

DIVISION 17. PLATTE RIVER VALLEY ZONE DISTRICT (PRV)

Sec. 59-321. General purpose and scope.

This division is enacted to provide for and encourage the development and redevelopment of the area commonly known as the Platte River Valley and select adjacent neighborhoods in accordance with the comprehensive plan of Denver. The provisions of this division together with the subarea zoning standards enacted hereunder shall establish, define, and limit the use of land, and the facilities and structures located in the Platte River Valley Zone District. (Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-322. Description of district.

This district is intended to promote and encourage a diversity of land uses having urban character, integrating the district's unique geographic location and setting, amenities of view, transportation linkages and open space. A variety of land uses will be permitted in order to facilitate new development, allow for the reuse of eligible historic structures and to complement development in the adjacent neighborhoods and downtown, thereby promoting the public safety, convenience, health, general welfare and the comprehensive plan. New residential development and open space is encouraged. General design guidelines are provided on a subarea development basis as a feature of development review. Regulatory flexibility is provided to facilitate development responsive to current and future market conditions, and to encourage creativity in the development of the Platte River Valley. (Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-323. Definitions.

Terms and definitions contained in the Denver Zoning Code, section 59-2, shall be applicable to this district, except the following definitions shall apply for certain selected terms as used in this district, unless the context otherwise requires:

- (1) *Certificate of housing compliance.* A written document issued by the department of zoning administration evidencing that certain property is in compliance with and not otherwise subject to further housing designation requirements as set forth in section 59-332.
- (2) *Gross floor area, basic maximum.* The permitted nonresidential development density for the Platte River Valley Zone District or subareas thereof, as regulated by section 59-330(b), "Density," of these zone district regulations.
- (3) *Light-production facility.* An accessory use to a research/development use, including facilities for assembly, manufacturing, fabrication, processing or packaging of products developed as a result of on-site research, but shall not include facilities for general commercial production of products.

- (4) *Notice of housing designation.* A written notice filed with the department of zoning administration by a property owner whereby certain lands of that owner are identified as being a designated housing site, subject to the conditions and limitations set forth in section 59-332.
 - (5) *Pedestal sign.* An outdoor sign which is attached to and supported by a base connected to the ground, not including poles, braces, or uprights.
 - (6) *Pedestrian connector.* An area oriented for major pedestrian movement/activity, including, but not limited to, physical improvements that enhance such pedestrian activity, such as special landscaping, paving, street furniture, retail uses, outdoor eating, and lighting; and where such area is designated as a "pedestrian connector" on the subarea plan. Such connectors may or may not be developed as a separate right-of-way.
 - (7) *Public project.* A project in which the land and improvements involved are owned by a governmental entity.
 - (8) *Subarea.* A defined subdistrict area of the Platte River Valley Zone District which has its own unique character and individual development requirements and subarea zoning standards.
 - (9) *Subarea plan.* A general development plan created for all or part of a subarea to be used as a framework for private and public development projects within that subarea.
 - (10) *Subarea zoning standards.* Rules and criteria adopted by the city council to govern the content and requirements of subarea plans and to establish standards for development within the various subareas of the Platte River Valley Zone District.
- (Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-324. Use by right, use by special review and existing use.

(a) *Generally.* Each subarea in the Platte River Valley Zone District shall be assigned uses by right and uses by special review from the matrix of uses established by this section. Uses by temporary permit and accessory uses shall be allowed throughout the district as provided in sections 59-326 and 59-327, respectively. Continuation and modification of existing uses which are not uses by right or uses by special review shall be allowed as provided in section 59-328 and by section 59-335(d)(1)c.3. In the subarea zoning standards for each subarea there are preferred land uses. Those preferred land uses shall not limit the uses by right and/or uses by special review set forth in this section 59-324.

(b) *Uses by right and uses by special review.* No land shall be used or occupied and no structure shall be erected, altered, used or occupied except for either one (1) or more of the uses by right or uses by special review set forth on the following use matrix; provided, however, that a use by right or a use by special review may be accompanied by lawful accessory uses as set forth in section 59-327 and/or one (1) or more of the uses by temporary permit set forth in section 59-326 section.

- (1) *Use by right.* A use designated as a use by right in any given subarea of this zone district is permitted and may be developed without further approval regarding its

location in that subarea. However, such uses must comply with all requirements of this zone district, including the subarea zoning standards and the rules and regulations adopted hereunder, and the approved subarea plan. Uses not listed are not permitted in this district, and blanks indicate uses not permitted in a subarea.

- (2) *Use by special review.* A use designated as a use by special review in any given subarea of this zone district is characterized as being generally compatible with the basic use classifications of that subarea; however, individual review and approval is required to consider certain matters which its proposed location may present. The planning board must be satisfied that the special use will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and will be in harmony with the general purpose of this zone district. In making its determination, the board shall find that the special use will be reasonably compatible with the character of the surrounding area and would not have a materially adverse affect on surrounding property owners. In granting any special use, the board may prescribe any conditions that it deems to be reasonable and necessary for the public interest. The planning board shall adopt rules and regulations governing the information requirements and process for making decisions on uses permitted by special review.

- (3) *Drive-in facilities.* Drive in facilities are not permitted as a use by right, use by special review, or accessory use except for financial institutions in the Platte River Valley Zone District.

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|---|--|----------|----------|----------|----------|----------|----------|
| <i>Key:</i> <i>P = Permitted</i> <i>SR = Uses permitted after special review</i> <i>* = Need not be enclosed</i> <i>(blank) = Not permitted</i> | <i>Key for Subareas: 1 = Auraria Business and Research Park, Auraria Village, 16th - 20th Common, Prospect, Water Street and Rockmount. 2 = Rice Yards, Cherry Creek, West Bank, Diamond Hill and Front View Crescent. 3 = Sports Complex. 4 = Denver Union Terminal. 5 = Glenn Court/Stoneman's Row. 6 = Saint Patrick's/Guadalupe, Overlook. 7 = Gates Crescent.</i> | | | | | | |
| | <i>PRV Subarea</i> | | | | | | |
| <i>Use</i> | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> |
| Residential | | | | | | | |
| Artist studio | P | P | P | P | P | P | SR |
| Assisted living facility | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | SR |
| Dwelling, multiple unit | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | SR |
| Dwelling, single unit | P | P | P | P | P | P | SR |
| Residence for older adults | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | L18/SR | SR |
| Rooming and/or boarding house | P | P | P | P | P | P | SR |
| Retail, service, office | | | | | | | |
| Animal sales, service, care, household pets only | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR |

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| | <p><i>Use</i></p> | | | | | | |
| | <p><i>PRV Subarea</i></p> | | | | | | |
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> |
| Automobile gasoline filling station, emissions inspection | L4/SR | L4/SR | L4/SR | L4/SR | L/SR | L4/SR | L4/SR |
| Automobile, motorcycle, light truck sales, leasing, rental* | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR | SR | SR |
| Banking and financial services | P | P | P | P | P | P | SR |
| Bed and breakfast | P | P | P | P | P | SR | SR |
| Bookstore | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Communications service | P | SR | P | P | SR | SR | SR |
| Eating place | L47 | L47 | L47 | L47 | L47 | L47 | L47 |
| Food sales or market, large | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Food sales or market, small | P | P | P | P | P | SR | SR |
| Furniture, furnishings, retail sale, large scale | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Garden supply store | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Home building materials and supplies, sales, or rental | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Hotel | P | P | P | P | P | SR | SR |
| Laboratory, research, development, technological service | P | SR | P | P | SR | SR | SR |
| Liquor store | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Office: nondental, nonmedical | P | P | P | P | P | P | P |
| Outdoor sales, flea market* | L20/SR | L20/SR | L20/SR | P | L20/SR | SR | SR |
| Printing service, publishing, business support | P | P | P | P | P | P | SR |
| Retail, service, repair, consumer, large scale | L20/SR | L20/SR | L20/SR | P | L20/SR | L20/SR | L20/SR |
| Retail, service, repair, consumer, medium scale | P | P | P | P | P | L36/SR | SR |
| Retail, service, repair, consumer, small scale | P | P | P | P | P | L36/SR | SR |
| Retail, service, repair, consumer, special | L20/SR | L20/SR | L20/SR | P | L20/SR | L20/SR | L20/SR |

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| | <p><i>Use</i></p> | | | | | | |
| | <p><i>PRV Subarea</i></p> | | | | | | |
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> |
| Vehicle, equipment sales, leasing, service, rental* | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR | L20/SR |
| <p>Industrial, wholesale, transportation, utilities</p> | | | | | | | |
| Helipad, helistop, heliport* | SR | SR | P | SR | SR | SR | SR |
| Parking of vehicles* | SR/ L110 | SR/ L110 | SR/ L110 | SR/ L110 | | | SR/ L110 |
| Railroad facilities* | L106 | L106 | P | L106 | L106 | L106 | L106 |
| Railway right-of-way* | SR | SR | P | SR | SR | SR | SR |
| Terminal, public transportation local* | SR | SR | P | SR | SR | SR | SR |
| Utility, major impact | SR | SR | P | SR | SR | SR | SR |
| Utility, minor impact | SR | SR | P | SR | SR | SR | SR |
| <p>Arts, entertainment, recreation, institutions</p> | | | | | | | |
| Church, religious institution | P | P | P | P | P | P | P |
| Clinic, office, laboratory, dental or medical | P | P | P | P | P | P | SR |
| Community or senior center or recreational facility | SR | SR | P | SR | SR | SR | SR |
| Conference center, meeting hall | SR | SR | SR | SR | SR | SR | SR |
| Fire station | SR | SR | P | SR | SR | SR | SR |
| Library | SR | SR | P | SR | SR | SR | SR |
| Museums, other special purpose cultural institutions | P | P | P | P | P | P | P |
| Parks, public, open space, associated buildings* | SR | SR | P | SR | SR | SR | SR |
| Police station | SR | SR | P | SR | SR | SR | SR |
| Postal facility, neighborhood | SR | SR | P | SR | SR | SR | SR |
| Recreation services, indoor | P | P | P | P | P | P | P |
| Recreation services, outdoor* | SR | SR | SR | SR | SR | SR | SR |
| School, elementary or secondary | SR | SR | P | SR | SR | SR | SR |
| School, vocational or professional | SR | SR | P | SR | SR | SR | SR |
| Sports and/or entertainment facility | SR | SR | P | SR | SR | SR | SR |
| Studio, professional | P | P | P | P | P | P | SR |

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| <p><i>Use</i></p> | <p><i>PRV Subarea</i></p> | | | | | | |
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> | <i>5</i> | <i>6</i> | <i>7</i> |
| Theater, indoor | P | P | P | P | P | P | P |
| University or college | SR | SR | P | SR | SR | SR | SR |
| <p>Uses allowed in all districts unless restricted by special limitations (See chapter 59, article III, division 2)</p> | | | | | | | |
| <p>Residential care uses (See § 59-82)</p> | | | | | | | |
| <p>Uses allowed by temporary permit (See § 59-326)</p> | | | | | | | |

(Ord. No. 361-03, § 3, eff. 5-23-03; Ord. No. 625-05, § 16, eff. 9-2-05; Ord. No. 57-09, § 17, eff. 1-30-09)

Sec. 59-325. Limitations.

The following define the limitations enumerated in the use chart in section 59-324 above:
(Ord. No. 625-05, § 17, eff. 9-2-05)

L4 An automobile gasoline filling station which complies with all of the following conditions:

- a. Is contained in a structure the gross floor area of which may not exceed one-fourth the area of the zone lot on which the structure is located;
- b. Does not rent or sell motor vehicles;
- c. Does none of the following: overhaul engines or transmissions, body or fender work, auto glass work, painting, welding, tire recapping or auto dismantling;
- d. All discarded parts and materials are deposited into a completely enclosed container concealed from adjacent properties;
- e. Parks no vehicles being serviced or stored for customers on streets, alleys, public sidewalks or public park strips;
- f. Is provided with barriers of such dimensions that occupants of adjacent structures are not disturbed, either by day or night, by the movement of vehicles, and light facilities are so arranged that they neither disturb occupants of adjacent residential properties nor interfere with traffic;
- g. Extinguishes all flood lights at close of business or 11:00 p.m., whichever is earlier;

- h. Trailer rentals permitted as an accessory use subject to the following limitations:
(1) one (1) trailer permitted on the zone lot for each four thousand (4,000) square

feet of land area in the zone lot, not, however, exceeding five (5) trailers at any one (1) time; and (2) each trailer not to exceed eight (8) feet in height, length and width;

- i. Fuel pumps and trailer storage need not be enclosed.

L18 A residential development which exceeds more than an average of sixty (60) dwelling units per acre of the land area held in one (1) ownership within a subarea which is designated and/or reserved for residential shall require approval as a use by special review.

L20 Limited to the retail sale of goods. In subareas Gates Crescent, Overlook and Saint Patrick's/Guadalupe all retail subject to special review, in all other limited areas special review required when individual buildings and uses exceed fifty thousand (50,000) square feet.

L36 Retail sales of goods by special review only.

L47 If outdoor eating area is in excess of fifteen (15) percent of indoor area, special review required.

L106 Limited to railroad passenger terminal.

L110 Limited to temporary surface parking. Such facility may be developed and operated only as a use by special review for a period not to exceed five (5) years; however, approval for each facility may be renewed for successive periods at the same location.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-326. Uses by temporary permit.

Upon application to and issuance by the department of zoning administration of a permit therefor, the following uses may be operated as uses by temporary permit and need not be enclosed:

- (1) Bazaar and/or carnival; provided, however, that each permit shall be valid for a period of not more than seven (7) days and shall not be renewed for more than two (2) successive periods;
- (2) Noncommercial concrete batching plant, both incidental and necessary to construction in the district. Each permit shall specify the location of the plant and the area, within the Platte River Valley Zone District, of the permitted operation, no part of which area shall be a distance of more than two (2) miles from the plant. In the Glen Court/Stoneman's Row, Overlook, and Saint Patrick's/Guadalupe subareas, such concrete batching plants will be permitted only if they are incidental and necessary to construction within the subarea in which the plant would be located. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than six (6) successive periods at the same location;
- (3) Parking lot designed for a special event; provided, however, that each permit shall be valid only for the duration of the designated special event; and provided, further, that

if the designated special event is a seasonal activity, the permit may be valid for the entire season but shall be restricted in use to designated dates and times during which the event is occurring;

- (4) Outdoor retail sales within one hundred twenty-five (125) feet of a pedestrian connector as follows: The outdoor retail sales of articles such as books, artwork, craftwork, food, flowers, clothing, newspapers and similar articles are permitted subject to the provision of this section. Before issuing a permit for such use the zoning administrator shall determine that the proposed use meets the following criteria:
- a. That it will not obstruct the movement of pedestrians through plazas or other areas intended for public usage, or create congestion on adjoining public sidewalks;
 - b. That it will not generate an undue amount of noise, heat, fumes, glare, radiation, or other external effects; and
 - c. That it will not create a debris or litter problem.

Each such permit shall be valid for a period of not more than six (6) calendar months and may be renewed providing the hereinabove set forth criteria are satisfied;

- (5) Temporary building or yard for construction materials, the storage of excavated materials and/or equipment, both incidental and necessary to construction in the district. Each permit shall specify the location of the building or yard and the area, within the Platte River Valley Zone District, of the permitted operation, no part of which area shall be a distance of more than two (2) miles from the building or yard. In the Glen Court/Stoneman's Row, Overlook and Saint Patrick's/Guadalupe subareas, such temporary building or yard will be permitted only if it is both incidental and necessary to construction within the subarea in which the building or yard would be located. This facility shall not maintain in storage more than six (6) cubic feet of excavated material for each square foot of zone lot area. Such material shall be piled no higher than eight (8) feet above grade and shall be protected by a seven-foot-high fence with controlled access. Each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than three (3) successive periods at the same location.

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-327. Accessory uses.

Incidental only to a use by right or a use by special review, any use which complies with all of the following conditions may be operated as an accessory use and need not be enclosed:

- (1) Is clearly incidental and customary to and commonly associated with the operation of the permitted use;
- (2) Is operated and maintained under the same ownership or by lessees or concessionaires thereof, and on the same zone lot as the permitted use;

- (3) Does not include buildings, structures or structural features inconsistent with the permitted use;
- (4) The gross floor area utilized by any accessory use shall not exceed ten (10) percent of the gross floor area utilized by the permitted use to which it is accessory except as

otherwise permitted; provided, however, there shall be no limitation on the area occupied by garages, loading docks and company dining room; and, provided further that light-production facilities are permitted as an accessory use to a research/development use, subject to the limitation that such accessory use shall not exceed fifty (50) percent of the gross floor area utilized by the permitted use. Such light-production facilities which exceed the gross floor area utilized by the permitted use by more than fifty (50) percent but less than eighty (80) percent may be permitted as accessory when approved as a use by special review.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-328. Continuation and modification of existing uses.

The purpose of this subsection is to allow existing uses and/or structure(s) containing existing uses which are not permitted uses by right or special review to continue in use and to be modified by structural repair, alteration or expansion of the gross floor area on the existing zone lot, in order to maintain or improve the appearance, safety, efficiency or productivity of the existing use.

The owner of such an existing use seeking modification shall provide evidence in the form of business records, receipts, tax returns, or similar items, which prove its operation in an identifiable structure or on a zone lot, at a specific location from March 23, 1988. No such existing use shall be expanded unless the expansion can be and is made in compliance with specific criteria established by the planning board and all the provisions of this chapter established for structures in the district, and in the subarea plan if approved, in which the existing use is located. The planning board's criteria shall be established to assure that the expansion of existing uses will be compatible with the use of adjacent conforming property. Such expansion shall require a finding by the planning board that all conditions specified for the expansion have been met. In making its finding, the planning board may request an advisory recommendation from the PRV subcommittee established under 59-333(c).

During the interim period between the adoption of the PRV regulations and the establishment of specific criteria by the planning board, the expansion of such uses shall be regulated by the zoning district provisions in effect prior to the adoption of the PRV regulations.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-329. Limitations on external effects of uses.

All uses shall comply with the following limitations:

- (1) *Enclosure of uses.* Every use, unless expressly exempted by this chapter, shall be operated in its entirety within a completely enclosed structure.
- (2) *Vibration generated.* Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the zone lot on which the use is located. Mainline railroad corridor activities are specifically exempt from this provision.

- (3) *Emission of noise, heat, glare, radiation and fumes.* Every use shall be so operated that it does not emit, or transmit, an obnoxious, hazardous or dangerous degree of noise, heat, glare, radiation or fumes beyond any boundary line of the zone lot on which the use is located.
 - (4) *Outdoor storage and waste disposal.*
 - a. All outdoor storage and storage facilities for fuel, raw materials or any products shall be prohibited.
 - b. No materials or wastes shall be deposited and/or stored outdoors.
 - (5) *Solar access.* Developments in the Platte River Valley shall be so planned in relation to one another that at least sixty-five (65) percent of the designated open space ground area in the Platte River Greenway, Hirshorn Park, Rockmont Park, Commons, Confluence Park, the Gates Crescent Park and the Cherry Creek Promenade, shall be in sunlight for at least a total of two (2) hours from 9 a.m. to 4 p.m. on December 21. The boundaries of each designated open space ground area shall be established in a subarea plan, or an approved development agreement which includes that designated area.
- (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-330. Permitted structures.

(a) *Zone lot for structures.* A separate ground area, herein called the zone lot, shall be designated, provided and continuously maintained for one (1) or more use by right and use by special review or for each structure or group of structures containing one (1) or more use by right and use by special review. Each zone lot shall have at least one (1) front line and may have for each principal structure no more than one (1) subordinate structure containing only accessory uses. Upon application to and approval by the department of zoning administration, the boundaries and area of a designated zone lot may be amended if full compliance with all requirements of this zone district can be maintained.

(b) *Density.* Except as specifically stated or otherwise permitted for a given subarea, the density throughout the Platte River Valley for nonresidential development as measured by floor area shall be a basic maximum gross floor area ratio (FAR) of 2:1. For residential development, the density shall not exceed an average maximum density of sixty (60) dwelling units per acre of land area, held in one (1) ownership within a subarea plan approval, which is designated and/or reserved for residential uses unless approved by special review. Provided that, upon qualifying under the provisions of article IV, chapter 27 (affordable housing), the density for residential development shall not exceed an average maximum density of sixty-six (66) dwelling units per acre of land area.

(c) *Floor area.*

- (1) Subject to limitations regarding building heights and parking, the basic maximum gross floor area established in paragraph (b) of this section may be exceeded within a

subarea or among subareas or on a given zone lot by the approval of certain bonuses for identified amenities, and/or by the transfer of development rights, as provided in subparagraph (g) of this section 59-330.

- (2) Floor area shall be calculated by using a basic maximum gross floor area for all structures per zone lot. However, the following types of floor areas shall be excluded from the calculation of gross floor area:
 - a. Street-level floor areas meeting all of the following conditions:
 1. Are located within ten (10) feet of the front line or lines of the zone lot for a depth of not greater than fifty (50) feet, excepting access ramps to parking areas. When the setback requirements for a specific property exceed ten (10) feet, the free floor area shall be measured from the point of the front setback;
 2. Shall have direct access to certain streets, arcades or pedestrian connectors designated by a subarea plan;
 3. The building wall facing the street, arcade or pedestrian way shall have at least fifty (50) percent of the street-level floor facade area (measured from the street level upward a maximum of twelve (12) feet) devoted to display windows and/or windows affording views into the interior areas;
 4. Shall contain retail, entertainment, eating places/restaurants, or cultural uses.
 - b. Any floor area for residential uses shall be excluded from the calculation of gross floor area for the zone lot.
 - c. Floor area of historic structures designated a Denver Landmark and/or on the National Register of Historic Places.
 - d. Street-level retail, combined with a residential building along major streets, promenades or water ways, which are designated in the subarea plan.

(d) *Bonuses.* In addition to the basic maximum gross floor area and the average maximum residential density permitted under this section, floor area and residential density may be added through the bonus categories listed below in an amount specified when the bonuses requested are part of an approved subarea plan. Bonuses created by a qualifying project shall be documented by the zoning administrator. Such bonuses may be used anywhere in the subarea which contains that project, subject to the subarea plan. The planning office, in conjunction with the zoning administrator, shall develop criteria and rules and regulations for the administration of bonuses.

- (1) *Residential uses.* In addition to excluding the residential floor area from the calculation of gross floor as hereinabove provided, any landowner who constructs residential uses on their property shall have the right to use or to transfer an amount of gross floor area equal to the square footage constructed for residential uses. Notwithstanding paragraph 59-330(d), this bonus may be used or transferred to any subarea in the zone district.

- (2) *Residential proximate to water and/or open space.* One (1) square foot of nonresidential floor area for every ten (10) square feet of residential floor area constructed within the bonus area. Said bonus areas shall be designated in the subarea plans.
- (3) *Development with designated improved open space with public access.* One and one-half (1.5) square feet of nonresidential floor area for every ten (10) square feet of designated improved open space.
- (4) *Underground parking.* Two (2) square feet of nonresidential floor area for every ten (10) square feet of underground parking.
- (5) *Development over the railroad tracks.* One and one-half (1.5) square feet of nonresidential floor area for every ten (10) square feet of development over the railroad tracks.
- (6) *Historic structures designated a Denver Landmark and/or on the National Register of Historic Places which have been renovated and/or preserved.* One (1) square foot of nonresidential floor area for every one (1) square foot within historic structures designated a Denver Landmark and/or on the National Register of Historic Places which are renovated and/or preserved.

(e) *Building height.*

- (1) The base maximum building height in the Platte River Valley shall be one hundred forty (140) feet or as otherwise set forth in the subarea zoning standards. In no event may a building height exceed two hundred fifty (250) feet. Flush mounted solar panels shall not be included in building height measurements anywhere in the Platte River Valley district.
(Ord. No. 53-08, § 32, eff. 2-8-08)
- (2) Subject to the absolute maximum building height of two hundred fifty (250) feet, the base building height of one hundred forty (140) feet, where applicable, may be exceeded if approved by the planning board for a subarea or a development project, subject, however, to the provision that such additional height may not exceed the applicable base maximum building heights by more than twenty (20) percent. The planning board may consider any of the following criteria:
 - a. Literal enforcement of the maximum building height will preclude reasonable development of the parcel; or
 - b. The transfer of density from the use of bonuses which would result in an increased building height; or
 - c. Other public policy objectives regarding views, solar access, ground level winds, housing, water amenities, preservation and open space which may be achieved through increased building heights.
- (3) Subject to the absolute maximum building height of two hundred fifty (250) feet, the base maximum building height as set forth in paragraph (1), above, may be exceeded for a subarea or a development project by utilizing transfer of development rights from

housing development, historic preservation and/or dedication of open space subject, however, to the provision that such additional height may not exceed the applicable subarea base maximum building height by more than twenty (20) percent.

- (4) Maximum building heights of eighty (80) feet and one hundred forty (140) feet, may only be exceeded up to the twenty (20) percent maximum increase when such increase is otherwise consistent with the requirements governing solar access, view corridors and water feature setbacks.
- (5) For the subarea zoning standards not adopted concurrently with these zone district regulations, height limits shall be established within said subarea zoning standards which provide forty (40) to eighty (80) foot heights along the Platte River generally consistent with the Platte Valley comprehensive plan.

(f) *View corridor building heights.*

(1) Hirshorn Park View to Downtown.

- a. *Building height:* No part of any structure within the designated area described in section 59-330(f)(1)b.2. shall exceed an elevation of five thousand two hundred sixty (5,260) feet above mean sea level minus one and nine-tenths (1.9) feet for each one hundred (100) feet that said part of a structure is horizontally distant from the reference point. Wherever a structure lies partially outside and partially inside of the designated area, these regulations shall apply only to that part of the structure that lies within the designated area.

b. Definition of terms used:

1. *Reference point:* A point which is located at a brass cap set in concrete, and which point is located in Hirshorn Park two hundred thirty (230) feet northeast of the center line of 16th Street and one hundred fifty (150) feet northwest of the center line of Boulder Street.
2. *Designated area:* An area enclosed by a line drawn from the reference point southeasterly to the intersection of the center line of 16th Street with the northwest line of the South Platte River Channel, thence northeasterly along the northwest line of the South Platte River Channel a distance of five hundred fifty (550) feet, thence northwesterly to the reference point.

- c. *Exceptions:* Any currently existing structure which would not be in compliance with this subsection (1) may be altered or replaced as necessary for its current height.

(2) Denver Union Terminal view to the South Platte River.

- a. *Building height:* No part of any structure within the designated area described in section 59-330(f)(2)b. shall exceed a height of thirty-five (35) feet. All structures in excess of thirty-five (35) feet in height shall be approved by the Denver

planning board. Criteria used by the planning board in considering such approval shall include public policy objectives regarding views, solar access, water amenities, preservation, and open space.

- b. *Designated area:* An area enclosed by a line drawn from the north corner of the Denver Union Terminal main train room, thence southwesterly to the west corner of the Denver Union Terminal main train room, thence northwesterly to the intersection of the center line of 16th Street and the southeast line of the South Platte River Channel, thence northeasterly along the southeast line of the South Platte River Channel a distance of one thousand twenty (1,020) feet, thence southeasterly to the north corner of the Denver Union Terminal main train room.
- c. *Exceptions:* Any currently existing structure which would not be in compliance with this subsection (2) may be altered or replaced as necessary for its current height.

- (3) Larimer/14th Mountain View. Mount Evans View Corridor, as defined in article IV of chapter 10 of the Revised Municipal Code, section 10-59.5.

(g) *Transfer of development rights.* Transfer of unused development rights or undeveloped floor area from a zone lot shall be permitted. These development rights may be internally transferred to other portions of the subarea from which they originate, or the rights may be transferred between or among other subareas in the Platte River Valley Zone District. Such transfer shall meet the following conditions and requirements:

- (1) This procedure may be utilized a maximum of four (4) times for any sending zone lot.
- (2) The maximum amount of undeveloped floor area which may be transferred from a zone lot shall be the difference between the gross floor area of the structure developed and the basic maximum gross floor area. Any bonuses or development rights transfers which have accrued to a zone lot may also be transferred, as provided in section 59-494(d).
- (3) Transfers of unused or undeveloped floor area shall be made within, between, and/or among subareas with reference to specific zone lots as identified by the owners of these lots.
- (4) All such transfers shall be documented by the zoning administrator and recorded with the department of zoning administration and the clerk and recorder of the city, in such a form as to appear on real estate records. Transfers shall contain the signatures of the owners of all properties involved.
- (5) The zoning administrator shall establish such rules and regulations that are deemed to be reasonable for the administration of development rights transfers, including the stage(s) at which development rights transfers are identified, mechanisms for banking or pooling such rights, limitations on transfer of rights from both sending and receiving zone lots (subject to the sending lot maximum established in (g)(1), hereinabove), related processing requirements and other pertinent information.

(h) *Setbacks.* The setback requirements for each subarea shall include minimum and maximum setback standards and shall be adopted in the subarea plan for each subarea. Setbacks shall be consistent with the subarea zoning standards unless modifications are approved by the planning board, up to a maximum deviation of ten (10) percent from various quantitative subarea zoning standards. Flush mounted solar panels may encroach any distance into any setback space in the Platte River Valley district.

(Ord. No. 53-08, § 33, eff. 2-8-08)

(Ord. No. 361-03, § 3, eff. 5-23-03)

Sec. 59-331. Gross floor area ratio transfers from open space.

(a) Basic maximum gross floor area attached to a pedestrian connector, public trail, public park or other public open space area which is dedicated by a property owner shall be transferable by that owner to another part of that subarea or to any other subarea.

(b) Basic maximum gross floor area for open space which is purchased or condemned by the city or other public entity is not transferable, except by the city or its assignee.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-332. Parking and loading.

(a) Adequate off-street parking space shall be provided for each use by right or use by special review in accordance with this section, however, with approval of the planning director, such parking need not be provided on the same zone lot as the principal use; provided, however, that in the Glenn Court/Stoneman's Row, Overlook and Saint Patrick's/Guadalupe subareas, said off-site parking is provided in the same subarea as the principal use and is approved by the planning director under rules and regulations adopted by the planning board. Adequate off-street loading space shall be provided on the same zone lot for any permitted use in accordance with this section. Off-street parking space and off-street loading space shall not be counted as open space.

- (1) *Parking.* All of the provisions of article VI, "off-street parking requirements," including the parking bonuses for compliance with the provisions of article IV (affordable housing), chapter 27 (housing), of the Denver Revised Municipal Code, shall apply, except as hereinafter provided. The minimum off-street parking requirements provided hereafter shall be calculated on the basis of total floor area which shall consist of the sum of gross floor area and any floor area not included in the calculation of gross floor area under section 59-330(c). The following minimum off-street parking space shall be provided for the following uses:
 - a. General office: 1.5 spaces for each 1,000 square feet of total floor area.
 - b. Convenience retail: 1.0 spaces for each 1,000 square feet of total floor area.
 - c. Hotel: 0.75 spaces for each rental room, or dwelling unit.
 - d. Research and development facilities: 0.5 spaces for each 1,000 square feet of total floor area.
 - e. Public facilities: Special review.
 - f. Multiple dwelling unit: 0.75 spaces for each dwelling unit.
 - g. Recreational facilities, amusement/special interest park, open space: Special review.
 - h. Any permitted use not specified: 0.5 spaces for each 1,000 square feet of total floor area.
- (2) *Loading.* An off-street loading area which is adequately screened from the street providing access shall be provided for each structure. Where required such area shall

contain adequate space for turning and maneuvering and shall be served by a roadway permitting simultaneous ingress and egress. All provisions of article VII, "off-street loading requirements," shall apply except as hereinafter provided.

(b) Parking and loading requirements specified in this section may be reduced by the planning board if such reduction is based on one (1) or more of the following: (1) adequate alternative parking for the use of the zone lot seeking such modification without use of on-street parking; (2) shared parking; (3) transit facilities; or (4) a Transportation Systems Management Plan (TSM) approved by the board. A TSM Plan shall incorporate a balance of auto, HOV, mass transit, ride sharing and other methods of improving vehicular and pedestrian movement. The planning board shall adopt rules and regulations governing the manner in which a TSM Plan is initiated and implemented. Such rules and regulations shall identify the planning stage or development point at which a TSM Plan is required, reflecting thereby the maturing urban character and transportation needs of the Platte River Valley. (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-333. Signs.

(a) *General.* Signs may be erected, altered and maintained only for and by a use by right or a use by special review in the subarea in which the signs are located; shall be located on the same lot as the use by right or use by special review and shall be clearly incidental, customary, and commonly associated with the operation of the use by right or use by special review. Accessory uses may not display exterior signs except as part of the use by right or use by special review sign allowance.

(b) *Sign area measurement.* The provisions of section 59-538, sign area measurement, shall apply.

(c) *Nonconforming signs.* The provisions of section 59-539, nonconforming signs, shall apply.

(d) *Signs not subject to a permit.* The provisions of section 59-537(a), signs not subject to a permit, shall apply.

(e) *Signs subject to a permit.* Upon application to and issuance by the department of zoning administration of a permit therefor, the following signs may be erected and maintained:

- (1) Miscellaneous signs as described and regulated by section 59-537(b)(1) through (8).
- (2) Other signs as regulated by the following provisions:
 - a. *Permitted contents.* Identification by letter, numeral, symbol or design of the use by right or use by special review by name, use, hours of operation, services or products offered, events and price of products and services; and/or any sign or signs that do not come within the definition of off-site commercial signs.
 - b. *Permitted sign types.* Wall, window, arcade and pedestal.

- c. *Permitted maximum number.* Each use by right or use by special review may have the greater number of the following:
1. Four (4) signs; or
 2. Two (2) signs for each front line of the zone lot on which the use by right or the use by special review is located.
- d. *Permitted maximum sign area:*
1. Dwelling, multiple unit. One (1) square foot of sign area for each dwelling unit in a multiple dwelling unit; not, however, to exceed sixty-four (64) square feet of sign area to be applied to any one (1) street frontage.
 2. Commercial hotel and/or residential motel. On zone lots having a linear street frontage of one hundred (100) feet or less, one hundred (100) square feet; on zone lots having a linear street frontage of more than one hundred (100) feet, one (1) square foot of sign area for each linear foot of street front; provided, however, computations shall be made and sign area shall be determined on each street front separately, and provided, further, that in no event shall more than two hundred (200) square feet of sign area be applied to any one (1) street front and no sign shall exceed two hundred (200) square feet in size.
 3. Each use by use by right or use by special review other than a commercial hotel and/or residential hotel. Eighty (80) square feet, or, the total permitted sign area of each use by right or use by special review shall be determined by one (1) of the following provisions; provided, however, that no sign shall exceed one hundred fifty (150) square feet in area nor shall the total sign area of any use exceed four hundred (400) square feet.
 - i. For a zone lot having but one (1) use by right or use by special review: One (1) square foot of sign area for each linear foot of street front of the zone lot; provided, however, that in computing the area of such sign, the measurement of not more than two (2) front lines, one (1) contiguous with the other, shall be used.
 - ii. For a zone lot having two (2) or more uses by right or uses by special review: For each use by right or use by special review, one and one-half (1 ½) square feet of sign area for each linear foot of that portion of building frontage occupied by the use by right or use by special review, for the first two hundred (200) feet of building frontage, then one (1) square foot of sign area for each linear foot of building frontage thereafter.
- e. *Permitted maximum height above grade:*
1. Arcade signs: Twenty (20) feet.
 2. Wall or window signs: Thirty-five (35) feet, except for either one (1) commercial hotel or one (1) major tenant sign which may be at the roof line

of the building to which the sign is attached. A "major tenant" means a building tenant who leases and/or uses in excess of fifty (50) percent of the gross floor area of that building.

3. Pedestal signs: Fifteen (15) feet.
- f. *Permitted location.* Pedestal signs shall be set in at least five (5) feet from every boundary line of the zone lot. Wall signs and arcade signs may project into any required setback space the permitted depth of the sign.
- g. *Permitted illumination.* May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.
- h. *Animation.* Shall not be animated.
- i. *Temporary signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, signs identifying or advertising new construction, remodeling, rebuilding, development, sale, lease, rental or special event regarding either a use by right or a use by special review, or a designated land area; each such permit shall be valid for a period of not more than twelve (12) calendar months and shall not be renewed for more than one (1) successive period at the same location.
 1. Permitted sign types: Wall, window, ground banners and wind signs.
 2. Permitted maximum number: One (1) sign for each front line of the zone lot or designated land area on which the sign is located.
 3. Permitted sign area: Thirty-two (32) square feet for each front line of the zone lot or designated land area on which the sign is located. Computations shall be made and sign area shall be applied to each front line separately.
 4. Permitted maximum height above grade: Ten (10) feet.
 5. Permitted location: Shall be set in at least five (5) feet from every boundary line of the zone lot or designated land area.
 6. Permitted illumination: May be illuminated but only from a concealed light source; shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m.; and shall not flash, blink or fluctuate.
 7. Animation: Shall not be animated.
- j. *Joint identification signs.* Subject to the conditions hereinafter set forth and upon application to and issuance by the department of zoning administration of a permit therefor, joint identification signs are permitted for three (3) or more uses by right or uses by special review on the same zone lot as the sign, excluding parking. The following joint identification signs are in addition to all other signs:
 1. Permitted sign types: Wall and pedestal.
 2. Permitted maximum number: One (1) sign for each front line of the zone lot.

3. Permitted area: The greater number of the following:
 - i. One hundred (100) square feet; or
 - ii. One square foot of sign for each two (2) linear feet of street frontage of the zone lot; provided, however, that the total area of all signs on each front line of the zone lot shall not exceed two hundred (200) square feet.
 4. Permitted maximum height above grade: Twenty-five (25) feet.
 5. Permitted location: Shall be set in at least five (5) feet from every boundary line of the zone lot.
 6. Permitted illumination: May be illuminated but shall not flash, blink or fluctuate and all direct illumination shall not exceed twenty-five (25) watts per bulb.
 7. Animation: Shall not be animated.
- (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-334. Demolition of historic structures.

(a) *Applicability.* The provisions of this section shall apply only to structures listed in the 1983-84 Architectural and Historical Survey of Downtown Denver, and shall apply only to land or subareas that are not covered by an officially adopted subarea plan.

(b) *Notification of landmark preservation commission.* Within five (5) days of receipt of an application for a demolition permit for an applicable structure under this section, the building department shall notify the landmark preservation commission and the historic preservation officer of the planning office of the permit application. Such notice shall be in writing, shall cite the provisions of this section and shall include a copy of the application for the demolition permit.

(c) *Issuance of demolition permits.* No demolition permit shall be issued for applicable structures under this section unless:

- (1) The landmark preservation commission has reviewed said demolition permit application and has informed the building department in writing that it has no objection to the demolition of the structure; or
- (2) Ninety (90) days has elapsed from the date of written notification from the building department to the landmark preservation commission regarding application for said demolition permit.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-335. Development review.

(a) *Development review process, general.* All proposed public and private development projects located in the Platte River Valley Zone District shall comply with the requirements of this zone district, the subarea zoning standards adopted for the subarea in which the projects are located, and an approved subarea plan for that subarea; provided, however, that certain small development proposals are exempt from these requirements in accordance with section

59-335(d)(1)b., subarea plans initiated by private landowners; small developments. The subarea plan approval process shall be conducted by the Denver planning board, as established and configured pursuant to chapter 12, article II, division 2, of this Code. The board shall review and approve, when appropriate, a subarea plan for each subarea in the Platte River Valley District through a review process as set forth herein below. Subarea zoning standards can be modified by the planning board up to a maximum deviation of ten (10) percent from various quantified subarea zoning standards, or by the execution of a development agreement between the city and a landowner, as approved by city council. Such modifications shall only apply to specific features of a subarea plan or a development project, and shall not change the general application of subarea zoning standards to the individual subarea.

(b) *Subarea plans.* Subarea plans, in a formal prescribed by the planning office, shall be submitted for review to the planning board and shall contain the following information:

(1) *Development program.* The following information shall be submitted in narrative form:

- a. Description of land use intent, including explanation of land use concept, preliminary concept of uses and ranges of square footage and locational distribution, parking concept, public open space concept, and circulation concept of auto, bicycle and pedestrian connections within the subarea and to other areas.
- b. Ranges of proposed densities by use, expressed as floor area ratio as defined in the Platte River Valley Zoning district and/or for residential use as dwelling units per acre.
- c. Estimated sequence and estimated timing where known of project, public land and ROW dedications, site improvements, off-site improvements, and supporting facilities as referenced in (2)e., below, to be provided by the land owner, developer, and the city and/or the Denver Urban Renewal Authority.

(2) *Subarea plan concepts.* The following information shall be submitted in graphic form according to technical requirements established by planning office standards:

- a. Illustrative plans, including connections with surrounding and adjacent subareas; and circulation plans, including vehicular, bus, bicycle, and pedestrian service.
- b. Illustrative sketches, showing main ingress and egress, and relationship of development to public amenities and/or open spaces.
- c. Open space concept plan, showing both the general location and preliminary design character for the intended public and private open spaces and bicycles and pedestrian corridors.
- d. Plan illustrating eligibility for transfer development rights and bonus floor area ratio as adopted in the Platte River Valley Zoning District, when requested, including application of additional square footage, if known at the time of submittal.

- e. Identification of those infrastructure, on and off-site improvements to be provided by the land owner, developer, city and/or DURA, both inside and outside of the subarea (when affecting the subarea), which are required to commence and complete the building program.
 - f. Preliminary utility plans and needed capacity for the subarea. Preliminary plans for storm water detention/retention, consistent with the level of specificity of the subarea plans.
 - g. Proposed incorporation of existing structures in future development plans.
- (3) *Preliminary design guidelines.* Information regarding preliminary design guidelines is not required to be part of a subarea plan submittal; however, if such information is available to the applicant, its inclusion is encouraged at this review stage. A subarea plan without design guidelines can be approved by the board, but such guidelines must be approved by the board, and then incorporated into an approved subarea plan prior to zoning permit approval for development projects within that subarea.

Submittal information shall include preliminary exterior design guidelines and a brief narrative and illustrations, where appropriate, for imagery concepts depicting the intended character of the proposed development and open space. Certain of the required information set forth below which does not apply to a particular subarea proposal may be waived at the discretion of the planning director. Submittal of information in addition to that which is required shall be encouraged. Guidelines which deviate from subarea zoning standards may be approved by the planning board up to a maximum deviation of ten (10) percent from various quantitative subarea zoning standards. It is intended that design guidelines will add an additional level of design detail to the applicable subarea zoning standards. Guidelines which propose such deviations shall be identified in the subarea plan proposal. Proposed guidelines shall consist of the following information, and shall be submitted in a form according to technical requirements established by the planning board.

- a. Map showing location of subarea and property.
- b. Brief narrative description of the imagery concepts intended for the subarea and the authority and process for implementing private design review.
- c. Guidelines for building location:
 - 1. Orientation;
 - 2. Building frontage along public right of way;
 - 3. Distance between buildings;
 - 4. Building massing;
 - 5. Building setbacks.
- d. Guidelines for:
 - 1. Glazing and reflective surfaces;
 - 2. Utility and mechanical equipment screening.

- e. Landscaping guidelines:
 - 1. Character of planting and general location;
 - 2. Type of irrigation system;
 - 3. Rail corridor buffer;
 - 4. Terracing;
 - 5. General ground surface treatment.
- f. Guidelines regarding location for utilities.
- g. Access and circulation guidelines for major streets, pedestrian connectors, and bicycle paths.
 - 1. Sidewalks:
 - i. Type/size
 - ii. Location
 - 2. Pedestrian connector standards;
 - 3. Street intersection standards.
- h. Parking guidelines:
 - 1. Location
 - 2. Setback
 - 3. Buffering
 - 4. Type/size
- i. Lighting guidelines.
- j. Signage guidelines.

(c) *Platte River Valley subcommittee to advise planning board.*

- (1) *Composition.* To advise the planning board in public and private development matters pertaining to the Platte River Valley, there is hereby established a Platte River Valley subcommittee to the planning board. The subcommittee representing each subarea shall consist of five (5) members and three (3) alternates. All of the members and the alternates shall be professionals with at least ten (10) years experience in any of the following areas: real estate development, architecture, urban design, landscape architecture, urban planning, land planning, engineering; provided, however, that the two (2) persons appointed to represent the Glenn Court/Stoneman's Row, Overlook or Saint Patrick's/Guadalupe subareas under subsection b., below, shall only be required to have at least four (4) years of experience in any of the applicable areas. The subcommittee members and alternates shall be appointed by the mayor from a list transmitted by the planning board according to the following provisions. The mayor shall have the right to request additional recommendations.
- a. Two (2) persons and an alternate as recommended by the planning board. The planning board, with the advice of property owners in the Platte River Valley,

registered neighborhood organizations, professional organizations and other interested parties shall recommend a list of qualified professionals to the mayor from which the selections shall be made.

- b. Two (2) persons and an alternate for each subarea who are, or who represent, property owners from each subarea. Property owners from each subarea shall recommend a list of qualified professionals to the mayor from which the selections shall be made for individual subareas. At least one (1) of the names to be considered shall be recommended by an owner of fifty (50) percent or more of the subarea, if any; or, by a consortium of property owners who collectively own fifty (50) percent or more of that subarea. These subcommittee representatives for each subarea shall "float" and combine from time to time with the two (2) representatives in a., above, and the one (1) representative in c., below, to constitute the subcommittee regarding development matters in their subarea. Subarea representatives selected under this paragraph will not review development matters in subareas other than the one which they represent.
 - c. One (1) person and an alternate recommended by the Denver city council member from that council district in which the largest amount of land area in the Platte River Valley Zone District is located. That city council member, with the advice of registered neighborhood organizations within the council district and with the consultation of the other members of the city council, shall present the name of a qualified professional and an alternate to the mayor.
- (2) *Function.* Members of the subcommittee shall serve staggered five-year terms, and shall serve with compensation as established by the mayor according to operational rules and regulations. The subcommittee shall meet and review all proposed subarea plans, as requested by the planning board. After completing its review of each proposal, the subcommittee shall, consistent with individual subarea zoning standards, make a written recommendation to the planning board to approve, approve with conditions or deny proposals. The subcommittee shall submit its written recommendation to the board within thirty (30) days after receipt of the subarea plan submittal, but in no event less than seven (7) days prior to the hearing scheduled by the board.
- (d) *Review process for subarea plans.*
- (1) *Subarea plan submittal procedures.*
 - a. A private landowner controlling all or a substantial part of a designated subarea must develop and obtain approval for a plan for that subarea prior to approval of individual development projects. Subarea plans may be submitted to and approved by the planning board for all or an acceptable logical area or portion of each subarea regarding impacts in relation to public areas and infrastructure. Such landowners shall be responsible for developing the required subarea plan and applying for plan approval from the planning board. Landowners who develop subarea plans under this provision shall be required to provide formal written notice of such plans to all owners of parcels in that subarea, if those

parcels are either a part of the area included in such plans, or within two hundred (200) feet from the perimeter of the area included in the plans. No such property owner may exercise a veto power over the right of a larger property owner to submit a subarea plan. Such notice shall be given at least thirty (30) days prior to submittal of the proposed subarea plan to the planning board, according to the rules and regulations of the board governing form, content and timing of this notice. Joint efforts in preparing such plans are encouraged.

- b. Subarea plans initiated by private landowners; small developments. A private landowner controlling part of a subarea, the size of which is too small to develop into a logical subarea plan, must cause the development of and obtain approval for a plan for that subarea (or part thereof) prior to approval of individual development projects. Such landowners may cause the development of a subarea plan under one (1) of the following methods: (1) initiate a cooperative effort with other landowners in the subarea to create a plan, or (2) request that the city create a plan for the subarea. Whoever causes the development of a subarea plan under this provision shall be required to provide formal written notice of that proposed plan to other interested landowners in the same manner provided in a., above. When the city is requested to develop a subarea plan, the city shall be permitted a six (6) month period following formal agreement to undertake such plan within which to complete the plan, with reasonable extensions to be granted at the city's discretion. The city may charge a fee for developing subarea plans requested by private landowners. The fee schedule shall include a provision for fee reimbursement from landowners who do not participate in development of the subarea plan, but who later develop under the plan.
- c. The following small scale building activities are specifically exempt from the requirement to develop a subarea plan:
 1. Rehabilitation of an existing building which conforms to the use requirements for the subarea in which the building is located.
 2. Limited expansion, not exceeding thirty (30) percent of the floor area of an existing building containing a permitted, nonresidential use(s), subject to the provision that the planning board must approve all such expansions prior to commencement of work.
 3. Interim period regulations: During the interim period between the adoption of the Platte River Valley Zone District (P.R.V.) regulations and the approval of a subarea plan, limited development activity as defined below shall be regulated by the zoning district provisions in effect prior to the adoption of the P.R.V. regulations. Limited development activity is a type of change to a developed or partially developed property involving minor improvement to the property such as the construction of a fence, the construction of an accessory structure, the enlargement of a residential structure, the construction of a porch or patio, and other similar improvements. In situations where

a specific requirement of the P.R.V. regulations imposes a more restrictive limitation on a proposed improvement than the prior zoning provisions, the requirements of the P.R.V. regulations shall apply.

4. Interim period use regulations: During the interim period between the adoption of the P.R.V. district regulations and the approval of a subarea plan, a proposal to establish a use as listed below shall be reviewed for approval by a review committee consisting of the zoning administrator, the director of planning and development, and the chairperson of the planning board or their designated representatives.
 - i. A new use within an existing building;
 - ii. An unenclosed use (i.e., one (1) not operated in a completely enclosed structure), including the establishment or expansion of a parking area to serve the off-street parking needs of an operating use. The period of operation for such unenclosed use shall be limited to five (5) years.
 - iii. Such proposed use must have been included on the list of permitted uses for the zone district in effect on the property prior to the adoption of the P.R.V. designation, or such use is listed as a use by right on the P.R.V. use matrix for the specific subarea in which the use is located. In reviewing an application for a proposed use, the committee shall consider the general purpose, scope and description of the P.R.V. district along with any zoning standards approved for the subarea in which the subject property is located. In situations where a specific requirement of the P.R.V. regulations imposes a more restrictive limitation on a proposed use than the prior zoning provisions, the requirements of the P.R.V. regulations shall apply. In approving an application, the review committee may attach conditions and/or limitations as are necessary to preserve adjoining property values and promote the goals of the P.R.V. district.
5. Small developments in certain subareas. Small developments proposed for certain subareas shall be exempt from the requirement for a subarea plan provided they meet the following conditions:
 - i. The proposed development will occupy a zone lot that contains twenty thousand (20,000) square feet or less, is held in one (1) ownership, existed on or before March 23, 1988, and is not a phase of a planned larger development;
 - ii. The zone lot is located in any PRV subarea which is included in an approved neighborhood plan and for which zoning standards have been approved. (For the purpose of this section the PRV district regulations and attached maps are not considered to be a neighborhood plan.)
 - iii. No subarea plan has been approved for the subarea or portion of subarea in which the zone lot is located.

- iv. The proposed use of the zone lot is either a use by right or a use by special review as listed in section 59-324(b), use by right and use by special review.
6. General and specific requirements: Small developments meeting the above conditions shall be evaluated for conformance with the most recently approved plans and guidelines for the area in which the zone lot is located. Such plans and guidelines shall include the neighborhood plan, the Denver comprehensive plan, and any other requirements, policies or standards within the PRV regulations which may apply to the subject zone lot. Such proposed developments shall comply with the requirements of section 59-329, limitations on external effects; 59-330, permitted structures, provided however, that subsection (g), transfer of development rights, shall not apply until a subarea plan has been approved for the entire subarea; section 59-331, gross floor area ratio transfers from open space; section 59-332, parking and loading; section 59-333, signs; section 59-334, demolition of historic structures; section 59-336, residential development; section 59-337, dedication of open space; and section 59-338, subarea zoning standards for the subarea in which the subject zone lot is located.
7. Review procedures: The following review procedures shall be observed according to the classification of the proposed use on the use matrix contained in section 59-324.
 - i. Use by right: As a first step in obtaining city approval of a proposal, an applicant shall submit a schematic plan of the proposed development to the planning office for review. Upon the approval of such schematic plan the applicant shall then submit a use and construction permit application to zoning administration. This application shall include a site plan and building elevations which shall be forwarded to the planning office and the PRV subcommittee for review. The planning office shall evaluate the application and attached plans on the basis of the approved guidelines listed in a preceding paragraph and accepted site planning standards. The planning office shall return a recommendation on the application within twenty-five (25) days after receipt of the application from zoning administration. The zoning administrator shall implement the recommendation of the planning office through the issuance or denial of the necessary zoning permit. The decision of the administrator may be appealed to the planning board according to the provisions of subsection 59-335(g)(3), appeal.
 - ii. Use by special review: As a first step in obtaining city approval of a proposal, an applicant shall meet with members of the planning office for a pre-application conference. Following this conference the applicant shall submit a use permit application and a schematic plan of the proposed development to zoning administration for referral to the

planning board and the PRV subcommittee. At a public meeting the planning board shall evaluate the application and attached plan on the basis of the approved guidelines listed earlier and the compatibility of the proposed use to the goals of the PRV. The planning board shall return a recommendation on the application within forty-five (45) days after receipt of the application from zoning administration. If the board recommends approval of the proposal, the applicant shall prepare and submit a detailed site plan and building elevations to the zoning administration for review by the planning office according to the procedure set forth in section i. above.

- d. Subarea plans initiated by public development proposals. A proponent for a public project, whether or not publicly funded, shall cause the city to develop and approve a subarea plan. Such plan shall include the area in which the project is located as well as the area directly affected by the project. The project proponent shall be required to provide formal written notice of that proposed plan to interested landowners in the same manner as provided in a., above. The city shall be permitted a six (6) month period or period otherwise agreed upon by the majority of interested landowners within which to complete such plan, with reasonable extensions to be granted at the city's discretion. Strict application of subarea plan requirements may be waived by the planning board for public projects, at the board's discretion, upon written request and stated justification by the requesting public agency. All public projects shall require public review and comment by the planning board even if some or all of the subarea plan requirements are waived.
- e. Sidewalk improvements which are located in a developed area and which involve the reconstruction of sidewalks and/or curbs, the installation of street trees, lighting devices and/or similar improvements are specifically exempt from the requirement to develop a subarea plan.

(2) *Approval process.*

- a. Subarea plan proposals together with fees shall be submitted to the planning board for review and approval. Upon receipt of a complete subarea plan application, as determined by the board, a public hearing to consider that application shall be held within forty-five (45) days. Notice of the time and place of such hearing shall be published at least once in the official newspaper at least twenty-one (21) days prior to the hearing. Additionally, any area for which a subarea plan is being considered shall be posted for at least twenty-one (21) days prior to the hearing. The posted notices shall be in number, size and location as prescribed by the department of zoning administration and shall include the time and place of the public hearing and any other information prescribed by the department. Posted notices shall be removed by the applicant from the subject area within fifteen (15) days after the public hearing has been held. Failure to do so shall constitute a violation of this chapter. The board shall promptly forward

each proposed subarea plan to the board's Platte River Valley subcommittee for its review and advisory recommendation as provided in (c)(2). After receipt of the subcommittee recommendation, the board shall conduct a public hearing according to board rules and regulations on the date previously scheduled, and the board shall make one (1) of the following determinations:

1. The proposed subarea plan complies with the requirements of this zone district, and the subarea zoning standards established for the subarea; or
 2. The proposed subarea plan complies, in part, with the requirements of this zone district, and the subarea zoning standards established for the subarea; however, the plan includes a feature or features which require planning board approval by special review; or
 3. The proposed subarea plan complies, in part, with the requirements of this zone district, and the subarea zoning standards established for the subarea; however, the plan includes a feature or features which deviate from those requirements in a manner which necessitates specific approval by the planning board for such deviations pursuant to the provisions of this district; or
 4. The proposed subarea plan does not comply with the requirements of this zone district, and the subarea zoning standards established for the subarea; nor does the plan otherwise qualify for approval pursuant to b. or c, above.
- b. The board shall consider all submittals in a public hearing after receiving the advice and recommendations of the Platte River Valley subcommittee.
1. If the subarea plan complies with the requirements of this zone district, and the subarea zoning standards for the subarea, then the planning board shall determine (2)a.1., and the board shall approve the plan as being in compliance with the requirements for the subarea.
 2. If, however, the planning board determines (2)a.2. or (2)a.3., then each item of special review or deviation from standards pursuant to the provisions of this zone district as proposed in subarea plan shall be reviewed by the board. The board's decision to approve, approve with conditions, or deny any special review or deviation shall be based on the following considerations:
 - i. When a proposed subarea plan includes a matter for special review, the board must find that the proposal is in compliance with the requirements set forth in section 59-324(b)(2), above, and the subarea zoning standards and the rules and regulations regarding special review features for that subarea.
 - ii. When a proposed subarea plan includes a proposed deviation pursuant to the provisions of this zone district, or from subarea zoning standards, the board must find that the proposal is: (a) in compliance with the allowable ten (10) percent range of deviation permitted herein; (b)

substantially consistent with the overall development objectives established for that subarea; and (c) compatible with existing or approved development in the surrounding area.

3. If the planning board determines (2)a.4., above, the board must deny approval for the proposed subarea plan.
- c. The board must state in writing the basis for its action of approval or denial of any subarea plan application. If the board believes that sufficient detailed information pursuant to section 59-335(b)(2) and (3) was not submitted with the subarea plan, then the board may condition their approval on the submission of the additional information prior to any application for a subdivision plat, planned building group, or a zoning permit review. The board shall specifically identify such additional information to be submitted. If no such additional information is required by the board at the time of the subarea plan approval, then an applicant may proceed to development pursuant to the subarea plan as set forth in section 59-335(g)(1) and (2). The board, in its discretion, may informally offer its advice and recommendations to the applicant regarding various features of the subarea plan.
- d. When the board approves a subarea plan in response to a public development proposal, the board shall also make its formal recommendation regarding the specific public project to the responsible public agency. The board's recommendations shall be based upon the proposal's compliance with applicable subarea zoning standards for the subarea.

(e) *Amendment to subarea plans.* An approved subarea plan may be amended at the request of any landowner in a subarea which is subject to that plan. An application for an amendment may be submitted requesting that all or a part of a previously approved subarea plan be amended. Applications for major amendments to an approved subarea plan shall be reviewed in the same manner required for approval of a subarea plan, subject however to the provision that certain subarea plan submittal requirements may be waived by the planning board, at the board's discretion, upon the request of an applicant. Applications for minor amendments to an approved plan shall be reviewed by the city planning office. The planning board shall establish rules and regulations to administer the system of major and minor subarea plan amendments.

(f) *Appeals process.* A party of interest may appeal a decision by the planning board approving, approving with conditions, or denying a subarea plan application, or an application to amend. Status as a party of interest shall be established by the planning board when a subarea plan or amendment thereto is being considered for action. Appeals shall be made directly to the Denver district court within thirty (30) days after final decision by the planning board.

(g) *Development under subarea plans.*

- (1) *General.* Individual development projects which are consistent with approved subarea plans, which subarea plans do not require additional information pursuant to section 59-335(d)(2), shall be eligible for subdivision plat, planned building group, or zoning permit review.

- (2) *Staff review.* Upon receipt of an application for a proposed development project the zoning administrator shall review the proposal in the context of an approved subarea plan for consistency with that plan. No project shall be approved under a proposal for a subdivision plat or a planned building group, nor shall such project be granted a zoning permit if the zoning administrator determines that the project, as proposed, is inconsistent with the approved subarea plan.
 - (3) *Appeal.* An applicant may appeal a decision by the zoning administrator to the planning board for review. Each appeal to the board shall be reviewed first by the Platte River Valley subcommittee. The subcommittee shall meet as necessary and review the decision of denial by the zoning administrator. After completing its review, the subcommittee shall make a written recommendation to the planning board to uphold or reverse the zoning administrator's decision. The subcommittee shall submit its written decision to the board within ten (10) days after completing its review of the matter, but in no event more than thirty (30) days after initiating its review. Appeals from the planning board's final decision shall be made to the board of adjustment. The review by the board of adjustment shall be a review of the record created before the planning board.
- (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-336. Residential development.

- (a) *Requirements.* Subject to the provisions of this section 59-336, each owner of land in the Platte River Valley Zone District shall identify ten (10) percent of that owner's land as a designated housing site.
 - (1) The ten (10) percent requirement shall be measured against the "net property" of an owner. The "net property" is the amount of land owned at the time of adoption of this ordinance, less any portion of such land which has been dedicated to or purchased by the city or other public entity for streets, parks, pedestrian ways, or other public purposes at or before the time of identification of the designated housing site, or which is occupied by an historic structure.
 - (2) This requirement shall apply to all owners of land within the Platte River Valley Zone District, except it shall not apply to any property owned by the United States Government, the State of Colorado, the City and County of Denver, or any quasi-municipal corporation of the State of Colorado.
 - (3) If an owner dedicates or sells additional land for streets, parks, pedestrian ways or other public purposes after the identification of the designated housing site, then the owner may reduce the size of the designated housing site in proportion to the amount of land sold or dedicated.
 - (4) The requirements of this section shall not apply to:
 - a. Any owner where the net property of that owner is less than sixteen thousand (16,000) square feet. Provided however, this exception shall not apply where the net property of an owner is less than sixteen thousand (16,000) square feet and

subsequent to the enactment of this ordinance, said owner purchases sufficient additional property so that all of the contiguous property exceeds sixteen thousand (16,000) square feet.

- b. The sale of property including existing buildings which conform to the use requirements for the subarea in which the property is located, and for which the use will remain the same.
- c. Rehabilitation of an existing building which conforms to the use requirements for the subarea in which the building is located provided that the rehabilitation costs do not exceed fifty (50) percent of the replacement cost of the building.
- d. Limited expansion not exceeding thirty (30) percent of the floor area of the existing building(s)/permitted use(s) provided that expansion costs do not exceed fifty (50) percent of the replacement cost of the building(s).

(b) *Compliance.* A designated housing site shall be identified according to the provisions of this subparagraph (b).

- (1) Designation thresholds. An owner must identify the designated housing site prior to the time that either (i) fifty (50) percent of the net property or development rights has received building permits, or (ii) the owner has sold fifty (50) percent of the net property; or (iii) the owner has either sold or has received building permits on a total of sixty (60) percent of the net property. A sale of all of the net property in one (1) bulk transaction shall not trigger the requirement to identify the designated housing site, which identification requirement shall be the responsibility of the purchaser.
- (2) A site shall be a designated housing site when a notice of housing designation is filed with the department of zoning administration of the city. The notice of housing designation shall identify the property designated.
- (3) The department of zoning administration may record the notice of housing designation with the office of the clerk and recorder.
- (4) The department of zoning administration may promulgate rules, including such reporting requirements as are necessary, in order to monitor the time at which a housing site must be designated. Such regulations may include reporting requirements for the sale of the property, but no such regulation may include any prohibition against or limitation on the sale, transfer, or encumbrance of any property.
- (5) Nothing in this subsection (b) shall be construed to prohibit designating multiple sites as the designated housing site or designating any site for partial satisfaction for the requirements set forth in paragraph (a), above.
- (6) To insure compliance with the requirements set forth in this section 59-336, the city shall record the provisions of this section 59-336, including a map of the district in which these provisions apply, in the records of the clerk and recorder. If the designation

threshold requirements set forth in subparagraph (1), above, have been reached and a designated housing site has not been identified, the city may withhold the approval of any zoning permits or subdivision plats for the net property of the owner.

(c) *Consequence of designation.*

- (1) Following the designation of property as a designated housing site, the owner and subsequent owners of that site shall be limited to the use of the property by the following:
 - a. If the owner transfers all of the basic minimum gross floor area from the designated housing site, then only residential uses may thereafter be built on the designated housing site.
 - b. If the owner constructs residential units on the site, the owner would retain the basic maximum gross floor area density for use on the site or for transfer to other sites pursuant to section 59-331(a) of the Platte River Valley Zone District.
 - c. If the owner elects not to construct residential units and builds nonresidential development on the property, then the owner shall pay a housing fee equal to twenty-five (25) percent of the dollar amount calculated by multiplying the fair market value per square foot of property times the number of square feet of land area in the designated housing site.
 1. The fair market value per square foot of property shall be the current sale price if a bona fide sale of comparable property within the subdistrict has occurred within the previous twelve (12) months or, if no sale has occurred, the value as determined by an independent appraisal, approved by the city.
 2. If residential uses are constructed on a portion of the designated housing site and nonresidential uses are constructed on a portion, then the housing fee shall be adjusted accordingly.

(d) *Certificate of housing compliance.* A certificate of housing compliance may be issued by the department of zoning administration, at the request of the landowner.

- (1) A certificate of housing compliance shall be issued for property which is not a designated housing site when:
 - a. The designation thresholds set forth in section 59-336(b)(1) for identifying the designated housing site have not been reached.
 - b. An owner has identified its designated housing site on another parcel, or has developed an alternative plan to payment of the housing fee pursuant to section 59-336(e).
 - c. The owner participated in the development of residential uses on other property in the district in accordance with the provisions of subsection (e)(3)c. or d., so long as such other property is not being used to satisfy another owner's housing requirement.

- (2) A certificate of housing compliance shall be issued when:
 - a. Residential uses have been constructed on the designated housing site.
 - b. The housing fee has been paid pursuant to section 59-336(c)(1)c.
 - c. In the case of a site dedicated for housing-related amenities as described in section 59-336(e)(3)a., when such housing-related amenities have been constructed on such site.
 - d. In the case of a site dedicated for open space as described in section 59-336(e)(3)b., when an ordinance accepting the dedication of such site has been passed by city council and signed by the mayor.
 - e. In the case of a site otherwise dedicated pursuant to section 59-336(e)(3)d., at a time which is agreed upon by the owner, the planning board and the planning board subcommittee reviewing such owner's alternative plan.
 - (3) The city shall respond to any request for a certificate of housing compliance within thirty (30) days. Failure to issue the certificate of housing compliance or to deny a certificate of housing compliance in writing with the reasons for denial within the thirty-day period shall be deemed to be approval of a certificate of housing compliance.
 - (4) The certificate of housing compliance can be relied on by any owner, purchaser or mortgagee.
 - (5) The certificate of housing compliance may be recorded by the owner in the office of the clerk and recorder.
- (e) *Alternatives to payment of housing fee.*
- (1) This section 59-336(e) is intended to recognize that locational constraints and other physical limitations may render certain properties in the Platte River Valley Zone District unsuitable for housing, and to permit owners of such properties, upon demonstrating such unsuitability, to satisfy the housing fee payable pursuant to section 59-336(c)(1)c., by methods other than cash payments.
 - (2) If, either at the time of submittal of a subarea plan for a subarea or portion of a subarea pursuant to section 59-335(b), or at the time a property owner must designate its designated housing site pursuant to this section 59-336, such owner can reasonably demonstrate to the planning board subcommittee responsible for the subarea in which such owner's property is located and to the planning board that the ten (10) percent portion of such owner's property required to be dedicated for housing pursuant to this section 59-336 the housing site is "unsuitable" as defined below, for housing, assuming that the rest of the property is devoted to uses permitted under the Platte River Valley Zone District, such owner shall have the right to elect, in lieu of paying the housing fee described in section 59-336(c)(1)c., to develop an alternate plan to satisfy the fee, in whole or in part, by any one (1) of the methods or a combination of the methods described in subsection (3), below.

For purposes of this section 59-336, "unsuitable" shall mean that the housing site, if developed at the densities permitted by the Platte River Valley Zone, is inappropriate

for residential uses, taking into account such factors, among others, as the location, size and configuration of the housing site, access to amenities, compatibility of housing as a use of the housing site with existing and proposed neighboring uses, access to and from the housing site and environmental quality of the housing site. Economic feasibility and/or land costs may be considered but shall not be the only factors in determining whether the housing site is unsuitable for housing. The burden of making such demonstration of unsuitability shall be on the property owner, provided that the subcommittee reviewing such demonstration and the planning board make findings in support of their decision. In the event that the subcommittee and the planning board determine that the housing site is unsuitable for housing, such owner shall be responsible for formulating an alternate plan for satisfying either all or a portion of the housing fee using the methods described in subsection (3).

- (3) Any property owner who, pursuant to subsection (2), above, is able to establish that such owner's housing site is unsuitable for housing shall have the right to satisfy the housing fee, in whole or in part, by one (1) or a combination of the following methods:
 - a. Such owner may set aside a portion of its site for "housing-related amenities," as defined below, including without limitation, portions of existing structures which are not then occupied by such use, which portion with respect to land set aside shall not, in any event, have a total land area of less than three thousand (3,000) square feet. In calculating the credit to be given against the housing fee, the basis of measurement for such portion shall be its land area or its floor area, as the case may be. As used herein, a "housing-related amenity" shall mean any commercial, service, entertainment, cultural, recreational, community or restaurant use which depends in significant part for its livelihood on the business of residents in close proximity to such use.
 - b. Such owner may set aside open space above the six (6) percent required dedication or improve existing open space either on or off its site. In calculating the credit to be given against the housing fee, the basis of measurement for such open space set aside shall be the area of land set aside over the six (6) percent requirement, and the basis of measurement for such open space improved shall be, on a dollar for dollar basis, the amounts expended for such improvements. If the city accepts any such open space located on the owner's site as a public park, the city shall be obligated to maintain such open space; if any such open space remains as private open space, the owner shall be obligated to maintain such open space. Any open space dedicated or improved pursuant to this provision shall not be taken into account when determining bonuses pursuant to section 59-330(d)(2), or the gross floor area transfers from open space pursuant to section 59-331. Whether a parcel of open space is sufficiently improved to allow an owner to include it in the calculation provided herein shall be determined by the planning board and the subcommittee reviewing such owner's subarea plan.
 - c. Such owner may develop new housing, substantially renovate existing housing, or dedicate a site for new housing, at another location within the Platte River

Valley Zone District. In calculating the credit to be given against the housing fee, the basis of measurement for such investment or dedication shall be the gross floor area of the new or renovated housing or the land area of the site dedicated, as the case may be.

- d. Such owner may use any other method to satisfy the housing fee which is agreed upon by the subcommittee responsible for reviewing such owner's subarea plan, the planning board and such owner, and in calculating the credit to be given against the housing fee, the basis of measurement shall be that which is mutually agreed upon by such owner, such subcommittee, and the planning board.
- (4) Any property set aside pursuant to subsection (3), above, may be designated in the same manner as housing sites are designated pursuant to section 59-336(b).
- (f) *Miscellaneous.*
 - (1) After recording of a notice of housing designation, a landowner may request a substitution of different property for the property described in the notice of housing designation, provided only that the substitute property is of sufficient size. If such substitution occurs, a release of the notice of housing designation shall be recorded by the department of zoning administration.
 - (2) Any housing fees which are paid pursuant to this section 59-336 shall be paid prior to the issuance of a zoning permit.
 - (3) In the event a building permit for which a housing fee has been paid expires prior to the commencement of the work so that it will be necessary to obtain a new permit to carry out any development, then any housing fee previously paid shall be refunded. The procedures set forth in this section regarding construction of housing or payment of a housing fee shall then be followed for any new permit.
 - (4) The department of zoning administration shall promulgate such rules and regulations as are necessary to carry out the intent of this section, including but not limited to prescribing the form of the notice of housing designation and the certificate of housing compliance.
- (Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-337. Dedication of open space.

(a) *General.* All development of land within the Platte River Valley Zone District causes a need for open space and related amenities. Since this need is a result of demands created by such development, it is proper and reasonable to require a dedication of land in an amount related to the demands attributable to such development. It is the intent of this section to establish an open space requirement and procedure so that developers of land will dedicate open space sufficient to satisfy such need.

(b) *Open space dedication requirement.* Prior to issuing a zoning permit to develop or redevelop land in the Platte River Valley Zone District, the city shall require the owner of such land to offer by dedication a land area as shown below or fees in lieu thereof or a combination

of these two (2) requirements to the city for open space purposes:

| <i>Net Land Area of the Development</i> | <i>Required Open Space Dedication</i> |
|---|---------------------------------------|
| 0 to 10,000 sq. ft. | 0% |
| 10,001 to 16,000 sq. ft. | 1.5% |
| 16,001 to 20,000 sq. ft. | 3% |
| 20,001 and over | 6% |

The city shall have the right to accept or reject land offered by dedication to meet the requirements of this section. If the city rejects land offered by dedication, it may require the payment of fees in lieu thereof as hereinafter provide. Acceptability of the specific form for the offer by dedication shall be determined by the city consistent with a general city policy adopted in this regard.

This required land dedication may be met by an in-lieu monetary payment equivalent in value to the land which would otherwise be dedicated, or a combination of land and monetary payment, when permitted as hereinafter provided.

(c) *Exceptions.* The open space dedication requirement shall not apply to:

- (1) Rehabilitation of an existing building which conforms to the use requirements for the subarea in which the building is located provided that the rehabilitation costs do not exceed fifty (50) percent of the replacement cost of the building.
- (2) Limited expansion not exceeding thirty (30) percent of the floor area of existing building(s)/permitted use(s) provided that expansion costs do not exceed fifty (50) percent of the replacement cost of the building(s).

(d) *Monetary payment in lieu of land dedication.* With the approval of the director of planning and development, a landowner responsible for offering land in dedication for open space may make a monetary payment in lieu of the land dedication.

(e) *Specific provisions.*

- (1) The offer of land by dedication shall contain language of reversion for any in-lieu monetary payment which is not used, or for any land which is not improved in a timely manner for the public purpose for which it was intended. Such reversion may be triggered either by a predetermined time period, or upon the completion of a predetermined percent [percentage] of the development from which the dedication was obtained, if the land or money has not been used properly as provided for herein.
- (2) The in-lieu monetary payment shall be in an amount equal to the market land value of the amount of land which otherwise would have been offered by dedication. Such value shall be established at time of plat approval or if the area has already been subdivided at the time of zoning permit approval. The method utilized for establishing market value in the absence of agreement by the parties shall be determined by an appraised land value. The system for establishing an appraised land value shall be determined by administrative rule.

(f) *Rules and regulations.* The director of planning and development is hereby authorized to adopt and shall promulgate administrative rules and regulations deemed necessary for the proper and effective enforcement of the provisions of this section. Such rules and regulations shall be consistent with the provisions of this section.

(g) *Withholding of permits.* The city is authorized to withhold subdivision plat approval, the issuance of a zoning permit, an address permit, or any other required permit until arrangements have been made to the satisfaction of the director of planning and development that the required offer by dedication of land or money in lieu thereof has been provided by the owner of the land to be developed or redeveloped.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Sec. 59-338. Subarea zoning standards.

(a) Development requirements, general. Public and private development projects located in the individual subareas of the Platte River Valley Zone District shall comply with the following: (1) the requirements of this zone district which are applicable to those subareas; (2) the subarea zoning standards adopted for each subarea; and (3) an approved subarea plan for the subarea in which the projects are located. Subarea zoning standards for each subarea shall be adopted by city council. Such subarea zoning standards may include provisions for administrative flexibility to be administered by the planning board up to a maximum deviation of ten (10) percent for various quantitative standards. Changes in such standards which exceed ten (10) percent shall require prior approval by city council as an amendment to the subarea zoning standards. Proposed amendments may be initiated by the planning board, a property owner from a subarea to which such amendments apply or a party of interest as determined by the planning board. Subarea zoning standards, and all amendments thereto, shall be substantially consistent with relevant features of adopted neighborhood plans which relate to the Platte River Valley Zone District.

(b) Subarea zoning standards shall be reviewed and recommended to the city council by the planning board under rules and regulations adopted by the board. In approving the subarea zoning standards the city council must find that the proposed standards are consistent with the Central Platte Valley comprehensive plan amendment adopted under Ordinance Number 478, series of 1986, and are consistent with the provisions of the Platte River Valley Zone District as set forth herein. The subareas in the Platte River Valley Zone District are listed below:

- (1) Auraria Business and Research Park.
- (2) Auraria Village.
- (3) Rice Yards.
- (4) Cherry Creek.
- (5) Denver Union Terminal.
- (6) Sixteenth to Twentieth/Common.

- (7) Prospect.
- (8) Sports Complex.
- (9) Water Street.
- (10) West Bank.
- (11) Glenn Court/Stoneman's Row.
- (12) Overlook.
- (13) Saint Patrick's/Guadalupe.
- (14) Diamond Hill.
- (15) Gates Crescent.
- (16) Rockmount.
- (17) Front View Crescent.

The following subarea zoning standards are approved as part of this amendment to chapter 59 (zoning):

- A. Auraria Village.
- B. Rice Yards.
- C. Cherry Creek.
- D. Sixteenth to Twentieth/Common.
- E. Glenn Court/Stoneman's Row.
- F. Overlook.
- G. Saint Patrick's/Guadalupe.
- H. Denver Union Terminal.
- I. Diamond Hill.

Editor's note—The above listing of approved subarea zoning standards has been designated by the editor as "A" through "I" for consistency with the designations given hereinbelow, at the direction of the city.

A. Auraria Village subarea zoning standards.

1. *Character:* Mixed use development, including housing. Building facades along the pedestrian connectors should be 3—5 stories with, typically, retail on the ground floor; commercial/office or possibly residential on the upper floor(s). Development will require some buffering from Auraria Parkway and, if necessary, along the railroad tracks, with landscaping and parking garages. Wynkoop becomes the primary pedestrian street, in that most of the activity is oriented along Wynkoop and that activity provided both business, professional and student support. Wynkoop should also be used for pedestrian access to Cherry Creek. Concentrated and "continuous" retail

should be located on street level to encourage active pedestrian traffic. Parking is preferred to be below grade or in structures near tracks and/or along major thoroughfares.

2. *Auto circulation:*
 - (a) Major access to subarea from Auraria Parkway, Wewatta, 7th and 9th Streets.
 - (b) A crossing over the mainline rail corridor shall occur at either 7th or 9th Street.
 - (c) Right and left turns from Wynkoop and major access roads.
 - (d) Two-way Wynkoop.
 - (e) At-grade intersections with Wynkoop and 7th, 9th and 11th.
3. *Public right-of-way:*
 - (a) Wynkoop—80 feet.
 - (b) 7th and 9th Street requirements—80 feet.
 - (c) Pedestrian corridors along 7th, 9th and 11th—20 feet minimum width from curb to building.
 - (d) Public access to Cherry Creek from Wynkoop must be maintained.
 - (e) Wewatta—To accommodate 4—6 lanes of traffic, as well as double left hand turns where appropriate. More refined dimensions and a preliminary layout shall be shown as part of the subarea plan.
 - (f) Speer—180 feet.
4. *Parking:*
 - (a) Garage exteriors along pedestrian connectors and Wynkoop Street shall be buffered with one (1) or more of the following: ground floor retail, active uses (i.e., service, restaurants, etc.), landscaping, and/or special facade treatment.
 - (b) Off-site parking locations preferred against railroad corridor and the Wewatta Extension.
 - (c) Access preferred off of 7th and 9th Streets.
 - (d) Curb cuts off of Wynkoop should be located in a regular grid pattern following typical Denver Street proportions.
 - (e) Parking structures should be integrally designed, including access, with Wewatta and the 7th and 9th Street overpass.
5. *Pedestrian circulation:*
 - (a) Primary pedestrian routes at 7th, 9th and Wynkoop.
 - (b) Utilize existing railroad bridge at Wynkoop for pedestrian and bicycle path (if possible).
 - (c) Pedestrian access from Auraria Village to Cherry Creek shall be maintained.

- (d) Garages must maintain pedestrian access to 7th, 9th and Wynkoop pedestrian connectors.
 - (e) Create active pedestrian areas along 7th, 9th, and Wynkoop; setbacks shall not detract from active pedestrian use of these streets.
6. *Building orientation/massing:*
- (a) Building frontages along pedestrian connectors shall be at least two (2) stories and shall only be interrupted by plazas, pedestrian ways and entryways. Passive landscaped side yards are prohibited.
 - (b) Use wider sidewalk areas to encourage active use of space, i.e., displays, outdoor eating, vendor trade.
 - (c) Cornice line along Wynkoop to be determined in subarea plan.
 - (d) Maintain building articulation at 30—40 foot intervals of retail and commercial activity along Wynkoop. Maintain variation at 30—40 foot intervals through changes in either structure, facade, color, materials or roof line.
 - (e) New development along Wazee and the Auraria Parkway should be designed with massing and street orientation compatible to the existing historic structures.
 - (f) Research and development facilities shall be buffered with one (1) or more of the following: ground floor retail, active uses (i.e., service, restaurants, etc.), landscaping, and/or special facade treatment, and such facilities shall not have dead walls along streets.
7. *Building entrances:*
- (a) All buildings facing Wynkoop must have a primary pedestrian entrance from Wynkoop Street.
 - (b) Buildings along 7th and 9th Street should have access from 7th and 9th Street.
 - (c) Access must be provided to perimeter ground retail, commercial, and other related uses from a pedestrian connector. Common entries are acceptable.
8. *Setbacks:*
- (a) Wynkoop—To be determined in the subarea plan but not to exceed a maximum of 10 feet.
 - (b) 7th and 9th Street—0 feet beyond r-o-w.
 - (c) Minor access roads—0 feet beyond r-o-w.
 - (d) Wewatta Extension—to be determined in subarea plan.
9. *Open space/special features:*
- (a) To be determined in the subarea plan, and such open space/special features shall be consistent with the Central Platte Valley comprehensive plan amendment.
10. *Preferred land uses:*
- (a) Office.

- (b) Retail—Concentrated on Wynkoop.
- (c) Restaurants, bars, especially concentrated along Wynkoop, 7th, 9th and 10th Streets.
- (d) Residential.
- (e) Hotel.
- (f) Conference facilities.

B. *Rice Yards subarea zoning standards.*

1. *Character:* Business and residential park, with "signature" buildings along main arterial road, with lower structures located closer to river bank. Open-space "fingers" and pedestrian connection connecting development to river. As an alternative character, this subarea may be developed as an amusement/special interest park and/or a public recreation or cultural facility; in which case, the standards listed below need not apply to such development except as determined by the planning board.
2. *Auto circulation:*
 - (a) Emphasize urban/pedestrian character (city streets and sidewalks) along collector and arterial roads, as well as along connections to river and between subareas.
 - (b) Where internal circulation is required, street layout should follow grid pattern between railroad corridor and Mile High Blvd.
 - (c) 7th and 9th should extend to the river greenway edge.
 - (d) Curb cuts:
 - Mile High Boulevard:
 - 100-foot minimum from the center line of intersection at 7th, 9th and Speer Blvd.
 - Four (4) curb cuts on each side of street, and two (2) median cuts, between 7th and 9th.
 - Four (4) curb cuts on each side of street, and two (2) median cuts, between 9th and Speer.
 - 7th and 9th Streets:
 - 100-foot minimum from center line of intersection with Mile High Blvd.
3. *Public right-of-way (minimum standards):*
 - (a) Mile High Boulevard—Eighty (80) feet, one hundred (100) feet with median.
 - (b) 7th and 9th Streets—Eighty (80) feet.
 - (c) Other local roads—Eighty (80) feet.

4. *Parking:*

- (a) No parking between roads and buildings along Mile High Blvd., 7th and/or 9th depending which one (1) is the thoroughfare connecting Mile High Blvd. and Auraria Parkway.
- (b) Buffered garage edges of landscaping, special facade, or active use for frontage immediately adjacent to pedestrian connectors.
- (c) Garage locations adjacent to rail corridor are encouraged.
- (d) Minimize view of parking from river greenway where site configuration permits.

5. *Pedestrian circulations:*

- (a) Two (2) continuous pedestrian connectors, connecting Auraria Village and Platte River greenway.

If major roadway connection from Mile High Blvd. to Auraria Parkway is at 7th:

- (1) One (1) shall be between 5th and 7th.
- (2) One (1) between 8th and Speer.

If major roadway connection is at 9th:

- (1) One (1) shall be between 10th and Speer.
- (2) One (1) between 5th and 8th.

- (b) Building access encouraged off of pedestrian connectors.
- (c) Direct access for pedestrians from parking to pedestrian connectors. This can be a one-way access for security purposes.
- (d) Retail/active uses encouraged along pedestrian connectors.
- (e) Pedestrian connection from Rice Yards to Cherry Creek park system under or over Speer Blvd. is encouraged.
- (f) Ownership of pedestrian connectors may be public or private so long as the pedestrian function of each connector is established and retained.
- (g) Private automobile access may cross and/or run in conjunction with and parallel to pedestrian connectors, when additional width is provided to the connector.
- (h) Continuous pedestrian connector along east bank of Platte River.

6. *Building orientation/massing:*

- (a) Buildings on Mile High Blvd. should be oriented to street, pedestrian connectors, plazas and mini parks.
- (b) 100-foot river setback (measured from the existing channel line)—No buildings permitted (no habitable buildings within the floodplain if the floodplain exceeds one hundred (100) feet).
- (c) Next 75-foot setback from river permits lower height structures located close to river greenways system. 40 feet rising to 80 feet.

- (d) Research and development facilities shall be buffered with one (1) or more of the following: ground floor retail, active uses (i.e., service, restaurants, etc.), landscaping, and/or special facade treatment, and such facilities shall not have dead walls along streets.
7. *Building entrances:*
- (a) All structures, except garages, which are contiguous to pedestrian connectors must be accessible from at least one (1) pedestrian connector.
 - (b) Access must be provided to perimeter ground floor retail, commercial, and other related uses from pedestrian connectors. Common entries are acceptable.
8. *Minimum setbacks from right-of-way:*
- (a) Mile High Parkway—To be determined in subarea plan.
 - (b) 7th and 9th—Zero feet beyond r-o-w.
9. *Open space/special features:*
- (a) To be determined in the subarea plan, and such open space/special features shall be consistent with the Central Platte Valley comprehensive plan amendment.
 - (b) Berming of mainline railroad is encouraged where parking structures do not conceal tracks.
 - (c) Platte River greenway/River Park along east edge of Platte River.
10. *Preferred land uses:*
- (a) General office.
 - (b) Corporate/employment center.
 - (c) Residential: Multi-family and townhouse along river edge. Clustered near roundhouse and southern edge.
 - (d) Support retail—Located along 6th and 10th pedestrian connections and along mid-valley promenade.
- C. *Cherry Creek subarea zoning standards.*
1. *Character:* Extension of Lower Downtown character. Smaller scale along Cherry Creek promenade and contiguous to the common. Strong orientation to sidewalk with zero lot line buildings. Buildings step down to Cherry Creek.
2. *Auto circulation:*
- (a) Access to development and parking shall be provided off 15th Street.
 - (b) Right and left turn movement from 15th shall be permitted into development.
 - (c) Secondary access shall be permitted off of Wewatta with right turn in and out only.
3. *Public right-of-way:*
- (a) Wewatta right-of-way—120 feet (maximum).

- (b) Public access to Cherry Creek stream level must be provided.
4. *Parking:*
- (a) Access shall be primarily off of 15th Street.
 - (b) Secondary access shall be permitted off of Wewatta with right turn in and out only.
 - (c) Garage exteriors along pedestrian connectors and the Cherry Creek promenade shall be buffered with one (1) or more of the following: retail, active uses (i.e., service, restaurants, etc.), landscaping, and/or special facade treatment.
5. *Pedestrian circulation:*
- (a) Pedestrian connectors—20 foot minimum width.
 - (b) Cherry Creek walk—50 foot width from north Cherry Creek wall to face of building.
 - (c) Two required pedestrian connections:
 - (1) Connector from Cherry Creek to Common located between Wewatta and Mid-Valley Rail.
 - (2) Connector from Cherry Creek to Common located between Mid-Valley Rail and River.
 - (d) Pedestrian connectors should be linked by pedestrian bridge connections across Cherry Creek. This linkage may be by the Cherry Creek promenade, but the specific linkage point(s) shall remain flexible.
 - (e) Ownership of pedestrian connectors may be public or private so long as the pedestrian function of each connector is established and retained.
 - (f) Private automobile access may cross and/or run in conjunction with and parallel to pedestrian connectors, when additional width is provided to the connector.
6. *Building orientation/massing:*
- (a) Building frontages along pedestrian connectors shall be at least one (1) story and shall only be interrupted by plazas, pedestrian ways, and entryways. Passive landscaped side yards on a zone lot are prohibited.
 - (b) Buildings shall be oriented along pedestrian connectors as defined in the design guidelines.
 - (c) Buildings which are more than one hundred (100) feet high along Wewatta shall have cornice lines no higher than one hundred (100) feet, with a minimum "stepback" beginning at that 100-foot level as established in the design guidelines.
 - (d) Buildings which are more than one hundred (100) feet high along 15th Street shall have cornice lines no higher than one hundred (100) feet, with a minimum 15-foot "stepback" beginning at the 100-foot level.

- (e) Plazas and decks open to the public and located adjacent to the Cherry Creek promenade and all pedestrian connectors must directly tie into the promenade and connectors.
 - (f) Building development shall have a 60-degree angle stepping back from Cherry Creek beginning 25 feet above the property line starting 50 feet back from the creek wall, and extending to the 50-foot height limit plane.
 - (g) In the first 75 feet from the bank of the Platte River, buildings shall be lower height structures located close to the river greenways system 40 feet rising to 80 feet.
7. *Building entrances:*
- (a) All structures, except garages, which are contiguous to pedestrian connectors must be accessible from at least one (1) such connector.
 - (b) Access must be provided to perimeter ground floor retail, commercial, and other related uses from promenades and/or pedestrian connectors. Common entries are acceptable.
8. *Minimum setbacks from right-of-way:*
- (a) Wewatta—To be determined in subarea plan.
 - (b) 15th Street—0 feet beyond r-o-w.
 - (c) Pedestrian connectors—0 feet beyond r-o-w.
9. *Open space/special features:*
- (a) To be determined in the subarea plan, and such open space/special features shall be consistent with the Central Platte Valley comprehensive plan amendment.
10. *Preferred land uses:*
- (a) General office.
 - (b) Specialty and support retail—Along Creek, 16th Street, Common.
 - (c) Restaurants, bars, entertainment—Concentrated along Creek.
 - (d) Multi-unit residential—Upper floors facing Creek and common park.
 - (e) Hotel.
- D. *16th/20th commons subarea zoning standards.*
- 1. *Character:* Extension of the 16th Street Mall, opening up to major urban park along river's edge. Bounded by mid- and high-rise structures, and cultural/entertainment activities, with maximum advantage taken of mountain views.
 - 2. *Auto circulation:*
 - (a) Major access to subarea shall be provided from 20th, 19th, 18th, Wewatta and Chestnut.

- (b) Right and left turn movement into and from Bassett/Chestnut/Wewatta alignments shall be permitted onto 20th Street.
 - (c) An at-grade intersection shall be provided at 20th and Chestnut Streets.
 - (d) If 16th Street is open to vehicular traffic, access to developments and parking from 16th Street is permitted.
3. *Public right-of-way:*
- (a) 18th/19th Street—80 feet (maximum).
 - (b) Bassett, Chestnut alignment off of 20th—80 feet (maximum).
 - (c) Wewatta—To be determined in the subarea plan.
4. *Parking:*
- (a) Principal access off of 15th, 18th and 19th Streets and Wewatta/Chestnut/Bassett alignments.
 - (b) Special landscaping to relate to park edges.
 - (c) Garage exteriors along pedestrian connectors and the common park shall be buffered with one (1) or more of the following: retail, active uses (i.e., service, restaurants, etc.), landscaping, and/or special facade treatment.
5. *Pedestrian circulation:*
- (a) Pedestrian connectors—20 feet (minimum width).
 - (b) Primary pedestrian paths along 19th Street from Lower Downtown, across 19th Street bridge to West Bank, one (1) between river and mainline tracks from the Commons to at least 19th Street, and one (1) between mainline tracks and Wewatta, from the Commons to Prospect (at least to 20th).
 - (c) Public access shall be provided to the common park from pedestrian connectors.
 - (d) North/South connectors must link to north/south connectors in the Cherry Creek subarea.
 - (e) Maintain 19th Street bridge for pedestrian and bicycle access.
6. *Building orientation/massing:*
- (a) Building frontages along pedestrian connector shall be at least one (1) story and shall only be interrupted by plazas, pedestrian ways, and entryways. Passive landscaped side yards on the zone lot are prohibited.
 - (b) Buildings shall be oriented along pedestrian connectors as defined in the design guidelines.
 - (c) Buildings which are more than one hundred (100) feet high along Wewatta shall have cornice lines no higher than one hundred (100) feet, with a minimum "stepback" beginning at the 100-foot level as established in the design guidelines.
 - (d) Plazas and decks located adjacent to the common park and all pedestrian connectors must directly tie into the promenade and connectors.

- (e) In the first seventy-five (75) feet from the bank of the Platte River, buildings shall be lower height structures located close to the river greenways system forty (40) feet rising to eighty (80) feet.
7. *Building entrances:*
- (a) Garages must maintain pedestrian access to 19th, and north/south pedestrian connectors.
 - (b) All structures, except garages, which are contiguous to pedestrian connectors must be accessible from at least one (1) connector.
 - (c) Access must be provided to perimeter ground floor retail, commercial, and other related uses from promenades and/or pedestrian connectors. Common type entries are acceptable.
 - (d) Buildings facing on the common park must provide reasonable access to the park.
8. *Minimum setbacks:*
- (a) Wewatta and 20th Street—To be determined in the subarea plan.
 - (b) 18th and 19th Street—0 feet beyond r-o-w.
 - (c) Minor access roads—0 feet beyond r-o-w.
9. *Open space/special features:*
- (a) To be determined in the subarea plan and such open space/special features shall be inconsistent with the Central Platte Valley comprehensive plan amendment.
 - (b) Special guidelines for the common park shall be adopted and shall be included in a subarea plan.
 - (c) Transit Plaza shall be encouraged at intersection of 16th Street Mall extension and north/south pedestrian connector.
 - (d) Extension of park and 16th Street under and/or across mainline tracks.
 - (e) Pedestrian connection through common park between 16th Street extension and existing 16th Street bridge.
10. *Preferred land uses:*
- (a) Residential along the common and river greenway.
 - (b) General office.
 - (c) Support retail—16th and 20th.
 - (d) Retail along common edge and mall.
 - (e) Hotel.
 - (f) Restaurants, bars, entertainment—Along common edge and mall.
 - (g) Cultural, civic and tourist uses.
 - (h) Theme park.

- (i) Display/showroom/trade center.
- (j) Media studios/artist studios/production houses.
- (k) Transportation center.

E. *Glenn Court/Stoneman's Row subarea zoning standards.*

1. *Character:* Develop the area west of Vallejo (Glenn Court) as mixed use area including office, retail and residential uses. Development of the area east of Vallejo (Stoneman's Row) should emphasize residential uses, should maintain the historic character, and should promote development of vacant land for housing at a density and scale which would enhance the historic character.
2. *Auto circulation:*
 - (a) Discourage increase of traffic through the area on W. 28th Avenue and Vallejo Street.
 - (b) Subarea plan shall define limitations on truck routes and the transportation of hazardous materials.
3. *Public right-of-way:*
 - (a) Any change to Interstate 25 should take into account the Speer Blvd. design guidelines, the creation of open space and pedestrian/bike amenities.
4. *Parking:*
 - (a) Commercial parking lots will be prohibited.
 - (b) Parking lots shall be landscaped, according to section 59-585 of the Revised Municipal Code.
 - (c) Underground parking shall be encouraged.
 - (d) Buffer aboveground parking structures with active uses (i.e., retail, offices).
 - (e) Provide appropriate buffering of existing parking lots.
5. *Pedestrian circulation:*
 - (a) Develop a historic trail linking historic landmarks and points of interest.
 - (b) Install a landscaped bike and pedestrian path from Zuni Street along W. 27th Avenue (south of the Colorado Farm Bureau behind Stoneman's Row) connecting to the 15th and 16th Street bridges.
6. *Building orientation/massing:*
 - (a) The proportions, scale, rhythm of facade elements, materials and colors shall be in harmony with the character of existing historic buildings in the Highland neighborhood.
7. *Building entrances:* Respect the rhythm, size and proportion of entrances prevalent in the immediate area surrounding the new building. Avoid drastically different entrances inconsistent with the general character of the area.

8. *Setbacks:*

- (a) Front setback to residential structures will be compatible with existing residential setbacks and will be determined on a block by block basis in the subarea plan.
- (b) Front setbacks for commercial structures along Zuni and Speer will be 15 feet.

9. *Open space:*

- (a) To be determined by subarea plan and such open space/special features shall be consistent with the Highland neighborhood plan and the Central Platte Valley comprehensive plan amendment.
- (b) Landscape the area between I-25 and the neighborhood (approximately along W. 27th and Central).

10. *Heights:*

- (a) West of Vallejo (Glenn Court) maximum 60 foot building heights will be allowed. Views from the north side of W. 29th Avenue toward the downtown will be provided.
- (b) East of Vallejo (Stoneman's Row) height shall match existing residential building heights (excluding the Wheeler Building).
- (c) Preserve existing views towards Pikes Peak and downtown within the existing public right-of-way.

11. *Preferred land uses:*

- (a) Encourage continuation of existing residential uses.
- (b) Focus new residential development in the area east of Wyandot. The design of residential uses shall support the character of Stoneman's Row (low density townhomes, consistent with historic character and materials).
- (c) Historic buildings shall be preserved or moved into the Stoneman's Row area.
- (d) Develop residential use in the area east of Vallejo at the same scale as existing homes (2-story townhomes).
- (e) Building materials shall be compatible with existing structures.
- (f) Expand the historic district north to W. 29th Avenue from Vallejo east.

F. *Overlook subarea zoning standards.*

1. *Character of future developments:* Preserve existing residential uses and development as a mixed use office, retail and residential area. Focus retail and office toward Boulder and Central Street. Develop the Highland Block at 15th (both sides of the street) and 16th, Central Street to Boulder Street in a way that would preserve and enhance its remaining historic significance and create a major gateway into Highland. Provide appropriate buffering between commercial and residential uses.

2. *Auto circulation:*

- (a) Establish a major gateway to the subarea at 15th Street and Central.

- (b) Provide access to CPV and downtown.
 - (c) Limit auto circulation throughout subarea.
- 3. *Public right-of-way:*
 - (a) Provide access to the new Rockmount Park and Commons Park.
 - (b) Install landscaping along Central Street.
- 4. *Parking:*
 - (a) Parking lots shall be landscaped, according to section 59-585 of the Revised Municipal Code.
 - (b) Commercial parking lots will be provided.
 - (c) Appropriate buffering shall be provided where residential and commercial abut.
- 5. *Pedestrian circulation:*
 - (a) Develop major pedestrian and bike routes along 15th, 16th, and 19th/20th Street.
 - (b) Pedestrian and bike access shall be provided on 16th Street.
 - (c) Pedestrian and bike access shall be developed to the new Rockmount and common parks.
 - (d) Continue landscaped bike and pedestrian path from the Glenn Court/Stoneman's Row subarea along Central.
- 6. *Building orientation/massing:*
 - (a) The proportions, scale, rhythm of facade elements, materials and colors shall be in harmony with the character of existing historic buildings in the Highland neighborhood.
- 7. *Building entrances:*
 - (a) Respect the rhythm, size and proportion of entrances prevalent in the immediate area surrounding the new building. Avoid drastically different entrances inconsistent with the general character of the area.
 - (b) Building entrances should be oriented to the street, in harmony with other entrances on the immediate block on which the development is located.
- 8. *Setbacks:*
 - (a) Front setbacks to residential structures to be determined by subarea plan, on a block by block basis consistent with the existing setbacks on a given block.
 - (b) Setbacks in the Highland Block area shall be consistent with existing historic commercial structures.
- 9. *Open space/special features:*
 - (a) To be determined by subarea plan and such open space/special features shall be consistent with the Highland neighborhood plan and the Central Platte Valley comprehensive plan amendment.

- (b) Significantly improve and maintain Hirshorn Park.
 - (c) Landscape the area between I-25 and the neighborhood.
10. *Heights:*
- (a) A maximum of 40-foot building heights will be allowed throughout the subarea; provided, however, that building heights up to eighty (80) feet will be allowed south of Boulder Street if a minimum of two-thirds ($\frac{2}{3}$) of total square footage in the building is residential and if the building does not block the view corridor from Hirshorn Park to downtown.
 - (b) View corridor from Hirshorn Park to the CBD must be established and maintained.
 - (c) Preserve existing views towards Pikes Peak and downtown within the existing public right-of-way.
11. *Preferred land uses:*
- (a) Encourage residential as a part of mixed-use projects.
 - (b) Any new development that replaces existing residential uses shall contain residential use in at least fifty (50) percent of the project's floor area.
 - (c) Reinforce existing residential uses in the block bounded by W. 32nd Avenue, Boulder and 18th Streets.
- G. Saint Patrick's/Guadalupe subarea zoning standards.
1. *Character of future development:* Continue to develop this subarea as a mixed-use area (including moderate-density residential and neighborhood serving office and retail) with emphasis on strengthening the residential character, open space and restaurant services. Provide strong buffering between residential and commercial uses.
2. *Auto circulation:*
- (a) Establish a major gateway to the subarea at the entrance into the neighborhood from downtown.
 - (b) Continue sufficient access to the businesses from the 33rd and Osage area.
 - (c) Discourage increase in nonlocal through traffic throughout the subarea.
3. *Public right-of-way:*
- (a) Install streetscape along Central Street.
 - (b) Landscape the traffic island at W. 33rd and Osage Street.
 - (c) Redesign and install a noise barrier to screen I-25 noise.
 - (d) Landscape I-25 Corridor with irrigation and mature plantings.
 - (e) Provide access to Rockmount Park at both the north and south ends.
4. *Parking:*
- (a) Provide appropriate buffering of existing accessory parking lots.

- (b) Commercial parking lots will be prohibited.
 - (c) Parking lots shall be landscaped, according to section 59-585 of the Revised Municipal Code.
5. *Pedestrian circulation:*
- (a) Install a new pedestrian and bike path to the Rockmount Park and Downtown area.
 - (b) Reconstruct and widen the existing pedestrian and bike path on W. 36th Avenue.
 - (c) Continue the landscaped bike and pedestrian path from the Glenn Court/ Stoneman's Row and Overlook subareas along I-25.
6. *Building orientation/massing:*
- (a) The proportions, scale, building mass, rhythm of facade elements, materials and colors shall be in harmony with the character of existing historic buildings in the Highland neighborhood.
7. *Building entrances:*
- (a) Respect the rhythm, size and proportion of entrances prevalent in the immediate area surrounding the new building. Avoid drastically different entrances inconsistent with the general character of the area.
 - (b) Building entrances should be oriented to the street, in harmony with other entrances on the immediate block on which the development is located.
8. *Setbacks:*
- (a) Setbacks to match existing residential areas.
 - (b) Setbacks in commercial areas to be 15'.
9. *Open space/special features:*
- (a) To be determined by subarea plan and such open space/special features shall be consistent with the Highland neighborhood plan and the Central Platte Valley comprehensive plan amendment.
 - (b) Provide open space amenities along streets, viaduct and entryways (gateways) into neighborhood.
 - (c) Landscape the area between I-25 and the neighborhood.
 - (d) Landscape bicycle and pedestrian paths.
10. *Heights:*
- (a) Maximum 47-foot building heights will be allowed along Central Street.
 - (b) Maximum 35-foot building heights will be allowed along W. 33rd and Osage with bulk plane requirements as in R-1 zone.
 - (c) Preserve existing views towards Pikes Peak and downtown within the existing public right-of-way.

11. *Preferred land use:*

- (a) Preserve existing residential uses.
- (b) Encourage the development of vacant lots for residential uses at a scale and density to enhance residential character.
- (c) Rehabilitate existing buildings.
- (d) Enhance existing restaurant uses.

H. *Denver Union Terminal subarea zoning standards.*

1. *Character:* As the "gateway" between Lower Downtown and the Platte Valley, the subarea should accommodate active uses, including retail, office and hotel, which uses should accommodate and encourage pedestrian flows between Lower Downtown and the Commons subarea. A primary goal of the subarea is to preserve the main train room and two-story wings with sloped roofs of the Denver Union Terminal. Uses in the station and other additional uses in the subarea, however, should also be compatible with the goal of preserving the historic integrity of the main train room and two-story wings with sloped roofs of the Denver Union Terminal.

2. *Auto circulation:*

Major access—Wynkoop, 18th, and 17th Streets and Wewatta Parkway.

Secondary access—19th, 20th and 15th Streets.

All intersections (e.g., 16th Street mall, 19th, 20th Streets) should be developed or redeveloped at an elevation or depression which is compatible with the elevation or depression of streets in the Platte Valley.

Minimize vehicular intrusion and conflict within the subarea.

3. *Public right-of-way:*

Wewatta—To be determined by subarea plan.

16th and 18th Streets—To be determined by subarea plan.

All other local streets—Eighty (80) feet.

19th Street—To be determined by subarea plan.

4. *Parking:*

Parking garages—Primary vehicular access from Wynkoop, Wewatta, 18th and 19th Streets. Design of parking structures should be compatible with character of redevelopment of subarea. Underground parking is encouraged wherever possible, including under ground level open space. Buffering of garage exteriors along pedestrian connectors and 16th, 18th and Wynkoop with ground floor retail or active uses is encouraged.

Surface parking should not occur in the major open spaces between the D.U.T. development and Wynkoop Street and Wewatta Street, except that in each such open space a relatively small number of handicapped and VIP parking spaces will be permitted.

5. *Pedestrian circulation:*

Pedestrian access from subarea to Commons open space, Wynkoop Street, 16th Street, 17th Street and 18th Street should be provided.

Direct access for pedestrians from parking to pedestrian connectors should be provided.

Pedestrian access to and through main train room of Union Station should be encouraged.

Pedestrian connection from Union Station to Commons open space should encourage safe and easy access across existing rail lines, if any, and Wewatta Parkway.

Pedestrian access from Lower Downtown to the Central Platte Valley should be provided along 16th Street, 18th Street alignment and 19th Street.

Special streetscape treatment should be provided along 16th Street, in harmony with the 16th Street mall design character, if the 16th Street mall is extended to the area adjoining the D.U.T. special streetscape treatment should also be provided along Wynkoop Street and 18th Street alignment in conformance with Lower Downtown street guidelines as described in "the Lower Downtown Urban Design Project" prepared by the Denver Partnership, if the streetscape program for which such guidelines have been developed is implemented in Lower Downtown.

6. *Building orientation/massing:*

Develop a unified design for the entire subarea.

The D.U.T. development should be in a formal manner oriented toward Wynkoop Street and Wewatta Parkway.

Active ground level uses should orient at a minimum toward Wynkoop, 16th and 18th.

Lower scaled building forms should be oriented toward Lower Downtown. Higher scaled building forms may be oriented toward Wewatta Parkway, and the Commons.

7. *Building entrances:* Major access to train room on Lower Downtown side of Union Station should be maintained.

All structures which are contiguous to pedestrian connectors should be accessible from at least one (1) such connector.

Access should be provided to perimeter ground floor retail, commercial, and other related uses from pedestrian connectors. Common entries are acceptable.

A major access to the train room should be provided on the side facing Wewatta Parkway.

8. *Setbacks:*

The minimum street setback along Wewatta Parkway is 15 feet, except that there shall be no street setbacks on 16th Street and 18th Street in order to reflect the urban nature of the buildings and enhance their compatibility with other Lower Downtown buildings.

No side or rear setbacks.

9. *Open space:*

Publicly accessible and usable open space should be provided between the D.U.T. and its development, and Wynkoop Street from 16th Street to 18th Street.

Publicly accessible and usable open space should also be provided between the D.U.T. and Wewatta Parkway.

Area in front of Union Station and adjoining new development facing Wynkoop Street should be landscaped in character with Lower Downtown (e.g., plazas, benches, trees and flowers).

Development within subarea should accommodate extension of 16th Street Mall.

10. *Height:*

Two (2) tower buildings may be built to a height up to two hundred fifty (250) feet maximum (not including mechanical penthouses, roof forms, etc., per Denver Building Code).

Locate the tower buildings as far from the D.U.T. and its two-story wings as reasonably possible, in the area between 16th and 18th Street, while still providing upper level setbacks from 16th Street and 18th Street to create the lower scaled street walls.

11. *Preferred land uses:*

General office

Retail

Restaurants, bars, entertainment, cinema

Display showroom, except auto related

Hotel

Exhibition gallery, museum

Convention facilities/meeting rooms

Lower Downtown visitors/information center

Residential

I. *Diamond Hill subarea zoning standards.*

1. *Character:* The eastern and northern portions of the subarea shall be redeveloped as an area of low to midrise, commercial, office, retail, hotel/motel and multi-tenant residential buildings. Higher and larger scaled buildings are appropriate in the

eastern and northern portions of the subarea. The western portion of the subarea adjacent to the Jefferson Park neighborhood shall be redeveloped as a mixed use transition area including office, neighborhood serving retail and shops, with emphasis on residential uses along the west facing boundaries of the subarea. Lower scaled building forms should be located on the properties fronting onto the western boundary of the subarea. Along the eastern edge of the subarea, a special district composed of street oriented retail, restaurant and entertainment uses should be developed.

2. *Auto circulation:*

- (a) Establish a major gateway to the subarea at the intersection of Zuni Street and Speer Boulevard.
- (b) The subarea plan shall define limitations on heavy truck traffic within the subarea, particularly along Alcott, Bryant, Clay and 26th Avenue.
- (c) Primary access will be via Speer Boulevard, Water Street/23rd Avenue, Zuni Street and their interchanges with I-25.
- (d) Secondary access from the west shall be via 23rd Avenue, 26th Avenue.

3. *Public right-of-way:*

- (a) Provide landscaped traffic divider along Speer Boulevard from Zuni Street to west 29th Avenue.
- (b) Provide landscaped areas along I-25 corridor, taking into account the Speer Boulevard Design Guidelines.

4. *Parking:*

- (a) Notwithstanding the uses established by the matrix of uses contained in section 59-492, commercial parking lots shall be prohibited in the subarea.
- (b) Underground parking for permitted uses and uses by special review shall be encouraged.
- (c) Parking structures shall be buffered at ground level with active uses such as retail shops and offices.

5. *Pedestrian circulation:*

- (a) Major pedestrian connectors shall include: Speer Boulevard, Bryant Street, 23rd Avenue from Jefferson Park into the Platte River Valley; a pedestrian trail wide enough for bicycles shall link with the pedestrian connector from the Glenn Court/Hirshorn Park pedestrian connector and the Front View Crescent pedestrian connector. This public/private pedestrian connector should utilize the I-25 right-of-way and/or the abutting private property to provide a walkway along the edge of the ridge overlooking Downtown, running from Speer Boulevard to the intersection of 23rd Avenue and Alcott Street.
- (b) Sidewalks shall be provided and widened along pedestrian connectors as a part of any redevelopment of property adjacent to the connectors.

- (c) Public open space, plazas and decks shall be encouraged along pedestrian connectors in specific locations to be determined in the subarea plan.
 - (d) All structures that are contiguous with the pedestrian connectors must provide access from the connector.
 - (e) Provide pedestrian connector from the subarea to the Sports Complex in coordination with the Front View Crescent subarea zoning standards.
6. *Building orientation/massing.*
- (a) Building form shall be primarily aligned to be parallel with the adjoining streets unless the configuration of the land parcel makes such alignment impractical.
 - (b) Any new development shall be so designed as to provide an interesting and varied appearance through (steps or division) special attention to the form, detail, window size and pattern, ground floor facade treatment, and material, as defined in the subarea plan design guidelines.
 - (c) A bulk plane shall be established over the properties whose west property lines abut or are within 120 feet of the following streets:
 - 1. Bryant Street from 23rd Avenue to 26th Avenue;
 - 2. Bryant Street from 27th Avenue to Speer Boulevard;
 - 3. Clay Street from 26th Avenue to 27th Avenue;
- This bulk plane shall begin at a height of forty-five (45) feet above a line at ground level which is twenty-five (25) feet east of and parallel to the right-of-way lines of the streets listed above; and shall extend upward to the east at a forty-five (45) degree angle until it intersects with the one hundred forty (140) feet height limit governing the remainder of the district.
- (d) In addition to the other bonuses provided in section 59-494, permitted structure[s] all properties within this bulk plane shall receive a bonus of 0.4 square feet of additional development area for every square foot of land area within the horizontal limits of the bulk plane. This bonus may be transferred to other properties within the Diamond Hill subarea. This bonus area shall not supersede any height limits, building setbacks or upper level setbacks established in these subarea zoning standards.
7. *Building entrances:*
- (a) Major building entries shall be oriented to public ways and pedestrian connectors.
8. *Setbacks:*
- (a) Front setbacks shall be a minimum of fifteen (15) feet, except that no front setback is required along the pedestrian connector specifically defined in the last sentence of 5(a) above. Required front setback space may be used for automobile parking.

- (b) In addition to a minimum fifteen foot front setback, any portion of the building facade that is greater than forty feet in height shall be set back a minimum of ten feet from a horizontal line in the plane of the facade. This horizontal line may occur anywhere between thirty-five (35) and forty-five (45) feet above the average finished grade at the base of the facade.
 - (c) Rear and side setbacks shall be defined in the subarea plan.
 - (d) Street trees and landscaping following the general concepts of the "North Speer Boulevard Revitalization Master Plan, September 1987," shall be provided within the building setback adjoining Speer Boulevard.
9. *Open space:*
- (a) To be determined by the subarea plan and such open space/special features shall be consistent with all neighborhood and comprehensive plan amendments pertaining to the subarea.
10. *Heights:*
- (a) Maximum height of one hundred forty (140) feet in the entire subarea, with no height bonus additions allowed.
 - (b) Preserve existing views within certain public rights-of-way as explained in the view preservation section of the subarea plan.
11. *Land use:*
- (a) Encourage residential and neighborhood serving retail uses in mixed use developments.
 - (b) Encourage buffering, including additional setbacks and landscaping, between land areas that contain different or divergent uses.
 - (c) Encourage the rehabilitation and maintenance of historic structures.
 - (d) Emphasize low to medium rise mixed use developments.
 - (e) Encourage residential uses along the western boundary of the subarea.

(Ord. No. 03-361, § 3, eff. 5-23-03)

Secs. 59-339—59-340. Reserved.