

DIVISION 13. MAIN STREET ZONE DISTRICTS—MS-1, MS-2, AND MS-3

Sec. 59-271. Main Street districts, generally.

(a) The provisions of this division apply to all structures in the MS-1, MS-2, and MS-3 zone districts.

(b) General purpose.

- (1) Promote the sustainable development of Denver's commercial corridors.
- (2) Preserve and protect the public health, safety and welfare of the citizens and workers of the city.
- (3) Promote efficient utilization of land for housing and business development along commercial streets. Correlate higher densities with proximity to downtown, the presence of large development parcels, and the intersection of enhanced transit corridors.
- (4) Improve the function and appearance of commercial streets, and enhance the convenience, ease and enjoyment of transit use, walking, shopping and public gathering.
- (5) Clearly define and activate the public realm by locating buildings to form street edges and corners, and locating entrances and windows to activate the street level.
- (6) Define building forms to be compatible with their context.
- (7) Provide appropriate buffers between incompatible uses and site elements.
- (8) Establish flexible parking standards that respond to zone lot sizes, the presence of transit and the pedestrian oriented nature of Main Streets, and support the adaptive reuse of historic resources and buildings that meet Main Street forms.

(c) Application of Main Street districts.

- (1) Main Street districts should be applied in ways that respect the residential fabric of the city and reinforce linear development patterns along commercial streets. Where an alley separates a stable residential area from the commercial street, Main Street standards may be applied to the zone lots between the alley and the commercial street. When an alley does not define a Main Street development environment or when expanding the Main Street development environment beyond the boundaries of land zoned for commercial use, Main Street districts may be applied only where the residential fabric has been eroded by vacant parcels or underutilized land.
- (2) MS-1 applies primarily to sections of Main Streets in close proximity to stable residential areas that are predominantly low density and characterized by residential structures of one to two stories. Zone lot depths typically are less than one hundred and twenty five (125) feet in depth. Building heights on adjacent zone lots are typically less than thirty-eight (38) feet tall.
- (3) MS-2 applies primarily to sections of Main Streets in close proximity to residential areas that are predominantly medium density and characterized by residential or

mixed-use structures of two or more stories. Zone lot depths typically approach or exceed one hundred and twenty five feet (125') in depth. Building heights on adjacent zone lots are typically greater than thirty-eight (38) feet tall.

- (4) MS-3 applies to the highest intensity sections of Main Streets, generally such high intensity sections are designated as follows:
 - a. Within six hundred (600) feet of the intersection of enhanced transit corridors as defined by Blueprint Denver, and measured along the face blocks of the enhanced transit corridors.
 - b. Within one (1) mile of downtown Denver, described here as the area bounded by Colfax Avenue from Speer Boulevard to Lincoln Street, Lincoln Street to 20th Street, 20th Street to Wazee Street, Wazee Street to Speer Boulevard and thence back to Colfax Avenue.

(d) For the purposes of determining street types in this division, the following terms shall have the following meanings:

- (1) *Main Street*: All commercial, industrial, main, mixed use streets and residential arterials, as specified in Blueprint Denver.
 - (2) *Side Street*: A residential collector or Local street as specified in Blueprint Denver.
- (Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-272. Permitted structures.

(a) *Zone lot for structures*. A ground area, herein called the zone lot, shall be designated, provided and continuously maintained for all structures or uses by right and conditional uses. Each zone lot shall have at least one (1) front line.

(b) *Building placement*.

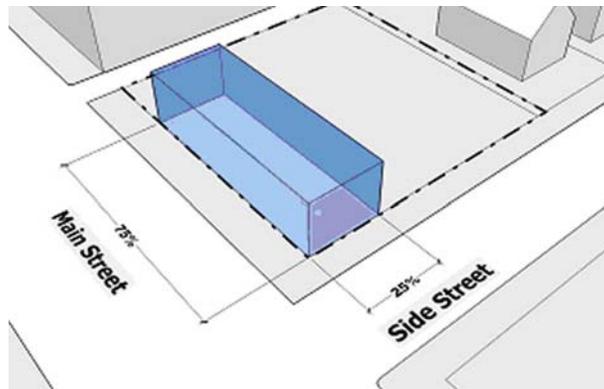


Figure 1: Building Placement (MS-1 & MS-2)



Figure 2: Building Placement (MS-3)

Buildings, except for structures used solely for residential occupancy and built under the provisions of section 59-272(i), below, shall be built to within one (1) foot six (6) inches of the zone lot line along public streets for at least the distance prescribed below. The first floor of the portion of the building specified shall contain at least one use by right in the district, other than parking of vehicles. For structures used solely for residential occupancy utilizing "option B" (see section 59-272(i), below) the percentage of lineal street frontage occupied shall apply to the portion of the building that is five (5) feet to ten (10) feet from the zone lot line. If a zone lot has only one street front and that street is a side street, the building shall occupy at least the percentages of lineal street frontage as shown below for main street frontage. The minimum percent of lineal street frontage that shall be occupied by the ground floor of any building:

	<i>Main Street</i>	<i>Side Street</i>	
MS-1	75%	25%	(see figure 1)
MS-2	75%	25%	(see figure 1)
MS-3	75%	40%	(see figure 2)

(c) *Setbacks and buffering.*

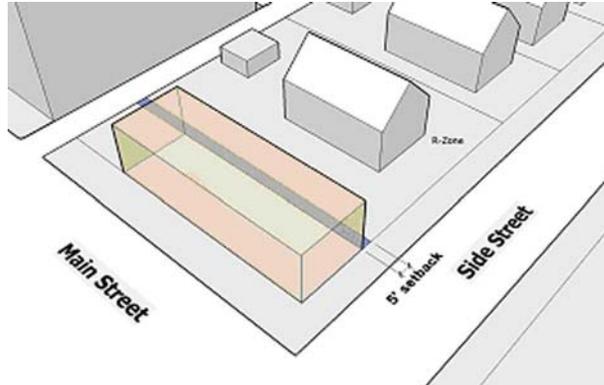


Figure 3: Setback Required Between MS and Residentially Zoned Lots

- (1) All structures on a zone lot having a zone lot line which abuts the zone lot line of a residentially zoned zone lot, shall be set back five (5) feet from the zone lot line shared with the residentially zoned zone lot. (See figure 3.)
- (2) MS-1, MS-2 and MS-3 shall be controlled districts under the provisions of section 59-96(a) but shall not be controlled districts under the provisions of 59-96(b).
- (d) *Parking and drive-through location and screening.*

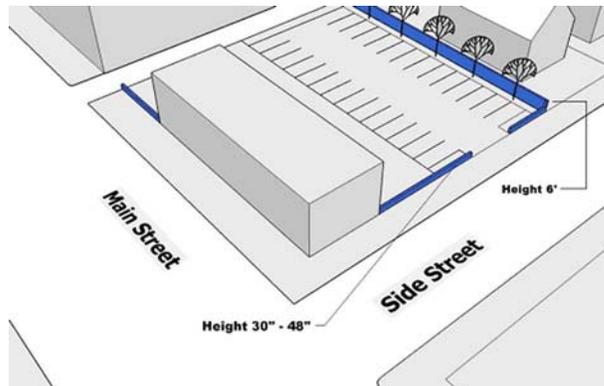


Figure 4: Parking Location and Screening

- (1) No parking shall be allowed between the building and the street.
- (2) Any surface parking and auto-oriented use, such as drive-through lane or the paved portion of a service station, which is visible from a main or side street shall be screened by a 30-inch to 48-inch tall screening device (see figure 4). For the purposes of this division "screening device" shall mean: a continuous masonry wall constructed of brick, stone or split-face concrete block; a combination masonry pier and decorative iron railing; other durable and decorative screening device that is consistent with the materials of the building facade (such as concrete or stucco); or an irrigated solid, evergreen hedge. Chain link, wood or vinyl picket fencing typically are not considered to be durable and decorative screening devices.
- (3) Any parking lot or drive-through lane adjacent to a residential zone district shall provide:
 - a. A six-foot tall wall or fence (see figure 4) on the zone lot line abutting the residential zone district, subject to the approval of public works to ensure safe sight lines for pedestrians and vehicular traffic, and;
 - b. A five-foot wide landscaped buffer with trees located at a maximum twenty-five (25) feet on center. The wall or fence described in a., above, may be within the five-foot buffer area.

(e) *Parking structure design.* Parking structure facade openings which face any public right-of-way shall have no exposed vehicle ramps and the floors fronting on such facade shall be level.

(f) *Building height.*

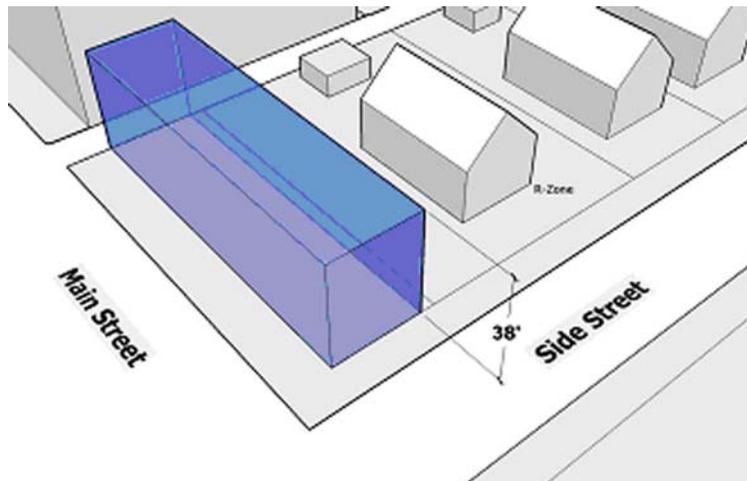


Figure 5: Maximum Building Height (MS-1)

(1) Allowable building heights, excluding flush mounted solar panels, are as follows:
 (Ord. No. 53-08, § 26, eff. 2-8-08)

	<i>Minimum Height</i>	<i>Maximum Height</i>	
MS-1	NA	38'	(see figure 5)
MS-2	24'	65'	(see figure 6—Note: illustration shows maximum height plus upper story setback as required by section 59-272(g) below)
MS-3	24'	100'	(see figure 7—Note: illustration shows maximum height plus upper story setbacks as required by section 59-272(g) below)

(2) Minimum building height shall be measured as the vertical distance between the lowest point of the roof and the average elevation of the corners of the building at finished grade.
 (Ord. No. 459-06, § 12, eff. 7-21-06)

(g) *Upper story setbacks.*

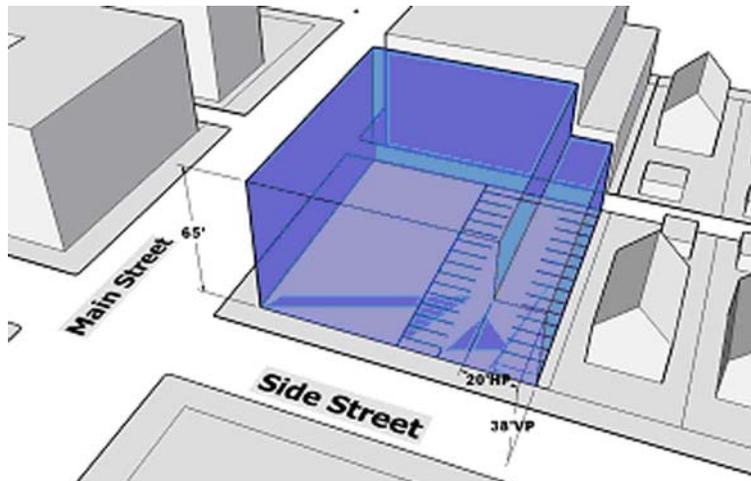


Figure 6: Maximum Building Height and Upper Story Setback (MS-2)

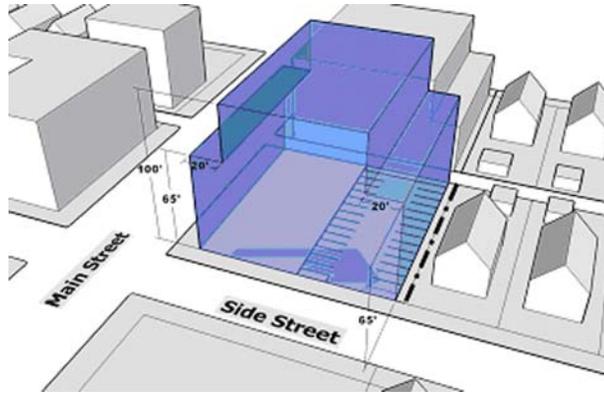


Figure 7: Maximum Building Height and Upper Story Setbacks (MS-3)

(1) Required upper story setbacks from the zone lot line are as follows:

a. Main Street upper story setback:

	<i>Horizontal Plane</i>	<i>Vertical Plane</i>	
MS-1	N/A	N/A	
MS-2	N/A	N/A	
MS-3	20'	65'	(see figure 7)

b. Residential protection upper story setback:

	<i>Horizontal Plane</i>	<i>Vertical Plane</i>	
MS-1	N/A	N/A	
MS-2	25'	38'	(see figure 6)
MS-3	25'	65'	(see figure 7)

c. The residential protection upper story setback applies to any structure on a zone lot with a zone lot line that abuts the zone lot line of a residentially zoned lot and there is no structure on the residentially zoned lot that exceeds thirty-eight (38) feet in height.

(2) Permitted encroachments into the main street and residential protection upper story setbacks:

a. Terraces at the level of the upper story setback may extend twenty (20) feet into the upper story setbacks and:

b. Unwalled balconies may extend ten (10) feet into the upper story setbacks.

c. Flush mounted solar panels may encroach any distance into the setback space. (Ord. No. 53-08, § 27, eff. 2-8-08)

(h) *Zone of transparency.*

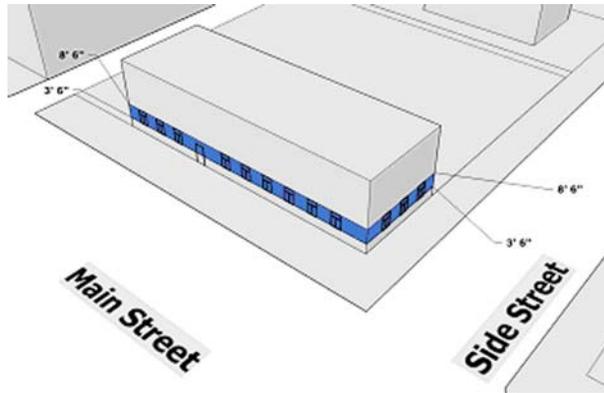


Figure 8: Zone of Transparency

- (1) Transparency standards for nonresidential buildings support the Main Street district goal to activate the public realm by ensuring a minimum amount of transparent windows are installed and maintained on main street buildings. The transparency standards ensure pedestrians can see into a building and users of the building can see out to the street. The standards facilitate a safe walking environment along the city's main streets, as well as support existing and new pedestrian and business activities.
- (2) New construction and additions, except for structures used solely for residential occupancy, shall incorporate transparent glass for a percentage of the lineal frontage of the first floor. These windows shall be a minimum of five (5) feet high and mounted not more than three (3) feet, six (6) inches high above the interior floor level for a total minimum height of eight (8) feet six (6) inches. The area between three (3) feet, six (6) inches and eight (8) feet, six (6) inches above the interior first floor level shall be called the zone of transparency (see figure 8).
 - a. Minimum glazed lineal building frontage in the zone of transparency on main street frontage, or for a zone lot that has only side street frontage, shall be:

<i>MS-1</i>	<i>MS-2</i>	<i>MS-3</i>
60%	60%	60%
 - b. Minimum glazed lineal building frontage in the zone of transparency on side street frontage, other than on a zone lot with only side street frontage, shall be:

<i>MS-1</i>	<i>MS-2</i>	<i>MS-3</i>
25%	25%	30%
- (3) No existing building shall be altered in such a way that the amount of glazing in the zone of transparency is reduced below the required amount, and, if the amount of glazing in the zone of transparency is already below the required amount, it shall not be further reduced.

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- (4) Window glazing shall be clear and shall transmit at least sixty-five (65) percent of visible daylight (visible transmittance shall be sixty-five one hundredths (.65) or greater). No interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within 3 feet of the windows will be allowed to reduce the effective minimum transparency standards by more than 25%. Open display of individual merchandise is permitted.
(Ord. No. 492-08, eff. 9-26-08)

(i) *Structures used solely for residential occupancy.*

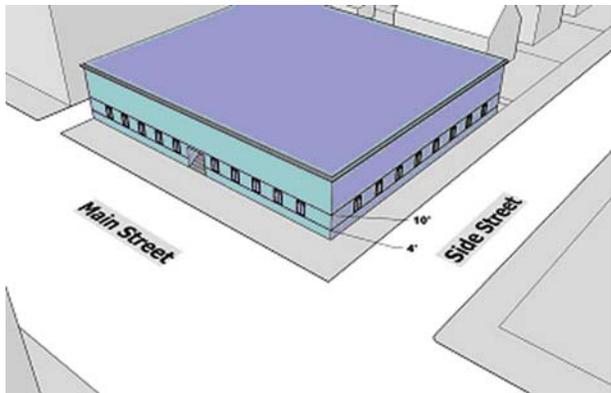


Figure 9: Structures Used Solely for Residential Occupancy—Option A (Requires a Zone of Transparency)

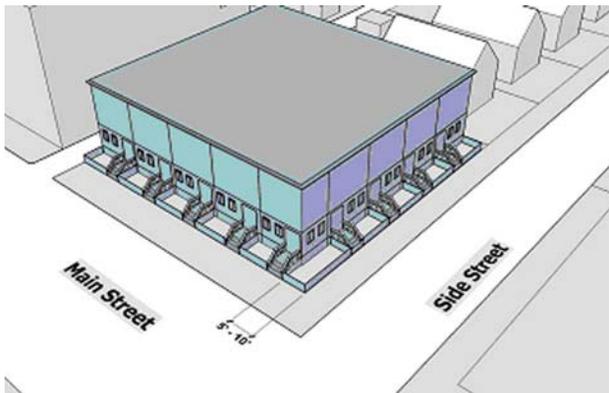


Figure 10: Structures Used Solely for Residential Occupancy—Option B (Allows a 5'—10' Setback)

- (1) Structures used solely for residential occupancy may either be built within one (1) foot six (6) inches of any zone lot line that fronts a named or numbered street (option A—See figure 9) or may be setback between five (5) feet and ten (10) feet from any such zone lot line (option B—See figure 10). A structure may use different options for each street front.
- (2) The setback area for Option B shall be landscaped or enclosed by a 30-inch to 48-inch decorative masonry wall or wrought iron fence (see figure 10). The area between a wall

or fence and the front of the building shall be landscaped or hardscaped. Allowed encroachments into the setback include: stoops (including steps and raised landings), unwallled balconies, porches (unwallled; may be covered), bay windows, awnings, canopies or arcades covering the primary entrance to a residence(s), and sill boxes.

- (3) For structures used solely for residential occupancy which are built to option A standards, there shall be a zone of transparency located between four (4) feet and ten (10) feet above the level of the street.
- (4) In the zone of transparency (see figure 9), the following percentages of the building must be glazed:

Main street frontage, or frontage on a zone lot which has only side street frontage:
40 percent

Side street frontage: 25 percent

(j) *Building entrances.*

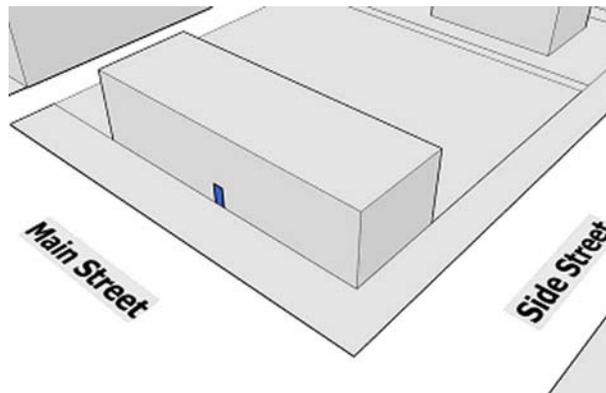


Figure 11: Primary Entrance Required to Face Main Street

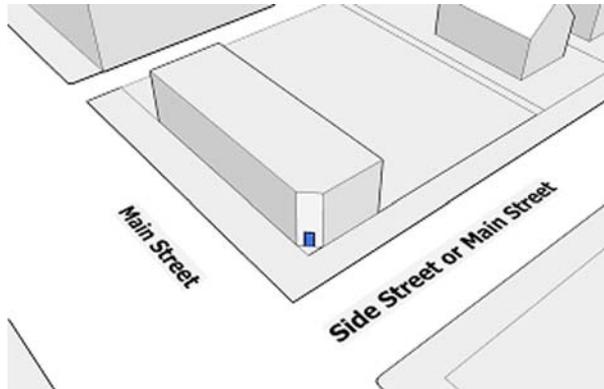


Figure 12: Angled Entrance Option

New construction shall have a pedestrian entrance located on or within ten (10) feet of the main street facade and facing the main street (see figures 11 or 12). This entrance shall be operable during normal hours of business operation. A building located on two (2) main streets shall have either one entrance per main street or one angled entrance at the corner of the two (2) main streets (see figure 12).

(k) *Trash containers.* All trash containers shall be completely screened from adjoining properties and rights of way and shall be located at least twenty (20) feet from a named or numbered street or a residentially zoned lot.

(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-273. Uses allowed in these districts.

The following is a list of uses with notations as to whether they are permitted, limited, or have other requirements as listed in the matrix and the sections which follow. Uses not listed are not allowed in any of these districts. Permitted uses are uses by right.

<i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>D = Uses permitted with distance requirements</i> <i>* = Need not be enclosed</i>		<i>Zone District</i>
<i>USE</i>		<i>MS-1, MS-2, MS-3</i>
Residential		
Artist studio		P
Assisted living facility		P
Dwelling, multiple unit		P
Dwelling, single unit		P
Nursing home, hospice		P

<p><i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>D = Uses permitted with distance requirements</i> <i>* = Need not be enclosed</i></p>	<p><i>Zone</i> <i>District</i></p>
<i>USE</i>	<i>MS-1, MS-2, MS-3</i>
Residence for older adults	P
Residential, institutional/special	P
Rooming and/or boarding house	P
Retail, service, office	
Adult establishment as follows:	
Adult amusement or entertainment	D1
Bookstore, adult	D1
Eating place with adult amusement	D1
Photo studio, adult	D1
Sexually oriented commercial enterprise	D1
Theater, adult	D1
Animal sales, service, care, household pets only	P
Auto pawn lot, auctioneer for automobiles, large vehicles or heavy equipment	P
Automobile gasoline filling station, emissions inspection	L4
Automobile repair garage	P
Automobile wash, laundry and/or polishing shop	P
Automobile, motorcycle, light truck sales, leasing, rental	P
Banking and financial services	P
Bed and breakfast	P
Body art establishment	D1
Bookstore	P
Brewpub	P
Communications service	P
Eating place	L42/L192
Food preparation and sales, commercial	P
Food sales or market, large	L50
Food sales or market, small	L50
Furniture, furnishings, retail sale, large scale	P
Garden supply store	P
Home building materials and supplies, sales, or rental	P
Hotel	P
Laboratory, research, development, technological service	P
Liquor store	D7
Motel	P
Office: nondental, nonmedical	P

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<i>USE</i>	<i>MS-1, MS-2, MS-3</i>
Printing service, publishing, business support	P
Retail, service, repair, consumer, large scale	L51
Retail, service, repair, consumer, medium scale	L51
Retail, service, repair, consumer, small scale	L51
Retail, service, repair, consumer, special	P
Service, repair, commercial	P
Vehicle, equipment sales, leasing, service, rental	P
Industrial, wholesale, transportation, utilities	
Assembly, without fabrication	L94
Helipad, helistop, heliport*	L98
Manufacturing, fabrication, and assembly, custom	P
Manufacturing, fabrication, and assembly, general	P
Manufacturing, fabrication, and assembly, light	P
Parking of vehicles	P
Railway right-of-way*	P
Terminal, public transportation, local*	P
Utility, minor impact	L117
Vehicle storage, commercial	P
Wholesale trade, general, and/or storage of toxic and/or hazardous materials	L121
Wholesale trade, light, and/or storage of nontoxic, nonhazardous materials	P
Arts, entertainment, recreation, institutions	
Ambulance service	P
Child care center	P
Church, religious institution	P
Clinic, office, laboratory, dental or medical	P
Club or lodge	P
Community or senior center or recreational facility	P
Conference center, meeting hall	P
Library	P
Mortuary	P
Museums, other special purpose cultural institutions	P
Police station	P
Postal facility, neighborhood	P
Recreation services, indoor	P
School, elementary or secondary	P

<i>Key:</i> <i>P = Permitted</i> <i>L = Uses permitted with limitations</i> <i>D = Uses permitted with distance requirements</i> <i>* = Need not be enclosed</i>	<i>Zone</i> <i>District</i>
<i>USE</i>	<i>MS-1, MS-2,</i> <i>MS-3</i>
School, vocational or professional	P
Studio, professional	P
Theater, indoor	P
University or college	P
Construction, mining, agriculture	
Contractors, special trade, general	P
Uses allowed in all districts unless restricted by special limitations. (See chapter 59, article III, division 2)	
Construction, temporary structures (See section 59-81)	
Residential care uses (See section 59-82)	
Uses allowed by temporary permit (See section 59-86)	
Accessory uses (See section 59-87)	
Home occupations (See section 59-89)	

(Ord. No. 660-05, § 9, eff. 9-16-05; Ord. No. 909-05, § 6, eff. 12-16-05; Ord. No. 326-06, § 9, eff. 5-26-06; Ord. No. 57-09, § 14, eff. 1-30-09)

Sec. 59-274. Distance requirements.

The following define the distance requirements enumerated in the use chart in section 59-273:

D1

- a. The following permitted uses shall not be established, operated or maintained within five hundred (500) feet of a residential district, a dwelling unit (single or multiple), a single unit dwelling, a church, a school meeting all the requirements of the compulsory education laws of the state, an arts education center, a learning center, an amusement/ special interest park, a child care center, or a children's indoor play center:
 - 1. Adult amusement or entertainment;
 - 2. Bookstore, adult;
 - 3. Eating place with adult amusement or entertainment;
 - 4. Photo studio, adult;
 - 5. Theater, adult.

- b. For the purposes of this distance limitation D1 only:
 - 1. Learning center shall mean a commercial business that regularly provides on site, specialized or intensive educational services or tutoring to persons under eighteen (18) years of age;
 - 2. Arts education center shall mean a place where instruction is regularly provided to persons under eighteen (18) years of age in the fields of painting, drawing, sculpture, etching, craft work, fine arts, dance, drama, photography, music, martial arts, or other similar fields of art.
- c. Not more than two (2) of the following permitted uses may be established, operated or maintained within one thousand (1,000) feet of each other:
 - 1. Amusement center;
 - 2. Amusement or entertainment on payment of a fee or admission charge, adult;
 - 3. Body art establishment;
 - 4. Bookstore, adult;
 - 5. Eating place with adult amusement or entertainment;
 - 6. Photo studio, adult;
 - 7. Theater, adult.

D7 No liquor store or drugstore licensed to sell package liquors, not existing or operating on August 31, 1997, shall be established, operated, or maintained within one thousand (1,000) feet of another liquor store or drugstore licensed to sell package liquors. No liquor store or drugstore licensed to sell package liquors, not existing or operating on July 31, 2000, shall be established, operated, or maintained within one thousand (1,000) feet of a community corrections facility.

(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-275. Limitations.

The following define the limitations enumerated in the use chart in section 59-273:

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

- a. Does not rent or sell motor vehicles;
- b. Does none of the following: overhaul engines or transmissions, body or fender work, auto glass work, painting, welding, tire recapping or auto dismantling;
- c. All discarded parts and materials are deposited into a completely enclosed container concealed from adjacent properties;
- d. Parks no vehicles being serviced or stored for customers, on streets, alleys, public sidewalks or public park strips;

- e. Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or night, by the movement of vehicles and light facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic;
- f. Extinguishes all flood lights at close of business or 11:00 p.m., whichever is earlier;
- g. 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;
- h. Fuel pumps need not be enclosed;
- i. A single bay carwash containing either manual or automatic equipment is permitted as an accessory use subject to the following conditions:
 - 1. The carwash bay is limited in size to a single vehicle.
 - 2. Adequate landscaping and solid fencing shall be installed to control the effects of noise where such bay is located adjacent to a residential use or a residential district.
 - 3. Sufficient space on the same zone lot shall be provided to accommodate three (3) waiting vehicles in addition to the required off-street parking.
 - 4. A site plan showing all improvements on the zone lot shall be submitted to the planning office for review.
 - 5. The provisions of section 59-41(b) shall be followed.
 - 6. The hours of operation shall be limited to the period between 7:00 a.m. and 8:00 p.m.
 - 7. In deciding to approve or disapprove the application, the zoning administrator shall consider the written comments of all interested parties. In approving an application the zoning administrator may attach conditions in order to protect adjoining properties and must find that the proposed use will not adversely affect the appropriate use of adjoining properties;

L42 Need not be enclosed to the extent that tables and seats may be placed out of doors, and food served thereat, subject to all of the following conditions:

- a. The outdoor eating area shall be contiguous to the eating place to which it is accessory; and
- b. The eating area shall be clearly delimited, but there shall be no structure or enclosure more than forty-two (42) inches tall, except that temporary canvas awnings or umbrellas may serve as sun shades.

- c. Any part of the serving area located outside of the completely enclosed structure shall have a hard, all weather surface.

L50 Fruit or vegetable store need not be enclosed to the extent that the unenclosed portion shall not exceed in area one-fourth ($\frac{1}{4}$) the gross floor area of the structure containing the use by right.

L51 Flower store need not be enclosed to the extent that the unenclosed portion shall not exceed in area one-fourth ($\frac{1}{4}$) the gross floor area of the structure containing the use by right.

L94 Excluding the assembly of automobiles, trucks, trailer and mobile homes.

L98 Limited to landing and take off area for police rotorcraft, not including maintenance, repair, fueling or hangar facilities.

L117 Electric substation excluded.

L121 Limited to: mail order house; sale at wholesale and warehousing of any commodity the fabrication or assembly of which is a permitted use in the district; any other similar commodity not listed elsewhere.

L192 Any drive-through facility on a zone lot that is adjacent to a residentially zoned zone lot shall be limited by all of the following criteria.

- a. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive through queuing and operating lane. Such screen shall at least meet the requirements for screening found in the rules and regulations for the landscaping of parking areas.
- b. There shall be no glare from permanent lighting or vehicle headlights projected onto residential uses. To ensure glare is controlled, all external lights shall have fully shielded fixtures. Light trespass onto residential uses shall not exceed three-tenths (0.3) of a foot candle.
- c. The manager of public works shall only approve curb cuts providing access to the site that do not unreasonably interfere with automobile or pedestrian traffic and shall only approve queuing lanes if they are adequate to prevent backups onto public streets.
- d. No device that amplifies sound shall be so designed or operated that the amplified sound can be perceived on any residentially zoned lot.
- e. All parts of any drive-through facility shall be separate from parking circulation aisles.
- f. Any drive-through facility located on a zone lot that is adjacent to a residentially zoned zone lot and which has any portion of the facility located eighty-five (85) feet or less from the residentially zoned zone lot may only be open during the hours of 5:30 a.m. to 11:00 p.m., Sunday through Thursday and 5:30 a.m. to midnight Friday and Saturday.

- g. This limitation L192 applies only to drive through facilities that commence operations after June 1, 2006.

(Ord. No. 326-05, § 10, eff. 5-26-06)

(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-276. Permitted signs.

The provisions of article V of this chapter on permitted signs shall be in full force and effect in these districts.

(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-277. Off-street parking requirements.

The provisions of article VI of this chapter on off-street parking requirements shall be in full force and effect in these districts except as modified in this section.

- (1) Off-street parking ratios, general parking standards for zone lots greater than eighteen thousand, seven hundred and fifty (18,750) square feet.
 - a. One (1) parking space per five hundred (1:500) square feet of nonresidential uses.
 - b. One (1) parking space per unit of market rate housing.
 - c. Eight tenths (0.8) spaces per unit of affordable housing provided that said units qualify under the provisions of article IV, chapter 27 (affordable housing) of the Denver Revised Municipal Code (DRMC).
 - d. One (1) parking space per four (4) units for: senior housing; housing that is affordable for persons with forty (40) percent area median income and below; units under five hundred and fifty (550) square feet; single room occupancy housing; boarding or rooming homes; and other special needs housing.
- (2) The parking requirements may be met off of the zone lot under the following circumstances
 - a. By ownership or a current lease of parking spaces on another zone lot within a 1,500-foot radius of the zone lot dedicated to the uses in question. Divesting ownership or terminating lease of the required parking spaces shall result in termination of the use permit until the deficiency is rectified.
 - b. In the event that a parking district (or another shared parking entity) has been formed and is fully operational, the documented parking spaces allocated to the zone lot will count toward the off-street parking requirements. Although allocated to a specified zone lot, said spaces need not be reserved for said specified zone lot.
- (3) Existing surface parking lots shall be legal nonconforming uses so long as they existed by September 1, 2005, comply with chart 1, section 59-588 and plant and maintain

street trees according to the city forester's rules and regulations for such trees by June 30, 2009, or within nine (9) months of the property being re-zoned to Main Street, whichever is later. Surface parking is not a use by right.

(Ord. No. 588-08, § 1, eff. 11-14-08)

- (4) For buildings that were built before 1967, are consistent with the build-to lines specified in section 59-272, above, and meet the minimum height requirement, parking provided as of September 1, 2005 shall be considered sufficient, even in the event of a change of use. Additions to such buildings shall meet the parking requirements of this division and subsection 59-582(f).

(Ord. No. 449, § 1, eff. 8-31-07)

- (5) Exceptions for small zone lots:

- a. For zone lot sizes up to and including six thousand two hundred and fifty (6,250) square feet: Exempt from parking requirements.
- b. Non-residential uses:
 1. For zone lot sizes greater than six thousand two hundred and fifty (6,250) square feet up to and including nine thousand five hundred (9,500) square feet: one (1) parking space per twelve hundred and fifty (1,250) square feet of non-residential uses.
 2. For zone lot sizes greater than nine thousand five hundred (9,500) square feet up to and including fifteen thousand, seven hundred and fifty (15,750) square feet: one (1) parking space per nine hundred (900) square feet of non-residential uses.
 3. For zone lot sizes greater than fifteen thousand, seven hundred and fifty (15,750) square feet up to and including eighteen thousand, seven hundred and fifty (18,750) square feet: one (1) parking space per six hundred (600) square feet of non-residential uses.
- c. Residential uses on zone lots of eighteen thousand, seven hundred and fifty (18,750) square feet or less:
 1. One (1) parking space per unit of market rate housing including artist studio and other live work spaces.
 2. Sixty-five one hundredths (0.65) parking spaces per unit of affordable housing provided that said units qualify under the provisions of article IV, chapter 27 (workforce housing) DRMC.
 3. One (1) parking space per four (4) units for senior housing, single room occupancy housing, boarding or rooming homes, and other special needs housing.
 4. No parking required for housing provided that is affordable for persons with forty (40) percent area median income and below or units under five hundred and fifty (550) square feet.

(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-278. Off-street loading requirements.

The provisions of article VII of this chapter shall be of no force and effect in these districts.
(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-279. Special zone lot plan for planned building groups.

The provisions of article VIII of this chapter shall be in effect in these districts only for zone lots in excess of ten thousand (10,000) square feet. On zone lots of ten thousand (10,000) square feet or less, multiple use by right structures, as well as multiple accessory structures, are allowed on the zone lot provided all of the provisions of this division are met.
(Ord. No. 660-05, § 9, eff. 9-16-05)

Sec. 59-280. Reserved.