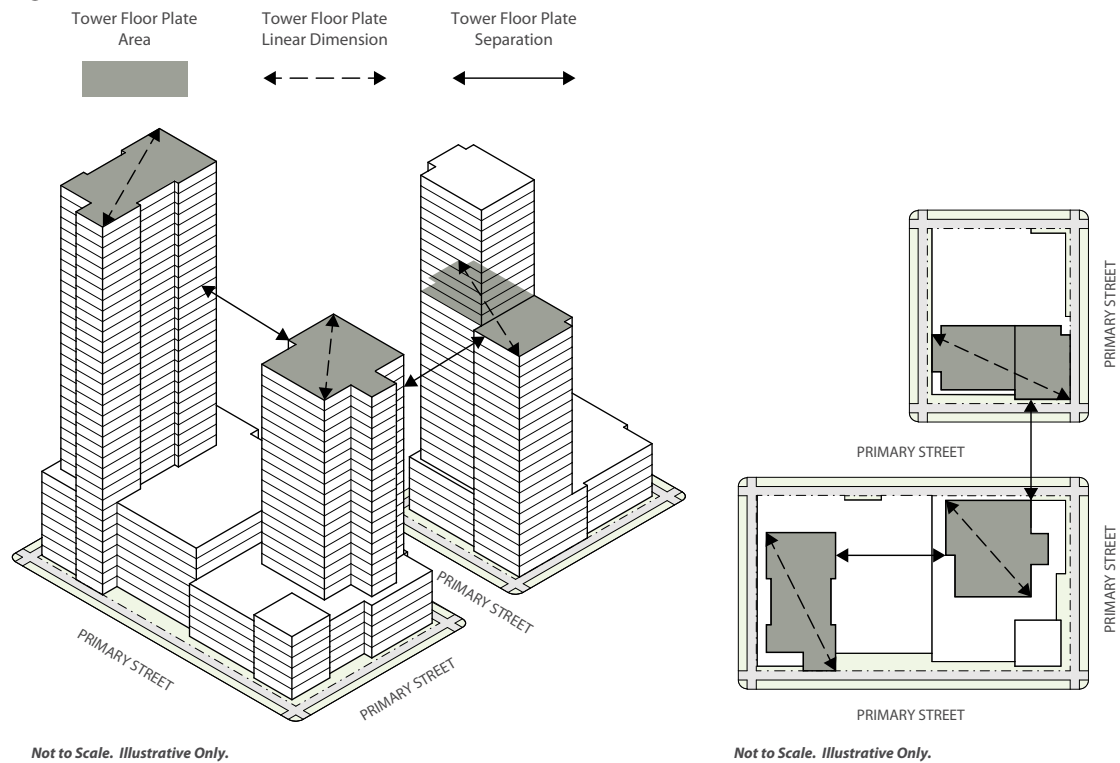
b. Tower Floor Plate Linear Dimension

Tower Floor Plate Linear Dimension shall be measured as the longest horizontal linear distance between two points on the exterior faces of exterior walls of any Story located above the specified height in the building form table. Tower Floor Plate Linear Dimension shall not exceed the maximum length specified in the building form table. See Figure 13.1-90.

c. Tower Floor Plate Separation

Tower Floor Plate Separation shall be measured as the shortest horizontal linear distance between two or more tower portions of a single Structure or separate Structures developed under the Standard Tower or Point Tower building forms regardless of Zone Lot, including Exterior Balconies, located above the specified height in the building form table. Tower Floor Plate Separation shall not be less than the minimum length specified in the building form table. See Figure 13.1-90.

Figure 13.1-90



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

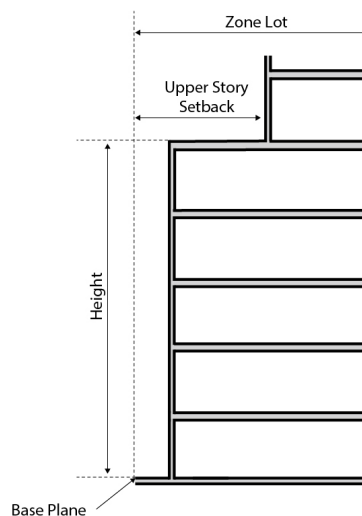
1. Intent

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 13.1-91.

Figure 13.1-91



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

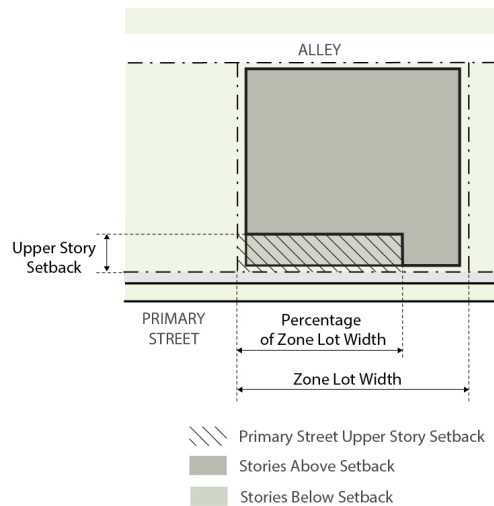
A minimum Primary Street Upper Story setback shall be measured from the Primary Street zone lot line, extending to the maximum specified height in feet and stories from the Base Plane and then horizontally to the specified setback distance, see Figure 13.1-92.

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 13.1-92.

Figure 13.1-92

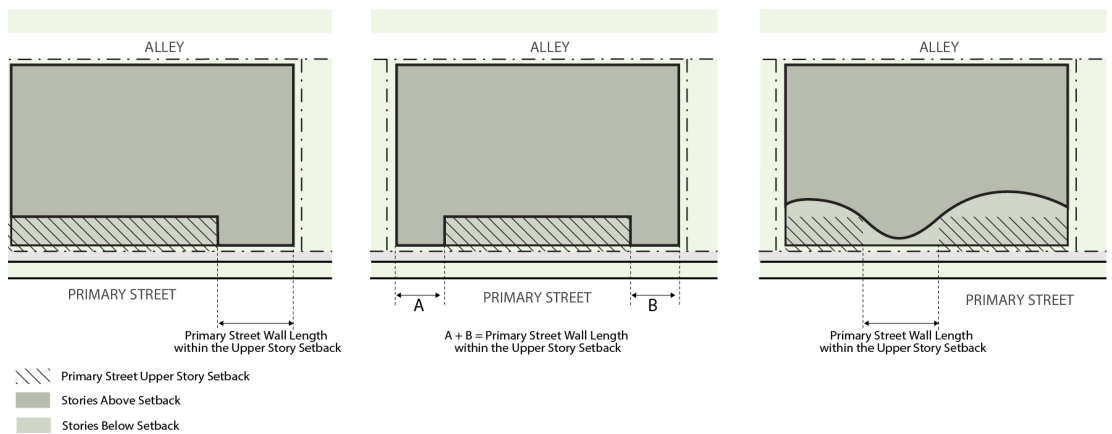
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c. Primary Street Wall Length Within the Upper Story Setback

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 13.1-93.

Figure 13.1-93



H. Upper Story Stepback

1. Intent

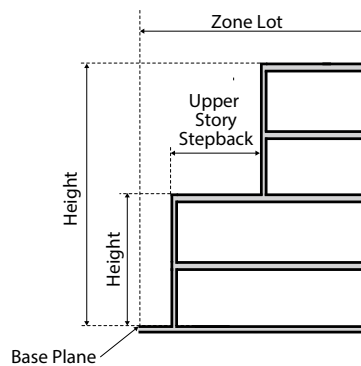
To shape building forms to reduce effect of massing on adjoining properties or along a street.

2. Rule of Measurement

a. Upper Story Stepback

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 13.1-94.

Figure 13.1-94

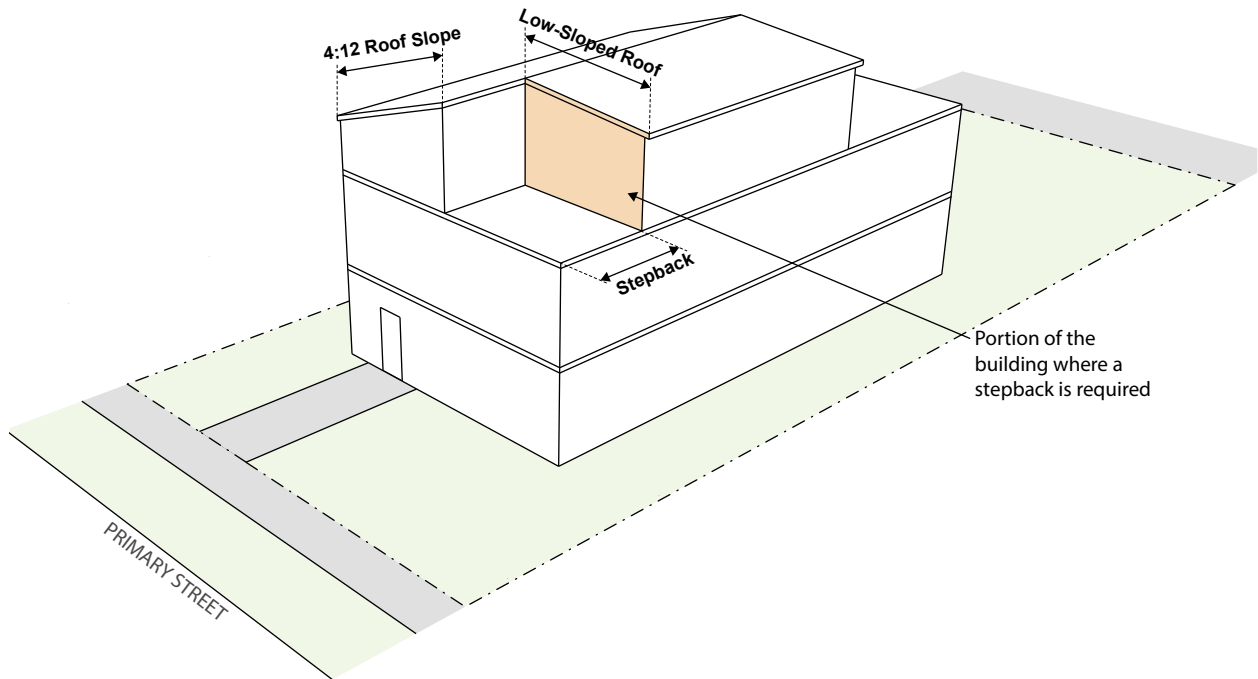


b. Upper Story Stepback for Low-Slope Roof

Where an Upper Story Stepback is required for a structure with a Low-Slope Roof, the Upper Story Stepback shall be required for any portion of the structure that has a Low-Slope Roof. See Figure 13.1-95.

Figure 13.1-95

Not to Scale. Illustrative Only.



I. Limitation on Visible Parking Above Street Level

1. Intent

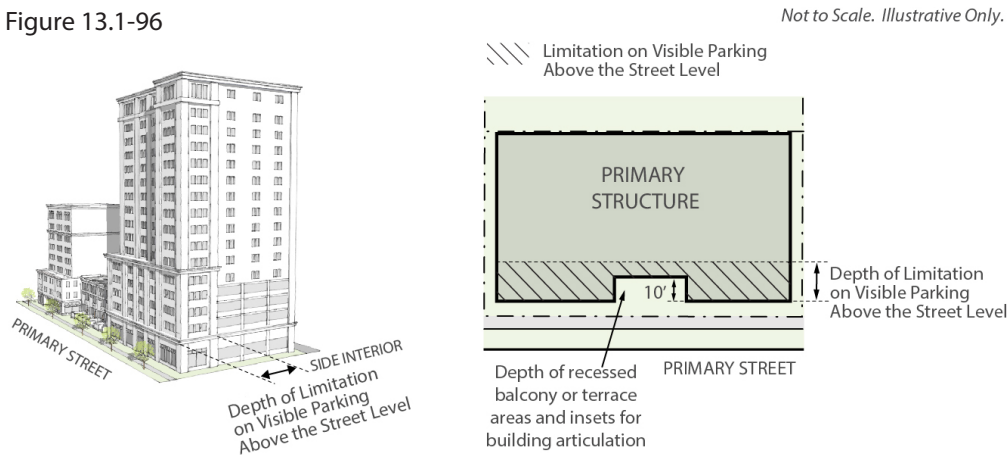
To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

2. Rules of Measurement

a. Depth of Limitation on Visible Parking Above Street Level

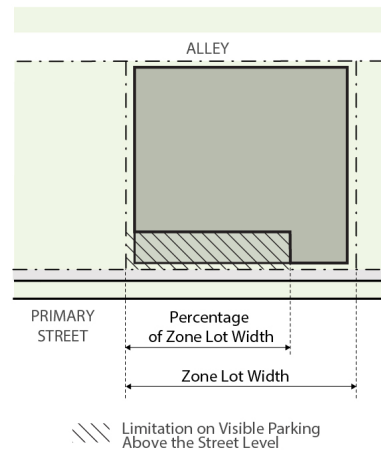
- i. The depth of a Limitation on Visible Parking above Street Level shall be measured from the exterior of the street-facing building wall. See Figure 13.1-96. Uses that meet the Limitation on Visible Parking above Street Level shall be located within the specified depth, except as provided below.
- 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 13.1-96.

Figure 13.1-96



- b. Percentage of Zone Lot Width for a Limitation on Visible Parking Above Street Level**
At every Story above the Street Level, exterior street-facing building walls within the minimum percentage of Zone Lot Width specified in a building form table shall be required to meet the Limitation on Visible Parking above Street Level. See Figure 13.1-97.

Figure 13.1-97 *Not to Scale. Illustrative Only.*

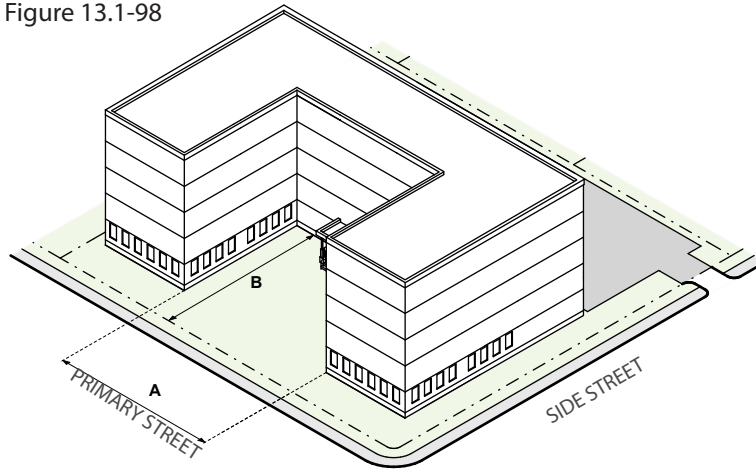


J. Street-facing Courtyard Width and Depth

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 13.1-98.
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 13.1-98.

Figure 13.1-98

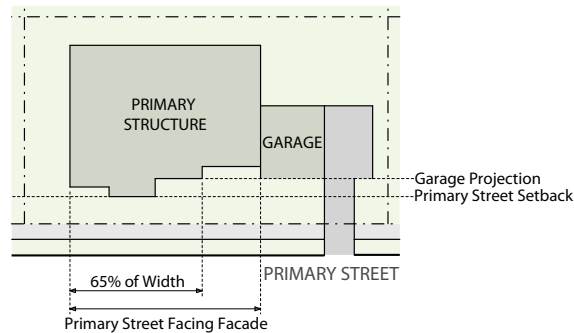


K. Attached Garage Design Standard

1. Rule of Measurement

- First, identify the portions of the Primary Street-facing Façade that shall constitute at least 65% of the total width of the primary structure enclosing the primary use.
- Then, draw a line parallel to the Primary Street setback line that is not forward at any point of the 65% of the Primary Street-facing Façade identified in paragraph K.1.a. above. No part of the attached Garage portion of the structure shall project forward of this parallel line.
- A Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements. Also See Figure 13.1-99.

Figure 13.1-99



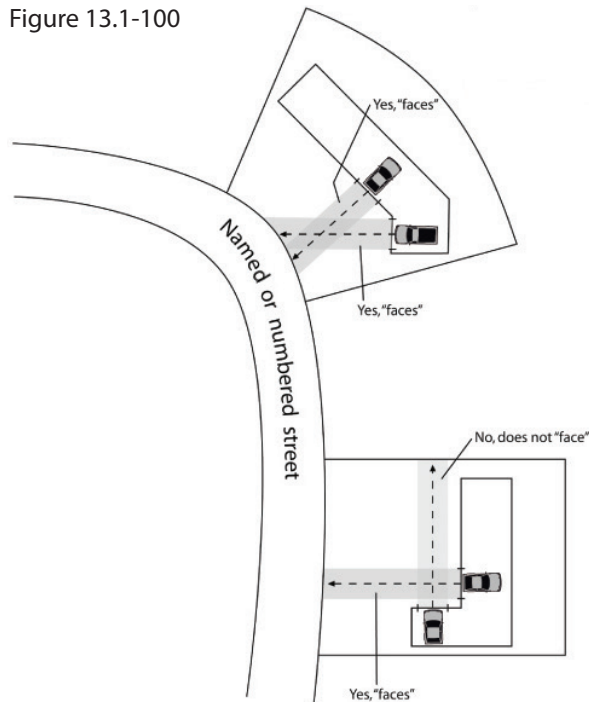
L. Street-facing Attached Garage Door Width

1. Rule of Measurement

- "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 façade of the primary building, or of the front façade of an individual dwelling unit, as applicable.
- 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).

- c. A garage door is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements. Also see Figure 13.1-100.

Figure 13.1-100



13.1.6.2 Dwelling Unit Oriented to the Street

A. Intent

To ensure that buildings contribute to vibrant pedestrian-oriented street frontages by requiring Dwelling Units near the street to orient to and engage the street while still allowing for design flexibility in Dwelling Unit shape and location.

B. Applicability

The Row House and Town House Primary Building Form Standards in Articles 3 through 9 specify required Dwelling Units Oriented to the Street.

C. General Requirements

For purposes of this standard, a "Dwelling Unit Oriented to the Street" shall meet the following requirements. See Figure 13.1-101.

1. The width of the Dwelling Unit ("Dwelling Unit Width") shall not exceed the length of the Dwelling Unit ("Dwelling Unit Length"); and
2. The width of the Street-Facing Dwelling Unit Façade shall be at least 75% of the total width of the same Dwelling Unit; and
3. The Dwelling Unit must share a Common Wall with at least one additional Dwelling Unit oriented to the same Street.
4. Dwelling Unit Width and Dwelling Unit Length shall be measured as stated in Section 13.1.6.2.D. below.
5. "Street-facing Dwelling Unit Façade" shall be determined as stated in Section 13.1.6.2.D below.

D. Rules of Measurement for Dwelling Units Oriented to the Street

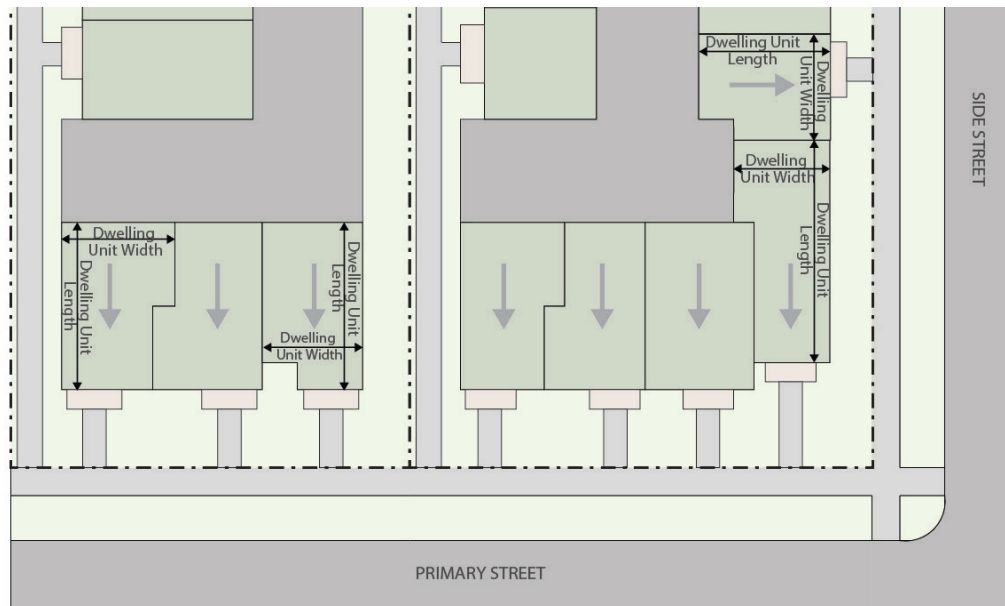
1. Dwelling Unit Width

Dwelling Unit Width shall be the linear distance of the Dwelling Unit at its widest point at any height. The width is measured parallel to the Street-facing Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-101.

2. Dwelling Unit Length

Dwelling Unit Length shall be the linear distance of the Dwelling Unit at its longest point at any height. The length is measured perpendicular to the Street-facing Dwelling Unit Façade facing the corresponding Primary Street or Side Street to which the Dwelling Unit is oriented. See Figure 13.1-101.

Figure 13.1-101



3. Street-Facing Dwelling Unit Façade(s)

- a. For the purposes of this Section, a "Dwelling Unit Façade" shall mean any Exterior Wall surface located at the Street Level of a structure that encloses the interior of the subject Dwelling Unit.
- b. A Dwelling Unit Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5.
- c. The Street-Facing Dwelling Unit Façade(s) width(s) are measured at the highest point horizontally where the Street-facing Dwelling Unit Façade meets the Finished Grade. See Figure 13.1-102.

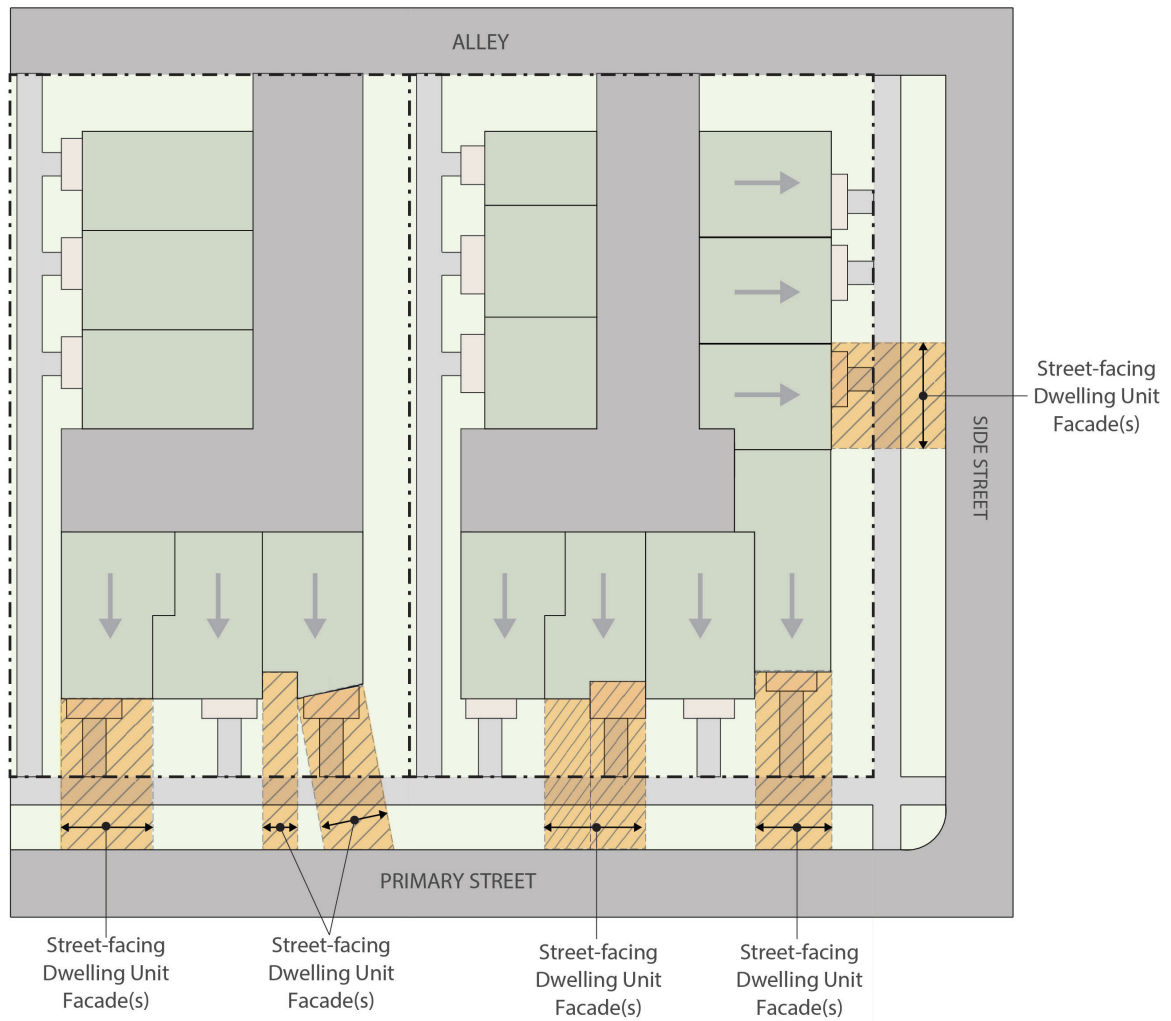
Figure 13.1-102

Not to Scale. Illustrative Only.



- d. The Street-facing Dwelling Unit Façade(s) is the total linear width of the Façade(s) that are associated with a Dwelling Unit and that face the corresponding Primary Street or Side Street to which the same Dwelling Unit is oriented. See Figure 13.1-103.
- e. Where more than one Street-facing Dwelling Unit Façade faces the corresponding Primary Street and/or Side Street, the linear width of each Façade is measured separately and combined to determine the total linear distance.

Figure 13.1-103



13.1.6.3 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 13.1.6.3.A.

3. Rules of Measurement

a. Zone of Transparency

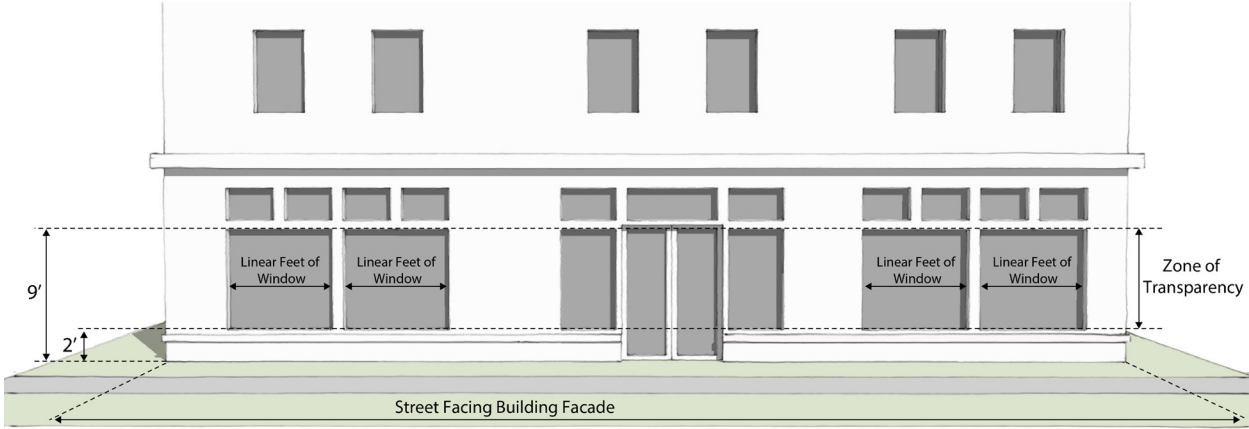
The Zone of Transparency is the area between 2 feet and 9 feet above the finished upper surface of the floor of the Street Level across the entire street-facing Street Level building façade. See Figure 13.1-104.

- i. For purposes of this Section, a building Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Ffacing" Building Elements. Also see Figure 13.1-105.
- 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.

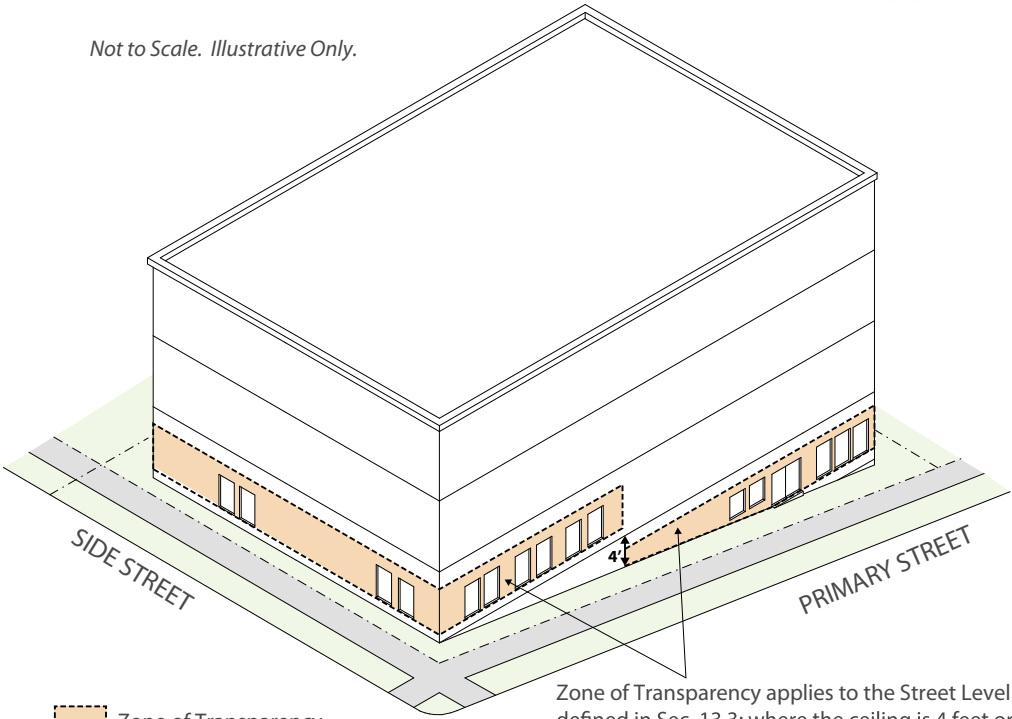
b. Street Level Transparency

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 façade (including any open parking structure entrances).

Figure 13.1-104



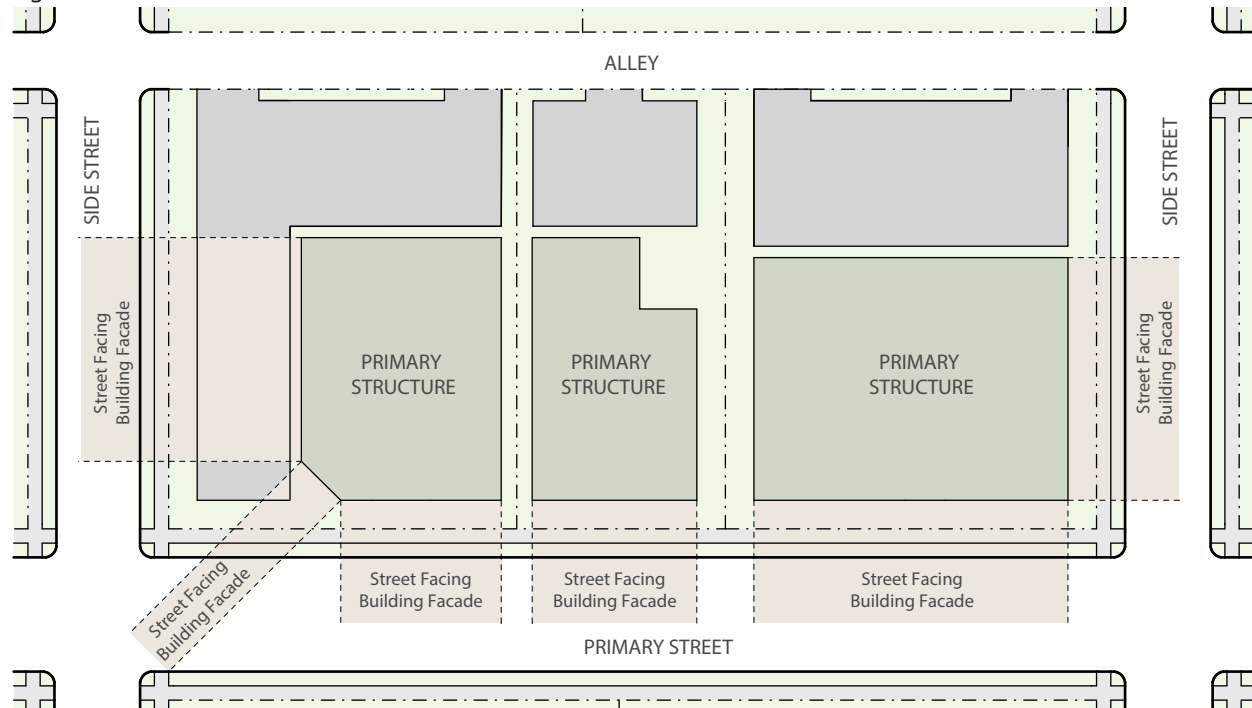
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 Zone of Transparency

Zone of Transparency applies to the Street Level as defined in Sec. 13.3; where the ceiling is 4 feet or more above grade at the nearest building line.

Figure 13.1-105



4. Window Requirements

Windows shall be provided to satisfy the transparency requirement, except where a transparency alternative is permitted. All windows used to satisfy the transparency requirement shall comply with the following:

- a. All windows shall be a minimum of 5 feet in vertical dimension within the zone of transparency (See Figure 131-106); and
- b. Window glazing shall be clear and shall transmit at least 65 percent of the visible daylight (visible transmittance shall be 0.65 or greater); and
- c. No interior or exterior modifications, including temporary and permanent signage (except for window signs using letters or logos without backing), window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be permitted to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.

Figure 13.1-106



Not to Scale. Illustrative Only.

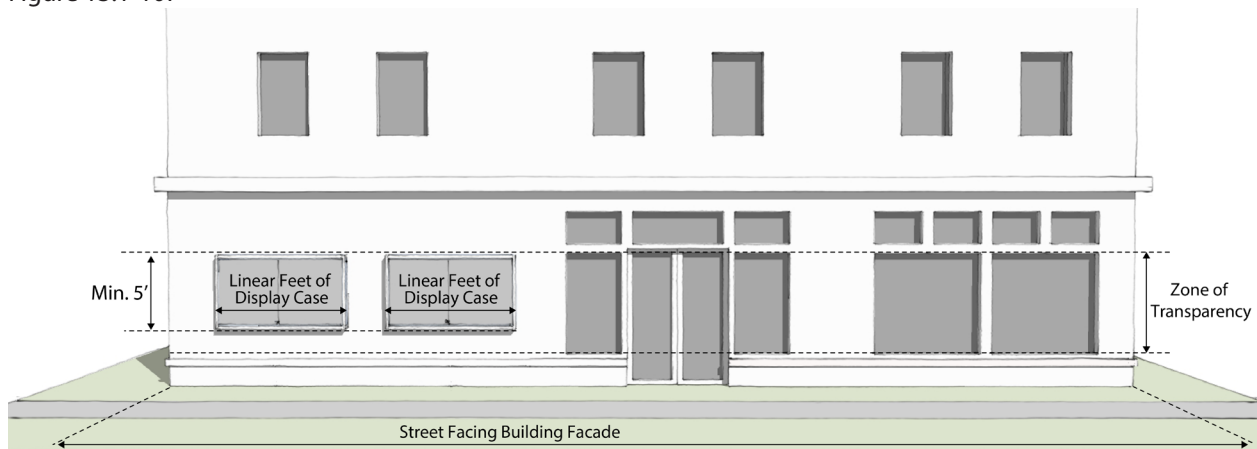
5. Transparency Alternative Requirements

Where permitted, the following alternatives may be used singularly or in combination as alternatives to a transparency requirement:

a. Display Cases

- i. ~~Display cases shall be permanently recessed, integrated into, or installed on the building wall. They shall be a minimum of 5 feet in height within the Zone of Transparency.~~
- ii. ~~Display cases are measured as the total linear width (in feet) of display cases provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances).— See Figure 13.1-107.~~

Figure 13.1-107

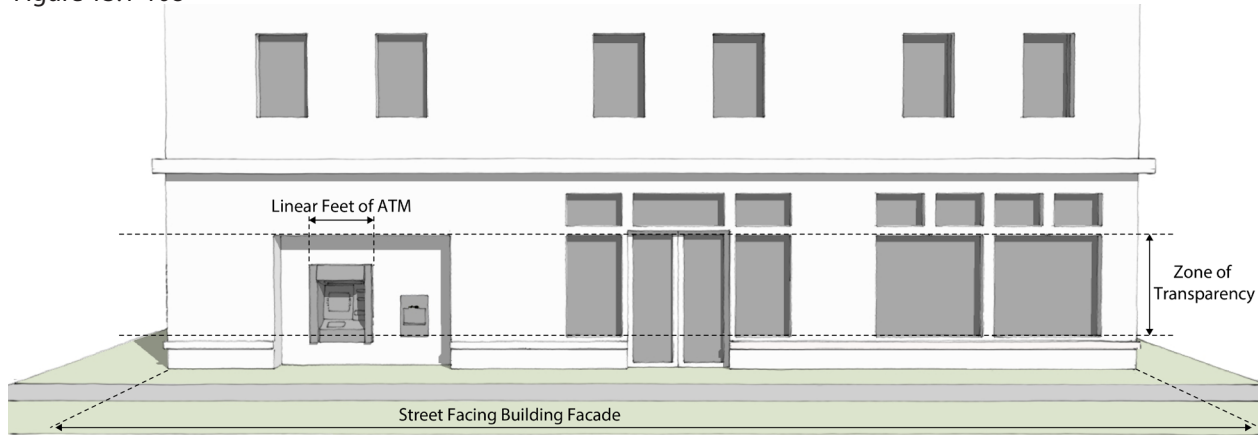


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b. Automated Teller Machines

- i. ~~Automated teller machines shall be permanently recessed, integrated into, or installed on the building wall.~~
- ii. ~~Automated teller machines are measured as the total linear width (in feet) of automated teller machines provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances). See Figure 13.1-108.~~

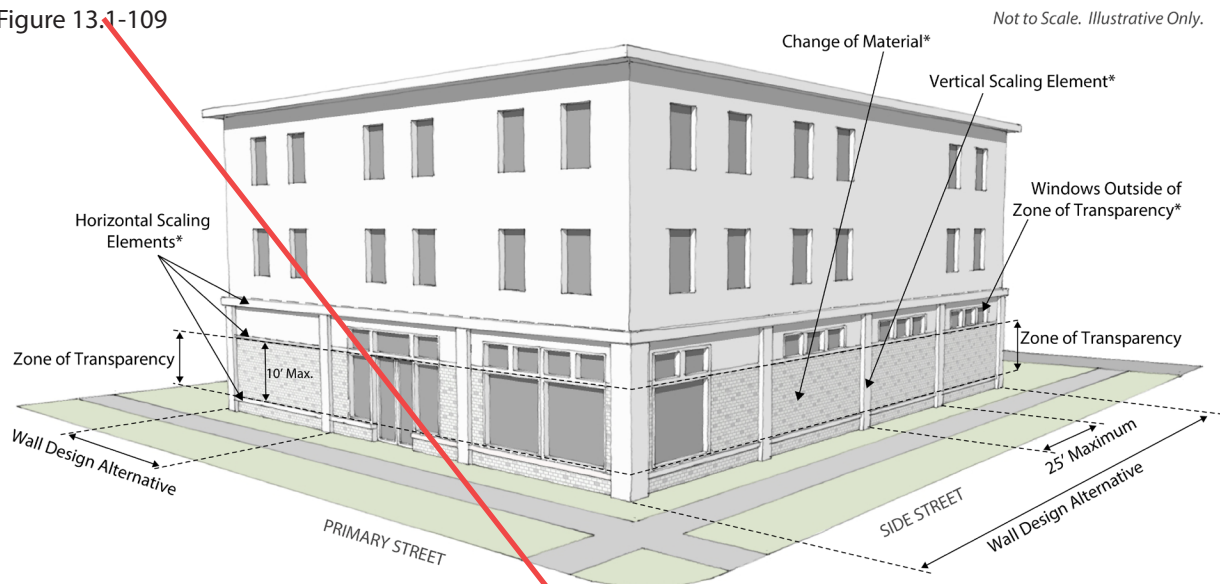
Figure 13.1-108



c. Wall Design Elements

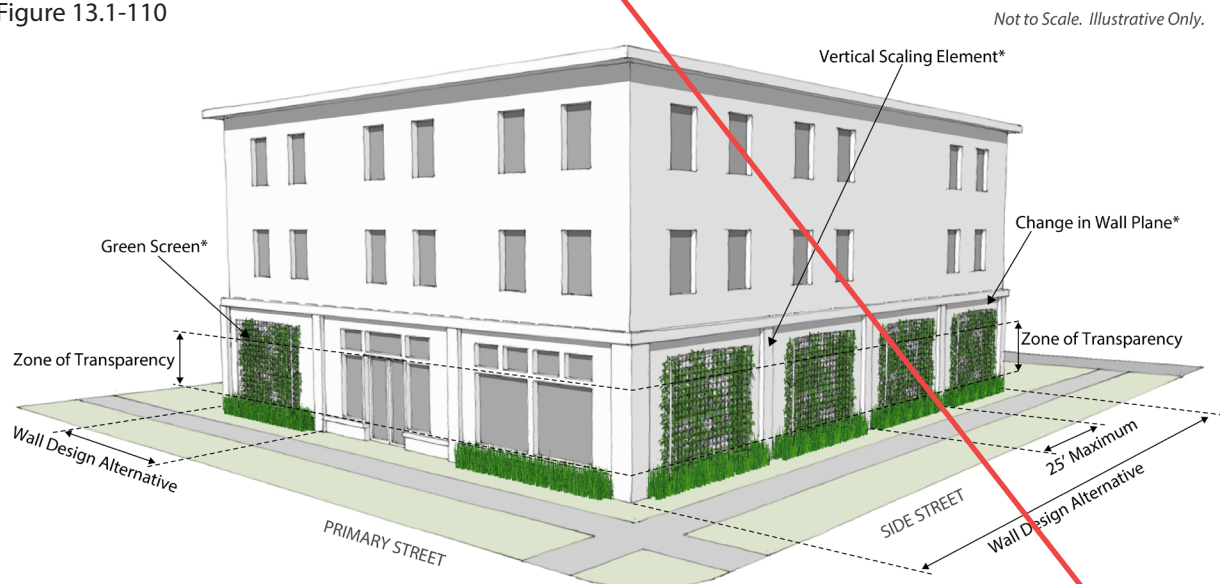
- i. ~~Wall design elements shall be combined into a unified wall design that provides visual interest, pedestrian scale, and integrates into the architecture of the building. See Figures 13.1-109 and 13.1-110.~~
- ii. ~~The unified wall design shall incorporate a minimum of 3 of the following elements, which shall occur at intervals no greater than 25 feet horizontally:~~
 - a) ~~An offset or other horizontal change in wall plane not less than 3 inches in depth.~~
 - b) ~~A vertical scaling element, such as a pilaster, not less than 4 feet in height and 1 inch in width/depth.~~
 - c) ~~A horizontal scaling element, such as a belt course, string course, or cornice, occurring at an interval no greater than 10 feet vertically.~~
 - d) ~~A green screen or planter wall.~~
 - e) ~~A variation in material, or pattern, and/or color (shall not also count as translucent, fritted, patterned or colored windows per f. below).~~
 - f) ~~Translucent, fritted, patterned or colored windows (shall not also count as a variation in material, or pattern, and/or color per e. above).~~
 - g) ~~Windows outside the zone of transparency when located at the Street Level and compliant with Sections 13.1.6.3.A.4.b and c.~~
- iii. ~~Wall design elements are measured as the linear width (in feet, measured to the outside design elements) of the unified wall design, divided by the total length of that same street-facing building façade (including any open parking structure entrances).~~

Figure 13.1-109



*Horizontal Scaling Elements, Vertical Scaling Elements, Change of Material, and Windows Outside of Zone of Transparency create a system of wall design elements.

Figure 13.1-110

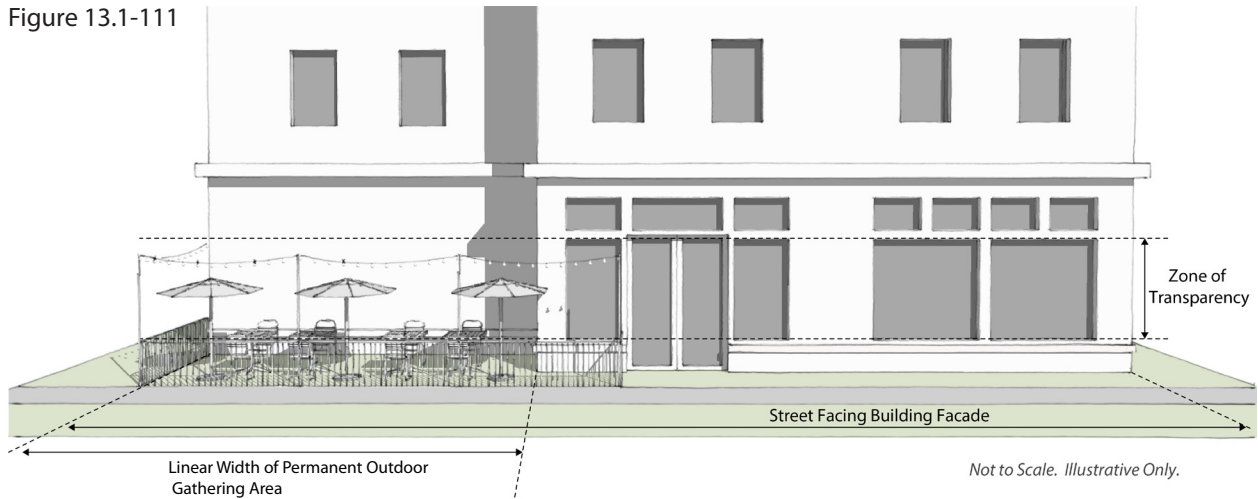


*Green Screen, Vertical Scaling Elements, and Change in Wall Plane create a system of wall design elements.

d. Permanent Outdoor Gathering Areas

- i. Permanent accessory Outdoor Gathering Areas shall be located between the building and the Primary Street or Side Street zone lot line depending on which transparency standard (Primary or Side Street) the alternative is applied toward.
- ii. Outdoor Gathering Areas are measured as the linear width (in feet, measured to the outside posts or railings of an Outdoor Gathering Area), divided by the total length of the same street-facing building façade (including any open parking structure entrances). See Figure 13.1-111.

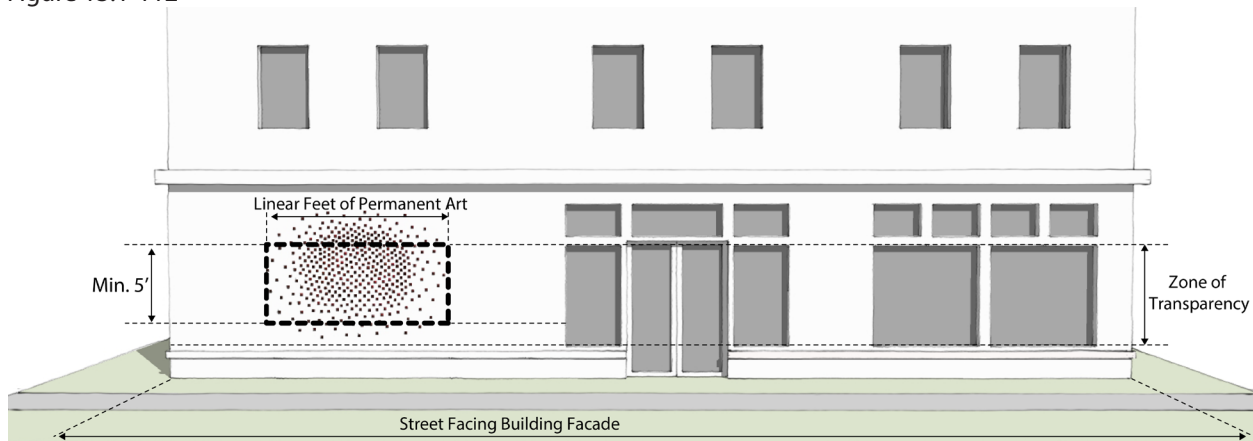
Figure 13.1-111



e. Permanent Art

- i. Permanent art shall comply with all of the following standards:
 - a) Shall be a “work of Public Art” as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator, with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting Zone Lots or public right-of-way, and (2) shall not substantially harm the public health, safety, and general welfare.
 - b) Shall be a minimum of 5 feet in vertical dimension within the Zone of Transparency (permanent art may extend outside the Zone of Transparency). See Figure 13.1-112.
 - c) Shall not be a Sign, unless permitted Section 10.10.3.2.J as a Sign which is a work of Public Art.
 - d) Shall be rendered in materials or media that are durable in an exterior, urban environment; and
 - e) Shall be permanently integrated into, or installed on, the building wall.
- ii. Permanent art is measured as the total linear width (in feet) of rectangles enclosing distinct artworks provided within the Zone of Transparency, divided by the total length of that same street-facing building façade (including any open parking structure entrances). Where more than one piece of art is used, the linear width (in feet) of each piece of art is measured separately and combined to determine the total linear width of permanent art.

Figure 13.1-112



6. Changes to Existing Buildings

No existing building shall be altered in such a way that the total linear feet of windows and permitted alternatives in the zone of transparency is reduced below the required amount. If the total linear feet of windows and permitted alternatives in the zone of transparency is already below the required amount, it shall not be further reduced.

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 13.1.6.3.B.

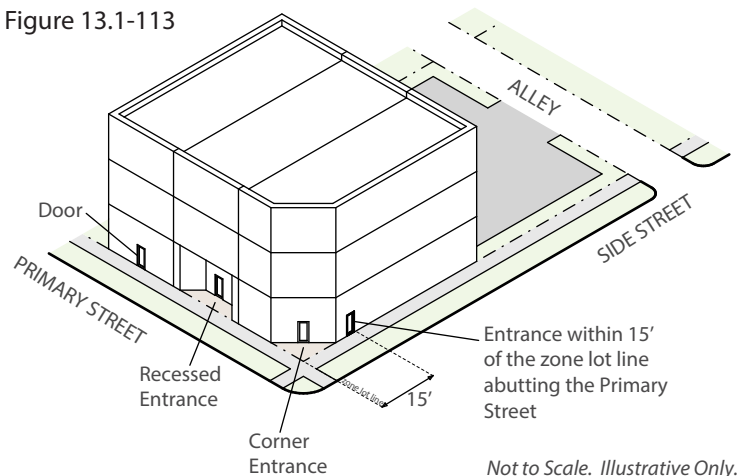
3. Pedestrian Access Requirements

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

a. Entrance

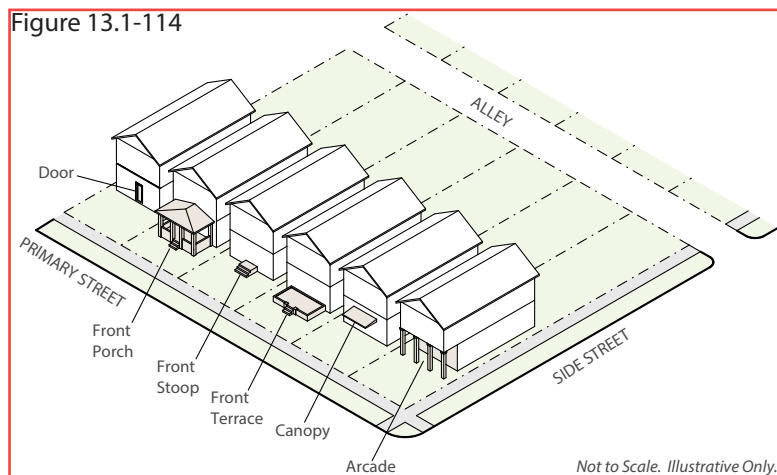
- i. Where required by the Primary Building Form Standards, an Entrance shall provide a clear, obvious, publicly accessible connection between the Street defined by the building form (Primary and/or Side) and the primary uses within the building.
- ii. For the Garden Court and Row House building forms, 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 13.1-113.
- 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.
- v. An Entrance or Facade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.

Figure 13.1-113



b. Entry Feature

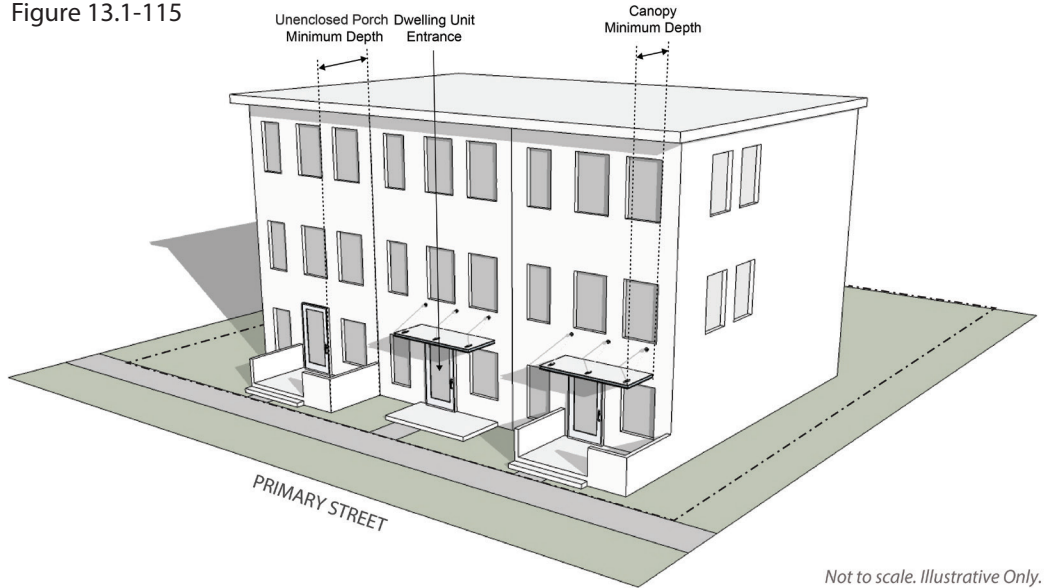
- i. Where required by the Primary Building Form Standards, an Entry Feature shall signal the presence of an Entrance and shall include a clear and obvious publicly accessible connection between the Street and the Primary Uses within the building (e.g., a walkway).
- ii. An Entry Feature shall be located either on the Primary Street-facing Facade or between the Primary Street-facing Facade and the Primary Street Zone Lot Line. See Figure 13.1-114.
- iii. An entry feature shall be a Door, Gate, Unenclosed Porch, Front Stoop, Front Terrace, Canopy, and/or Arcade. See Figure 13.1-114.
- iv. A Facade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.



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 provide a clear and obvious publicly accessible connection between the Street and the primary use within the Dwelling Unit. See Figure 13.1-115.
- ii. Each Dwelling Unit Entrance with Entry Feature shall have an Entrance with a minimum of one of the following Entry Features:
 - a) An Unenclosed Porch with a minimum depth of 5 feet between the street-facing building facade 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 street-facing building facade and Primary or Side Street Zone Lot Line, as measured perpendicular to the Zone Lot Line.
- iii. A Façade is Street-facing when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.

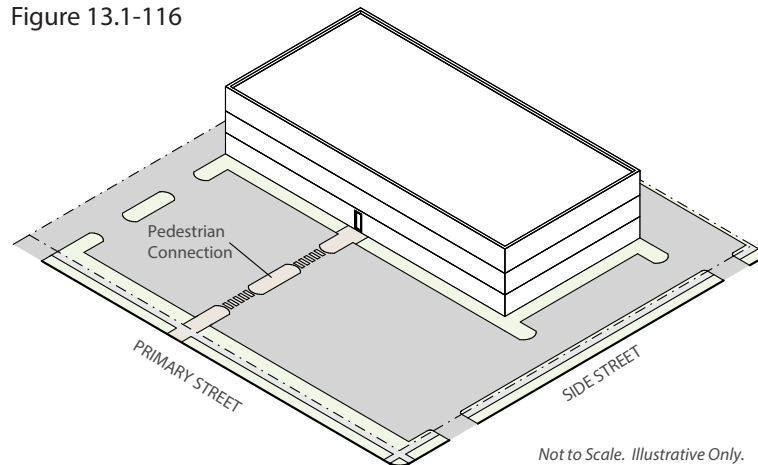
Figure 13.1-115



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 13.1-116. 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.

Figure 13.1-116



4. Pedestrian Access (Entrance) Alternative Requirements

Where permitted, the following design elements may be used as an alternative to a required entrance on all building forms except Row House and Town House:

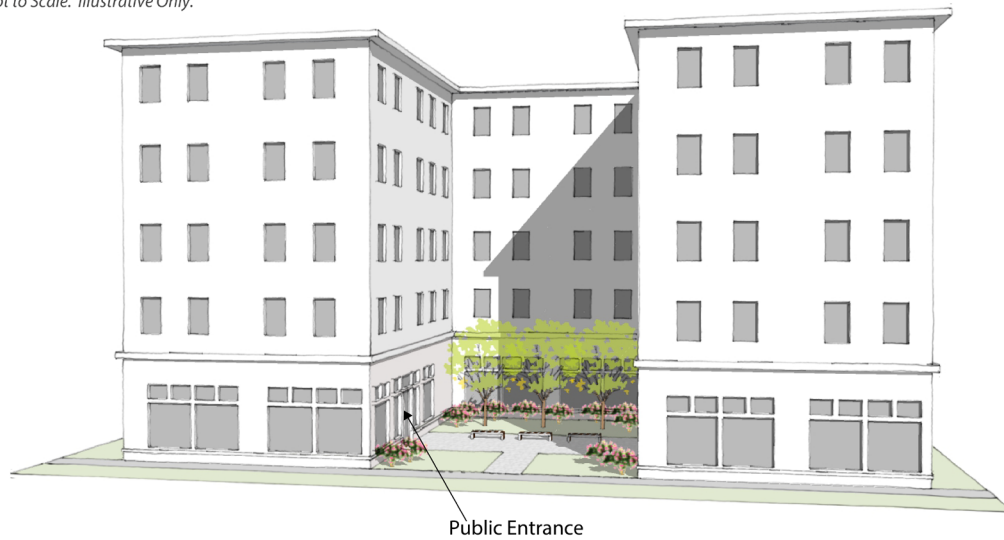
a. Courtyard or Plaza

This alternative may be used only if the courtyard or plaza complies with all of the following standards (See Figure 13.1-117):

- i. Shall be accessible to public during business hours.
- ii. Shall be within 2 feet of grade at edge of public right-of-way.
- iii. The Entrance shall not be a distance from the public right-of-way more than 3 times the width of the space measured at the Primary Street-facing façade. A Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.
- iv. Maximum dimension shall not exceed 3 times the minimum dimension.
- v. Required public Entrance shall be visible from the public right-of-way.
- vi. Perimeter walls of court or plaza shall meet primary facade transparency standards.

Figure 13.1-117

Not to Scale. Illustrative Only.



b. Covered Walkway

This alternative may be used only if the covered walkway complies with all of the following standards:

- i. Shall take the form of an Arcade, Canopy, or Pergola.
- ii. Shall be accessible to the general public during business hours.
- iii. Shall provide continuous covered access to a required Entrance from the public right-of-way.
- iv. A required public Entrance shall be visible from the Primary Street zone lot line. See Figure 13.1-118.

Figure 13.1-118

Not to Scale. Illustrative Only.



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.

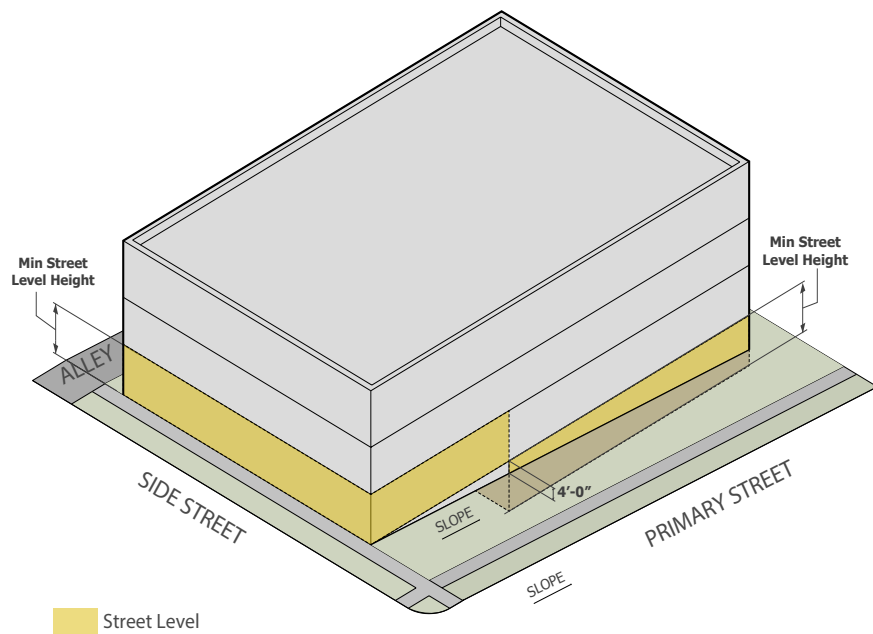
2. Applicability

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 13.1-119.
- b. A building Façade is "Street-facing" when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements.

Figure 13.1-119



13.1.6.4 Open Space in Large Developments

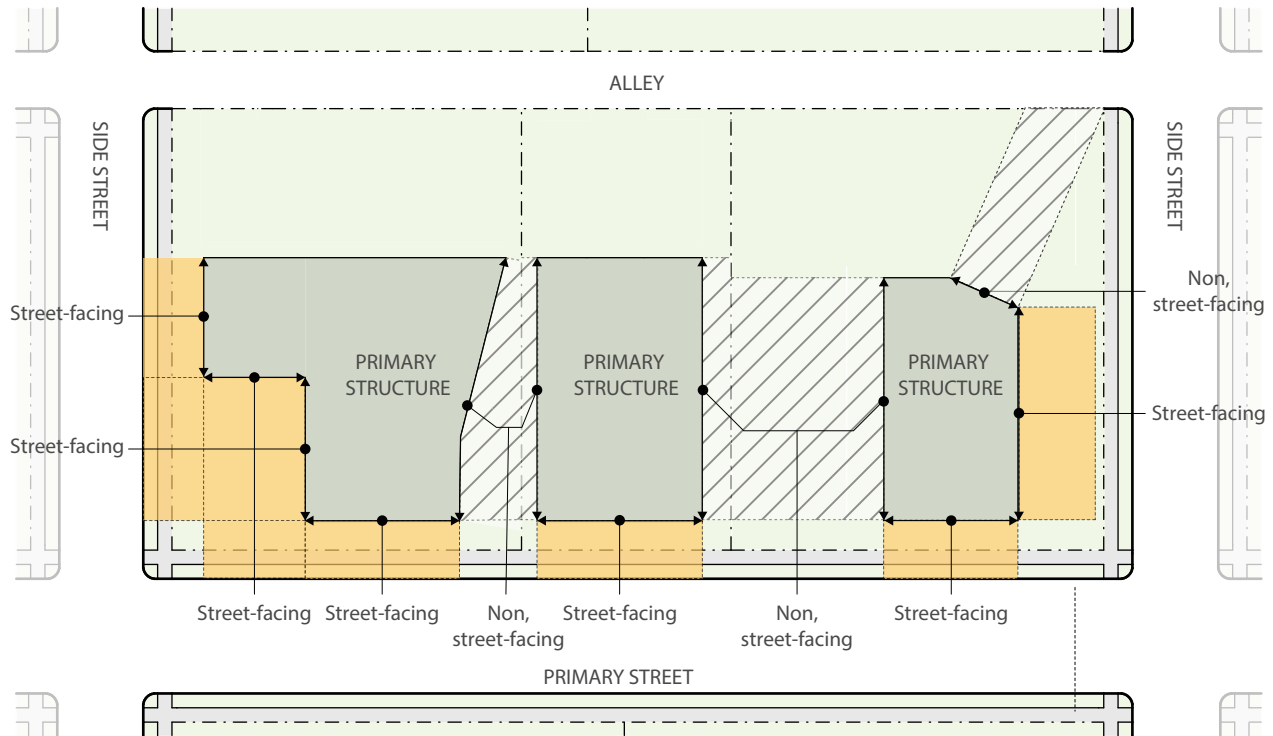
A. Net Development Area

The required amount of Open Space in Large Developments shall be calculated as the percentage of the gross development area. The Net Development Area shall be the gross land area within the boundaries of the proposed large development area less the gross area of existing and proposed public rights-of-way and City park land, or land required to be dedicated to the City by the Department of Parks and Recreation.

B. Contiguous Open Space Area

1. The width of the minimum contiguous open space requirement for large developments shall be measured parallel to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as “A” in Figure 13.1-120.
2. The depth of the minimum contiguous open space requirement for large developments shall be measured perpendicular to the abutting Street Zone Lot Line or abutting publicly accessible area with direct pedestrian access to a Street Zone Lot Line, shown as “B” in Figure 13.1-120.

Figure 13.1-121



13.1.6.6 Exterior Wall Types

A. Rule of Measurement for Determining Exterior Wall Types

1. Primary Street Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Primary Street Zone Lot Line facing" if any portion of the Exterior Wall faces a Primary Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Primary Street Zone Lot Line, then such Exterior Wall is "Primary Street Zone Lot Line facing." See Figure 13.1-122.

2. Side Street Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Side Street Zone Lot Line facing" if the Exterior Wall faces a Side Street Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Street Zone Lot Line and no portion of said line touches the Primary Street Zone Lot Line, then such Exterior Wall is "Side Street Zone Lot Line facing." See Figure 13.1-122.

3. Side Interior Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Side Interior Zone Lot Line facing" if the Exterior Wall faces a Side Interior Zone Lot Line(s), which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If any portion of said line touches the applicable Side Interior Zone Lot Line and no portion touches a Street Zone Lot Line, then such Exterior Wall is "Side Interior Zone Lot Line facing." See Figure 13.1-122.

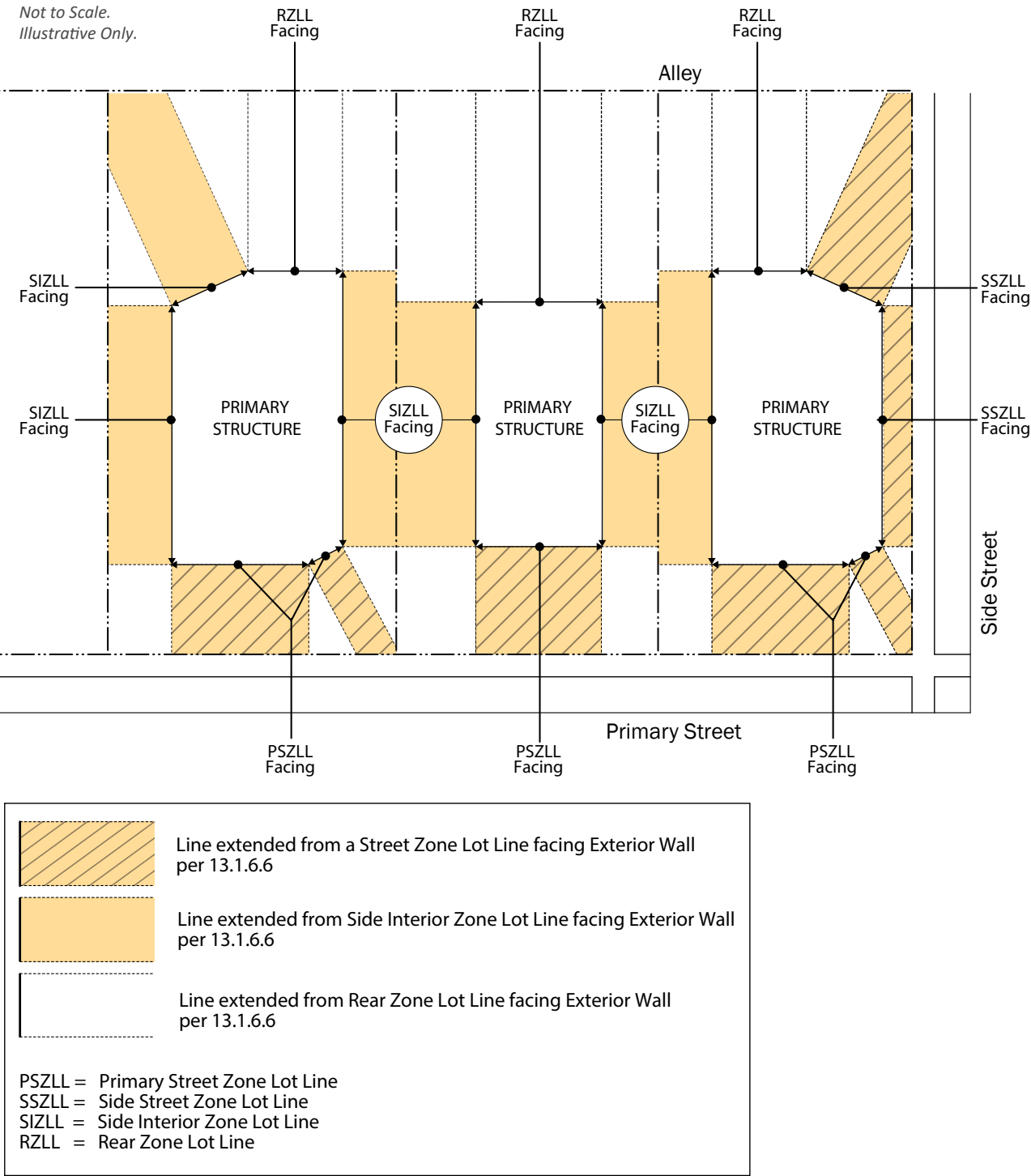
4. Rear Zone Lot Line Facing Exterior Wall

An Exterior Wall is "Rear Zone Lot Line facing" if the Exterior Wall faces a Rear Zone Lot Line, which shall be determined by extending a line equal to the width of the Exterior Wall and perpendicular to the Exterior Wall towards the zone lot boundary. If the entirety of said line touches the applicable Rear Zone Lot Line, then such Exterior Wall is "Rear Zone Lot Line facing." See Figure 13.1-122.

B. Multiple Side Interior Zone Lot Lines

Where a Zone Lot has more than one Side Interior Zone Line or more than one contiguous series of Side Interior Zone Lot Lines, the minimum Brick cladding percentage shall be calculated for each individual Side Zone Lot Line or series of contiguous Side Zone Lot Lines for determining the requirement for a Side Interior Zone Lot Line Facing Exterior Wall(s).

Figure 13.1-122



SECTION 13.1.7 FENCE AND WALL HEIGHT MEASUREMENT

13.1.7.1 Applicability

This Section 13.1.7's rule of measurement shall apply to all fences and walls, but not including a Retaining Wall.

13.1.7.2 Rule of Measurement

A. General Rule

Fence and Wall height shall be measured from the base of the Fence or Wall at the higher of the Finished Grade at the inside or outside of the Fence or Wall to the top-most point of the Fence or Wall.

B. Exception for Fences and Walls on Top of a Retaining Wall

When a fence or wall is placed on top of a Retaining Wall, Fence and Wall height shall be measured from 6 inches above the top-most point of finished grade where the Retaining Wall no longer retains earth, to the top-most point of the Fence or Wall. See Figure 13.1-123.

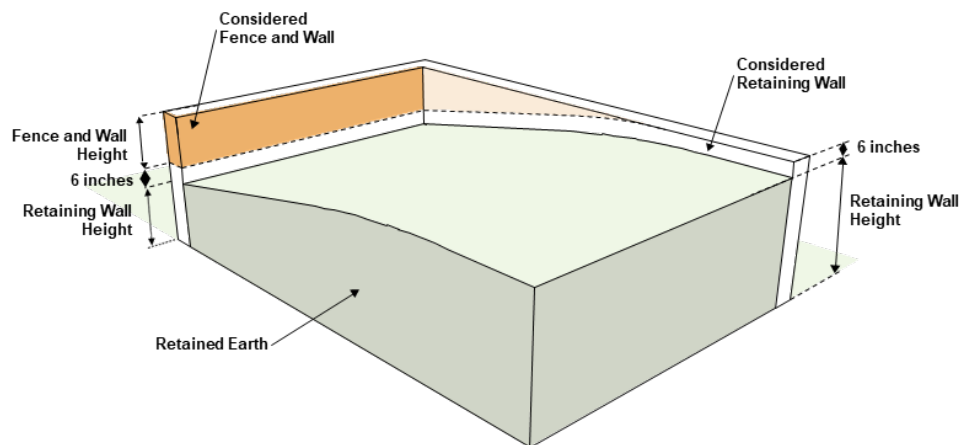
C. Exception for Minor Height Deviations in As-Built Fences and Walls

As applied to as-built fences and walls, the Zoning Administrator may allow for slight variations from the maximum Fence and Wall height required to account for minor variations in Finished Grade, but such variations shall not be greater than 6 inches.

SECTION 13.1.8 RETAINING WALL HEIGHT MEASUREMENT

The height of a Retaining Wall shall be measured as the vertical distance from the lowest grade at the base of the Retaining Wall to the top-most point of finished grade where the wall no longer retains earth. Any vertical distance of wall more than 6 inches above the top-most point of Finished Grade shall be considered a Fence and Wall to be measured separately according to the rule in Section 13.1.7. See Figure 13.1-123.

Figure 13.1-123



SECTION 13.1.9 ROOFTOP MECHANICAL EQUIPMENT SCREENING MEASUREMENT

Rooftop mechanical equipment screening shall be measured from the opposite side of the abutting Primary Street's public right of way at the edge of the right of way, measured 5'-6" above grade, as measured perpendicular to the midpoint of each building. The midpoint is measured at the widest point of the building parallel to the Primary Street Zone Lot Line. See Figures 13.1-124 and 13.1-125.

Figure 13.1-124

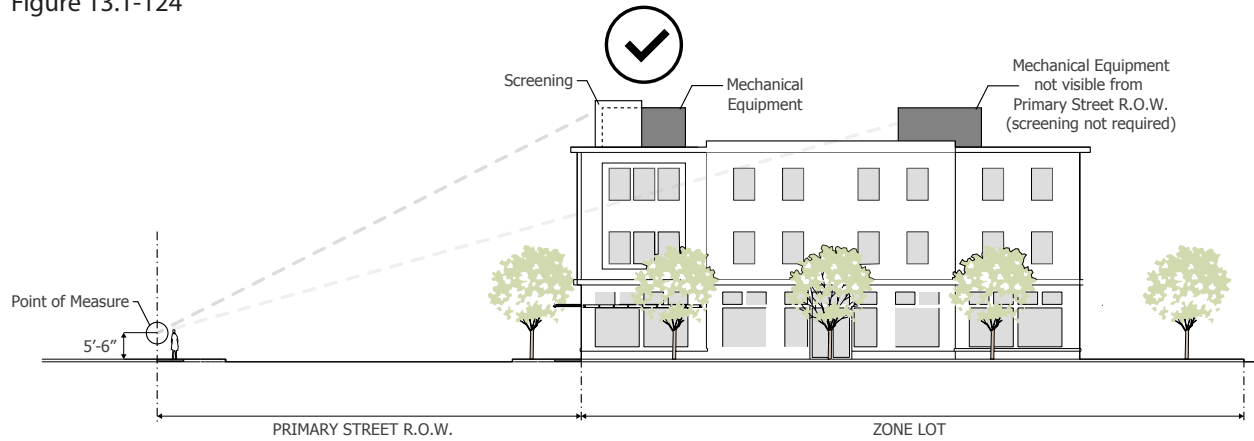
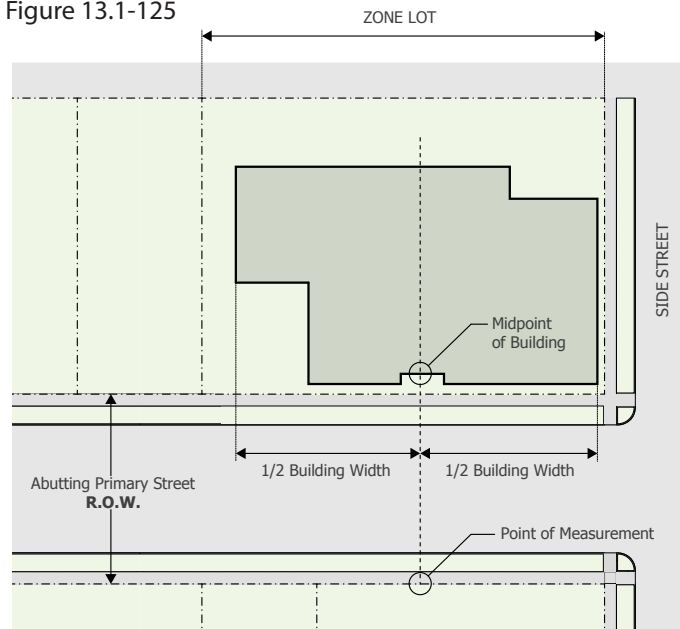


Figure 13.1-125



Not to Scale. Illustrative Only.

SECTION 13.1.10 MEASUREMENT OF MOTOR VEHICLE OR TRAILER LENGTH

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

SECTION 13.1.11 MEASUREMENT OF SEPARATION OR DISTANCE

13.1.11.1 Measurement of Separation or Distance Between Uses

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

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

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

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

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

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

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

- 1. High-Frequency Transit Corridor
- 2. High/Medium-Capacity Transit Corridor

3. Transit priority street as defined in Blueprint Denver

SECTION 13.1.12 MEASUREMENT TO DETERMINE VOLUNTARY DEMOLITION

13.1.12.1 Rule of Measurement

- A. "Voluntary Demolition," as defined in Division 13.3, shall be calculated by dividing the total square footage (surface area) of any component of the Exterior Wall assemblies to be removed by the total square footage (surface area) of the subject Exterior Wall assemblies. The calculation shall be expressed as a percentage. The full area of the new or enlarged opening shall be included in calculating the total surface area of removal.
- B. See Division 13.3 for definitions of "Exterior Wall" and "Voluntary Demolition."

13.1.12.2 Exceptions

In calculating the total square footage (surface area) of any component of the Exterior Wall assemblies, only that square footage (surface area) of the Exterior Wall assemblies located at or above Street Level shall be included in the calculation. See Division 13.3 for definition of "Street Level."

SECTION 13.1.13 RULE OF MEASUREMENT FOR % OPEN STANDARDS

13.1.13.1 Intent

To ensure a minimum level or provision of "Open" and "Unobstructed" elements in the design of certain buildings and structures, and particularly when the intent of the applicable zoning standards is to minimize building or structural mass, coverings, and footprint in certain locations on a zone lot such as in required setbacks, or to minimize structural mass as an exception to general limits on structure height or bulk.

13.1.13.2 Applicability

This rule of measurement applies to all standards in this Code that state a minimum requirement for a percentage of a structure or building to remain "Open." In most cases, such standards are stated using the phrase "x % open." For example, Articles 3-9 allow an exception to a primary street setback requirement for a porch provided "all sides shall be at least 50% open."

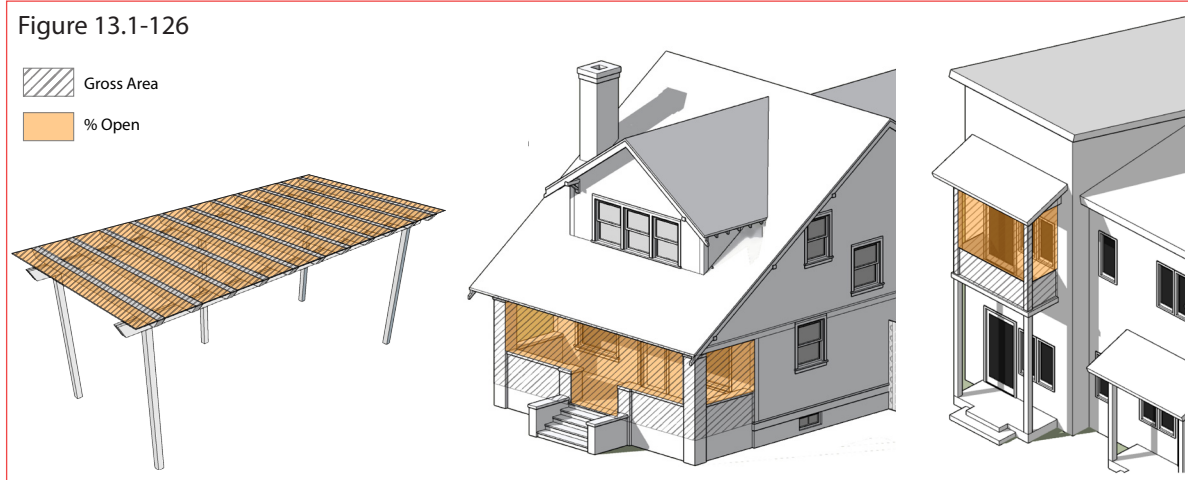
13.1.13.3 Rule of Measurement

- A. The "% open" standard shall be expressed as a percentage calculated by dividing the area of the subject feature or surface that is Open and Unobstructed by the gross area of the subject feature or surface.
1. "Gross area" shall including railings, columns, pedestrian openings, and all elements of the subject surface or feature that have mass. Measurements shall be taken from the outside edges of the subject surface or volume, where the measurement will be greatest.
 2. Measurements shall be taken from the "floor" of the subject feature or structure to the ceiling of the subject feature or structure, as applicable. Where there is no ceiling, the calculation of area shall use either of the following approaches:
 - a. The ceiling height of an interior building story from which the subject feature/structure is accessed; or
 - b. The height at which the greatest amount of horizontal volume is contained, defined, or bounded by the other elements comprising the subject feature or structure.
 3. See Article 13, Division 13.3, for definition of the terms "Open" and "Unobstructed."

- B. "% open" shall be measured independently for each surface or feature to show compliance with the zoning standard at issue (e.g., % open is measured separately for each side of the 3 sides of a porch to determine whether a setback exception is allowed). A calculation of "% open" that is a cumulative total of % open for all subject surfaces or features is not allowed (e.g., % open is not the sum of the open/unobstructed surface area of all 3 sides of a porch divided by the sum of the gross area of all 3 sides of the porch).

13.1.13.4 Additional Rules for Permanent Mechanized Coverings

When a "% open" standard applies to a mechanized covering over a structure or land use and the standard requires a minimum "% open to the sky," such as a movable or retractable covering over an outdoor gathering area or outdoor recreational use, the % open standard shall be measured and calculated with the mechanized covering in its most fully covering (not retracted) position and in a position where the covering is the least "Open" as that term is defined in Article 13 of this Code. See Figure 13.1-126.



DIVISION 13.2 GENERAL RULES OF CODE INTERPRETATION

A. Meaning and Intent

1. Words, phrases, terms, and uses defined in this Code shall be given the defined meaning.
2. Words, phrases terms, and uses not defined in this Code, but defined in the building code of the city, shall be construed as defined in such building code.
3. Words, phrases, terms, and uses neither defined in this Code nor in the building code of the city shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

B. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language, are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

C. Text Controls over Graphics & Figures

In case of conflict, the text of this Code shall control over graphics, figures, illustrations, captions, titles and map. Text presented in table form is regulatory, and also controls over graphics, figures, illustrations, captions, titles and maps.

D. Mandatory and Permissive Terms

The words “shall,” “must,” and “will” are mandatory and not permissive; the word “may” or “should” are always permissive and not mandatory.

E. Burden of Proof on Applicant

Whenever this Code places the burden of proof on an applicant, that burden shall be met by, at a minimum, a preponderance of the evidence.

F. Computation of Time

Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

G. Delegation of Authority

Whenever this Code requires the Manager, Zoning Administrator, or other official to perform an act or duty, the Manager, Zoning Administrator, or other official may delegate the responsibility to subordinates, unless this Code specifies otherwise.

H. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items, conditions, provisions, limitations, or events shall apply; and
2. “Or” indicates that one or more of the connected items, conditions, provisions, limitations, or events shall apply.

I. Cross References

Cross references are provided in the this Code for the user’s convenience only and are not intended to be exclusive of other applicable standards in this Code.

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DIVISION 13.3 DEFINITIONS OF WORDS, TERMS & PHRASES

The following words, terms and phrases, when used in this Code, shall have the meanings respectively ascribed to them. Definitions of uses are found in Article 11, Division 11.12, Use Definitions.

A

Abandonment: The voluntary relinquishment of an established use with the intent of permanently terminating such use or occupancy.

Abut or Abutting: To physically touch at a point or line; or to share a common property line, or zone lot line. Intervening streets and alleys destroy “abutting,” except where specifically allowed by this Code. For example, two zone lots that share a common zone lot line are “abutting” (and also “adjacent”).

Access: A way or means of approach to provide physical entrance to a property.

Accessory Structure: See definition of “Structure, Accessory”.

Accessory Use: See definition of “Use, Accessory.”

Adjacent: Sharing a zone lot line or being separated only by an alley. Named or numbered streets destroy adjacency, except where specifically allowed by this Code.

Alley: Public right-of-way that is less in size than a “local” street (as classified by the DOTI), which is not designed for general vehicle travel, but which is used primarily as a means of vehicle access to the rear of residences and business establishments.

Alley, Private: An Alley that has been reserved in perpetuity by deed, easement, subdivision plat, or similar legal means for the primary purpose of vehicle access, but not dedicated to the City for public use.

Alter or Alteration: Any structural change in the supporting or load-bearing members of a building or structure, including ~~but not limited to~~ bearing walls, columns, beams, girders, floor joints. **Coordinate with changes in 12.4.1.**

Antenna: Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Applicant: The owner or any other person with a recognized interest in the land for which development is proposed, or an authorized agent. The City may also be considered an applicant.

Application, Complete: See definition of “Complete Application” below.

Arcade: A covered passage, open on at least one side and accessible to the public at all times, extending along the outside wall of a building, and supported by arches or columns. “Arcade” shall not include off-street loading areas, driveways, off-street parking areas.

Area Median Income: Unless otherwise more specifically defined by this Code, shall have the same meaning as stated in D.R.M.C., Chapter 27, Article V Dedicated Funding for Affordable Housing.

Articulation: Variation in the depth of the building plane, roof line, or height of a structure that breaks up plain, monotonous areas and creates patterns of light and shadow.

Assembly, Without Fabrication: The joining together of completely fabricated parts.

Atrium: A ground level area which is designed for pedestrians and which meets the following conditions:

1. Has at least one entrance connecting to a public street, plaza or arcade;
2. Is open to the top of the building by means of a vertical open space or light well and is covered by a transparent or translucent material;
3. Is open to the public during business hours;
4. Has at least 25 percent of its periphery utilized by retail sales, personal services or entertainment activities; and
5. Contains facilities for the public, such as benches, flower beds, fountains, etc.

Automobile: Any motor vehicle.

Automobile Trailer: A non-motorized transport vehicle designed to be towed by an automobile for hauling heavy loads, examples include a horse, boat or snowmobile trailer. This use does not include tractor trailers.

Awning: A sheet of canvas or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway or deck.

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: An elevated floor space projecting beyond the exterior walls of a building that is not supported on the ground by posts, columns, or similar supporting structural elements. 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.

Barrier-free Access Structures: A path of travel that can be approached, entered, and used by all persons including those with physical or sensory disabilities. Barrier free access structures include ramps and their associated landings, railings, wheelchair lifts and other similar mechanized equipment.

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."

Brick: For purposes of the Sunnyside Conservation and Brick Overlay (CO-8) only, Brick is a masonry architectural cladding material (including terra cotta) composed of rectilinear modular units with joints between each unit where no face of a unit exceeds 46 square inches in area. Brick shall be expressed in its natural state without stucco or other coatings. Brick may be applied as a veneer or panel system where the individual modular units are preattached with clips, mortar or other means into larger sheets that are then applied as architectural cladding. Brick does not include concrete masonry units, natural stone, stone panel systems or rain screen systems.

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 Connector: A completely enclosed, partially enclosed, or open structure walkway covered by a roof and used exclusively as a pedestrian pathway~~trafficway~~ external to the Structures it connects. Examples of a Building Connector include below-grade tunnels or above-grade breezeways.

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 or 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.

C

Camper Units, Detached: A shell designed to be mounted on a pickup or truck chassis for use as a temporary shelter for travel, recreation and vacation use.

Campus: A large tract of contiguous land that is planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to coordinated circulation, parking, utility needs, aesthetics, and compatibility. For purpose of this definition, the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way. Examples of campuses may include, but are not limited to: hospitals, educational facilities, industrial or business parks, and performing arts complexes.

Canopy: A structure, fully supported by the building wall, providing shade and cover to an Entrance to protect from the weather.

Cantilevered Building Element: A rigid element that projects horizontally from the surface of a vertical wall and that is supported at only one end.

Carport: An accessory structure space used for the housing or storage of motor vehicles and enclosed on not more than two sides by walls.

Carriage Lot: Land that is completely surrounded by alleys in the center of a block, and which has no ~~public street~~ frontage on a named or numbered Street.

Change of Use: ~~Altering the purpose or function of a property, causing it to be reclassified from one Specific Use Type or Use Category to another, Any use that substantially differs from the previous use of a building or land,~~ as determined by the Zoning Administrator.

City: The City and County of Denver.

Code or “This Code”: The Denver Zoning Code, as incorporated by reference in Chapter 59 of the Denver Revised Municipal Code.

Collocation: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commercial: Pertaining to the buying and selling of commodities and services for a profit.

Common Area: Areas within a building or within a residential development that are available for common use by all owners or tenants. Examples of common areas include, but are not limited to: a clubhouse, courtyard or other shared recreation area; building lobbies, corridors, and stairways; parking areas; laundry room; roof; or storage rooms.

Common Wall: A wall constructed as a common support to portions of a structure on either side.

Compatibility or Compatible: The characteristics of different uses or activities or designs that allow them to be located near or adjacent to each other without adverse effect. Some elements affecting compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean “the same as.” Rather, com-

patibility refers to the sensitivity of development proposals in maintaining the character and context of existing development.

Complete Application: An application in the form required by this Code, including all information necessary to decide whether the application will comply with the requirements of this Code, including all items or exhibits specified during a pre-application conference or concept plan review, and accompanied by the applicable fee or fees.

Completely Enclosed Structure: See "Structure, Completely Enclosed."

Concealed Light Source: An artificial light intended to illuminate a building, the face of a sign, or landscaping, which light is shielded from public view and from adjoining zone lots.

Conforming Structure: See "Structure, Conforming."

Conforming Use: See "Use, Conforming."

Conforming Zone Lot: See "Zone Lot, Conforming."

Continuously Maintained: ~~means to~~ To continue a condition uninterrupted without cessation in space, time, or sequence. When applied to demolition of a structure containing a legally established use, Continuously Maintained means that the legally established use is presumed to have continued uninterrupted and that a different intervening use was not established on the same Zone Lot, regardless of any length of time that the Zone Lot is vacant.

Corner Lot or Corner Zone Lot: See "Zone lot, corner."

Corner Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or permitted to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Court or Courtyard: An area open from the ground to the sky that is partly or wholly enclosed by buildings or walls.

D

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

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

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

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

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

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

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

Denver Zoning Code: This Code.

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

Development: Any of the following activities:

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

Development, Residential: Development intended for residential occupancy.

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

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

Person (Or People) with a Disability (or Disabilities): A person with a physical or mental impairment that substantially limits a major life activity.

Display Surface or Face: The area made available by the sign structure for the purpose of displaying the message.

Dormer: A framed window unit projecting through the sloping plane of a roof.

Drive Aisle: An improved and maintained way providing vehicular access within an Off-Street Parking Area.

Drive or Driveway: An improved and maintained way providing vehicular access from the public right-of-way to an Off-Street Parking Area, to a Garage structure, to dwellings, or to other uses. Does not include areas providing direct access to parking stalls or attached Garages for more than one dwelling unit - See Off-Street Parking Area.

Downtown Ground Floor Active Use: Shall include retail sale; banking facility open to the public with at least one employee on site; eating place; personal and business service; hotel lobby; indoor and outdoor entertainment or recreation facility; dedicated public park or open space; arts and cultural facility; and the frontage of entry ways or stairways through which such uses are principally accessed, provided, however, that the following types of retail sales shall not be considered Downtown Ground Floor Active Use: amusement center; sale of automobiles; sale of auto trailers; sale of house trailers; sale of trucks; sale of auto and truck parts, accessories, tires and tubes; automobile gasoline filling station; boat sales; home building materials store; koshering of poultry sold at retail on the premises; motorcycle store; monument and tombstone sales; pawnshop; retail sale of medical and hospital equipment and supplies; and retail sale of packaged coal and wood for household use; and provided, further, that no adult use shall be considered a Downtown Ground Floor Active Use.

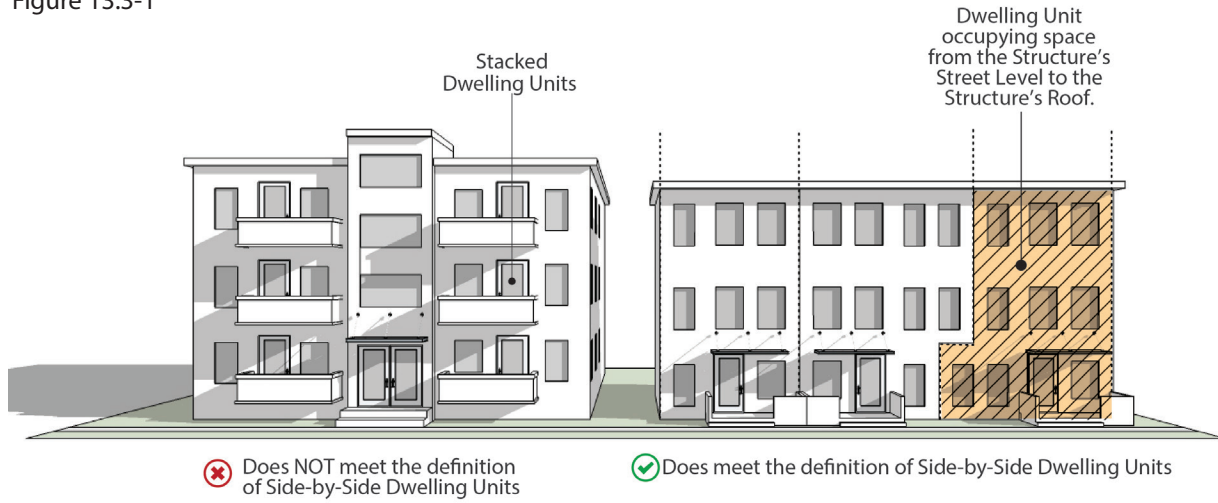
Dwarf Goat: See Denver Revised Municipal Code section 8-4(4.5).

Dwelling: Any building or portion of building that is used as the residence of one or more households, but not including hotels and other lodging accommodation uses, hospitals, tents, or similar uses or structures providing transient or temporary accommodation with the exception of an accessory Short-term Rental.

Dwelling Unit: See definition of Dwelling Unit in Article 11, Division 11.12.2.1.B Definitions of Related Terms for the Household Living Use Category.

Dwelling Units, Side-by-Side: Two or more Dwelling Units that are attached along common walls and where each Dwelling Unit occupies space from the Structure's Street Level to the Structure's Roof. This does not include Dwelling Units that are stacked vertically. See Figure 13.3-1.

Figure 13.3-1



E

Electrical Equipment: Primarily relates to equipment and devices that generate or transmit electricity for a building's electric light, heat, power, signaling, alarm and data transmission. Examples: solar PV collection devices, batteries, generators, conduits, circuit breakers/switches/fuses, electrical wires, cables, wiring apparatus, and enclosure cabinets.

Enclosed Bicycle Parking Facility: A stand-alone, secure enclosure or a device or delineated space located within a building or parking garage, and used to park and/or store bicycles. Examples include, but are not limited to, bicycle lockers or bicycle storage rooms located inside a building.

Entrance, Required: An operable opening to a building that provides direct public access from the Primary Street to the primary uses within the building.

Entry Feature: An entrance to a building, a structure, or an architectural building feature, which signals to a person how to travel from the Primary Street to the primary uses within a building.

Established Tree: See Section 57-17 of the Denver Revised Municipal Code for the definition of "established tree." (1) Any live, self-supporting woody perennial plant which has a trunk diameter of 6 inches or more measured at a point four and one half (4 1/2) feet above ground level and which normally obtains a height of at least ten (10) feet at maturity, usually with one main stem or trunk and many branches.

Existing Use: The use of a zone lot or structure at the time of the enactment of this Code.

Existing Neighborhood: Existing Neighborhood shall mean any Zone Lot or similar building form on a Zone Lot that is located on the same Face Block, opposite Face Block, or adjacent Face Block to the subject property. The Existing Neighborhood may extend beyond the aforementioned limits if the Zoning Administrator deems it reasonable and necessary and consistent with the intent of a standard at issue or with this Code.

Exterior Balcony: See "Balcony, Exterior."

Exterior Wall: A wall assembly at the boundary of a Structure, including its customary fenestration, that encloses space covered by a Roof and that has a slope of 20:12 or greater with the horizontal plane.

Exterior Wall Surface: The most exterior part of a wall, sun screen, or any screening or material covering a building.

Extraction, Food-Based: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats. Food-based extraction does not include the use of any type of alcohol.

Extraction, Solvent-Based: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of a solvent approved by the State of Colorado Marijuana Enforcement Division regulations for medical marijuana and retail marijuana, as may be modified from time to time, and which shall include the use of any type of alcohol.

Extraction, Water-Based: The means of producing marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice, or dry ice.

F

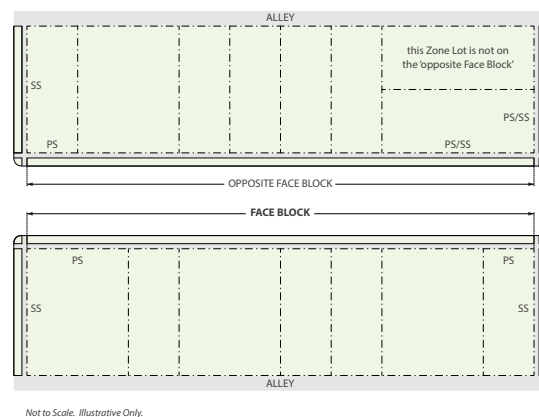
FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

Facade: Any exterior wall surface located at the ground level of a building that encloses the interior of the building.

Face Block: A zone lot or lots Abutting one side of the block. The “same” block face indicates only those zone lots Abutting the same side of the block as the subject property. The “opposite face block” includes those zone lots located on a different block than the subject property, but located directly across the street from and Abutting the same street as the subject property, and bounded by the same intersecting streets as the subject property’s block. See Figure 13.3-2.

Figure 13.3-2



Fascia or Facia: A vertical frieze or band under a roof edge, or which forms the outer surface of a cornice, visible to an observer; a flat piece of material such as that covering the ends of rafters; also, other band-like surfaces like a wide, flat trim strip around a doorway, different and separate from the wall surface.

Fence and/or Wall: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to screen or separate uncovered areas of the Zone Lot. For a retaining wall, see definition of “Retaining Wall.” For walls covered by a Roof, see definition of “Exterior Wall.”

Fine Arts: Individual art pieces not mass produced.

Finished Grade: See definition of Grade, finished.

Fixed Rack Bicycle Parking Facility: An unenclosed device used for the parking of bicycles that is affixed permanently to the ground. Examples include, but are not limited to, an inverted “U”-style bicycle rack.

Fixture: A small structure or part of a structure used by the occupants of the premises for the purpose of containing or holding containers of garbage, trash recycling and similar waste products, or for landscaping such as bird baths, ornamental statuary, arbors, rock gardens, monuments, flagpoles, ornamental lampposts and similar decorative features but not including enclosed buildings.

Flag Lot: See “Zone Lot, Flag.”

Flatwork: A level, hard-surfaced area 12 inches or less above adjacent finished grade that is used exclusively as a pedestrian route. Flatwork includes walkways and stairs and excludes ramps. For ramps, see the definition of "Barrier-free Access Structures." ~~Improved areas constructed of Impervious Material providing pedestrian access to entrances and buildings, including walkways, stairs, and ramps. Shall be located at original grade. Shall not include areas meeting the definition of Patio.~~

Floor Area Ratio (FAR): See the Rule of Measurement within this Article 13.

Floor Plate: The sum of the gross horizontal area of a single floor of a building structure, including interior balconies, but excluding exterior balconies; all horizontal floor dimensions are measured from the exterior faces of the exterior walls.

~~**Flush-Mounted Solar Panels:** See "Solar Panels, Flush-Mounted."~~

Food: Any raw, cooked or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption. For purposes of this Code, "Food" shall not include "Marijuana Concentrate" as defined in this Division 13.3.

Footcandle (F.C.): A unit of illuminance equivalent to one lumen per square foot.

Former Chapter 59: Chapter 59 of the Denver Revised Municipal Code as filed with the Denver City Clerk at City Clerk Filing No. 10-512-A on May 20, 2010. Former Chapter 59 remains in full force and effect for any land not re-zoned to zone districts in the Denver Zoning Code.

Freeways: Those streets designed to carry large volumes of through traffic at high speeds by restriction of abutting private property from rights of direct access by vehicles and pedestrians.

Frontage: All of the zone lot fronting on one side of an intersecting or intercepting street, or between a street and right-of-way, end of dead-end street, waterway, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

Full Cutoff Lighting Fixture: A light fixture that has a light distribution pattern that results in no light being permitted at or above a horizontal plane located at the bottom of the luminaire.

Fully Shielded Lighting Fixture: A light fixture that provides internal or external shields and louvers that prevents light emitted by the light fixture from causing glare or light trespass.

G

GFA: Gross Floor Area. See definition of “Gross Floor Area” below.

Gable: The upper portion of a sidewall that comes to a triangular point at the ridge of a sloping roof.

Gallery: See definition of “Arcade.”

Garage: A building or part of a building wherein motor vehicles are housed or stored.

Garage, Private: A garage that is not operated for gain and in which no business is conducted.

Glare: The sensation produced when a source of light in excess of 1650 lumens is directly visible or light that is so bright that it causes annoyance, discomfort, or loss in visual performance.

Grade, Finished: The final elevation of the ground surface after development.

Grade, Original: The grade of the zone lot before development begins. If there was a structure on the zone lot that was demolished, the grade prior to demolition of the structure. If there is no structure on the property, the natural grade of the property prior to any modification, except that in new developments, original grade shall mean the approved and recorded grade.

Grading: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property, but not including normal cultivation associates with a permitted agricultural use or operation.

Gross Floor Area: The sum of the gross horizontal areas of each floor level of a Completely Enclosed Structure as measured from the exterior faces of the exterior walls of each such level. With the exception of Suburban House, Urban House, Tandem House, Duplex and all detached accessory structure building forms, the horizontal area at each level shall also include the area of exterior Unenclosed Porches covered by a roof and abutting more than one Exterior Wall, the area of Exterior Balconies covered by a roof and abutting more than one Exterior Wall, **and** the area of interior mezzanines, **and the area within Building Connectors**. In lieu of this definition, “Gross Floor Area” for purposes of calculating required parking and off-street loading amounts is set forth in Section 10.4.4, Minimum and Maximum Vehicle Parking.

Ground Cover: Low plantings used instead of turf where space does not allow turf, where xeriscaping is desired, or where a more decorative affect is desirable. Ground covers are typically lower than 6 inches in height.

Guideline: An indication of policy or preferences; compliance is not mandatory like a standard, but rather compliance is encouraged to further the City’s land use goals and policies. A zoning application may not be denied solely for failure to comply with a guideline.

H

Hazardous Materials: See definition of “Toxic and/or Hazardous Materials” below.

High/Medium-Capacity Transit Corridor: A high-capacity or medium-capacity transit corridor as defined in Blueprint Denver that contains or is under construction to contain enhanced transit infrastructure. For example, enhanced transit infrastructure includes, but is not limited to, dedicated transit lanes, off-board fare collection, real-time arrival/departure technology, and enhanced stops and stations intended for passenger queuing, loading, and unloading. For the purpose of this definition, ‘under construction’ shall mean an order of notice to proceed for construction has been issued.

High-Frequency Transit Corridor: Corridors with high-frequency bus service defined by the centerline of the right of way for named or numbered Streets specified below. For purposes of this Code, the lengths of High-Frequency Transit Corridors terminate at the point of intersection with the centerline of the right of way of the intersecting named or numbered Streets defined below, the City boundary, or a City Park, as applicable. See Figure 13.3-3.

1. North and South Sheridan Boulevard from the intersection of West 44th Avenue (northernmost point) to the intersection of West Dartmouth Avenue (southernmost point)
2. North and South Federal Boulevard from the intersection of the City boundary at North Columbine Road (northernmost point) to the intersection of West Evans Avenue (southernmost point)
3. East and West Colfax Avenue from the intersection of the City boundary (westernmost point) to the intersection of the City boundary (easternmost point)
4. North and South Broadway from the intersection of East 20th Avenue (northernmost point) to the intersection of the City boundary (southernmost point)
5. North and South Lincoln Street from the intersection of East Colfax Avenue (northernmost point) to the intersection of East Ohio Avenue (southernmost point)
6. North and South Colorado Boulevard from the intersection of East 40th Avenue (northernmost point) to the intersection of East Evans Avenue (southernmost point)
7. Westbound East Martin Luther King Boulevard from the intersection of North Downing Street (westernmost point) to the intersection of northbound North Quebec Street (easternmost point)
8. East 12th Avenue from the intersection of North Broadway (westernmost point) to the intersection of the westernmost boundary of Cheesman Park (easternmost point) and East 12th Avenue from the intersection of the easternmost boundary of Cheesman Park to North Colorado Boulevard (easternmost point)

I

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.

Income Restricted Unit: A Dwelling Unit that meets specific criteria related to affordable housing as set forth in D.R.M.C., Chapter 27, Article X Mandatory Affordable Housing, any applicable Rules and Regulations, and has been approved by the City.

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.

J

Junk: Scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old or used machinery, used tools, used appliances, used fixtures, used utensils, used lumber, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

K

Kitchen: Any area that is used, intended to be used, or designed to be used either wholly or partly for preparing and cooking food.

Kitchen, Full: A Kitchen that contains either (1) a stove/cook top, range, or oven, or (2) one or more 220-volt or greater electrical outlets or a gas line connection.

Kitchen, Partial: A Kitchen that does not contain either (1) a stove/cook top, range or oven, or (2) one or more 220-volt electrical outlets or a gas line connection. A Partial Kitchen may contain a collection of individual countertop food cooking equipment and appliances (e.g., a microwave, toaster-oven, or plug-in hot plate). A Partial Kitchen may also include a sink and refrigerator.

L

Land Use: See definition of “Use.”

Landscaping: The treatment of pervious surfaces with organic/inorganic plant materials such as grass, ground cover, trees, shrubs, vines and other horticultural materials. Landscaping may also include other decorative surfacing such as wood chips, crushed stone or other mulch materials.

Large-Scale Motor Vehicles and Trailers: Motor vehicles including ~~but not limited to~~ trucks, recreational vehicles, buses, boats and heavy equipment and similar size vehicles which have gross vehicle weights greater than 10, 000 pounds. This definition shall not include Recreational Vehicles.

Light Fixture: The complete lighting unit consisting of some or all of the following: the lamp, ballast, housing, and the parts designed to distribute the light, to position and protect the lamps, and to connect the lamp to the power supply.

Livestock-Animal: Shall be animals of any kind kept or raised for sale, resale, agricultural field production or pleasure, excluding fur-bearing animals.

Living Plant Material or Plant:

- a. A tree, shrub, or herb;
- b. A slip, cutting, or sapling; or
- c. Any of a group of living organisms that typically do not exhibit voluntary motion or possess sensory or nervous organs.

Loading Space: An off-street space or berth on the same site with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other means of access.

Low Level Light Area: An open area at ground level which is open and unobstructed to the sky, but which is not eligible to be a plaza, or a horizontal open area above ground level which is open and unobstructed to the sky.

Luminaire: Luminaires contain the lamp light source of lights, and sit on poles or mount on walls.

Lumens: The amount of overall light output or quantity of light.

M

Manager: The Executive Director of the Department of Community Planning and Development.

Manufacture: All operations required to produce the material named.

Marijuana: All parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" includes industrial hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, and sterilized seed of the plant which is incapable of germination. "Marijuana" does not include the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana Concentrate: The hashish, cannabinoids, or any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of cannabinoids.

Marijuana-Infused Product: A product infused with marijuana that is intended for use or consumption other than by smoking, including ~~but not limited to,~~ edible product, ointments and tinctures.

Mass Transit: The general term used to identify bus, fixed rail, or other types of transportation service available to the general public that move relatively large numbers of people at one time.

Mass Transit Railway System: A system of conveyance available to the public which may include, but not be limited to, rail tracks and guideways, terminals, stations, passenger shelters, electrical power lines, maintenance and storage facilities, parking facilities, and transportation control features or fixtures.

Mechanical Equipment: Primarily relates to equipment and machines that heat, cool, or vent a building or portion of a building (HVAC). Examples: condensers (e.g., air conditioning units), compressors, refrigeration systems, evaporative coolers, heaters, furnaces, exhaust systems. Mechanical equipment does not include "Public Utility Equipment" as defined under this Code, and does not include Telecommunication Facilities, Telecommunication Support Facilities, Base Stations, or Telecommunication Towers regulated under Section 11.5.2 of this Code.

Mechanized Parking: Parking of vehicles using mechanized equipment that replaces the need for a driver. Mechanized parking spaces may be narrower due to the lack of a need to enter or exit the vehicle.

Midpoint: A point of a boundary line equally distant from the two lot lines intersecting it at right angles or within 45 degrees of a right angle.

Mitigation: An action that will have one or more of the following effects:

1. Avoiding an impact by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
3. Rectifying the impact by repairing, rehabilitating, or restoring the impact area, facility or service;
4. Reducing or eliminating the impact over time by preservation and maintenance operations;

5. Compensating for the impact by replacing or providing suitable biological and physical conditions; and by replacing or providing suitable services and facilities.

Mixed Use Development: The development of a site or building with two or more different principal or primary uses including, ~~but not limited to~~ residential, office, manufacturing, retail, public or entertainment uses.

Mixed Use Commercial Zone District: All of the following zone districts:

1. All CC Zone Districts
2. All MX Zone Districts
3. All MS Zone Districts
4. All C-CCN Zone Districts
5. All Downtown Neighborhood Context Zone Districts
6. I-MX
7. All Campus Context Zone Districts
8. DIA
9. M-CC
10. M-MX
11. M-IMX
12. M-GMX

Mode (Of Transportation): A particular form or method of travel, for example, walking, automobile, bicycling, public transit, bus or train.

Motor Vehicle: Any vehicle that is self-propelled and can be legally operated upon streets and highways. For purposes of this definition, the term motor vehicle shall also include vehicles or implements used in farming or construction.

Motor Vehicle, Inoperable: Any motor vehicle that meets at least one of the following criteria:

1. Vehicle is partially dismantled or wrecked; or
2. Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move.

Mobile Home:

- a. A single-family dwelling that is built on a permanent chassis; is designed for long-term residential occupancy; contains complete electrical, plumbing, and sanitary facilities; is designed to be installed in a permanent or semipermanent manner with or without a permanent foundation; and is capable of being drawn over public highways as a unit or in sections by special permit.
- b. A manufactured home, as defined in C.R.S. Sec. 38-29-102(6), if the manufactured home is situated in a mobile home park.

Mobile Home Park: A parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land or the owner's agents, lessees, or assignees. "Mobile home park" does not include mobile

home subdivisions or property zoned for manufactured home subdivisions. For purposes of this definition, the parcel of land comprising the mobile home park does not need to be contiguous, but must be in the same neighborhood as determined by the Division of Housing in the Colorado Department of Local Affairs. Formerly referred to as a Trailer Camp or Court in the Zoning Code.

Multi-modal: The issues or activities that involve or affect more than one mode of transportation or a path that can be traversed through different forms of travel. Includes transportation connections, choices, cooperation and coordination of various modes. Also known as “intermodal.”

Multi-phase or Phased Development: A development project that is constructed in stages, each stage being capable of existing and operating independently of the other stages.

Municipal Solid Waste: The solid waste from community, commercial and industrial sources that does not contain hazardous waste as determined by the fire department and the department of environmental health.

N

“na”: Not applicable.

NAICS: North American Industry Classification System as published by the U.S. Census Bureau.

New Construction or Development: Structures for which the “start of construction,” as defined in this Article 13, commenced on or after June 25, 2010.

Nonconforming Structure: See “Structure, Nonconforming.”

Nonconforming Lot or Zone Lot: See “Zone Lot, Nonconforming.”

Nonconforming Use: See “Use, Nonconforming.”

Nonconformity: Generally, a nonconforming use, sign, lot, structure, or building.

O

Obscene: Material or performance that

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the Prurient Interest in sex;
2. Depicts or describes:
 - a. Patently Offensive representations or descriptions of ultimate sex acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
 - b. Patently Offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernably turgid state; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Occupancy: The purpose for which a building is used or intended to be used.

Off-Street Parking Area: A storage area for motor vehicles, including parking spaces, Drive Aisles, and access routes. Includes areas providing direct access to parking stalls or attached Garages for more than one dwelling unit.

Off-Street Parking Space: See “Parking Space.”

Official Map or Official Zone Map: A map of the city that depicts the zone districts of all land within the City of Denver, adopted by City Council, and incorporated by reference as part of this Code.

On-Street Parking Space: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.

Open: An empty space that is not closed, covered, or blocked up; having no enclosing or confining barrier.

Open Space, Publicly Accessible: Space that is clearly intended to be usable, publicly accessible, and a visual amenity, but not including parking lots or vestigial landscaped areas left over after the placement of buildings and parking on a zone lot. Publicly accessible open space may be publicly or privately owned, managed or maintained.

Open Space Zone District: All Open Space (“OS”) Zone Districts.

Original Grade: See definition of “Grade, original.”

Outdoor General Advertising Device: A sign relating to products, services or uses not on the same zone lot. Also commonly known as a “billboard.”

Overlay Zone District: A set of zoning requirements in a zone district that is described in this Code, which is mapped and imposed in addition to those of the underlying zone district. Development within an overlay zone must conform to the requirements of both zones, or the more restrictive of the two.

P

Owner: Any person with a legal or equitable interest in property, with or without accompanying actual possession thereof; a person who is under contract to purchase property by land installment contract or by a purchase contract; or a person who is acquiring property, or a legal or equitable interest in it, through foreclosure.

Parapet Wall: That part of any wall that extends entirely above the surface of the adjacent roof.

Parking, Accessory: A specific type of accessory use, comprised of surface or garage (structured) parking located on the same zone lot as the primary use such parking is required or intended to serve.

Parking Aisle: Parking “Aisles” mean the part of the parking lot that directly abut parking stalls and are used for vehicular access to the parking stalls.

Parking, Commercial: An open, hard-surfaced area or structure, other than street or public way, to be used for the storage, for limited periods of time, of operable passenger automobiles and commercial vehicles, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking, Shared or Shared Parking: Joint or shared use of parking spaces available to multiple land uses with different parking demand patterns throughout the day.

Parking, Tandem: The parking of 2 vehicles either end to end, vertically stacked, or front to back in a parking space, such that if both vehicles are parked, one vehicle must be moved in order for the other vehicle to exit the parking space.

Parking Area, Off-Street: See “Off-Street Parking Area”.

Parking Ratio: A ratio expressing the number of parking spaces per dwelling unit, or per certain amounts of square footage or commercial space, or per number of occupants or employees.

Parking Space: A storage area for a motor vehicle that is directly accessible to an access aisle, street, or alley, and which is not located on a public right-of-way unless specifically permitted by this Code.

Parking, Surface: A storage area for motor vehicles that is not within a Completely Enclosed Structure, including surface parking lot, deck parking and tuck-under parking.

Parkway: A type of boulevard that the city has designated as a “Parkway” according to Chapter 49 of the D.R.M.C.

Patently Offensive: So offensive on its face as to affront current community standards of tolerance.

Patio: A hard surfaced area 12 inches or less above adjacent finished grade and which is not used exclusively as a pedestrian route. See also the related definition of "Porch." A level hard surfaced area at finished grade. (For an above-grade patio, see Deck)

Pedestrian and/or Transit Mall: A public right-of-way and/or public rights-of-way from which general vehicular traffic shall be excluded except that public transportation vehicles, emergency vehicles and other vehicles by special permit may be permitted, and which shall have been specially constructed with amenities to enhance a primarily pedestrian environment.

Pedestrian Connection: A clear, obvious, and publicly accessible route and connection between the Primary Street and the primary uses within the building.

Permanent Occupancy: The use of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

Pergola: See Rule of Measurement, Division 13.1.

Permitted Structure: See definition of “Structure, Permanent,” below.

Person: An individual including any receiver, guardian, personal representative, registered agent, fiduciary, or representative of any kind, and any corporation, partnership, firm, association, joint venture, or other legal entity.

Planned Unit Development (PUD): A zone district wherein an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for a number of dwelling units, commercial, education, recreational, or industrial uses, or any combination of the foregoing, the plan for which does not correspond in zone lot areaisize, building form, bulk, use, density, lot coverage, open space, or other restriction to the existing zoning regulations of this Code. See Division 9.6, Planned Unit Development District, of this Code.

Plaza: An open area at ground level accessible to the public at all times, and which is unobstructed from its lowest level to the sky. Any portion of a plaza occupied by landscaping, statuary, pools and open recreation facilities shall be considered to be a part of the plaza. The term “plaza” shall not include off-street loading areas, driveways, off-street parking areas.

Porch: A structure attached or detached to a building that contains a hard surfaced area greater than 12 inches above adjacent finished grade and which is supported on the ground. A Porch includes decks and stoops. See also related definition of "Patio."

Porch, Unenclosed: A structure Porch attached to a building providing access to the uses within the building. An Unenclosed Porch may be covered and must be at least 50% open on each side, except for sides abutting a Faceade or required fire wall.

Premises: A general term meaning part or all of any zone lot or part or all of any building or structure or group of buildings or structures located thereon.

Primary Residence: Unless otherwise more specifically defined by this Code, shall have the same meaning as stated in D.R.M.C., Chapter 33 (Lodging).

Primary Street: See Rule of Measurement, Division 13.1.

Private Open Space: See Rule of Measurement, Division 13.1.

Processing: Any operation changing the nature of material or materials such as the chemical composition or physical qualities. Does not include operation described as fabrication.

Professional Studio: See “Studio, Professional.”

Projecting Window: For purposes of a setback encroachment, shall include bay window, box window and bow window.

Property: Any land, building, or other structure, or part thereof.

Protected District: Any one of the following zone districts:

1. S-SU-A
2. S-SU-A1
3. S-SU-D
4. S-SU-D1
5. S-SU-F
6. S-SU-Fx
7. S-SU-F1
8. S-SU-F1A
9. S-SU-F1x
10. S-SU-I
11. S-SU-Ix
12. S-SU-I1
13. S-SU-I1x
14. S-RH-2.5
15. E-SU-A
16. E-SU-A1
17. E-SU-B
18. E-SU-B1
19. E-SU-D
20. E-SU-D1
21. E-SU-Dx
22. E-SU-D1x
23. E-SU-G
24. E-SU-G1
25. E-TU-B
26. E-TU-C
27. E-RH-2.5
28. E-MU-2.5
29. U-SU-A
30. U-SU-A1
31. U-SU-A2
32. U-SU-B

- 33. U-SU-B1
- 34. U-SU-B2
- 35. U-SU-C
- 36. U-SU-C1
- 37. U-SU-C2
- 38. U-SU-E
- 39. U-SU-E1
- 40. U-SU-H
- 41. U-SU-H1
- 42. U-TU-B
- 43. U-TU-B2
- 44. U-TU-C
- 45. U-RH-2.5
- 46. U-RH-3A
- 47. G-RH-3
- 48. Any zone district retained from Former Chapter 59, mapped on the Official Map, and considered a “protected Zone District” under Section 59-96 of the Former Chapter 59.

Prurient Interest: A shameful or morbid interest.

Public Art: Any structure or other installation meeting the definition of "Works of Public Art" in Section 20-86 of the Denver Revised Municipal Code (D.R.M.C.).

Public Utility Equipment: Public Utility facilities and equipment owned and operated by a public utility company used for the production, generation, storage, or distribution of the public utility product or service to the point of customer service. Public Utility Equipment includes the public utility company's communication facilities that support the public utility's operations, but does not include Telecommunication Facilities, Telecommunication Support Facilities, Base Stations, or Telecommunication Towers regulated under Section 11.5.2 of this Code. Similar equipment and facilities not owned or operated by a public utility company shall be considered “Mechanical Equipment” under this Code.

Q

Qualified Professional: A person with experience and training with expertise appropriate for the relevant subject matter. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in the relevant subject matter (e.g., soil science, engineering, environmental studies, geology or related field), must have related work experience, and must be a professional engineer or other professional licensed in the state of Colorado.

R

Rail Transit Station Platform: The area of a Mass Transit Railway System station that is intended for passenger queuing, loading and unloading from the rail car and runs parallel to and Abutting the rail tracks, the boundary of which is only the area intended for passenger access to the rail car.

Railroad Facilities: Terminal related to a freight railway; or a railway yard, maintenance, or fueling facility related to a passenger or freight railway.

Rear of Zone Lot: See "Zone Lot, Rear."

Record Document: The recorded subdivision, plat, or deed that specifies historic lot dimensions and lot area applicable to a property.

Recreational Vehicle: A vehicular-type, portable structure without permanent foundation for personal household use, which can be towed, hauled or driven and primarily designed as living accommodation for recreational, camping and travel use and including ~~but not limited to,~~ travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle, Large: A Recreational Vehicle that has a gross vehicle weight greater than 10,000 pounds. For purposes of this Code, the Term "Recreational Vehicle" includes "Large Recreational Vehicle".

Recyclable Material: Reusable materials including ~~but not limited to,~~ metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

Reference Zone Lot or Reference Zone Lots: See "Zone Lot, Reference."

Registry Identification Card: That document issued by a state health agency, which identifies a patient authorized to engage in the medical use of marijuana, as required by Colorado Revised Statutes, Section 25-1.5-107(7), as may be amended.

Replacement Cost: The amount it would cost to replace an asset at current market prices.

Required Entrance: See "Entrance, Required," above.

Residential Accommodations: Any building or part of a building used or intended to be used for sleeping accommodations by a person or group of persons. Other housekeeping facilities may be provided.

Residential Development: See "Development, Residential."

Residential Occupancy or Residential Use: Any Structure or part of a Structure in which a person or group of persons are provided with sleeping accommodations. Other housekeeping accommodations may also be provided. Residential Occupancy or Residential Use includes any Structure or part of a Structure permitted for any Use Category or Specific Use Type listed within the Primary Residential Use Classification in this Code's Use and Parking Tables.

Residential Only Structure or Residential Only Building: A Structure used entirely for Residential Occupancy or Residential Use.

Residential Structure: See definition of "Structure, Residential," below.

Residential Use: See definition of “Residential Occupancy,” above.

Residential Zone District or Residential District:

1. Any -SU-, -TU-, -RH-, -MU-, -RO, or -RX zone district.
2. Any zone district retained from Former Chapter 59, mapped on the Official Map, and considered a “Residential district” under Section 59-2(235) of the Former Chapter 59.

Retail: Sale to the ultimate consumer for direct consumption or use and not for resale.

Retaining Wall: A wall which is designed to, and in fact does, retain the earth on one side at a higher elevation than the earth on the other side. Only that portion of the wall that actually retains earth shall be considered a retaining wall; the remainder shall be a fence or wall and be measured as set forth in Section 13.1.7.

Rezoning: An amendment to the Official Zoning Map.

Roof: The structure forming the upper covering of a Completely Enclosed Structure or Partially Enclosed Structure.

Roof, Low-Slope: A roof or portion of roof that has ~~no a~~ sloping plane greater of less than 3:12.

Roof, Pitched: A roof or portion of roof that has a sloping plane equal to or greater than 3:12 and less than 20:12. For assemblies with a sloping plane of 20:12 or greater, see definition of "Exterior Wall."

Roof Line: The highest point on any building or structure where an exterior wall or parapet wall encloses roof or floor area, including floor area provided for housing mechanical equipment.

Rooftop ~~and/or~~ Second Story Deck: Any unenclosed deck, patio, terrace, porch, exterior balcony, or similar unenclosed building element either located on the roof of a primary or detached accessory structure or projecting from the building above the Street Level. For purposes of this definition, "Rooftop or Second Story Deck" shall not include above-grade stairs that are 4 feet wide or less, and landings equal to or less than 16 square feet in area.

Roof Overhang: The portion of a Roof extending over the top of an Exterior Wall which projects beyond the exterior face of the Exterior Wall.

Room: Any area in a structure bounded along more than 75 percent of its perimeter by vertical walls or partitions, or by other types of dividers which serve to define the boundaries of the division.

Rotocraft: Any aircraft deriving its principal lift or support in the air from one (1) or more rotors or from the vertical component of the force produced by rotating airfoils.

S

Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation

Semi-Trailer: Any vehicle of the trailer type so designed and used in conjunction with a truck-tractor that some part of its own weight and that of its own load rest upon or is carried by a truck-tractor.

Setback: See Rule of Measurement, Division 13.1.

Shielded: The light emitted from the lighting fixture is projected below a horizontal plain running through the lowest point of the fixture where light is emitted. The lamp is not visible with a shielded light fixture, and no light is emitted from the sides of such a fixture.

SIC: Standard Industrial Classification as published by the U.S. Census Bureau, has been replaced by the NAICS.

Side-by-Side Dwelling Units: See "Dwelling Units, Side-by-Side," above.

Side Zone Lot Line: See "Zone Lot, Side".

Side Street: See Rule of Measurement, Division 13.1.

Sign: A sign is any object or device or part thereof situated, outdoors or indoors, which is used to advertise or identify an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, motion illumination, or projected images. Signs do not include the following:

- a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations;
- b. Merchandise, pictures or models of products or services incorporated in a window display;
- c. Time and temperature devices not related to a product;
- d. National, state, religious, fraternal, professional and civic symbols or crests;
- e. Works of art which in no way identify a product.

Sign, Animated: Any sign or part of a sign which changes physical position by any movement or rotation.

Sign, Arcade: A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

Sign, Awning: A sign attached to or painted on an Awning.

Sign, Billboard: See definition of "Outdoor General Advertising Device," above.

Sign, Canopy: A sign attached to, painted on, erected against or extending from or above or below a Canopy or Marquee. Signs previously permitted and legally established as a "Marquee Sign" are included in this definition of Canopy Sign.

Sign, Flashing: Any sign either stationary or animated, which exhibits any change in: natural or artificial light or color effects; text; pictures or any other form of message more frequently than once per hour by any means whatsoever.

Sign, Ground: A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

Sign, Illuminated: A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

Sign, Individual Letter: Letters or figures individually fashioned from metal or other approved materials and attached to the wall of a building, but not including a sign painted on a wall or other surface.

Sign, Joint Identification: A sign which serves as a common or collective identification for three (3) or more business or industrial uses by right on the same zone lot excluding, however, the identification of products.

Sign, Noncommercial: A sign expressing noncommercial speech generally in the form of an opinion on a particular subject, or support for, or opposition to, a particular cause, political or otherwise.

Sign, Off-Site Commercial: A sign that directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where such sign is displayed. This definition does not include noncommercial signs.

Sign, Outdoor General Advertising Device: See definition of "Outdoor General Advertising Device," above.

Sign, Political: A sign expressing support for, or opposition to, a political candidate, political party, ballot or other election issue.

Sign, Portable: Any sign that is not permanently affixed to building, structure or the ground.

Sign, Projecting: A sign or graphic, other than a wall sign, that is attached to and projects from the wall, soffit, or eave of a building, is not in the same plane as the wall, soffit, or eave to which it is attached, and identifies a use within that building.

Sign, Roof: (1) A sign attached to the roof of a building which sign projects above the Roof Line of the building, or (2) a sign attached to an exterior wall or Parapet Wall which sign extends above the Roof Line and encloses roof or floor area on at least 3 sides.

Sign, Temporary: Any sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material intended to be displayed for a short period of time.

Sign, Wall: A sign attached to, painted on, or erected against: A wall, fascia, parapet wall, Cantilevered Building Element, an entrance, or pitched roof of a building or structure. No part of a Wall Sign projects above the Roof Line and its display surface is parallel to and extends not more than 24 inches from the wall to which it is attached and extends not more than 8 inches from the fascia to which it is attached or, if attached to a pitched roof, the bottom of its display surface does not extend more than 6 inches vertically from the roof surface and the top of its display surface does not extend more than 48 inches horizontally from the roof surface.

Sign, Wind: Any sign in the nature of a series of two or more banners, flags, pennants or other objects or material which shall call attention to a product or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Sign, Window: A sign which is applied or attached to, or located within three feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

Sign Projection Distance: The distance from the exterior wall surface of the building to the display face of a wall sign.

Sign With Backing: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

Sign Without Backing: Any word, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

Site Development Plan: A specific development plan for a zone lot, use, or building, specifying how the entire site will be developed including, ~~but not limited to,~~ building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, and landscaping, ~~and signs.~~

Siting Form Standards or Building Siting Standards: Standards in this Code that regulate the size and dimension of a required zone lot, and the placement, orientation, and coverage of a building on a zone lot. Siting standards include, but are not limited to, standards addressing zone lot aresize and dimensions, setbacks, build-to requirements, and building coverage.

Solar Panel, ~~Flush Mounted:~~ A solar energy collection device ~~mounted to the roof of a structure in such a manner that the device is not more than one foot above the roof surface to which it is attached, and mounted so that the device plane is in a plane which is parallel to the surface of the roof to which it is attached.~~

Standard: A mandatory regulation. Noncompliance with a standard may be grounds for denial of a proposal for development, and may subject an applicant or a development to the enforcement and penalty provisions of this Code. Mandatory standards are indicated by use of the terms “shall” and “must.”

Start of Construction: Includes substantial improvement, and means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~Stoop:~~ ~~An uncovered set of steps and a landing providing access to the primary uses within the building.~~

Storage: The act of depositing goods, wares and merchandise in any structure, part of a structure or warehouse, gratuitous or otherwise, shall be called storage.

Store: A use devoted exclusively to the retail sale of a commodity or commodities.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

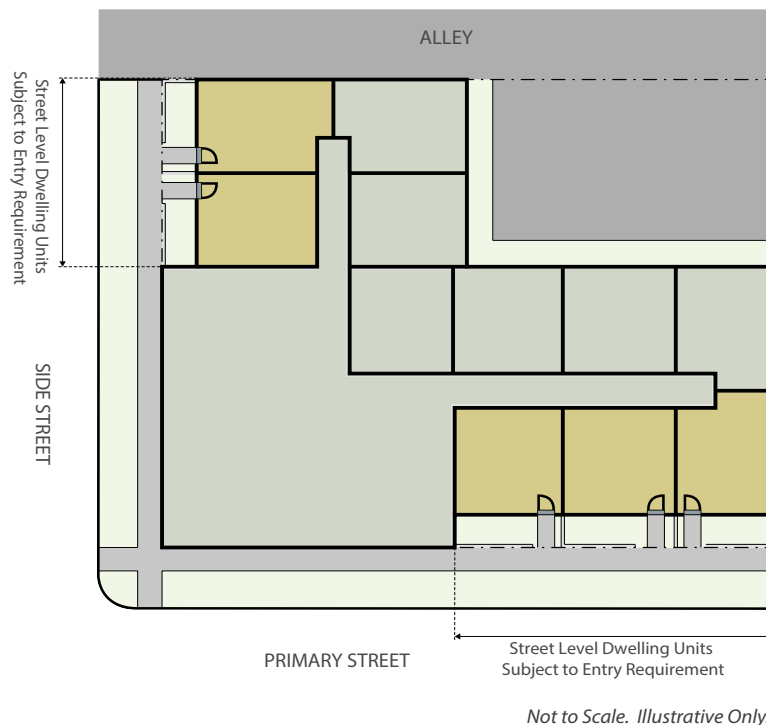
Story, Half: See Rule of Measurement.

Street: A public thoroughfare, avenue, road, highway, boulevard, parkway, driveway, lane, court or private easement providing, generally, the primary roadway to and egress from the property abutting along its length.

Street Level: Any point on the first story or level in a building or structure in which the ceiling is 4 feet or more above grade at the nearest building line. The "building line" shall be where the Street-facing building facade meets finished grade.

Street Level Dwelling Unit: A Dwelling Unit located at the Street Level, where any portion of the Dwelling Unit is within 10 feet of a required Primary or Side Street Setback or Residential Setback. See Figure 13.3-4.

Figure 13.3-4



Street, Private: Any road or street that is privately developed, owned, and maintained that provides access within a development.

Street Front or Frontage: Any boundary line of a zone lot or parcel of land that runs parallel to and within 20 feet of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the City.

Street Property Line: A common boundary between private property and a dedicated street or alley.

Structural Feature: Any part of a structure which is designed for or indicative of the intent to accommodate any given use.

Structure: Anything ~~which is~~ constructed or erected ~~and the use of which requires more or less permanent location on that is permanently affixed to the~~ ground or ~~that is attached attachment~~ to something other than wheels having permanent location on ~~the~~ ground; ~~an edifice or a building of any kind; or~~ any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

Structure - Group A:

Structure, Completely Enclosed: A structure enclosed by a permanent Roof less than 50% open to the sky and by solid Exterior Walls~~;~~.

Structure, Partially Enclosed: A structure enclosed by a Roof less than 50% open to the sky and which does not have solid Exterior Walls.

Structure, Open: A structure that is at least 50% open to the sky.

Structure - Group B:

Structure, Conforming: A structure which, when originally constructed, was in full compliance with all zoning regulations applicable to structures, and which complies with the following current regulations applicable to structures:

1. All building form standards in this Code, ~~as applicable;~~
2. Standards for permitted structures in the Downtown, Campus, I-A, and I-B zone districts, as applicable, and
3. Standards established in Division 10.3, Multiple Buildings on a Single Zone Lot, as applicable.

~~A structure that has received an administrative adjustment or variance that allows for an exception from full compliance with this Code shall be considered a Conforming Structure.~~ 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 is~~ still a “Conforming Structure” under this Code.

Structure, Compliant:

A. A Structure 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 comply with one or more of the following Building Form Standards in this Code:

1. Height Standards
 - a. Minimum, feet
 - b. Maximum, feet and stories
 - c. Maximum, feet and stories with incentives

- d. 3rd Avenue CCN bulk plane
- 2. Siting Standards
 - a. Building setback standards, including Primary Street setback standards
 - b. Required build-to
 - c. Location of surface parking for vehicles
- 3. Design Element Standards
 - a. Street Level activation standards
 - b. Upper-story setback standards
 - c. Overall structure **width or** length
 - d. Pedestrian access, primary structure
 - e. Private open space
 - f. Mass reduction
 - g. Limitation on Visible Parking Above the Street Level
 - h. Street Level height
 - i. Elevation of the Upper Surface of the Floor of the Street Level
 - j. Upper Story Stepback in the CO-6 Overlay District
 - k. Tower Floor Plate standards
- 4. Use Building Form Standards
 - a. All standards.
- 5. 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.

B. A Structure that was lawful prior to the creation of a new Zone Lot through the amendment process stated in Section 12.4.4, Zone Lot Amendments, but which fails solely by reason of such zone lot amendment (1) to comply with one or more of the Building Form Standards stated in the definition of "Compliant Structure" in subsection "A." above; and (2) where the failure results from noncompliance with a Building Form Standard that is measured or referenced from a zone lot line that pre-existed the zone lot amendment and remains unchanged after the zone lot amendment.

C. A Structure that was lawful prior to the approval of an Official Map Amendment, but which fails solely by reason of such Official Map Amendment to comply with one or more of the Building Form Standards stated in the definition of "Compliant Structure" in subsection "A." above.

Structure, Nonconforming:

- 1. A Structure 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 is located.
- 2. **A Structure that was lawful prior to the creation of a new Zone Lot through the amendment process stated in Section 12.4.4, Zone Lot Amendments, but which fails solely by reason of such zone lot amendment (1) to conform to the present requirements for a Conforming Structure or a Compliant Structure in the zone district in which such Structure is located; and (2) where the failure results from noncompliance with a Building Form Standard that**

is measured or referenced from a zone lot line that pre-existed the zone lot amendment and remains unchanged after the zone lot amendment.

3. A Structure that was lawful prior to the approval of an Official Map Amendment, but which fails solely by reason of such Official Map Amendment to conform to the present requirements for a Conforming Structure or a Compliant Structure in the zone district in which such Structure is located.
4. A Structure that is alleged to result from the unlawful issuance of a zoning permit, regardless whether the statute of limitations stated in Section 12.11.5 has lapsed.
5. A Structure that meets the definition of a Nonconforming Structure but includes a building element(s) that fails to comply with one or more of the Building Form Standards listed in the definition of Compliant Structure ("compliant element(s)") may apply any provision specific to such compliant element stated in Section 12.6.3.2, Expansions, Alterations, Enlargements to Compliant Structures.

For example: A Residential Structure that fails to meet both the current minimum side interior setback and bulk plane envelope for the applicable Urban House building form is a Nonconforming Structure with a compliant element as to side interior setback, and may take advantage of the provisions that allow limited expansion or alteration of such compliant element stated in Section 12.6.3.2.

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: A structure that is self-supporting and is separated from other structures by clear space from ground to sky on all sides, or a structure having no common wall with another structure. Any structure having no Common Wall with another structure.

Structure, Permanent: A structure that is built of such materials and in such a way that it would commonly be expected to last and remain useful for a period of time.

Structure, Permitted: A structure meeting all the requirements established by this Code for the zone district in which the structure is located.

Structure, Primarily Nonresidential: A Structure in which that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gGross fFloor aArea excluding parking.

Structure, Primary: The main or primary structure or building in which the primary use of a property is conducted or operated.

Structure, Principal: See "Structure, Primary."

Structure, Residential: Any building or part of a building constructed with or as sleeping accommodations for a person or group of persons. Other housekeeping accommodations also may be provided.

Structure, Temporary: A structure that is built of such materials and in such a way that it would commonly be expected to have a relatively short life, or is built for a purpose that would

commonly be expected to be relatively short, or any structure intended for nonpermanent use or occupancy.

Studio, Professional: A specific type of arts, recreation and entertainment service use. A place where works of art are created, displayed and/or sold, and/or where instruction of the arts to students occurs in the fields of painting, drawing, sculpture, etching, craft work, fine arts, photography, music, or similar fields; but not including health treatment.

T

Tandem Parking: See “Parking, Tandem.”

Telecommunications Service: The providing or offering for rent, sale or lease, or in exchange for other value received, or for the provision of any emergency telecommunications purposes, of the transmittal of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities, with or without benefit of any closed transmission medium.

Telecommunications Support Facilities: Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the reception of or transmission of voice, data, image, graphic and video programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

Telecommunications Tower: Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

Tower Height: The distance measured from the lowest point at grade within ten feet of the tower to the highest point on the tower, including the base pad and any antenna.

Toxic and/or Hazardous Materials: Those chemicals or substances that are physical hazards or health hazards as defined and classified by the Denver Fire Code, whether the materials are in usable or waste condition. Substances that are considered “toxic and/or hazardous materials” include, but are not limited to the following:

1. Cryogenic fluids.
2. Corrosive materials.
3. Explosives and blasting agents.
4. Flammable and combustible liquids.
5. Flammable solids and gases.
6. Organic peroxide materials.
7. Oxidizer materials.
8. Pyrophoric materials (Material that ignites spontaneously or emits sparks when scratched or struck especially with steel).
9. Toxic Materials.
10. Unstable (reactive) materials.

Trailer: Any vehicle without a motor or other means of self-propulsion designed to carry property primarily on its own structure and to be drawn by a motor vehicle. Trailers shall include but shall not be limited to the following: utility trailers, boat trailers, flatbed trailers, camper trailers, home-made trailers, and fifth-wheel trailers not designed to be used in conjunction with a truck-tractor.

Travel Demand Management (TDM): A broad range of strategies intended to reduce peak period vehicle trips.

Truck Tractor: A vehicle equipped with a chassis or flat-bed mounted ball or fifth wheel for attaching a trailer; designed to be used for the highway towing trailers and not designed primarily for hauling cargo.

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: A space, area, or passage that is not hindered, impeded, or blocked by obstacles, barriers, or obstructions.

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), or Row House (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:

1. 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.
2. A use or activity that was lawful prior to the approval of an Official Map Amendment, but which fails solely by reason of such Official Map 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.”

Use, Illegal: Any use, whether of a building or other structure, or of land, in which a violation of any provision of this Code has been committed or shall exist.

Use, Nonconforming: A use or activity that was lawful when originally established, but which is no longer permitted in the zone district in which such use or activity is located, prior to the adoption, revision, or amendment to this Code, but which by reason of such adoption, revision, or amendment, is no longer permitted in the zone district in which such use or activity is located.

Use, Permitted: Any use listed as a primary use, a temporary use, a home occupation, an accessory use, a use subject to special exception review, or a use subject to limitations, as approved according to the required use review procedure.

Use, Primary or Principal: The main or primary purpose for which land and the structures thereon are used, or for which land and the structures thereon may be maintained or occupied according to this Code.

Use, Prohibited: A use that is not permitted in a zone district (“NP” in the Summary Use and Parking Tables).

Use, Special Exception: A use that is listed in the Summary Use and Parking Table as a use permitted subject to the special exception review by the Board of Adjustment, as set forth in Article 12 (“ZPSE” in use table).

Use, Temporary: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Use and Parking Table: Tables found in Articles 3, 4, 5, 6, 7, 8, and 9 of this Code, which list: (a) the principal, accessory, and temporary uses permitted in each zone district, (b) the type of review procedure (e.g., zoning permit, zoning permit review with informational notice, special exception review.) required prior to a use’s establishment, and (c) the bicycle and vehicle parking requirements for each use.

Use Category: A category of uses within a “Use Classification.” “Use Categories” are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. A “Use Category” may be further subdivided into “Specific Use Types.”

Use Classification: The broadest grouping of land uses in this Code, based on generally accepted industry groupings, similar descriptions of planning goals or functions, similar permitted use types, and similar permitted density/intensity of use.

Use Type or Specific Use Type: The finest-grained category of uses in this Code; a “Use Type or Specific Use Type” is a sub-category of a “Use Category.” It is used when necessary to tailor the regulatory treatment to address issues such as the relative intensity of the use, issues re-

lated to building type, possible effects on neighboring land uses, consistency with zone district purpose and goals, or possible operational externalities (such as odor, glare, or noise).

V

Vested Property Right: Pursuant to this Denver Zoning Code, a property right granted after approval of a “site specific development plan,” as approved by the City Council after a public hearing.

Voluntary Demolition or Voluntarily Demolished: In relation to a Structure, voluntary demolition or voluntarily demolished shall mean the removal of 40% or more of the square footage of the Structure’s Exterior Walls by human force including by human error (e.g., failure to properly brace an Exterior Wall not intended for removal). The phrase “removal... of the Structure’s Exterior Walls” shall mean one or more of the following:

1. Removal of any portion of framing, concrete, and/or structural masonry from an Exterior Wall assembly, which may or may not be combined with any of the items listed in paragraph 2. below; or,
2. Removal of the entire Exterior Wall assembly except for the structural framing, concrete, and/or masonry, consisting of removal of all of the following elements, as applicable:
 - a. Any exterior finishes (e.g., wood siding/cladding, brick, stucco, stone veneer); and
 - b. Protective barriers exterior to the framing, such as water resistant barriers; and
 - c. Structural and/or insulating sheathing; and
 - d. Insulation within the framing; and
 - e. Protective barriers interior to the framing, such as vapor retarders; and
 - f. Any interior finishes (such as gypsum board/drywall, lathe and plaster); or
3. Removal, filling in, or relocation of doors, windows, recesses, openings, bays, or other fenestration, except for replacement of windows or doors in their existing openings.

W

Wall: See “Fence and Wall” definition.

Wall, Exterior: See “Exterior Wall” definition.

Warehouse: A warehouse is a structure or part of a structure, for storing goods, wares and merchandise, whether for the owner or for others, and whether the same being public or private warehouse.

Warehousing: The depositing or securing of goods, wares and merchandise in a warehouse.

Wholesale: Sale for resale not for direct consumption.

Z

Zone Lot: The land designated as the building site for a structure; also, the land area occupied by a use or a structure. Such land area may be designated as a zone lot only by the owner or owners thereof, or by the Zoning Administrator as authorized by this Code.

Zone Lot, Area of: The area of land, generally expressed in square footage, enclosed within the boundaries of a zone lot. See Rule of Measurement, Division 13.1.

Zone Lot, Boundary Line of: Any line separating a zone lot from a street, an alley, another zone lot or any other land not part of the zone lot.

Zone Lot, Conforming: A Zone Lot that complies with both:

1. The present requirements for minimum Zone Lot ~~Size (Area)~~, Zone Lot Width, and ~~or~~ other siting or geographic limitations for at least one Building Form permitted in the zone district in which the Zone Lot is located; or if the Zone Lot has received an administrative adjustment or variance approving a reduction or modification to one of these standards that does not meet the present requirements; and
2. The minimum requirements for a Zone Lot in Article 1, Division 1.2, Zone Lots, including ~~but not limited to~~ the number of Uses and Structures allowed on a Zone Lot.

Zone Lot, Corner: A zone lot situated at the junction of two or more intersecting or intercepting streets where the angle of intersection of the lot lines coterminous with the street lines does not exceed 135 degrees.

Zone Lot, Flag: A Zone Lot that complies with the minimum requirements stated in Section 1.2.3.3, "Limited Allowance for Flag Lots."

Zone Lot, Interior: Any zone lot that is not a corner zone lot.

Zone Lot, Nonconforming: A Zone Lot that was lawful prior to the adoption, revision, or amendment to this Code, but which now fails to meet the definition of "Conforming Zone Lot."

Zone Lot, Width: See Rule of Measurement, Division 13.1

Zone Lot Line: Any boundary of a zone lot.

Zone Lot Line, Primary Street: See Rule of Measurement, Division 13.1

Zone Lot Line, Rear: See Rule of Measurement, Division 13.1

Zone Lot, Reference: The Zone Lot(s) used to establish a minimum Primary Street Setback based on existing conditions.

Zone Lot Line, Side: Any boundary of a zone lot that is neither a Primary Street zone lot line nor a rear zone lot line. A side zone lot line may be either a side "street" zone lot line, or a side "interior" zone line, with the former type abutting a side street and the latter type not abutting a street.

Zone Lot Line, Side Interior: See Rule of Measurement, Division 13.1

Zone Lot Line, Side Street: See Rule of Measurement, Division 13.1

~~Zone Lot, Size of:~~ See "Zone Lot, Area of."

Zone of Transparency: See Rule of Measurement, Division 13.1

